

Justification and Compatibility Statement

Sunland Village East (SVE) HOA Softball Safety Barrier

Sunland Village East is a 55 plus active adult retirement community built by Farnsworth Construction with 2437 building units with boundary walls at Guadalupe, Baseline, Hawes, and Sossaman. Farnsworth Construction built the ball field where it stands now and put up the backstop on our ball field that has been in use ever since. The softball field was erected with intent to provide residents with an additional sport to engage with to maintain a healthy lifestyle that promotes community engagement. The club and the facilities available have expanded over the years, with prior approval through the city. The facilities now include a main locker room and restrooms. This field also includes a scoreboard, that was permitted in 2015 by City of Mesa. When the Sunland Village East community was first being built Guadalupe Road was an unimproved 2 lane road that bordered our property. There was no need for barrier netting because there was not enough traffic to warrant it. The city has grown, and Guadalupe Road has now gone from an unimproved 2 lane road into a 4 lane heavily trafficked one with access to the 202 just 3/4 of a mile east of our ball field. In response to this, a 25-foot barrier netting was put into place. This netting did not suffice, and there were many instances of softballs landing outside of the community boundaries. Softball club members can recall instances of it hitting windshields, and angry pedestrians. Due to poor documentation, there are not specific times of this occurring that can be provided. The Softball club estimated multiple times in a year when asked.

In 2018 prior Sunland Village East management, in attempt to maintain the safety of the surrounding property, erected 50-foot poles and a safety netting. After these poles sustained wind damage and were removed the new management discovered that these poles had not been approved by the City of Mesa, and proper permits had not been pulled. The city informed Sunland Village East HOA management that given the current zoning district the community is in that the 50-foot poles would not be allowed but 30-foot poles would be. As we previously had 25-foot poles and did not find these effective in maintaining a safe environment for the softball players and pedestrians, 30-foot poles would not be sufficient.

As a means to further explain the necessity of this height, other local communities with similar fields were contacted. Sunland Springs, another Farnsworth property, has a softball field as well. Dave Chase, SSV Field Manager and scheduler had the following to say: "We at Sunland Springs Village (SSV) can relate to your problem of wanting to put a 50' net up in left field. The majority of batters are right-handed (RH) and some of the leagues we play in have several very powerful batters that are RH. We asked the owners for a 50' net but received only a 40' one. Because several balls (.44/375) went over initially, we switched to the .52/300 softball, one that is more or less a "restricted flight" ball. While that didn't cure our problem completely, it did

help. We didn't want to have to exclude the few "big RH hitters" from our leagues, some of them are SSV residents. Our leagues bring in much needed revenue for our Softball Club.

As you know we have just condos on the other side of the net and mainly if a ball does go over the net, it will hit against their roofs. But there is always the very real possibility of a ball clearing the roof and hitting someone in a car or walking on the residential street in front of these condos. I would very much dislike to have your field at SVE where if a ball goes over the net and onto a busy street like Guadalupe Road it could cause damage to a vehicle, an accident, or a death!". Dave's letter is attached.

Additionally, Tom Witucky, member of Monta Vista's softball club, states "My name is Tim Witucky, I have played softball in East Mesa for many years. Over those years, the ballfields in the resort parks, Monte Vista, Viewpoint, and Sunland Springs Village have been encroached upon with more residences and activity facilities. This has necessitated erecting netting on the outfield fences to prevent injury to persons and damage to property. Knowing the players and levels of play taking place, SSV and Monte Vista requested 50-foot nets around the outfields. We at Monte Vista were granted a permit for 40 feet and have installed this netting. There are still a few balls that clear that net, all of which would have been stopped by a 50-foot net. It is my opinion that given the proximity of Guadalupe Rd and to the field at SVE, no less than a 50-foot net needs to be erected given the danger the roadway presents to safety as opposed to possible property damage". Tom's letter is attached.

