



Requesting Department:  
Development Services

**TO: HONORABLE MAYOR AND TOWN COUNCIL**

**THROUGH: JOHN KROSS, ICMA-CM  
TOWN MANAGER**

**FROM: CHRIS ANARADIAN, DEVELOPMENT SERVICES DIRECTOR;  
WAYNE BALMER, PLANNING ADMINISTRATOR**

**RE: INTRODUCTION AND PUBLIC HEARING ON MAJOR GENERAL PLAN  
AMENDMENT GP13-026**, a request by Ralph Pew on behalf of RSF Properties, LLC and RSF Queen Creek Properties, LLC to amend the General Plan Land Use Map for 156 acres at the southeast corner of Ellsworth and Germann Roads from Employment Type A to Low Density Residential (up to 2 dwellings per acre).

**DATE: DECEMBER 18, 2013**

#### **PLANNING & ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission voted 6-0 to continue the case for further discussion at a special meeting to be held on January 22, 2014.

#### **STAFF RECOMMENDATION**

Staff concurs with the action of the Planning and Zoning Commission.

#### **PROPOSED MOTION**

Move to schedule General Plan Amendment GP13-026 for public hearing, consideration and possible approval on February 5, 2014.

#### **RELEVANT GENERAL PLAN AND COUNCIL GOALS**

##### **General Plan Land Use Element Goals and Policies:**

- **Goal 1: Maintain the Town's unique community character**

- Policy 1a: Protect and promote the Town’s history, location, amenities and development potential to develop a unique, attractive, desirable and economically sustainable community.
- Policy 1f: Ensure that new public and private projects reflect the Town’s historic character in their design and appearance.
- **Goal 2: Effectively manage the Town’s growth**
  - Policy 2a: Focus the Town’s efforts to promote new development and economic development in the areas identified in the Growth Areas Element, the Town Center and the State land east of Meridian and the area adjacent to the City of Mesa.
  - Policy 2b: Coordinate the Town’s efforts with the private sector to provide the additional infrastructure when and where needed to accommodate new development.
- **Goal 3: Develop superior neighborhoods**
  - Policy 3b: Provide a diversity of housing opportunities within the Town ranging from lower density residential areas in the desert foothills and equestrian neighborhoods, to higher density housing in master planned communities in the Town Center and near future shopping and employment areas.
  - Policy 3d: Ensure compatibility between new projects and existing neighborhoods by providing appropriate transitional treatments when:
    - a. New residential subdivisions are adjacent to existing residential areas; and,
    - b. New development contains lots adjacent to an open space, a non-residential land use or an arterial street.
- **Goal 4: Ensure long-term employment and economic stability**
  - Policy 4a: Develop a diverse and robust economic development base to ensure the Town’s long term economic stability.
  - Policy 4e: Partner with the private sector to actively promote development of employment related uses in the Town’s growth areas and adjacent to the Phoenix-Mesa Gateway Airport.

**General Plan Growth Areas Element Goals and Policies:**

- **Goal 1: Identify and establish Queen Creek growth areas to direct new higher intensity development**
  - Policy 1a: Direct new higher intensity commercial, office and employment uses to the five major Growth Areas identified in the Growth Areas map:
    - a. The Town Center
    - b. The Meridian Road Corridor
    - c. The Regional Commercial Center
    - d. The Germann/Queen Creek Road Corridor; and,
    - e. The Superstition Vistas (State owned property within the Queen Creek Planning Area).

- **Goal 2: Coordinate the timing of construction for new private development with the provision of public services needed to serve such development**
  - Policy 2c: The Town Capital Improvement Program will be used to provide direction on the location, timing and types of new public infrastructure for coordination with the private sector requests.
- **Goal 4: Ensure long-term employment and economic stability**
  - Policy 4a: Develop a diversified and robust economic development base to ensure the Town’s long term financial stability.

**Economic Development Element Goals and Policies**

- **Goal 1: Enhance the economic wealth of the community**
  - Policy 1d: Grow the retail and service base of the Town, including unique retailers, to enhance the Town’s retail image and expand the sales tax base to reduce sales tax “leakage” to other communities.
- **Goal 2: Cultivate the Town’s Economic Development centers and assets**
  - Policy 2b: Actively promote the Town’s proximity to Phoenix-Mesa Gateway Airport and support new employment growth in the Germann Road/Ellsworth Road area near the airport.
  - Policy 2d: Direct major commercial growth and service projects to the Town’s Meridian Road, Riggs Road, Germann Road transportation corridors and the 802 Freeway.
- **Goal 4: Promote development of the employment sector identified in the Town’s Economic Development Strategic Plan**
  - Policy 4d: Develop a job to population ration for the Town at build-out greater than the Maricopa County average – currently 0.4 jobs per capita.

**Queen Creek Town Council 2013-18 Corporate Strategic Plan**

- **KRA 5: Financial Management/Internal Services And Sustainability**
  - Goal 1: Maintain long-term financial sustainability for local government operations.
    - Continue with policies and implementation practices that evaluate use and sources of revenues, in particular recurring versus one-time sources of revenue.

**SUMMARY**

This 156 acre property is located at the southeast corner of Ellsworth and Germann Roads, at the northern entrance to the community. It is currently designated Employment Type A in the General Plan due to its proximity to Phoenix-Mesa Gateway Airport and the State Route 24 Freeway, as part of the Town’s future employment corridor in this location. The applicant has submitted an economic analysis stating development of the property for employment use will not occur for at least 25 years due

to amount of land designated for Employment use in the area and has requested the property be redesignated Low Density Residential (up to 2 du/ac) to allow the property to be developed now for a low density residential use.

## HISTORY

- September 5, 1989: Town incorporation becomes effective. Property was included in the incorporation and zoned R1-43.
- September 2, 2008: Current General Plan was adopted designating the property Employment Type A.
- August 28, 2013: Staff conducted an Open House to receive public comments on the proposed Major General Plan amendments for 2013.
- September 24, 2013: The applicant conducted a neighborhood meeting to discuss this General Plan amendment.
- September 25, 2013: Staff conducted a second Open House to receive public comments on the proposed Major General Plan amendments for 2013.
- October 15, 2013: Planning and Zoning Commission conducts the first Public Hearing on the 2013 proposed Major General Plan amendments.
- December 5, 2013: Planning and Zoning Commission conducts the second Public Hearing on the 2013 proposed Major General Plan amendments. The commission voted 6-0 to continue the case for further consideration at a special meeting to be held on January 22, 2014.

## PUBLIC OUTREACH

Planning staff conducted community wide Open Houses on August 28<sup>th</sup> and September 25<sup>th</sup> to present the request to the public. Survey forms were distributed at each meeting to solicit comments from those present.

Information on the request has also been posted on the Town of Queen Creek website, public hearing signs were posted on the property, letters sent to property owners within 1,200 feet of the site, an insert was placed in the Town's November 2013 Utility Bill, and a public hearing notice was advertised in the Gilbert Edition of the Arizona Republic. A summary of the comments received to date is attached.

On October 15, 2013 the Planning and Zoning Commission conducted the first Public Hearing for the Major General Plan amendments proposed for 2013, which included this case. On December 5, 2013 the Commission also held a second Public Hearing, the minutes of which are attached.

In addition to the Town's outreach efforts, the applicant also conducted a neighborhood meeting on September 24, 2013. Copies of the meeting minutes and attendance sheet are attached.

## **DISCUSSION**

This request, coupled with GP13-027, GP13-028 and GP13-029 represent a substantial shift in the land uses proposed in the General Plan. In total they have proposed that over 900 acres currently designated for future employment use be converted to single family residential use. This represents a significant amount of the undeveloped land within the Town.

The underlying justification proposed for all four changes is that the town has an excessive amount of area designated for employment use, and development of the property will take years (if ever) to occur. In contrast, they state development of the property for single family homes could occur quickly (3-5 years). They also state that development of the property for residential use would be beneficial to the town in that it would generate near term revenues as a result of new construction and long term revenue from sales taxes paid by the residents. These may be true statements, but they sidestep the fact that once development is complete, the revenues generated by the project do not match the revenues required by the Town to provide public services to the new residents over the long term.

The long term financial sustainability of the town was a key issue in the development of the current General Plan, as reflected by the number of goals and policies in the plan related to this issue. This concern is accentuated by a study completed by MAG in 2001 which determined residential uses generate approximately 80% of the revenues needed to provide the public services they require. The balance is derived from employment related uses, particularly offices (132%) and retail uses (923%). As a result, the conversion of employment areas to residential uses could create a significant future financial concern for the Town. It was for this reason the Town commissioned TischlerBise to study the fiscal sustainability issue as part of the General Plan amendment review and future update process.

With the update of the entire General Plan scheduled to begin in 2014 the use of the remaining vacant properties in town, particularly large properties such as those mentioned above, will be a pivotal issue. Rather than considering these four properties now as separate cases, and in isolation from the larger discussion of the long-term buildout and financial sustainability of the Town, it may be more appropriate to consider these four properties as part of the General Plan update, rather than taking action now.

## ANALYSIS

The preliminary concept plan submitted with the request shows a total of 324 lots on the 156 acres (2.1 du/ac) which exceeds the density allowed in the Low Density Residential designation requested (up to 2 du/ac). The lot distribution proposed is as follows:

- 165 - 70'x140' = 9,800 s.f. (51% of total)
- 89 - 90'x140' = 12,600 s.f. (25% of total)
- 78 - 110'x150' = 16,500 s.f. (24% of total)

| <b>Surrounding Zoning and Land Uses</b> |  |
|---|--|
| North:                                  | City of Mesa – Light Industrial, business parks and vacant property, zoned LI (Light Industrial) |
| South:                                  | Employment Type A and Medium-High Density Residential (up to 5 du/ac), zoned R1-43.              |
| West:                                   | Very Low Density Residential (0-1 DU/AC) – Ellsworth Suburban Mini-farms, zoned R1-43            |
| East:                                   | Employment Type B, currently vacant, and zoned R1-43.  |

Staff has reviewed the traffic, drainage, utility and economic impact studies submitted by the applicant and have concluded:

- The Town's water and wastewater systems will be adequate to accommodate the anticipated demand from the proposed project, once the appropriate line extensions are completed.
- Ellsworth Road carries a significant traffic volume at this location, resulting in a level of service "F" during peak hours. Germann and Ellsworth Roads would be widened in conjunction with the construction of this project, which could help accommodate traffic, but would not fully address the issue due to the regional nature of the problem. A right turn deceleration lane is also recommended for northbound traffic to enter the property from Ellsworth Road.
- The economic impact study submitted by the applicant states it is likely only 9% of the property will be developed by 2033, due to the supply of other properties designated for employment in the area. It also states the project would require \$20,000 more in Town provided services annually than would be generated in revenues from the project by 2033. Considering sales taxes that would be paid by future residents, however, the analysis states the project is expected to create annual revenue to the Town of \$98,000. The project would also generate \$4.2

million in development impact fees as a result of the new residential development.

This request has been reviewed by the Phoenix-Mesa Gateway Airport Authority and a letter has been submitted indicating this property is located within the AOZ III Land Use overflight designation. Housing is permitted within the AOZ III, subject to public disclosure and noise attenuation requirements.

It should also be noted that the future Abel-Moody 230 kV power line will be adjacent to the south side of this property. When this alignment was selected (over the concerns raised by the Town) one of the positive items noted was that it would be located at the dividing line between employment properties to the north, and residential uses to the south, thus helping provide a land use transition between the two uses. With this proposal, however, the power line would go through the center of a new residential area having homes on both sides of the line. A map showing the location of the line is attached.

