

Exhibit F:
Emails from residents and property owners
about the use of the Property

From: [REDACTED]@juno.com juno.com>
Sent: Saturday, January 16, 2021 11:01 AM
To: @gmail.com <@gmail.com>
Cc: Ryan A Russell <Ryan.A.Russell@mesaaz.gov>; Nana Appiah <Nana.Appiah@mesaaz.gov>; Mayor <Mayor@MesaAZ.gov>; District 5 <District5@MesaAZ.gov>; Christine Zielonka <Christine.Zielonka@mesaaz.gov>; CityManager <citymanager@MesaAZ.gov>
Subject: Re: Saturday 1/9/21

Dave,

I have been asking since learning of the Power Food Park what Permit has been granted by the City, and to date I have yet to get an answer on this. I believe because there hasn't been one applied for, or granted. There is nothing in the Zoning Ordinance that I can find that pertains to Food trucks. And in my opinion I don't think HB2371 ever considered a site directly adjacent to residential properties. I think there needs to be more transparency on this entire matter. I do believe though that Nana and Lt. Russell have been working on this, just no answers yet.

They are in fact "operating a business". They are collecting a fee for Food Trucks to rent a space and certainly taking a percentage of each trucks sales each night. Plus they are selling items out of their own trailer. Then renting out the entire space on Saturday mornings to the Red Mountain Farmer's Market, with hundreds of customers coming and going.

Again, my opinion is this was all done on the "quick & dirty" and now the City is playing catch up. The question is, were will it end up?

Craig

Please note: message attached

From: Dave Sloan <[REDACTED]@gmail.com>
To: "[REDACTED]@juno.com" <[REDACTED]@juno.com>
Cc: Ryan.A.Russell@mesaaz.gov, Nana.Appiah@mesaaz.gov
Subject: Re: Saturday 1/9/21
Date: Sat, 16 Jan 2021 09:06:56 -0700

From: Patricia Venisnik <[REDACTED]@yahoo.com>
Sent: Tuesday, February 16, 2021 11:11 AM
To: Craig & Linda Vossler <[REDACTED]@juno.com>
Cc: Nana Appiah <Nana.Appiah@mesaaz.gov>; Ryan A Russell <Ryan.A.Russell@mesaaz.gov>; District 5 <District5@MesaAZ.gov>; Mayor <Mayor@MesaAZ.gov>; Christine Zielonka <Christine.Zielonka@mesaaz.gov>
Subject: Re:

I think this is a great idea and totally agree with all the positive points listed which make this a better location for the farmer's market. This is NOT a suitable or safe location for the farmer's market OR the food trucks. It is very negatively affecting the entire neighborhood. As of last Saturday (Feb. 13th) all of the market vendors were directed to park their trucks, trailers and cars on Hobart St. so as to not use up parking spaces in the designated parking lot on Halifax. I'm sure this is an inconvenience for the vendors as they now must move their vehicles for unloading and loading and are forced to walk a block back and forth to do so. The lot on Decatur St. and Power Rd. would be a much better option.

Patricia Venisnik

On Feb 14, 2021, at 9:38 PM, [REDACTED]@juno.com wrote:

City of Mesa,

I'm writing today to make a suggestion and or share an idea. As you know we have been struggling to find solutions with regard to Power Food Park. Many neighbors are struggling with noise, food smells, vehicle traffic and careless pedestrian foot traffic. Those that live nearest are suffering the most are about fed up after about two months. We haven't heard anything from the City of Mesa as to what is being done about the obvious intrusion forced on our once very quiet neighborhood.

What I want to address is the Saturday morning Red Mountain Farmer's Market at the Food Park. I feel these folks have been caught in the middle between David Darling's actions and the neighborhood. As

many of you know their operation was shut down on Friday February 5th on very short notice for Saturday morning the 6th. This created a very negative narrative on the Red Mountain Farmer's Market Facebook page, against the City of Mesa. Here's what I propose; why doesn't the City of Mesa work with Ryan Alarie of the Red Mountain Farmer's Market on a permanent location that is better suited and relieve some of the frustration and heartache in the neighborhood at the same time?

The City of Mesa has an empty parking lot at Decatur Street & Power Road that has sat empty since the Recycling Yard was closed. It has many positive attributes that would benefit the Farmer's Market.