Our Softball club has witnessed firsthand the importance of a sufficient barrier netting. Mick Borton, SVE Softball club president, states "The level of play in Senior Softball has dramatically increased to a very high level of play since we first started playing softball here. We only allow ASA bats to be used at our park to limit the distance a ball can be hit. This has helped tremendously but the problem still exists. A height of 50 foot as a net barrier was working well and we think will continue to work well for us and the city of Mesa and its residents if the city gives us a special use permit. Sunland Springs Village and Monte Vista Resort to the east of us both requested a 50-foot net and received 40-foot foot ones. The main difference between SVE and them is that their ball fields are in the middle of residential neighborhoods. If a ball is hit over the fence, it is more apt to hit a residence and the liability is minimal to the community. I play ball at both facilities and balls are being hit over their fences on an ongoing basis. Our SVE Ball Club and SVE community do not think that we can afford to take the chance of hitting balls into a heavily trafficked roadway, not with the chance of personal injury and or lawsuit in this present age in which we live. I have personally managed 3 teams each fall for almost 10 years. I am at the field for hours every day, so I personally can attest to what is happening at the ball field. I manage a lower-level team on Monday's which does not have the caliber of players that should hit the ball over our fence. On Tuesdays I manage a A-B level team which occasionally will hit balls that will near the top of a 50 ft net. On Thursday I managed a strong A level team

in a very competitive league. There are a lot of balls hit into the highest part from 25ft to 50 feet. There is a huge difference between 30 feet and 50 feet. There is enough difference even from 40 to 50 feet that because of personal injury & liability we are asking for nothing less than 50 feet.”

Sunland Village East management began working with Chase Sports in June of 2022 to erect these poles and safety netting. When Darin Gofas, Owner of Chase Sports, was asked to provide information regarding the necessity of the height of the poles he responded with “In regards to the barrier netting project at Sunland Village East between the softball field and Guadalupe Rd, it is imperative that this net be at least 50’H above ground to stop 95% of the softballs from traveling on to Guadalupe Rd and causing any accidents that may occur from softballs leaving the field. We have seen countless baseballs/softballs flying over barrier nets that have been installed by previous companies where we had to completely tear down and build a taller net due to the existing structure not being able to be modified with it’s current footings. With us being in business since 1976, our professional opinion is if any barrier netting system installed lower than 50’H above ground will not serve it’s intended purpose to help prevent any injuries to drivers along Guadalupe Road.”. Darin’s letter is attached.

The proposed net would be 50’ by 200’ and be 2.55 mm barrier netting with double UV and rope border. There would be 5 metal poles to support this netting.

Out of precaution of potential injuries that could occur if a ball is hit beyond the net, Sunland Village East wants to ensure avoidable incidents can stay at bay with a sufficient height of net. The increased height of the net would allow for the Sunland Village East Homeowners Association and Sunland Village East Softball club to provide a safe field for players to practice and play games with others while not being concerned with the potential of injuring others and disrupting others with their sport.

We have enjoyed our relationship working with the city on several occasions over the years as the Softball program has grown and have felt they understand the needs of the community. The 50-foot-high safety netting will allow for the program to continue to play and enjoy an active lifestyle while promoting community engagement. We are looking to be approved to allow for 50-foot-high poles and a safety netting to protect and enhance the quality of life for our residents and for the bordering street.

Thank you,

Katie Ross

SVE HOA Manager

DRAFT

SUNLAND VILLAGE EAST ASSOCIATION

BOARD SPECIAL MEETING

WEDNESDAY, OCTOBER 25, 2022 @ 2:00 PM

AUDITORIUM LIVE AND STREAMING

1. CALL TO ORDER:

- a. PLEDGE OF ALLEGIANCE
- b. ROLL CALL: David Evans, Autom Underwood, Ted Boehm, Linda Trappett, Carmella Mongold, Gary Nault, Gary Nytes.
- c. **APPROVAL OF AGENDA:** G. Nault/T. Boehm **MOVE** to approve the agenda. **PASSES.**

2. ACTION ITEMS:

- a. **Approval** of Softball poles and nets and application to the Board of Adjustment and Zoning Administrator of the City of Mesa.