## GENERAL PLAN AMENDMENT FINDING OF FACT

### General Plan Amendment Finding of Fact Analysis:

By State law and the Town's zoning requirements, an applicant is required to demonstrate a "finding of fact" that their proposed project meets certain "tests" to be considered for approval. Nine factors, or findings of fact, established in the Zoning Ordinance, are to be used in evaluating a General Plan amendment request.

Of these nine criteria, the applicant for a General Plan amendment is asked to provide a written response to the first four. The applicant's proposed findings of fact are contained in the Estates at Queen Creek Station Development Plan Narrative and shown below, along with the staff's comments on each item.

#### **1. Whether the development pattern contained in the future land use plan provides appropriate optional sites for the uses proposed in the amendment.**

**Applicant Response** - According to the "Queen Creek Future Land Use Plan", shown as Table 1 of the Town's General Plan, the Low Density Residential (LDR allows up to 2 du/ac) land use category contains the least amount of acreage for residential development in the Town. Approximately 4% of the Town's acreage is designated for LDR development. Overall, the mix of residential land uses in the Town indicates that LDR is inadequately provided for and increasing that acreage by 156 acres begins to create more diversification of residential land uses in the Town.

Development patterns for residential land uses north of Ocotillo Road do not provide for any LDR development. Consequently, this specific reference to the approximately 26,500 acres of land in the Town north of Ocotillo Road and the lack

of any LDR in that acreage, demonstrates that the current land use pattern inadequately provides optional locations for LDR land uses.

Considering this amendment and its contribution to positive planning techniques and sustainability, affords a unique opportunity for the Town to allow all four residential land use categories along the Ellsworth Road corridor in such a way that creates a harmonious and diversified relationship among these residential land uses.

**Staff Comment** – The Low Density Residential (up to 1 du/ac) land use classification was proposed as a transitional area between the Very Low Density Residential (up to 1 du/ac) areas in the San Tan foothills and equestrian areas on the south side of the community and the higher density uses near the Town Center. Within the Town’s Planning area there are over 1,900 acres designated for Low Density Residential Use, which would seem sufficient to provide alternative locations within the community for the use proposed by the applicant.

The areas north of the Town Center have been designated for both higher density (Medium Density Residential up to 3 du/ac) and employment uses in recognition of the level of activity found in the area.

This property has been designated for future employment use since the Town developed its first General Plan in 1990. This was due to the proximity of the property to the Phoenix-Mesa Gateway and the SR 24 Freeway and the employment areas in Mesa on the north side of Germann Road.

The goals below from our current General Plan reflect this concept:

- **Growth Areas Goal 1: Identify and establish Queen Creek growth areas to direct new higher intensity development**
  - **Policy 1a:** Direct new higher intensity commercial, office and employment uses to the five major Growth Areas identified in the Growth Areas map:
    - a. The Town Center
    - b. The Meridian Road Corridor
    - c. The Regional Commercial Center
    - d. The Germann/Queen Creek Road Corridor; and
    - e. The Superstition Vistas (State owned property within the Queen Creek Planning Area).
- **Economic Development Goal 2: Cultivate the Town’s Economic Development centers and assets.**
  - **Policy 2b:** Actively promote the Town’s proximity to Phoenix-Mesa Gateway Airport and support new employment growth in the Germann Road/Ellsworth Road area near the airport.
  - **Policy 2d:** Direct major commercial growth and service projects to the Town’s Meridian Road, Riggs Road, Germann Road transportation corridors and the 802 Freeway.



**2. That the amendment constitutes an overall improvement to the Town of Queen Creek General Plan and not solely for the good or benefit of a particular landowner or owners at a particular point in time.**

**Applicant Response** - The question presented by this finding is whether or not the Amendment is solely for the benefit of the Owner at this point in time. Typically, General Plan Amendments benefit the owner either by enhanced development potential or quicker absorption possibilities for its property. In this Amendment, the Owner is benefitted by having a land use designation that is more economically advantageous to the owner; however, and importantly, the Owner is not the sole beneficiary of the Amendment. The Town benefits from approving this Amendment in the following ways:

A) Retaining the Employment Type A land use designation on this property will ensure that it remains undeveloped in any meaningful way and therefore vacant and unproductive in the foreseeable future. The fiscal impact study submitted with this application estimates that over a 25 year period, only 9% of the site would be built out and productive as Employment Type A uses. The clear benefit to the Town by approving this amendment is to have a high quality; well-designed, executive housing Master Planned Community developed at its principal Gateway entry on Ellsworth Road.

B) While the property could be developed today for a one-acre single family subdivision, the approval of the LDR land use and ultimate development of a 324-lot Master Planned Community would provide a greater annual impact to the Town, and approximately \$2.7 million in one-time impact fees and a greater surge in sales tax through retail spending trends by the residents of The Estates at Queen Creek Station (see fiscal impact study).

C) The net economic benefit to the Town of Employment Type A development on this property would be positive if the entire 156 acres instantaneously developed tomorrow with high occupancies and good-paying jobs. The reality is that the type of development expected under Employment Type A land use designations will not occur on this site in the near future and as indicated by the fiscal impact study, full absorption of such uses on this site will require decades of time and, in the Owner's opinion, perhaps never fully occur.

D) The Owner, together with Toll Brothers, is committed to developing the property under the existing R1-43 zoning; however, the Owner and Toll believe that the LDR land use category is better for the Town for the following reasons:

i) Approval of the amendment will provide a unique demonstration of how all single family residential land use categories can be developed in close proximity to each other and provide greater diversification.

ii) The Master Planned Community design as conceptually illustrated on the attached “Conceptual Site Plan”, which may be refined and improved during the rezoning/PAD process, results in a more aesthetically sustainable community than an unimaginative acre-lot subdivision. The master-planned community will provide entry features, open-space, thematic design and harmonious product elevations thereby creating an executive housing environment at the Gateway entry to the Town. This Master Planned Community, together with the Fulton Homes project to the south, will create a high standard of residential development that will be impressive to residents and visitors in the Town.

iii) A beautiful one-of-a-kind entry feature including signage monumentation for the Town can be created at the southwest and southeast corners of Ellsworth and Germann Roads as part of the LDR Master Planned Community known as The Estates at Queen Creek Station.

**Staff comment** – The proposed change is intended to permit the applicant’s property to be used for a residential purpose as a result of their market study indicating there is a strong near term market for residential properties and employment uses will take longer to develop. While this may be the case, the Town already has a significant amount of land designated, available and being developed for residential uses of the type proposed by the applicant.

The current General Plan recognizes some land uses may be developed more quickly than others. It also recognizes, however, that a broader range of land uses, particularly employment related uses, will provide the Town with a more diverse land use base and help the Town achieve long-term financial sustainability. For these reasons those properties with the greatest likelihood of being developed for employment related uses were designated for these types of uses in the General Plan. This is reflected in the following goals:

- **Growth Areas Goal 1: Identify and establish Queen Creek growth areas to direct new higher intensity development**
  - **Policy 1a:** Direct new higher intensity commercial, office and employment uses to the five major Growth Areas identified in the Growth Areas map:
    - a. The Town Center
    - b. The Meridian Road Corridor
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    - d. The Germann/Queen Creek Road Corridor; and
    - e. The Superstition Vistas (State owned property within the Queen Creek Planning Area).
- **Economic Development Goal 2: Cultivate the Town’s Economic Development centers and assets.**
  - **Policy 2b:** Actively promote the Town’s proximity to Phoenix-Mesa Gateway Airport and support new employment growth in the Germann Road/Ellsworth Road area near the airport.

- **Policy 2d:** Direct major commercial growth and service projects to the Town's Meridian Road, Riggs Road, Germann Road transportation corridors and the 802 Freeway.

**3. The degree to which the amendment will impact the community as a whole or a portion of the community by:**

**a. Significantly altering acceptable existing land use patterns.**

**Applicant Response** - The Amendment does not significantly alter the land use patterns in the area because the property is surrounded by three different residential land uses (VLDR, MDR, and MHDR) and the addition of the LDR land use in this pattern will be consistent and harmonious with existing uses.

**Staff Comment** – The proposed change would significantly alter the currently acceptable land use patterns in Town. The change would place residential uses in an area designated and intended for future employment use, and diminish the future employment potential of the community. Policies in our General Plan that highlight this position include the following:

- **Growth Areas Goal 1: Identify and establish Queen Creek growth areas to direct new higher intensity development**
  - **Policy 1a:** Direct new higher intensity commercial, office and employment uses to the five major Growth Areas identified in the Growth Areas map:
    - a. The Town Center
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  - **Policy 2d:** Direct major commercial growth and service projects to the Town's Meridian Road, Riggs Road, Germann Road transportation corridors and the 802 Freeway.

**b. Requiring larger and more expensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses which, therefore, may negatively impact development of other lands. The Commission and/or Town Council may also consider the degree to which the need for such improvements will be mitigated pursuant to binding**

**commitments by the applicant, public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan Amendment will be felt.**

**Applicant Response** - As indicated in section 4 of this narrative, the Amendment will not have an adverse impact on the Town's infrastructure.

**Staff Comment** – The type and size of the proposed infrastructure improvements would not be greater than required for the current land use.

**c. Adversely impacting existing uses due to increased traffic on existing systems.**

**Applicant Response** – The Amendment will actually enhance the existing roadway systems in the area by constructing half-street improvements to Ellsworth and Germann Roads. As indicated in the traffic letter submitted with this application, no additional improvements to the Town's existing roadway systems will be necessitated by this Amendment.

**Staff Comment** – Staff concurs with the applicant.

**d. Affecting the livability of the area or the health and safety of the residents.**

**Applicant Response** - The Amendment will not adversely affect the livability of the area or affect the health or safety of the residents. Conversely, the development of the area, coupled with the associated infrastructure improvements, will serve to substantially increase the livability of this area for Queen Creek residents.

**Staff Comment** – The proposed modification would place housing in a location in the community where it was never intended. Since the Town's first General Plan this area has been designated for future employment use, given its proximity to the Phoenix Mesa Gateway Airport, the employment areas in the City of Mesa and Ellsworth and Germann Roads both being designed as principal arterial streets serving the area. The location is at the "front door" of the Town and much more conducive to employment use than a residential area.

**4. That the amendment is consistent with the overall intent of the General Plan.**

**Applicant Response** - As demonstrated in Section 2 of this narrative, the Amendment is consistent with the overall intent of the General Plan, its vision, goals and policies.

**Staff Comment** – The proposed change is not consistent with the overall intent of the General Plan. The intent of the General Plan is to reserve the area south of Germann Road for future employment use since it is nearest to Phoenix Mesa

Gateway Airport, the SR-24 Freeway and the employment areas in Mesa. This is reflected in the following goals:

- **Growth Areas Goal 1: Identify and establish Queen Creek growth areas to direct new higher intensity development**
  - **Policy 1a:** Direct new higher intensity commercial, office and employment uses to the five major Growth Areas identified in the Growth Areas map:
    - a. The Town Center
    - b. The Meridian Road Corridor
    - c. The Regional Commercial Center
    - d. The Germann/Queen Creek Road Corridor; and,
    - e. The Superstition Vistas (State owned property within the Queen Creek Planning Area).
- **Economic Development Goal 2: Cultivate the Town’s Economic Development centers and assets.**
  - **Policy 2b:** Actively promote the Town’s proximity to Phoenix-Mesa Gateway Airport and support new employment growth in the Germann Road/Ellsworth Road area near the airport.
  - **Policy 2d:** Direct major commercial growth and service projects to the Town’s Meridian Road, Riggs Road, Germann Road transportation corridors and the 802 Freeway.

