

From: Jordan D Feld <jordan.feld@phoenix.gov>
Sent: Wednesday, May 8, 2019 12:12 PM
To: Joe Schmitz <Joe.Schmitz@goodyearaz.gov>
Cc: Smith-DeHesus, Teresa/PHX <Teresa.SmithDeHesus@jacobs.com>; Barbara Chappell <Barbara.Chappell@goodyearaz.gov>; Michelle Marsh <Michelle.Marsh@goodyearaz.gov>; Katie Wilken <Katie.Wilken@goodyearaz.gov>; Christopher Baker <Christopher.Baker@goodyearaz.gov>; Sarah Chilton <Sarah.Chilton@goodyearaz.gov>
Subject: RE: Case No. 19-200-00006 -- COG WTF -- City of Phoenix Aviation Department Rezoning Stipulations

Thanks Joe, I appreciate you forwarding the agenda and additional information.

Phoenix recommended a stipulation requiring the development conform to FAA's wildlife hazard mitigation policies [AC 150/5200-33]. Your response to me states Goodyear staff will recommend against this stipulation with the rationale being development will "be operated in a manner that will respect the guidance provided by AC 150/5200-33". This seems odd to me as there should be no concern by Goodyear staff if the development has been designed for and will conform to FAA policy. Moreover, the City's Attorney's rationale for not including stipulations not already addressed by law seems equally odd as the entire concept of conditioning a rezoning is to apply a legitimate requirement not already in law. I would also remind Goodyear staff/counsel of the need for rezonings to implement the General Plan under Arizona law and specifically Goodyear's General Plan policies that establish the subject nexus [please refer to General Plan 2025, Chapter 5, Objective GD-2-4 and Chapter 7, Objective ED-1-4]. **So after additional consideration, I again request the stipulation of rezoning: "Development shall conform with FAA Advisory Circular 150/5200-33 (as amended) "Hazardous Wildlife Attractants on near or Airports" with specific adherence to Perimeter B and C standards."**

I appreciate Goodyear staff's PAD/Stipulations dealing with Part 77 conformance but unfortunately they do not address my concerns. Goodyear analysis and treatment narrowly focuses on building height and surface water; as my previous email states there are additional obstruction/hazard concerns with the use of the site including chemical processes, electromagnetic interference and similar "invisible" impacts. **So after additional consideration, I again request the stipulation of rezoning: "Development shall secure a no hazard determination from FAA through the 7460 obstruction evaluation process and provide a copy of the determination to the City of Goodyear prior to building permit approval."**

I certainly respect City of Goodyear's desire to not further encumber their own property and development with what is apparently viewed as an unnecessary easement but the purpose of the easement is to ensure a minimum level of protection for GYR over time; as rezonings come and go, the recorded easement provides more long-term value to protecting GYR (which rightly so, is again specifically called out in Goodyear's General Plan as critical economic development infrastructure). City of Phoenix Aviation routinely asks for and receives these easements from private development where there are concerns present similar to the subject development. **So after additional consideration, I again request the stipulation of rezoning: "Development shall dedicate an Aviation Easement to the City of Phoenix specifying the maximum height of the development, compatible use and operation of the site relative to the flying public and GYR airport. The form and content of the easement shall be as prescribed by the City of Phoenix and recorded by the Development prior to City of Goodyear building permit approval."**

Finally, I very much appreciate staff's offer to fairly communicate Phoenix concerns (above) to the Planning Commission as well our recommended stipulations of approval.

Thanks again,

Jordan D. Feld, CM, AICP

Deputy Aviation Director - Planning & Environmental
City of Phoenix Aviation Department

jordan.feld@phoenix.gov

602-273-4072