MOTION to apply for approval from the City of Mesa to modify the height requirement of the new softball poles to 50 feet. C.Mongold/G.Nault **PASSES**

ADJOURNED at 2:30 pm

SVE is a mile square, 55 plus, active adult retirement community built by Farnsworth Construction with 2,437 building units. Farnsworth Construction built the ball field where it stands now and put up the backstop in 1996 on our ball field that has been in use ever since. We have worked with the city on a number of occasions as our softball program has grown. The city of Mesa has recognized and approved of our ball field by the fact that they have authorized and did the permitting on the building of our main building including a restroom in 1999, and an additional women's restroom later on and lastly by permitting and allowing a scoreboard in the retention basin in 2015. When our community was first built Guadalupe Rd was an unimproved 2 lane road that was bordering our property. There was no need for a barrier netting because there was not enough traffic to warrant worrying about balls hit over the Guadalupe Road wall. After the games players would go across the street and retrieve the balls that had been hit over the wall. In any case that was not seen as a problem because Guadalupe Road traffic was minimal. By 2009 traffic was getting heavier and it was felt we needed to erect a 25-foot barrier to stop so many balls going onto Guadalupe Rd. By 2018 with the 202 just 1 mile to the east of us and Guadalupe Road becoming a major artery we felt we had to construct a higher barrier between the ball field and the road to protect traffic from a major incident. We settled on a 50-foot barrier. This has worked very well since then and we have never had an issue or problem concerning our barrier netting with residents or anyone else. In March of 2022 we had high winds, and we think a microburst damaged the barrier which had to be taken down. The level of play in Senior Softball has dramatically increased to a very high level of play since we first started playing softball here. We only allow ASA bats to be used at our park to limit the distance a ball can be hit. This has helped tremendously but the problem still exists. A height of 50 foot as a net barrier was working well and we think will continue to work well for us and the city of Mesa and its residents if the city gives us a special use permit. Sunland Springs Village and Monte Vista Resort to the east of us both requested a 50-foot net and received 40-foot foot ones. The main difference between SVE and them is that their ball fields are in the middle of residential neighborhoods. If a ball is hit over the fence it is more apt to hit a residence and the liability is minimal to the community. I play ball at both of these facilities and balls are being hit over their fences on an ongoing basis.

Our SVE Ball Club and SVE community do not think that we can afford to take the chance of hitting balls into a heavily trafficked roadway, not with the chance of personal injury and or lawsuit in this present age in which we live.

I have personally managed 3 teams each fall for almost 10 years. I am at the field for hours every day, so I personally can attest to what is happening at the ball field. I manage a lower level team on Monday's which does not have the caliber of players that should hit the ball over our fence. On Tuesdays I manage a A-B level team which occasionally will hit balls that will near the top of a 50 ft net. On Thursday I managed a strong A level team in a very competitive league. There

are a lot of balls hit into the highest part from 25ft to 50 feet. There is a huge difference between 30 feet and 50 feet. There is enough difference even from 40 to 50 feet that because of personal injury & liability we are asking for nothing less than 50 foot. We play ball 5 days a week from January thru February with the same issues so I will not bore you with more of the same. We have a problem and want you to work with us as you have in the past by issuing a special use permit.

Thank you for your consideration.

Mick Borton

President, SVE Softball

Mick & Paul,

We at Sunland Springs Village (SSV) can relate to your problem of wanting to put a 50' net up in left field. The majority of batters are right-handed (RH) and some of the leagues we play in have several very powerful batters that are RH. We asked the owners for a 50' net but received only a 40' one. Because several balls (.44/375) went over initially, we switched to the .52/300 softball, one that is more or less a "restricted flight" ball. While that didn't cure our problem completely, it did help. We didn't want to have to exclude the few "big RH hitters" from our leagues, some of them are SSV residents. Our leagues bring in much needed revenue for our Softball Club.

As you know we have just condos on the other side of the net and mainly if a ball does go over the net, it will hit against their roofs. But there is always the very real possibility of a ball clearing the roof and hitting someone in a car or walking on the residential street in front of these condos.