The remaining five criteria are evaluated by the Planning and Zoning Commission and Town Council when the application is considered:

5. **Whether there was an error in the original General Plan adopted that the Council failed to take into account then existing facts, projects or trends that were reasonably foreseeable to exist in the future.**
6. **Whether events subsequent to the General Plan adoption have invalidated the Council’s original premises and finding made upon plan adoption.**
7. **Whether any or all of the Council’s original premises and findings regarding the General Plan adoption were mistaken.**
8. **Whether events subsequent to the General Plan adoption have changed the character or condition of the area so as to make the application acceptable.**
9. **The extent to which the benefits of the Plan amendment outweigh any of the impacts identified in Subsections One (1) through Eight (8) hereto.**

**STAFF CONCLUSION**

The issues involved in this request are larger than the change in land use from Employment to Residential as proposed by the applicant. The Town already has a

future inventory of over 6,400 residential lots (equivalent to a 9+ year inventory at projected construction rates) which will accommodate an additional population of over 23,000 new residents.

In order to provide the level of public services that will be required to accommodate this new growth, the Town must be able to generate the revenue that will be needed to guarantee long-term financial sustainability for the community. This request, along with four others under consideration, would result in a significant decrease in the amount of land available for future non-residential uses within the Town.

When the General Plan was approved in 2008 this property was designated for future employment use given its location and development potential for non-residential use. This position was stated and reinforced by the General Plan goals and policies described above.

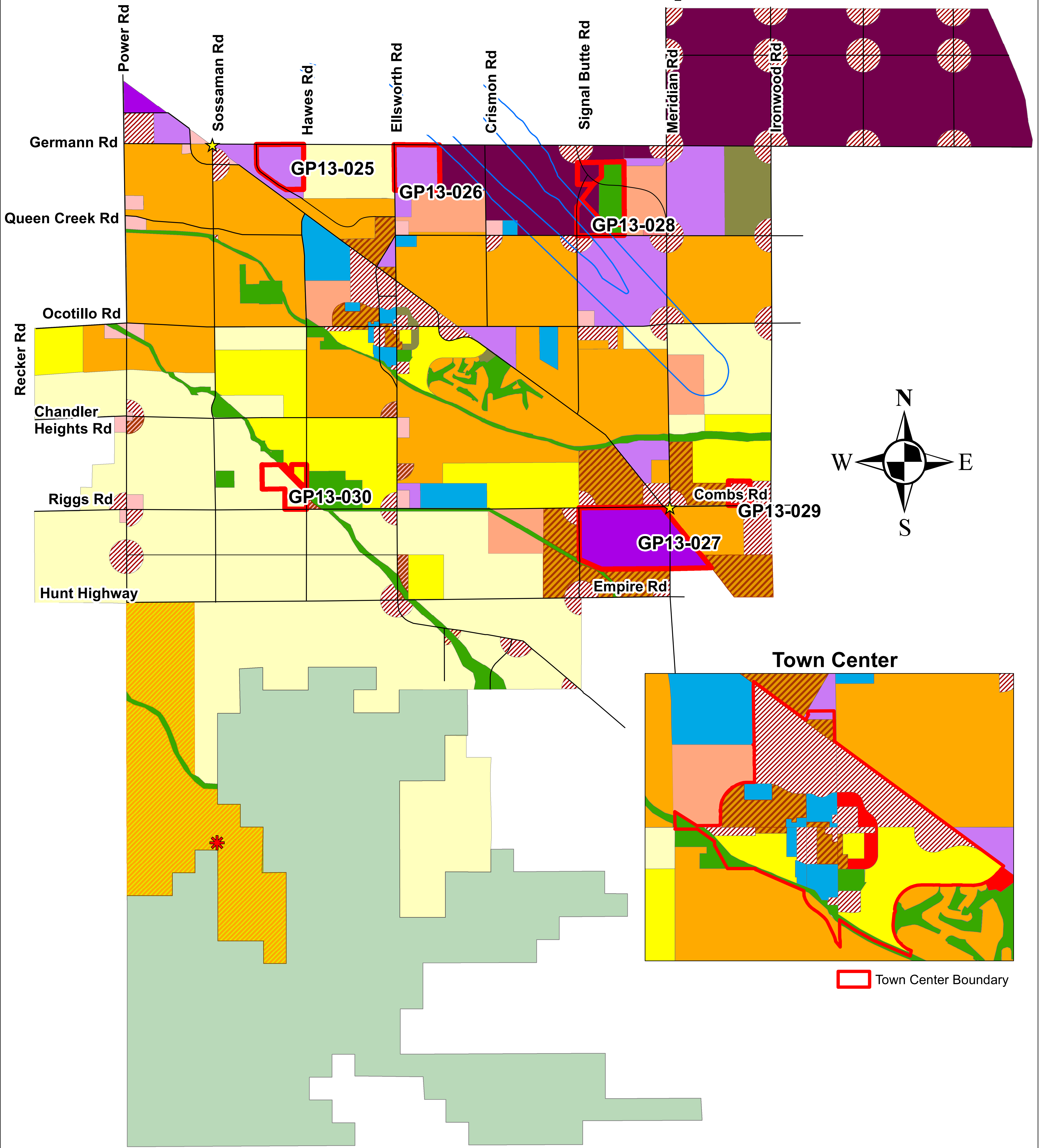
As a result, staff does not believe the applicant has met the Finding of Fact requirement demonstrating this proposed change is consistent with the intent of the General Plan or sufficiently demonstrated that the proposed change is in the best interest of the community – and for that reason staff has recommended this request be denied.

In addition, as part of the update to the Town’s entire General Plan scheduled to begin in 2014 the concept of the long term financial sustainability of the Town will be discussed. This will involve a discussion on the appropriate balance of revenue generating to revenue requiring activities within the Town at “buildout” including the type, amount and location of future commercial use. Staff recommends the applicant participate in the update process and this proposed land use change be evaluated as part of that larger discussion.

## ATTACHMENTS

1. Existing General Plan Map
2. Existing classification and proposed change
3. Concept Plan
4. Project Narrative
5. Fiscal Impact Analysis
6. Traffic study
7. Neighborhood Meeting Minutes and sign in sheet
8. Comments received at the Town’s Open Houses and other Public Comments
9. Letter from Phoenix-Mesa Gateway Airport
10. Abel-Moody power line location map
11. Applicant October 15 Presentation

# Town of Queen Creek 2008 General Plan Map



## General Plan Land Use Legend

|  |  |  |                         |  |                            |  |                                  |
|--|--|--|-------------------------|--|----------------------------|--|----------------------------------|
|  | Very Low Density Residential (0-1 DU/AC)           |  | Mixed Use               |  | Employment Type B          |  | Future Intersection Modification |
|  | Low Density Residential (0-2 DU/AC)                |  | Neighborhood Commercial |  | Public/Quasi-Public        |  | Resort / Tourism / Entertainment |
|  | Medium Density Residential (0-3 DU/AC)             |  | Community Commercial    |  | Open Space                 |  | General Plan Amendments 2013     |
|  | Master Planned Community (0-1.8 DU/AC)             |  | Office/Services         |  | Regional Commercial Center |  |                                  |
|  | Medium High Density Residential Type A (0-5 DU/AC) |  | Commercial              |  | San Tan Regional Park      |  |                                  |
|  | Medium High Density Residential Type B (0-8 DU/AC) |  | Employment Type A       |  | Noise Contours             |  |                                  |

Modified by Resolutions 813-09, 814-09, 824-10, 924-12 and 934-13

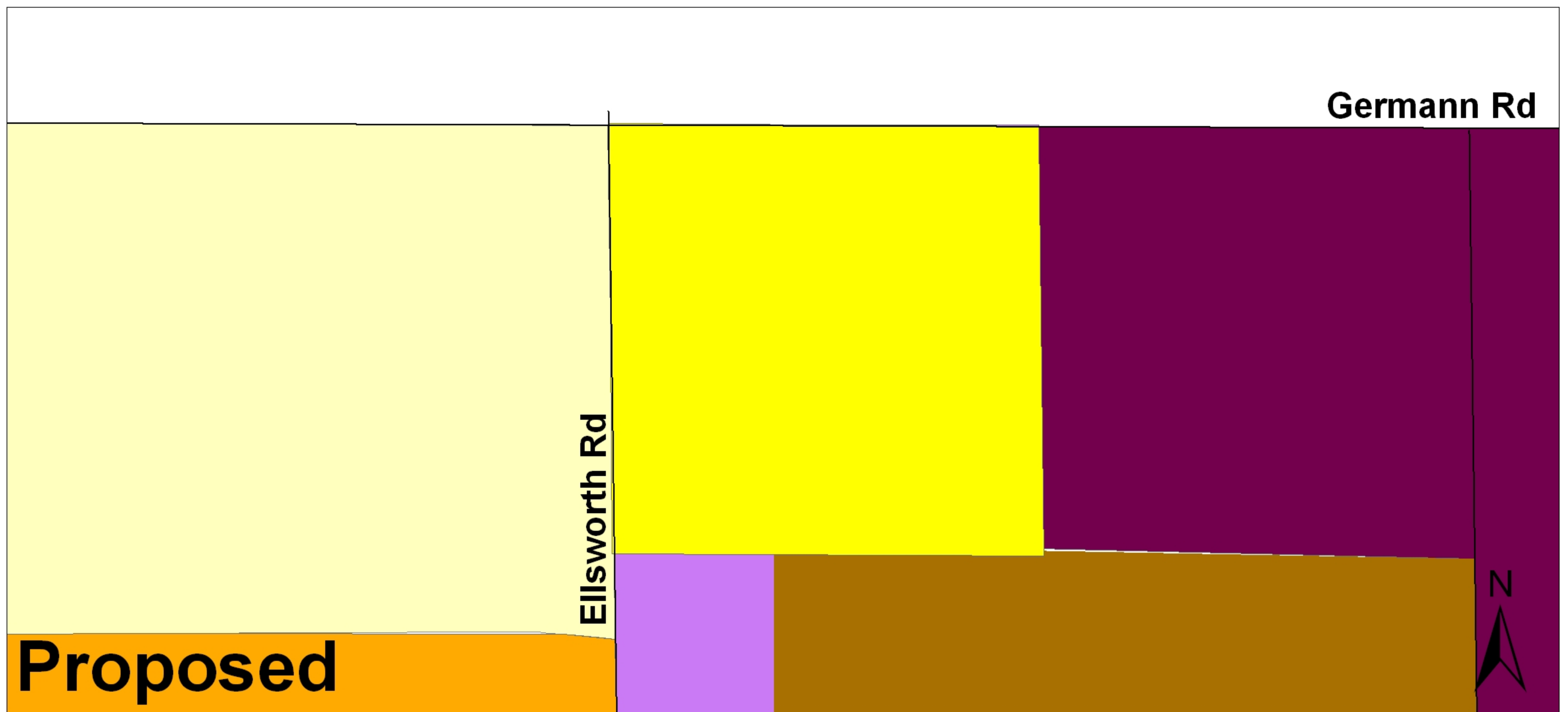
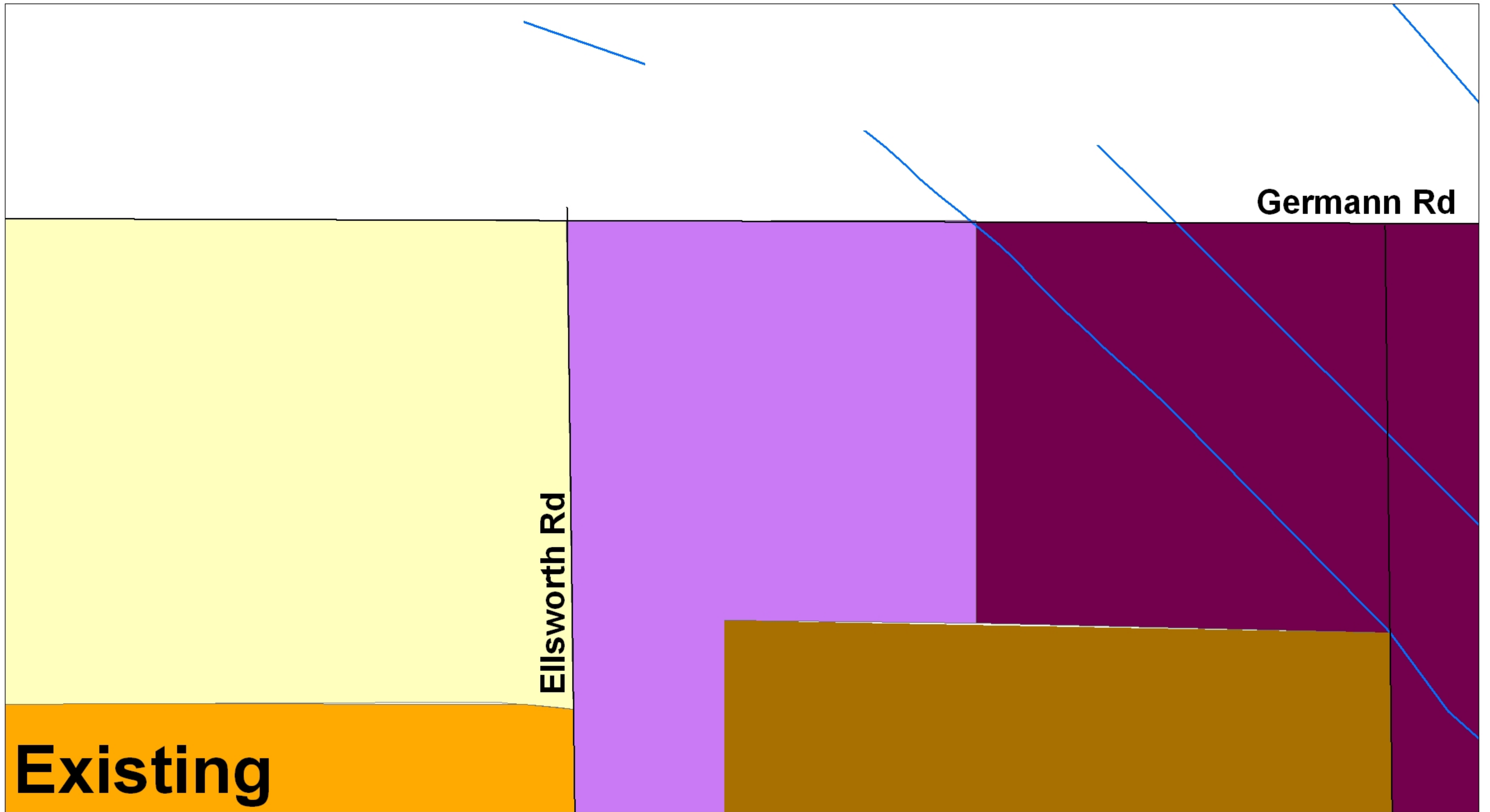
All information is believed to be accurate as the date of publication, however is not guaranteed.