1. A better location away from most residential properties, relieves Halifax Drive.
2. More Parking. This lot sits empty on Friday's & Saturday's, a two day market?
3. Easier access with a traffic signal at Decatur Street, and access to Adobe Road.
4. An asphalt parking lot vs. a gravel lot at Power Food Park, maybe more ADA accessible too.
5. Trees that produce a little shade vs. nothing at the Food Park.
6. A much safer location for everyone involved. No pedestrians walking in vehicle traffic.
7. A better relationship with the Proprietor of RM Farmer's Market and his customer base.

If this has been thought about or there's a reason why it can't work, I'd like to know. But if it hasn't, it must be heavily considered. If I recall, there's already a Farmer's Market in Downtown Mesa at Pioneer Park on Saturday mornings. No real difference.

Thank you for your time. I'll wait to hear back from someone regarding this idea and suggestion.

Craig M. Vossler

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- **Popular Cosmetic Surgery Has a 'Bewildering' Context**

From: tom bade <[REDACTED]@yahoo.com>

Sent: Monday, May 10, 2021 4:49 PM

To: Ryan A Russell <Ryan.A.Russell@mesaaz.gov>; Christine Zielonka <Christine.Zielonka@mesaaz.gov>; Lesley Davis <Lesley.Davis@mesaaz.gov>; Nana Appiah <Nana.Appiah@mesaaz.gov>

Cc: Melissa Randazzo <Melissa.Randazzo@mesaaz.gov>; District 1 <District1@MesaAZ.gov>; District 2 <District2@MesaAZ.gov>; Jessica Potter <Jessica.Potter@mesaaz.gov>; District 4 <District4@MesaAZ.gov>; District 5 <District5@MesaAZ.gov>; District 6 <District6@MesaAZ.gov>

Subject: OC zoning violaiion and Residential zoning violation!

Good Afternoon!

My name is Thomas Bade. I live at [REDACTED] I have lived here for over eight years. 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.

As you are probably aware, AZ State Law 9-485.01 allows our city to restrict food trucks within 250 feet of an area zones residential. ARIZONA REVISED STATUTE would give the City of Mesa the necessary means to forbid this operation at the entrance to our large lot residential neighborhood. In fact, the current zoning OC doesn't have a USE CLASSIFICATION for a mobile food park, Public or Private. Additionally, this operation doesn't meet City Code Chapter 6 11-6-1B.4. and it certainly doesn't meet 11-6-2 because there is no USE CLASSIFICATION for a "Private Park" in the OC zoning. Plus the property at 1349 N. Power Road (zoned Residential) is being used as a COMMERCIAL PARKING LOT and access, which is also not permitted under Ch. 6, 11-6-2.

It appears to me that IF this is a Private Park and the Power Food Park applicant is already not in compliance according to CHAPTER 15, 11-15-2 Leisure and Recreation Zoning District (LR). This is the reason, in my opinion, why they have applied to get new zoning as they have been allowed to continue operating while out of compliance with city codes. In fact, the name Park is a misnomer because it is really a swap meet with food trucks. The trucks pay to be in this swap meet like vendors at any swap meet.

In 11-6-2 land use regulations, Farmers Market and Swap Meets says that OC (current zoning) forbids the use even with a Special Use or Temporary Use permit.

Lastly, the parcel to the North, although zoned residential, is currently being used commercially for access to the Food Swap meet and parking.

A rose is a rose by any other name certainly applies here. A Swap Meet or Farmers market is still a Swap Meet or Farmers Market, I ask you to put a stop to the Power Road Food Swap Meet immediately.

Thank You for your attention to this matter.

From: [REDACTED]@juno.com <[REDACTED]@juno.com>
Sent: Thursday, May 27, 2021 5:42 PM
To: [REDACTED]@yahoo.com <[REDACTED]@yahoo.com>; [REDACTED]@msn.com
<[REDACTED]@msn.com>; [REDACTED]@cox.net <[REDACTED]@cox.net>; [REDACTED]@gmail.com
<[REDACTED]@gmail.com>; [REDACTED]@hotmail.com <[REDACTED]@hotmail.com>; [REDACTED]@yahoo.com
<[REDACTED]@yahoo.com>; [REDACTED]@cox.net <[REDACTED]@cox.net>
Cc: Nana Appiah <Nana.Appiah@mesaaz.gov>; Lesley Davis <Lesley.Davis@mesaaz.gov>; Ryan A Russell
<Ryan.A.Russell@mesaaz.gov>; Tim Meyer <Tim.Meyer@mesaaz.gov>; Christine Zielonka
<Christine.Zielonka@mesaaz.gov>; Mayor <Mayor@MesaAZ.gov>; District 5 <District5@MesaAZ.gov>
Subject: Power Food Park letters

Hello Everyone,

I just discovered this on the PFP Facebook page. Not what we were expecting.