I would very much dislike to have your field at SVE where if a ball goes over the net and onto a busy street like Guadalupe Road it could cause damage to a vehicle, an accident or a death!

Dave Chase

SSV Field Manager & Scheduler

602-56-2284



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**A Company Founded by
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In regards to the barrier netting project at Sunland Village East between the softball field and Guadalupe Rd, it is imperative this net be at least 50'H above ground to stop 95% of the softballs from travelling on to Guadalupe Rd an causing any accidents that may occur from softballs leaving the field. We have seen countless baseballs/softballs flying over barrier nets that have been installed by previous companies where we had to completely tear down and build a taller net due to the existing structure not being able to be modified with it's current footings

With us being in business since 1976, our professional opinion is if any barrier netting system installed lower than 50'H above ground will not serve it's intended purpose to help prevent any injuries to drivers along Guadalupe Road.

If there are any further questions you may have, please let us know.

Thank you

Darin Gofas

I have been asked to provide data/reasons to erect a 50 foot net on the SVE Softball Field.

This is the short version:

- We installed a 25 foot net. It didn't solve the issue as too many balls went over and landed right in the middle of Guadalupe.
- We tried a 50 foot net and it worked. I've only seen 2 balls go over, and they landed on the other side of Guadalupe in safe areas.

I believe the net height should be a safe 50 feet. Our intention is to protect traffic on Guadalupe from flying yellow softballs and to protect the SVE HOA and the City of Mesa from potential lawsuits.

Now, some additional facts/thoughts:

When I first started playing softball at SVE in 2002, the only barrier in left field was the 6 foot brick wall. Balls would occasionally go over, but traffic was very low and the risk seemed minor. I believe Guadalupe was a 2 lane unimproved road at that time. I recall a ball going over the wall as I was playing left field and heard a crash. Several minutes later, a nice woman came driving up with a softball and a broken windshield. The SVE Softball Club agreed to pay for the damage, and that was our wake-up call. Shortly after, a 25 foot net went up. Balls still went over, but not as often.

SVE Softball Club implemented procedures to help keep the balls off Guadalupe:

- 1) "ASA bats only" are required to be used at SVE. These don't send the ball as far as "senior bats", and are the same bats as the City of Mesa requires to be used at Red Mountain.
- 2) Penalties are assessed for players hitting the ball over the net -
 - A) Automatic out (Fair or foul)
 - B) Disqualification for the day
 - C) 2nd offense – Disqualification for the season

Balls still went over, and several years ago in 2018, a 50 foot net was installed. This resolved the issue. I have seen only 2 balls go over, and the batters were ejected. When a ball clears a 50 foot net, it goes so far that it lands on the other side of the street.

Since the 50 foot net went up, there have been no concerns about its size, height or appearance. The City of Mesa apparently was unaware of its existence.

As for safety and liability, 25 years ago there were several teams playing at SVE with a 6 foot wall, hitting toward a 2 lane unimproved road. Today, during the busy months, we play an average of 6 games per day, 5 days per week (30 games/week). There are about 14 players on each team, for a total of 840 players per week. They are hitting toward 6 lanes of traffic going 45mph.

A 50 foot net is the safe and right thing to do. This protects the traffic, the players, the SVE HOA and the City of Mesa.

October 19, 2022

To whom it may concern:

My name is Tom Witucky, I have played softball in East Mesa for many years. Over those years, the ballfields in the resort parks, Monte Vista, Viewpoint and Sunland Springs Village have been encroached upon with more residences and activity facilities. This has necessitated erecting netting on the outfield fences to prevent injury to persons and damage to property .

Knowing the players and levels of play taking place, SSV and Monte Vista requested 50 foot nets around the outfields. We at Monte Vista were granted a permit for 40 feet and have installed this netting. There are still a few balls that clear that net, all of which would have been stopped by a 50 foot net.

It is my opinion that given the proximity of Guadalupe Rd to the field at SVE, no less than a 50 foot net needs to be erected given the danger the roadway presents to safety as opposed to possible property damage.

Sincerely,

Tom Witucky

480-215-5522

twitucky@gmail.com