# Town of Queen Creek

## 2013 General Plan Amendment

### GP13-026 The Estates at Queen Creek Station



#### General Plan Land Use Legend

- |  |                         |                            |                                  |
|--|-------------------------|----------------------------|----------------------------------|
| Very Low Density Residential (0-1 DU/AC)           | Mixed Use               | Employment Type B          | Future Intersection Modification |
| Low Density Residential (0-2 DU/AC)                | Neighborhood Commercial | Public/Quasi-Public        | Resort / Tourism / Entertainment |
| Medium Density Residential (0-3 DU/AC)             | Community Commercial    | Open Space                 |                                  |
| Master Planned Community (0-1.8 DU/AC)             | Office/Services         | Regional Commercial Center |                                  |
| Medium High Density Residential Type A (0-5 DU/AC) | Commercial              | San Tan Regional Park      |                                  |
| Multifamily  | Employment Type A       | Noise Contours             |                                  |

**Modified by Resolutions 813-09, 814-09, 824-10, 924-12 and 934-13**

All information is believed to be accurate as the date of publication, however is not guaranteed.  
Created by Sidney Urias 480-358-3094







# The Estates at Queen Creek Station

165: 70' x 140'  
81: 90' x 140'  
78: 110' x 150'  
324 Total Lots

# **Major General Plan Amendment**

for 156 acres known as The Estates at Queen Creek Station

## **Narrative**

**SEC of Germann and Ellsworth Roads**

**Submitted by:**

**Bowman Consulting**

Troy Peterson  
3010 S. Priest Drive, Suite 103  
Tempe, AZ 85282

and

**Pew & Lake, P.L.C.**

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1744 South Val Vista Drive, Suite 217  
Mesa, AZ 85204

**Submitted on Behalf of:**

**RSF Property, LLC**

1121 West Warner Road, Suite 109  
Tempe, AZ 85284

**Submitted to:**

**Town of Queen Creek**

22350 South Ellsworth Road  
Queen Creek, AZ 85242

**Prepared: June 12, 2013**

# THE ESTATES AT QUEEN CREEK STATION

## Major General Plan Amendment Narrative

### Table of Contents

|    |  |    |
|----|--|----|
| 1. | Request                                | 3  |
| 2. | Description of Proposal                | 3  |
| 3. | Relationship to Surrounding Properties | 6  |
| 4. | Impact on Surrounding Properties       | 7  |
| 5. | Public Utilities and Services          | 7  |
| 6. | Public Participation                   | 8  |
| 7. | Findings of Fact                       | 8  |
| 8. | Conclusion                             | 10 |

### Tables and Exhibits

|  |   |
|--|---|
| Table 1 – Proposed Changes to General Plan Land Use Designations | 4 |
| Table 2 – Adjacent Land Uses                                     | 6 |

Exhibit A - Aerial Vicinity Map

Exhibit B - Queen Creek General Plan Land Use Plan (Existing)

Exhibit C - Queen Creek General Plan Land Use Plan (Proposed)

Exhibit D- Conceptual Site Plan

## **1. REQUEST**

The Owner is pleased to submit for your consideration an application for a Major General Plan Amendment for approximately 156 acres of what is referred to as The Estates at Queen Creek Station (the "Amendment"), as described in this narrative.

### **AMENDMENT TO LAND USE PLAN**

The Amendment is for approximately 156 acres, generally located at the southeast corner of Ellsworth and Germann Roads. The Amendment will result in a *decrease* in the overall land use intensity by changing the Land Use Plan classification from Employment Type A to Low Density Residential (0-2 DU/AC).

## **2. DESCRIPTION OF PROPOSAL**

### **OVERVIEW**

The amendment area was part of the proposed Queen Creek Station and designated for Employment Type A uses. In 2008, the Town initiated a Town wide amendment to the General Plan to provide for the future development and goals of the Town. In the Amendment, this property was determined to be suited for employment use in order to promote business and economic benefits to the Town. Since 2008, both the local real estate market and the ownership of the property in this area have changed dramatically. The previously contemplated Queen Creek Station has been significantly modified and no longer exists as a unified development plan.

The Owner and its experienced real estate development associates have concluded that because the land area surrounding the Phoenix-Mesa Gateway Airport contains thousands of acres planned for employment, mixed-use and commercial development purposes, the Amendment area is not well situated to compete for Employment Type A uses and that absorption of this property for employment development is unlikely to occur for decades to come. The Owner and its predecessor have patiently and with determined effort attempted to market and develop this property for employment purposes and have had no success. Consequently, the Owner does not envision that this land will be developed under its current general plan designation in the foreseeable future. The Owner feels that it has shouldered its reasonable share of the Town's expectations for employment development on this site and has now decided to sell the property for residential development purposes. The amendment area is zoned R1-43 and the development of a one-acre residential subdivision is an allowed use under this zoning district. While technically, the issue presented by the Amendment is a change in land use from Employment Type A to LDR, the practical reality and real question for the Town is whether or not the Amendment area should be developed as a one-acre lot residential subdivision or a more fully improved and integrated Master Plan with entry monumentation, open space, landscape and appropriate thematic design in the LDR land use category.

The Owner and Toll Brothers, Inc. ("Toll") are working together to develop this property. Toll is a well-respected quality builder of executive home communities and is prepared to develop this site for a one-acre lot subdivision. Toll is very experienced with this type of development, has confidence in the large acre-lot product and is very patient in its absorption plan for a project and product of this type. For the

reasons expressed in this narrative, the Owner and Toll would prefer to develop the site under the LDR land use designation and provide a high quality, well designed and amenitized Master Planned Community for executive housing.

Nearly concurrent with this Amendment, the Owner will be processing a request for Rezoning/PAD on the property, proposed for residential uses on the entire site. This Rezoning /PAD application will represent the initial implementation and development in this area under this Amendment. It will provide a detailed depiction of how the proposed Low Density Residential (0-2 du/ac) land use designation will be implemented to establish a unique character and presence at the Town’s northern “Gateway”. The Rezoning/PAD will allow the Town to see a detailed example of the quality with which the property will develop. In addition to the items shown on the Conceptual Site Plan presented with this application, the Owner is also committed to providing the Town with a significant entry feature on the southeast and southwest corners of Ellsworth and Germann roads, providing a fabulous landscape area with a unique monumentation that will serve to welcome residents and visitors proceeding south on Ellsworth road into the Town.

**GENERAL PLAN LAND USE PLAN AMENDMENT**

This request consists of a modification from the existing Employment A land use designation, generally located at the southeast corners of Ellsworth and Germann Roads to a land use designation of Low Density Residential (0-2 DU/AC).

This Amendment of the existing land use will provide a development plan that is achievable in today’s real estate market and today’s Town, while still maintaining a unique land use asset for the Town at its northern “Gateway”. The existing and proposed General Plan Land Use Plan exhibits are included with this narrative.

The following table (**Table 1**) identifies the existing General Plan Land Use designation that would be changed by this request:

**Table 1 - Proposed Changes to General Plan Land Use Designations**

| <b>Existing<br/>General Plan Land Use</b> | <b>Acreage</b> | <b>Proposed<br/>General Plan Land Use</b> | <b>Acreage</b> |
|---|----------------|---|----------------|
| Employment A                              | 156            | Low Density Residential<br>(0-2 DU/AC)    | 156            |
| <b>Total Amended Acreage</b>              | <b>156</b>     |   | <b>156</b>     |

Despite increasing the total acreage available for residential development, the Amendment will result in a *DECREASE* in the land use intensity for the area from Employment to a Master Planned Community of approximately 320 homes at approximately 2 du/ac.

The Amendment responds to the General Plan’s Vision of “Keeping Queen Creek Unique” and specifically addresses a number of its Goals and Policies, including the following:

*Land Use Element Goals & Policies*

Goal 1 - Policy 1a

This Amendment will protect and promote the Town’s rural history and development potential to develop a unique, attractive, desirable and economically sustainable community by providing for land uses and infrastructure that respond to the current vision and development landscape of the Town.

Goal 1 – Policy 1c

This Amendment will maintain and strengthen the ambiance and character of the Town’s low-density residential development.

Goal 3 – Policy 3b

This Amendment will provide housing opportunities within the Town for lower density residential areas near the Town Center and near future shopping and employment areas.