The new Code Ordinances, Title 5 Chapter 4 pertaining to "Mobile Food Vendors" goes into effect 30 days from May 17th.

Tim Meyer, City of Mesa Administrator Tax & Licensing Department will be enforcing the new Code for Food Vendors only. Any other Code issues pertaining to the site, the operation, the parking problems, trash, weeds, etc goes to City of Mesa Code Compliance. His email is in the Cc's of this email.

I have already witnessed violations with some of the Vendors not using a vehicle or a trailer which I believe is in violation of the new Code. They are using tents and tables with portable heating devices like slow cookers I believe. Only what I can see from Outside the operation.

Another question is do they have a Special Use Permit (SUP) for live music as they had last week. That I believe is a violation if the OC zoning if they don't have that SUP. Maybe e one of the COM Staff on this email can confirm that?

It is my understanding that Darling & Johnson missed their COM deadline on the Rezoning corrections to the four acres they are attempting to purchase. This whole operation continues to be a bad fit for our neighborhood and everyone knows that. There are higher forces that are determined to force this on us. Please don't become lax in following what is happening here. If any new information is gathered, please share with this group so that additional updates can be provided to the neighborhood.

Craig



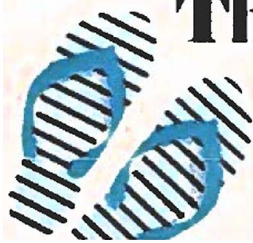
POWER Food Park



SUMMER HOURS

*** Starting June 1st**

**Thursday's - Saturday's
6:00 - 9:30pm**



(Park will be closed Mon Wed)

From: @juno.com <[REDACTED]@juno.com>
Sent: 14, 2021 6:27 PM
To: Tim Meyer <Tim.Meyer@mesaaz.gov>; Ryan A Russell <Ryan.A.Russell@mesaaz.gov>
Cc: Nana Appiah <Nana.Appiah@mesaaz.gov>; Lesley Davis <Lesley.Davis@mesaaz.gov>; Mayor <Mayor@MesaAZ.gov>; District 5 <District5@MesaAZ.gov>; Christine Zielonka <Christine.Zielonka@mesaaz.gov>
Subject: Power Food Park - 1439 N. Power Road, Mesa, 85207

Tim & Ryan,

I just want to clarify that the new City Ordinance Title 5, Chapter 4 is going to be enforced solely by the City of Mesa Tax & Licensing Department, under 5-4-1 (B): PURPOSE AND ADMINISTRATION, inside the fencing of Power Food Park, and not by Code Compliance. And Code Compliance responsible for anything outside the fencing.

Here are some concerns I have with regard to Power Food Park, 1439 N. Power Road, Mesa, AZ 85207.

DEFINITION of "MOBILE FOOD VENDOR" (page 3) A.R.S. 28-101 (77) (a)

Because there are at least five (5) Vendors doing business within Power Food Park that are not using a "vehicle" as a mobile unit. They should be ousted immediately from selling food within Power Food Park without a vehicle. Names of Vendors available upon request.

77. "Vehicle":

(a) Means a device in, on or by which a person or property is or may be transported or drawn on a public highway.

(b) Does not include:

- (i) Electric bicycles, electric miniature scooters, electric standup scooters and devices moved by human power.
- (ii) Devices used exclusively on stationary rails or tracks.

- (iii) Personal delivery devices.
- (iv) Scrap vehicles.
- (v) Personal mobile cargo carrying devices.

OPERATIONAL REQUIREMENTS:

The owners of the property should be held accountable to make changes immediately with regard to the new Ordinance, Title 5 Chapter 4 requirements.

5-4-5 (D) (1) Location, "...any operational item a minimum distance of (25) twenty-five feet from a lot or parcel containing a residence...". Does this include 6 yard trash containers, Porta-Potties, Utility Trailers, Propane tanks, mobile utility vehicles, etc?

5-4 5 (F) (1) "Provide a minimum of one (1) fifteen (15) gallon trash receptacle within fifteen (15) feet of each individual mobile food vendor..."?