Goal 3 – Policy 3d

This Amendment will help ensure compatibility between new projects and existing neighborhoods by providing appropriate transitional treatments. The Amendment for LDR is compatible with the VLDR, MDR, and MHDR existing and proposed development in the area and complete the range of single-family residential uses provided for in the Town’s General plan along Ellsworth Road between Germann and Queen Creek Roads.

*Growth Areas Element Goals & Policies*

Goal 5 – Policy 5b

This Amendment will use available infrastructure capacity to accommodate new development consistent with the land use goals and provisions of the General Plan.

*Parks, Trails & Open Space Element Goals & Policies*

Goal 6 – Policy 6b

This Amendment will allow the Town to begin to emphasize the need for safe pedestrian linkages between neighborhoods, open spaces and recreational opportunities in the design and development of new residential neighborhoods in the area formerly known as Queen Creek Station. This will be accomplished through the Owner’s Rezoning/PAD application that will be processed concurrently with this Amendment.

*Economic Development Element Goals & Policies*

Goal 1 – Policy 1a

This amendment proposes building an economically and environmentally attractive community utilizing the Town’s unique rural image for new development.

Goal 1 – Policy 1c

This Amendment proposes the opportunity for a variety of executive housing to enhance the Town’s attractiveness to senior level management of companies locating in the southeast valley and the Phoenix-Mesa Gateway Airport area.

*Cost of Development Element Goals & Policies*

Goal 1 – Policy 1a

This Amendment will help the Town to designate areas and land uses in the General Plan which are appropriate in size and location for future revenue or employment generating land uses. By scaling back the Employment designations in the area, this Amendment provides for future revenue generating uses that are much more appropriate in size given the existing development that has occurred within the Town over the past 5 years.

**GENERAL PLAN LAND USE PLAN IMPLEMENTATION**

As previously indicated, nearly concurrent with this Amendment, the Owner will be processing a request for Rezoning/PAD for The Estates at Queen Creek Station. This Rezoning /PAD application will represent the initial implementation and development in this area under this Amendment. It will provide a detailed depiction of how the proposed Low Density Residential land use designation will be implemented and will set the tone for the establishment of a unique character and presence at the Town’s northern “gateway”. The unique entry and monument features welcoming residents and visitors into the Town will be provided at a later date as a conceptual design to supplement this application.

**3. RELATIONSHIP TO SURROUNDING PROPERTIES**

This site is bound on the north by Germann Road, on the south by the Ryan Road alignment, on the west by Ellsworth Road and on the east by agricultural property.

The General Plan Land Use classifications, along with the existing zoning and uses for the adjacent parcels, are listed in the table below (**Table 2**):

**Table 2 – Adjacent Land Uses**

| <b>Direction</b> | <b>General Plan Land Use</b>  | <b>Existing Zoning</b> | <b>Existing Use</b>                            |
|------------------|---|------------------------|--|
| North            | Light Industrial<br>(City of Mesa)  | LI<br>(City of Mesa)   | Agriculture                                    |
| South            | Medium High Density<br>Residential (3-5<br>DU/AC)<br>and Employment Type<br>A | R1-43                  | Agriculture                                    |
| East             | Employment Type B   | R1-43                  | Agriculture                                    |
| West             | Very Low Density<br>Residential (0-1 DU/AC)                                   | R1-43                  | Residential (Ellsworth<br>Suburban Mini-Farms) |

## **IMPACT ON SURROUNDING PROPERTIES**

The Amendment to LDR will be compatible with the three residential land use categories surrounding the site (VLDR, MDR and MHDR). This Amendment will provide an improvement over the land use plan for the existing adjacent low density residential and employment uses. Appropriate transition and buffering adjacent to these existing residential uses will be accomplished through the Rezoning/PAD process.

## **4. PUBLIC UTILITIES AND SERVICES**

Utilities and services will be provided as follows:

|            |                                     |
|------------|-------------------------------------|
| Water:     | Town of Queen Creek                 |
| Sewer:     | Town of Queen Creek                 |
| Electric:  | Salt River Project                  |
| Gas:       | Southwest Gas                       |
| Cable:     | Cox Communications                  |
| Telephone: | Qwest/Century Link                  |
| Police:    | Maricopa County Sheriff             |
| Fire:      | Town of Queen Creek                 |
| School:    | Queen Creek Unified School District |

### *Water*

Potable water is proposed to be provided by the Town. A 12" waterline will be extended along Ellsworth Road to the southwest corner of the property by the adjacent Fulton Homes project. This line will then be extended north to supply water to the project area.

The proposed water system improvements will be designed and developed in accordance with the Town and Maricopa County Environmental Services Department (MCESD) requirements.

### *Wastewater*

Sewer service will be provided by the Town's sewer system. Per the Town's Wastewater Masterplan, a gravity sewer line will be extended along Ryan Road to the southern boundary of the referenced property. The land owner will coordinate with the Town and determine, at the time of preliminary plat approval, if an interim alternative sewer connection is needed for this property.

### *Schools*

Efforts will be coordinated with the Queen Creek Unified School District throughout the entitlement process to ensure that our responsibilities for adequate educational facilities are accomplished for the District.



## 5. PUBLIC PARTICIPATION

The Owner and project team will be implementing significant neighborhood outreach efforts and conducting neighborhood meetings with adjacent property owners to address any questions they may have and bring them to the attention of the Town. The project team is committed to continuing public participation efforts throughout the entire GPA and entitlement processes.

## 6. FINDINGS OF FACT

The Town's General Plan Amendment Application process instructs the Applicant to respond to four (4) Findings of Fact concerning the approval of a General Plan Amendment application. The four (4) findings are listed below with the Applicant's response:

1. *The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use proposed in the amendment.*

According to the "Queen Creek Future Land Use Plan", shown as Table 1 of the Town's General Plan, the LDR land use category contains the least amount of acreage for residential development in the Town. Approximately 4% of the Town's acreage is designated for LDR development. Overall, the mix of residential land uses in the Town indicates that LDR is inadequately provided for and increasing that acreage by 156 acres begins to create more diversification of residential land uses in the Town.

Development patterns for residential land uses north of Ocotillo Road do not provide for any LDR development. Consequently, this specific reference to the approximately 26,500 acres of land in the Town north of Ocotillo Road and the lack of any LDR in that acreage, demonstrates that the current land use pattern inadequately provides optional locations for LDR land uses.

Considering this amendment and its contribution to positive planning techniques and sustainability, affords a unique opportunity for the Town to allow all four residential land use categories along the Ellsworth Road corridor in such a way that creates a harmonious and diversified relationship among these residential land uses.

2. *That the amendment constitutes an overall improvement to the Queen Creek General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.*

The question presented by this finding is whether or not the Amendment is solely for the benefit of the Owner at this point in time. Typically, General Plan Amendments benefit the owner either by enhanced development potential or quicker absorption possibilities for its property. In this Amendment, the Owner is benefitted by having a land use designation that is more economically advantageous to the owner, however, and importantly, the Owner is not the sole beneficiary of the Amendment. The Town benefits from approving this Amendment in the following ways:

- A) Retaining the Employment Type A land use designation on this property will ensure that it remains undeveloped in any meaningful way and therefore vacant and

unproductive in the foreseeable future. The fiscal impact study submitted with this application estimates that over a 25 year period, only 9% of the site would be built out and productive as Employment Type A uses. The clear benefit to the Town by approving this amendment is to have a high quality, well-designed, executive housing Master Planned Community developed at its principal Gateway entry on Ellsworth Road.

- B) While the property could be developed today for a one-acre single family subdivision, the approval of the LDR land use and ultimate development of a 324-lot Master Planned Community would provide a greater annual impact to the Town, and approximately \$2.7 million in one-time impact fees and a greater surge in sales tax through retail spending trends by the residents of The Estates at Queen Creek Station. (see fiscal impact study)
- C) The net economic benefit to the Town of Employment Type A development on this property would be positive if the entire 156 acres instantaneously developed tomorrow with high occupancies and good-paying jobs. The reality is that the type of development expected under Employment Type A land use designations will not occur on this site in the near future and as indicated by the fiscal impact study, full absorption of such uses on this site will require decades of time and, in the Owner's opinion, perhaps never fully occur.
- D) The Owner, together with Toll, is committed to developing the property under the existing R1-43 zoning; however, the Owner and Toll believe that the LDR land use category is better for the Town for the following reasons:
  - i) Approval of the amendment will provide a unique demonstration of how all single family residential land use categories can be developed in close proximity to each other and provide greater diversification.
  - ii) The Master Planned Community design as conceptually illustrated on the attached "Conceptual Site Plan", which may be refined and improved during the rezoning/PAD process, results in a more aesthetically sustainable community than an unimaginative acre-lot subdivision. The master-planned community will provide entry features, open-space, thematic design and harmonious product elevations thereby creating an executive housing environment at the Gateway entry to the Town. This Master Planned Community, together with the Fulton Homes project to the south, will create a high standard of residential development that will be impressive to residents and visitors in the Town.
  - iii) A beautiful one-of-a-kind entry feature including signage monumentation for the Town can be created at the southwest and southeast corners of Ellsworth and Germann Roads as part of the LDR Master Planned Community known as The Estates at Queen Creek Station.

3. *That the amendment will not adversely impact the community as a whole or a portion of the community by:*

a. *Significantly altering acceptable existing land use patterns.*

The Amendment does not significantly alter the land use patterns in the area because the property is surrounded by three different residential land uses (VLDR, MDR, and MHDR) and the addition of the LDR land use in this pattern will be consistent and harmonious with existing uses.

b. *Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, if not ameliorated properly, may negatively impact development of other lands.*

As indicated in section 4 of this narrative, the Amendment will not have an adverse impact on the Town's infrastructure.

c. *Adversely impacting existing uses due to increased traffic on existing systems.*

The Amendment will actually enhance the existing roadway systems in the area by constructing half-street improvements to Ellsworth and Germann Roads. As indicated in the traffic letter submitted with this application, no additional improvements to the Town's existing roadway systems will be necessitated by this Amendment.

d. *Affecting the livability of the area or the health and safety of the residents.*

The Amendment will not adversely affect the livability of the area or affect the health or safety of the residents. Conversely, the development of the area, coupled with the associated infrastructure improvements, will serve to substantially increase the livability of this area for Queen Creek residents.

4. *That the amendment is consistent with the overall intent of the General Plan.*

As demonstrated in Section 2 of this narrative, the Amendment is consistent with the overall intent of the General Plan, its vision, goals and policies.

## **7. CONCLUSION**

The Amendment is consistent and compatible with the vision, goals and policies of the Queen Creek General Plan and satisfies the findings of fact required by the Town's application process. For the reasons articulated in this narrative report, the Owner respectfully requests the Town's approval of this Amendment.

## EXECUTIVE SUMMARY

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This analysis demonstrates the potential socioeconomic and fiscal impacts of the proposed General Plan Amendment for The Estates at Queen Creek Station on the Town of Queen Creek. This 156 acre property is located at the southeast corner of Germann Road and Ellsworth Road. The proposal for The Estates at Queen Creek Station property involves changing the General Plan land use from Employment Type A (Current General Plan) to Low Density Residential (Proposed Alternative). However, since the site is currently zoned for Very Low Density Residential (Current Zoning), this alternative is also included. The analysis covers a 25 year period from 2014 to 2033 at which point the residential alternatives would be fully built out, but the current general plan alternative of Employment Type A would only be 9 percent built out, based on the assumptions used in this analysis. Impact results include the General Fund, Transportation and Emergency Services Funds.

The impact calculation for the current, zoned and proposed land uses for The Estates at Queen Creek Station reveal that the currently zoned very low density land use would have an annual net impact (revenues less expenditures) of about (\$20,000) by 2033, with expenditures exceeding revenues by 6 percent. This can be compared to an annual net impact under the proposed low density land use of (\$97,000), with expenditures exceeding revenues by about 12 percent. In both cases, the magnitude of the impacts is very small in comparison to the Town's overall budget. The current general plan land use of Employment Type A, which would have a much longer development timeline, would have an estimated annual net impact of \$37,000 in 2033 at which point it would only be 9 percent built out. However, since the property is already zoned for residential use, it is highly unlikely that it will develop as light industrial.

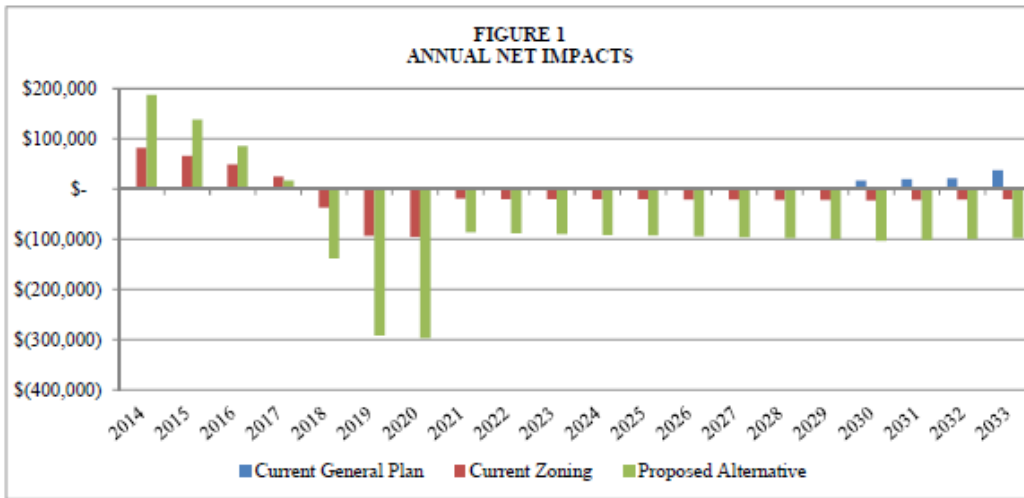
It is typical given the local tax structure in Arizona that residential land uses in isolation do not create positive net fiscal impacts. However, under both the currently zoned and the proposed alternatives the small negative annual impact is more than offset by the retail demand created by the households. Average income for these households would be about \$86,000 for the proposed alternative and \$107,000 for the currently zoned alternative, given the expected housing prices. Based on typical consumer expenditure patterns for purchases made within a local trade area and the number of housing units in each alternative, the households in this development would generate about \$52,000 in annual sales tax revenues from local purchases under the currently zoned alternative versus \$118,000 under the proposed alternative.<sup>1</sup> These sales tax revenues are not included in the impacts shown here since the land use based model used for this analysis attributes all retail sales to commercial development, but they help to balance the cost of providing municipal services to residents. The current general plan land use of Employment Type A could generate a small amount of on-going taxable sales in addition to non-recurring construction sales tax, however none of these tax revenues would accrue in the next 20 years..

Finally, the project would generate close to \$4.2 million in total impact fees under the proposed alternative versus only \$1.5 million under the currently zoned alternative. While impact fee funds are not included in this analysis, these one-time revenues, they would provide funding for infrastructure that would not only benefit this property but could also encourage development on surrounding commercial properties. It is difficult to estimate impact fees under the current general plan land use of Employment Type A because the number of connections for the wastewater fees will depend on the specific configuration of industrial development on the site. However, the very lengthy timeline for industrial development would significantly lessen any impact fee revenues in net present value terms.

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<sup>1</sup> Based on the Consumer Expenditure Survey, households in the \$80,000 to \$100,000 income range spend about 20 percent of their pre-tax income on items that could be purchased within the local trade area.

FIGURE 1  
ANNUAL NET IMPACTS



## *Executive Summary*

### *Introduction*

Tres Points, LLC is proposing a 324-dwelling-unit, 160-acre single-family residential development, named The Estates at Queen Creek Station. The site is located in the Town of Queen Creek on the southeast corner of Ellsworth Road and Gemann Road.

### *Results*

The Estates at Queen Creek Station proposed residential development is anticipated to generate the following entering and exiting weekday and Saturday daily and peak hourly traffic volumes.

| Time Period | Day   |       |       | AM Peak Hour |      |       | PM Peak Hour |      |       |
|-------------|-------|-------|-------|--------------|------|-------|--------------|------|-------|
|             | Enter | Exit  | Total | Enter        | Exit | Total | Enter        | Exit | Total |
| Weekday     | 1,549 | 1,548 | 3,097 | 61           | 182  | 243   | 204          | 120  | 324   |
| Saturday    | 1,606 | 1,605 | 3,211 | -            | -    | -     | 151          | 150  | 301   |

The level-of-service for the study intersections did not significantly decrease with the addition of the proposed site. The intersection of Ellsworth Road and Superstition Drive does experience a level-of-service "F" with stop control. A traffic signal is not warranted at this intersection and is not recommended due to the less than ideal one-quarter mile distance from the adjacent signalized intersection of Ellsworth Road / Gemann Road.

### *Recommendations with The Estates at Queen Creek Station*

The recommended 2020 lane configuration and traffic control is depicted in **Figure 1**. A right-turn deceleration lane is warranted for the northbound right-turn movement at the Ellsworth Road / Superstition Drive intersection. Separate right and left turn-lanes are also recommended for both site access egress movements.

Neighborhood Meeting  
Sign-In Sheet

**Applicant:**

Pew & Lake, PLC

**Property Location:**

SEC Germann & Ellsworth Roads  
Queen Creek, AZ

**Date:**

September 23, 2013

**Meeting Location:**

Queen Creek Library- Edward Abbey Room

**Time:**

6:00 PM

**Case:**

GP13-026

| #  | NAME                  | ADDRESS                  | ZIP   | Email                  | PHONE          |
|----|-----------------------|--------------------------|-------|------------------------|----------------|
| 1  | ERIC KEER             | 20202 E. Superstition Dr | 85742 |                        | (602) 541-4997 |
| 2  | KD STEILL             | 20550 E RYAN RD.         | 85142 |                        |                |
| 3  | Seth Keeler           | 1121 West Warner Rd 109  | 85284 |                        |                |
| 4  | Melanie Rethler       | 20134 E. Ryan Rd         | 85142 |                        | 480 296-9320   |
| 5  | DANTE PROTO           | 20646 E. Superstition    | 85142 | dproto1@msn.com        |                |
| 6  | BRYCE HAGEN           | 20633 E SUPERSTITION DR  | 85142 | brycehagen@hotmail.com | 562-810-5808   |
| 7  | Max & Barbara Butcher |                          |       | mbbutcher@cox.net      | 480-963-0705   |
| 8  |                       |                          |       |                        |                |
| 9  |                       |                          |       |                        |                |
| 10 |                       |                          |       |                        |                |
| 11 |                       |                          |       |                        |                |
| 12 |                       |                          |       |                        |                |
| 13 |                       |                          |       |                        |                |
| 14 |                       |                          |       |                        |                |

# *The Estates at Queen Creek Station*

*SEC of Germann & Ellsworth Roads*

*Queen Creek, Arizona*

*Minutes of Neighborhood Meeting*

*September 24, 2013*

*Queen Creek Public Library- Edward Abbey Room*

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## **Public Notification Area:**

- a. Property owners within 1,200 feet from the site.
- b. All registered neighborhood associations within one mile of the project.
- c. Homeowners Associations within one half mile of the project.
- d. Addresses were obtained using the Maricopa County Assessor's parcel information.

The meeting began at 6:10. There were eight members of the public in attendance, along with the applicant, Ralph Pew, and two members of the development team.

Ralph Pew began the meeting by giving an overview of the project. Using the attached PowerPoint presentation, Mr. Pew discussed:

- 1) The site size and vicinity, and surrounding uses.
- 2) The existing land use designation: Mr. Pew defined Employment Type A as outlined in the General Plan, and gave examples of uses allowed in the Employment Type A category.
- 3) The proposed land use designation: Mr. Pew defined Low Density Residential as outlined in the General Plan, and also discussed the underlying residential zoning on the property.
- 4) The Conceptual Lot Layout: Mr. Pew discussed the various lot sizes and their configuration within the overall site. He also discussed the concept of monument signage at both the SE and SW corners of Germann and Ellsworth. The property owner controls both of those corners and would like to create a Town Entry at this location.
- 5) Toll Brothers Homes: Mr. Pew indicated that Toll Brothers would be the home builder for this project. Numerous examples of Toll Brothers homes from various sites around the Phoenix Metro area were shown to indicate the level of quality characteristic of a Toll Brothers development.
- 6) Upcoming public meetings: a schedule of all of the upcoming public meetings for the General Plan Amendment requests in Queen Creek was discussed.

Mr. Pew also addressed a few additional topics not included in the PowerPoint presentation:

- 1) Traffic: Traffic on Ellsworth is already functioning at an "F" level of service, according to the Traffic Impact Study submitted along with the General Plan Amendment application. Improvements definitely need to be made along Ellsworth from Germann to Ryan Road. With the approval of this project, improvements will be made to both Ellsworth and Germann which will be paid for by the developer.



- 2) Drainage: The property owner is aware that the Maricopa County Flood control District is examining this area and putting together a regional solution for storm drainage and storage. This development would be required to provide on-site retention for storm water and would be a contributor to this regional solution.
- 3) Commercial on West Side of Ellsworth: The property owner is aware of the commercial operations currently taking place on the west side of Ellsworth, in spite of the R1-43 zoning on the parcels.
- 4) Tischler-Bisce Study: The Town is currently engaging the services of an economic consulting firm to assess the economic impact of all of the General Plan Amendments on the Town of Queen Creek.

After Mr. Pew's presentation, the meeting was opened up to questions and comments from the neighbors. The questions are provided in **boldface**, and the answers are provided in *italics*.

**Questions:**

**How many lots will there be?**

*We are proposing 324 lots on 156 acres.*

**How soon will this project develop?**

*It would be at least a year and a half from now.*

**What is the plan for Ellsworth?**

*We will be responsible for improving our side of Ellsworth Road from Germann to Ryan Road. This will likely entail the widening of the Road on our side, we are unable to make improvements on the west wide of Ellsworth since we don't own that property.*

**What about the airport? How do you handle aircraft noise?**

*This project is in Overflight Area #3, in which homes are allowed. There are certain guidelines to follow when developing in an overflight area, which include notification of aircraft noise to prospective homebuyers, and implementing certain noise mitigation techniques during the construction process.*

**Comment:**

- **I like the idea of monumentation at the entry to the Town.**
- **I do prefer commercial rather than residential on major roadways.**
- **I wonder about the impact to the schools in this area.**

- **More rooftops generally don't make money for the town.**
- **I don't want a block wall butting up against Ellsworth Road.**

*When a residential developer does a project in a municipality, the developer is required to make arrangements with the affected school district to provide for the increase in the student population. Typically this is done by preserving land for a school, or by donating money to the school district. We will work with the school district as the project moves forward to the zoning process.*

**Question:**

- **Could the Ellsworth realignment be revisited?**

*The Ellsworth Road realignment issue was discussed in last year's General Plan Amendment on both sides of Ellsworth Road south of this site. Ellsworth will remain in its current alignment.*

**Comments:**

- **We really need noise mitigation on the west side of Ellsworth Road.**
- **If you move the road east, you'll just move the noise east.**
- **I would like to see Ellsworth Road reconfigured with a raised, landscaped berm in the middle of the road with three lanes of traffic on either side of it.**
- **I think that the conceptual lot layout you've shown has no creativity and you shouldn't proceed with the plan until you prepare a different plan that would justify a general plan amendment. Some ideas which could be looked at are:**
  - **Having the front yards face Ellsworth Road**
  - **Larger lots with the houses facing in different directions to provide a sense of community. Sort of like a pinwheel design.**
- **I don't think the people who live north of this project will want to come to Queen Creek to shop if there is too much traffic on Ellsworth, so we'll end up losing tax dollars to Mesa.**
- **The lot sizes should be increased and the overall density decreased.**

Mr. Pew indicated that he would discuss the ideas presented by the neighbors to the development team and engineers to see if any of the suggested changes could be implemented. He again reviewed the upcoming public meeting schedule.