5-4-5 (I) Signs? New banner signs have been hung from the temporary chain-link fencing that surrounds this "Public" park. Have they been approved and permitted by the City of Mesa?

Additionally, not too many Public Parks are locked up from the General Public, making this a for-profit, personal business enterprise and not a Park in my opinion. We all know, this "Park" is not really a Public Park. I would still like to know how a for-profit business venture that calls itself a "Park" on a piece of property zoned OC that's locked up to the General Public during the day, is allowed to exist?

Please "Reply All" to this email so that others in the neighborhood can see your answers to my concerns and inquires.

Thank you in advance,

Craig M. Vossler

From: tom bade <[REDACTED]@yahoo.com>
Sent: Tuesday, July 27, 2021 7:55 AM
To: Christine Zielonka <Christine.Zielonka@mesaaz.gov>; Nana Appiah <Nana.Appiah@mesaaz.gov>; Lesley Davis <Lesley.Davis@mesaaz.gov>; District 5 <District5@MesaAZ.gov>; Ryan A Russell <Ryan.A.Russell@mesaaz.gov>; Mayor <Mayor@MesaAZ.gov>
Cc: Dave Sloan <[REDACTED]@gmail.com>; Craig-n-Linda Vossler <[REDACTED]@juno.com>
Subject: Power Food Park and Swap Meet

Good Day Ladies and Gentlemen:

My name is Tom Bade and I live [REDACTED] 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!

From: rmbunz1 <[REDACTED]@cox.net>

Sent: Thursday, September 9, 2021 10:00 AM

To: CityManager <COMmanager@mesaaz.gov>; Christine Zielonka <Christine.Zielonka@mesaaz.gov>; Nana Appiah <nana.appiah@mesaaz.gov>; Beth Hughes-Ornelas <beth.hughes-ornelas@mesaaz.gov>; Rachel Prelog <rachel.prelog@mesaaz.gov>; Lesley Davis <lesley.davis@mesaaz.gov>; Ryan A Russell <ryan.a.russell@mesaaz.gov>

Subject: Food Trucks at Power rd and Halifax St in Mesa

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



From: [REDACTED]@juno.com <[REDACTED]@juno.com>
Sent: Wednesday, December 02, 2020 5:12 PM
To: Mayor <Mayor@MesaAZ.gov>; District 5 <District5@MesaAZ.gov>
Cc: Rachel Prelog <Rachel.Prelog@mesaaz.gov>; Nana Appiah <Nana.Appiah@mesaaz.gov>; John Sheffer <John.Sheffer@MesaAZ.gov>; Corina Gomez <Corina.Gomez@mesaaz.gov>; Marisol Vazquez <Marisol.Vazquez@MesaAZ.gov>
Subject: 1439 N. Power Road - David Darling - Power Food Park

City of Mesa Staff,

I have patiently waited 48+ hours to get answers to the questions I posed to Mari Vazquez, Building Plans Examiner, in two emails on Monday November 30th. I have yet to hear back from anyone from the City with those answers. I still expect to get those answers.

I will reiterate, the idea of a Food Truck Park is NOT Office Commercial zoning, and it is NOT a park, it is Limited Commercial zoning at best. In my emails, cited from the Zoning Ordinances, there is nothing that supports an operation like this, so someone had to have made an exception. There is a process, and it appears it wasn't followed here. The neighborhood was not involved with any discussion regarding this idea.

Even IF this was considered Office Commercial, it is still a terrible fit at the entrance to our neighborhood. I would suggest that everyone reacquaint themselves with Chapter 4 of the Mesa 2040 General Plan: Creating and Maintaining a Variety of Great Neighborhoods. We have already experienced an increase in traffic in our neighborhood that has no through street, and it is only going to get worse if this idea is allowed, even for a short period.

We have a had a long and contentious relationship with Mr. Darling, and it appears it is only going to worsen from my perspective. Did anyone investigate what has already transpired with regard to these parcels? The current zoning does NOT support this type of operation, and if Mr. Darling and Mr. Johnson want this to materialize, it should go through the normal process of rezoning with a plan and a design review.

And now we have four Porta-Potties backed up to a neighbor's property on a dirt lot they expect to use for parking. See attached photo.

<https://www.facebook.com/powerfoodpark>

Where does it end?

Craig M. Vossler
[REDACTED]