The meeting adjourned at 7:20.

**Attachments:**

- PowerPoint Presentation
- Sign-In Sheet
- Notification Letter

## 2013 GENERAL PLAN AMENDMENT OPEN HOUSE PUBLIC COMMENTS

Below are the highlights from the comments received at the Open Houses held on August 28 and September 25, 2013 to discuss the Major General Plan Amendments proposed for 2013.

### +Positive comments

### - Negative comments

### \*Mentioned multiple times

The majority of the comments received were regarding Sonoqui Creek Village (GP13-030). Included is a table reflecting the main categories of concern to the residents. Generally they do not support the project, and are concerned with decreased property values, increased traffic flow, increased noise levels, and losing scenic views.

#### **GP13-025, La Jara Farms:**

- + Proposed GPA housing density is very low density.
- Properties are close the airport & has a potential to take away from Queen Creek's tax revenues
- + The existing General Plan is balanced

#### **GP13-026, Estates at Queen Creek Station.**

- + Proposed GPA housing density is very low density.
- Properties are close the airport & has a potential to take away from Queen Creek's tax revenues
- + Proposed GPA density is too high when changing employment to housing
- + Resident's neighborhood is not directly impacted by this project, just the Town
- + Existing GP does have balance and clusters
- Increased density to residential
- +/- Placement of employment & commercial areas vs. residential was well thought out & should be honored over time

#### **GP13-027, Meridian Crossings**

NO COMMENTS RECEIVED

#### **GP13-028, Barney Farms:**

- Proposed density to too high\*\* (lot sizes, street widths, set-backs, and drive way lengths)
- Impact property/home values
- Close the airport & flight path

- Existing Plan is good overall, maintains property values
- Proximity of proposed new residential to CMC Steel could be an issue

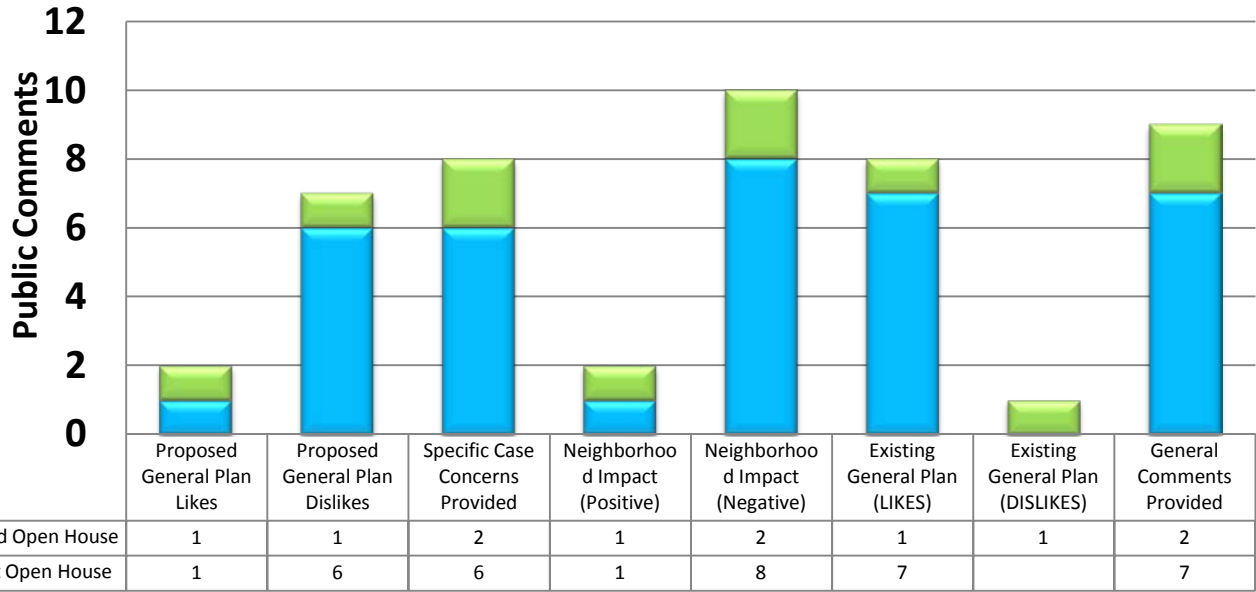
### **GP13-029, The Vineyards**

NO COMMENTS RECEIVED

### **GP13-030, Sonoqui Creek Village**

- Multiple residents expressed that they are not in favor\*\*\*\*\*
- + Supports land development as approved in the previous housing plan
- Decrease property/home values\*\*\*\*\*
- Increased traffic flow\*\*\*\*\*
- Increased noise levels\*
- Concerned about safety for families\*
- Concerned about local wildlife
- Opposed to (2) story homes\*\*\*\*
- Concerned with losing scenic views\*\*\*\*\*
- Concerned Town's sense of a "Rural Community" will be lost\* \*\*
- Lot sizes\*
- Track homes being integrated into custom lots
- + Existing GP has low density\*\* transitions to higher density, and accommodates friendly equestrian areas
- + Economic Development
- + Existing GPA matches the surrounding area, it's more cohesive
- Proposed GPA density is too high\* \*\*
- Increased density to residential is too high\*\*
- +/- Placement of employment & commercial areas vs. residential was well thought out & should be honored over time
- Attorneys representing this project suggest that there is no market for larger custom home lots
- Comments/concerns are not being heard or addressed
- Too much residential, not enough commercial
- Need to generate revenue for the Town

# Public Comments Received Regarding Sonoqui Creek Village GP13-030





August 1, 2013

Mr. Wayne Balmer, AICP  
Planning Administrator  
Town of Queen Creek  
Development Services Department  
22350 S. Ellsworth Road  
Queen Creek, Arizona 85142-9311

**Re:** *GP13-026, Estates at Queen Creek Station*  
**Description:** *General Plan Amendment*  
**Location:** *SEC Ellsworth and Germann Roads*

Dear Wayne:

Thank you for this opportunity to review this request. It is our understanding that this project will require changing the present land use designation of the development from *Employment Type A* to *Low Density Residential*.

This site is within the Phoenix-Mesa Gateway Airport Overflight Zone 3 (AOZ-3), as defined by our 2000 Federal Aviation Regulation (FAR) Part 150 Noise Compatibility Study and the 1995 Williams Regional Planning Study (WRPS), adopted by the Town of Queen Creek and incorporated in its current zoning ordinance. **Any development at this location, due to its proximity to Phoenix-Mesa Gateway Airport (the Airport) will be subject to frequent aircraft overflights and will be affected by noise. Occupants will hear and see aircraft landing and taking off from the Airport and will experience aircraft overflights that generate noise levels considered by many to be “annoying”.**

While residential development within this area is not prohibited, such should only be approved when adequate public disclosure of noise impacts is made. In order to achieve constructive and timely disclosure of potential noise impacts to the current and future occupants, we recommend that the developer be required to execute the following conditions as outlined in the Town’s zoning ordinance, and that all be adopted as a part of any motion for approval:

1. A fair disclosure agreement and covenant shall be recorded as a condition of development approval for all permitted uses within the Airport Planning Area (APA). We recommend that this agreement and covenant incorporate the provisions contained in the sample Aircraft Noise Disclosure Statement provided at Attachment 1.
2. All plats recorded shall be inscribed with the following: *“These properties, due to their proximity to the Phoenix-Mesa Gateway Airport, are likely to experience aircraft overflights which could generate noise levels that may be of concern to some individuals. The mix of air traffic consists of cargo, commercial, charter, corporate, general aviation and military aircraft.”*



3. An Avigation Easement shall be required and executed prior to or concurrently with the recordation of any subdivision final plat or issuance of any building permit, whichever occurs first. This Easement shall acknowledge that the Airport is located nearby, and that aircraft operating to/from the Airport have a right to fly over the property. Further, it shall hold the Town, the Phoenix-Mesa Gateway Airport Authority and the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles or any other effects that may be caused by aircraft landing, departing or operating at or near the Airport, not including the physical impact of aircraft or parts thereof. We suggest this Avigation Easement be prepared and executed in a form similar to the sample at Attachment 2.

Thank you for the opportunity to review this request. If you have any questions, please contact Craig Herget at (480) 988-7649.

Sincerely,

Jane L. Morris, A.A.E.  
Executive Director

2 Attachments

- 1-Aircraft Noise Disclosure Statement (Sample)
- 2-Declaration of Avigation Easement and Waiver (Sample)

**SAMPLE**  
**AIRCRAFT NOISE DISCLOSURE STATEMENT**

The land situated at \_\_\_\_\_ in Maricopa County and being more specifically described as \_\_\_\_\_, which is being purchased from \_\_\_\_\_ by \_\_\_\_\_ lies within the Phoenix-Mesa Gateway Airport Overflight Zone 3, as depicted on Figure 11-3 of the Williams Regional Planning Study (Appendix A) or within the five (5) mile Class D Airspace radius that surrounds the Airport. The purchaser(s) is/are hereby notified that:

“This land lies within Phoenix-Mesa Gateway Airport (Noise) Overflight Zone 3 or within the five (5) mile Class D Airspace radius surrounding the Airport, and is subject to noise that may be objectionable.”

The undersigned purchaser(s) of said land has read the above disclosure statement and hereby acknowledges the existence of the named Airport and the potential for objectionable noise.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, Buyer

\_\_\_\_\_, Buyer

-----  
State of Arizona  
County of Maricopa

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state of Arizona aforesaid, and in the County aforesaid to take acknowledgements, personally appeared \_\_\_\_\_, and \_\_\_\_\_ to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that \_\_\_\_\_ executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

(NOTARIAL SEAL)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires



**SAMPLE  
DECLARATION OF AVIGATION EASEMENT  
AND WAIVER**

THIS DECLARATION OF AVIGATION EASEMENT AND WAIVER, made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (hereinafter referred to as the "Declaration"), by \_\_\_\_\_, \_\_\_\_\_ (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant represents that it is the sole record owner in fee simple of certain real property (hereinafter referred to as the "Property") located in Maricopa County, Arizona which is more particularly described in Exhibit "A" attached hereto, subject only to the mortgage(s) held by the lender(s) subscribing hereto; and

WHEREAS, Declarant plans to develop the Property in compliance with the \_\_\_\_\_ (hereinafter referred to as the Development Plan"), and

WHEREAS, the Property is located in the proximity of Phoenix-Mesa Gateway Airport (which, as it now exists or may hereafter be enlarged and/or developed, is hereinafter referred to as "the Airport"); and

WHEREAS, the Property is now and in the future will be subject to noise emanating from aircraft operating at or departing from or arriving at the Airport.

NOW THEREFORE, for good and sufficient considerations, the receipt and adequacy of which Declarant hereby acknowledges, Declarant hereby covenants and declares that all of the Property shall be held, sold, used and conveyed subject to the following avigation easement, covenants and waiver, which shall run with the property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, grantees, invitees and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS AND CONVEYS to Phoenix-Mesa Gateway Airport and all persons lawfully using the Airport, the right to operate aircraft in, and the right to cause in the airspace above or near the Property such noise as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state and local regulations concerning operation of aircraft and use of the Airport.

Declarant covenants and agrees that it, its successors, assignees, invitees, and tenants, shall not assert, initiate, join in or prosecute any claim, administrative proceeding, lawsuit, demand, grievance or other cause of action, and hereby expressly waives for itself, its successors, assigns, invitees, and tenants, any claim, administrative proceeding, lawsuit, demand, grievance or other cause of action it or they may now have, or that may arise in the future against Phoenix-Mesa Gateway Airport, the commercial air carriers now or hereafter operating at Phoenix-Mesa Gateway Airport, the (hereinafter are collectively referred to as the "Benefited Parties"), for any inverse condemnation, nuisance or other action of any nature whatsoever arising out of, or related to noise produced by aircraft operating on, within or over the Airport, or within airspace above or near the Property including without limitation noise produced by aircraft approaching the Airport for landing or

departing from the Airport. This waiver shall not be construed, however, to bar Declarant or any successor, assign, grantee, invitee or tenant of Declarant from any claims against any person or entity for personal injury or property damage caused by or resulting from the negligent operation of an aircraft or resulting from use of the airspace above the Property in a manner violative of applicable federal, state or local laws or regulations.

Nothing contained herein shall be construed to restrict Declarant from building any structure on the Property which complies with all applicable laws of the governmental agencies \_\_\_\_\_ having jurisdiction regarding said construction, so long as any such structure does not, because of its height or function, restrict or impede usage of the Airport by aircraft landing or taking off in the same manner as if the structure were not in existence.

This Declaration of Easement and Waiver shall bind Declarant, its successors, assigns, invitees and tenants, and their respective successors and assigns, and all persons from time to time occupying or using the Property or any portion thereof. The acceptance by any person or entity of any right of use, deed, lease, mortgage or conveyance of any interest in or privilege pertaining to the Property whatsoever shall constitute acknowledgment of the terms of this Declaration and agreement to be bound by all terms hereof.

This Declaration of Easement and Waiver shall be a covenant running with the land described in Exhibit A, and shall run to the benefit of the above described Benefited Parties, their successors and assigns.

-----  
ATTEST

DECLARANT

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Arizona  
County of Maricopa

PERSONALLY appeared before me, the undersigned authority \_\_\_\_\_ well known to me to be the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, and they acknowledged before me that that they executed the foregoing instrument on behalf of \_\_\_\_\_ as its true act and deed, and that they were duly authorized so to do.

WITNESS by my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

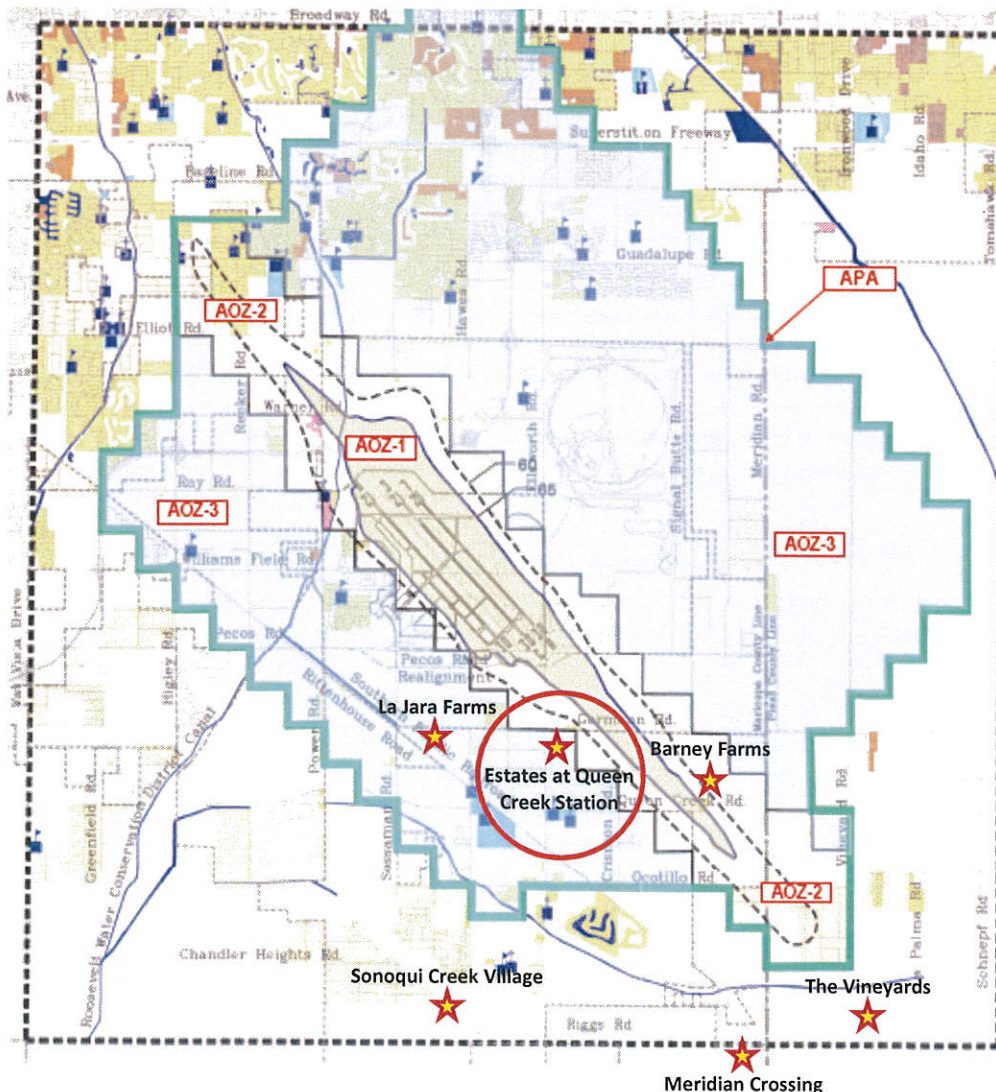
(NOTARIAL SEAL)

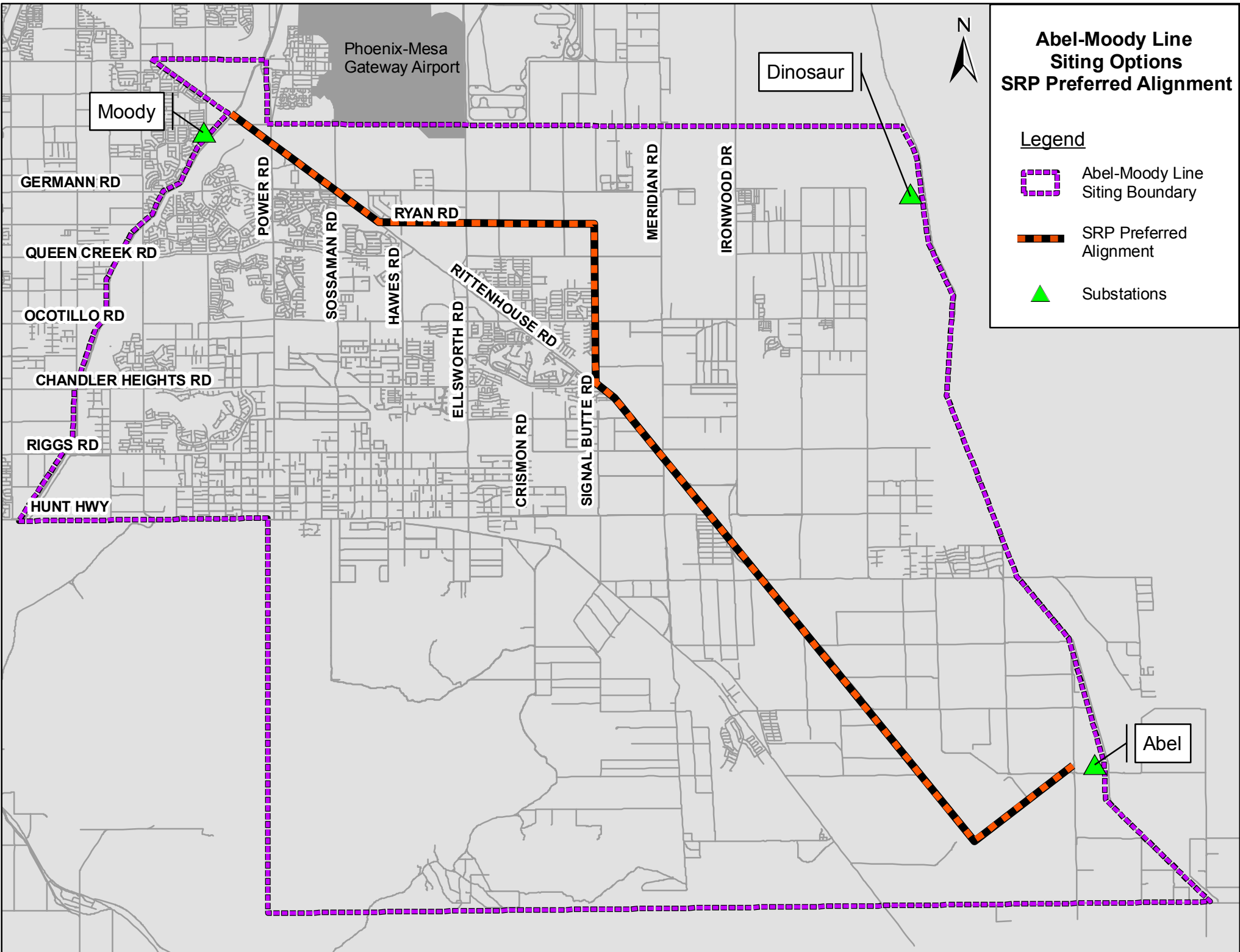
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

## 2013 QUEEN CREEK GENERAL PLAN AMENDMENT DEVELOPMENT LOCATIONS MAP

- ◆ GP13-025, La Jara Farms – **AOZ-3** – SWC Germann & Hawes Roads – 141 acres; change existing land use designation from *Employment Type A* to *Very Low Density Residential*; rezone 75 acres to *Suburban Residential Type B District* (18,000 sf per dwelling unit)
- ◆ GP13-026, Estates at Queen Creek Station – **AOZ-3** – SEC Ellsworth & Germann Roads – 156 acres; change land use designation from *Employment Type A* to *Low Density Residential* (0-2 dwelling units/acre)
- ◆ GP13-027, Meridian Crossings – *outside APA* – SWC Riggs/Combs & Meridian Roads – 446 acres; change land use designation from *Regional Commercial Center (RCC)* to *Medium Density Residential* (0-3 dwelling units/acre)
- ◆ GP13-028, Barney Farms – **AOZ-2** – NEC Signal Butte & Queen Creek Roads – 241 acres; change existing land use designation from *Employment Type B* (~121 acres) and *Recreation/Conservation/Parks* (~120 acres) to *Mixed Use* (~113 acres) and *Medium-High Density Residential B* (~128 acres....0-8 dwelling units/acre)
- ◆ GP13-029, The Vineyards – *outside APA* – NWC Combs & Gantzel Roads – 55 acres; change existing land use designation from *Commercial* and *Mixed Use* to *Medium Density Residential* (2-3 dwelling units/acre)
- ◆ GP13-030, Sonoqui Creek Village – *outside APA* – NWC Riggs & Hawes Roads – 107 acres; change existing land use designation from *Very Low Density Residential* to *Low Density Residential* (1.57 dwelling units/acre)

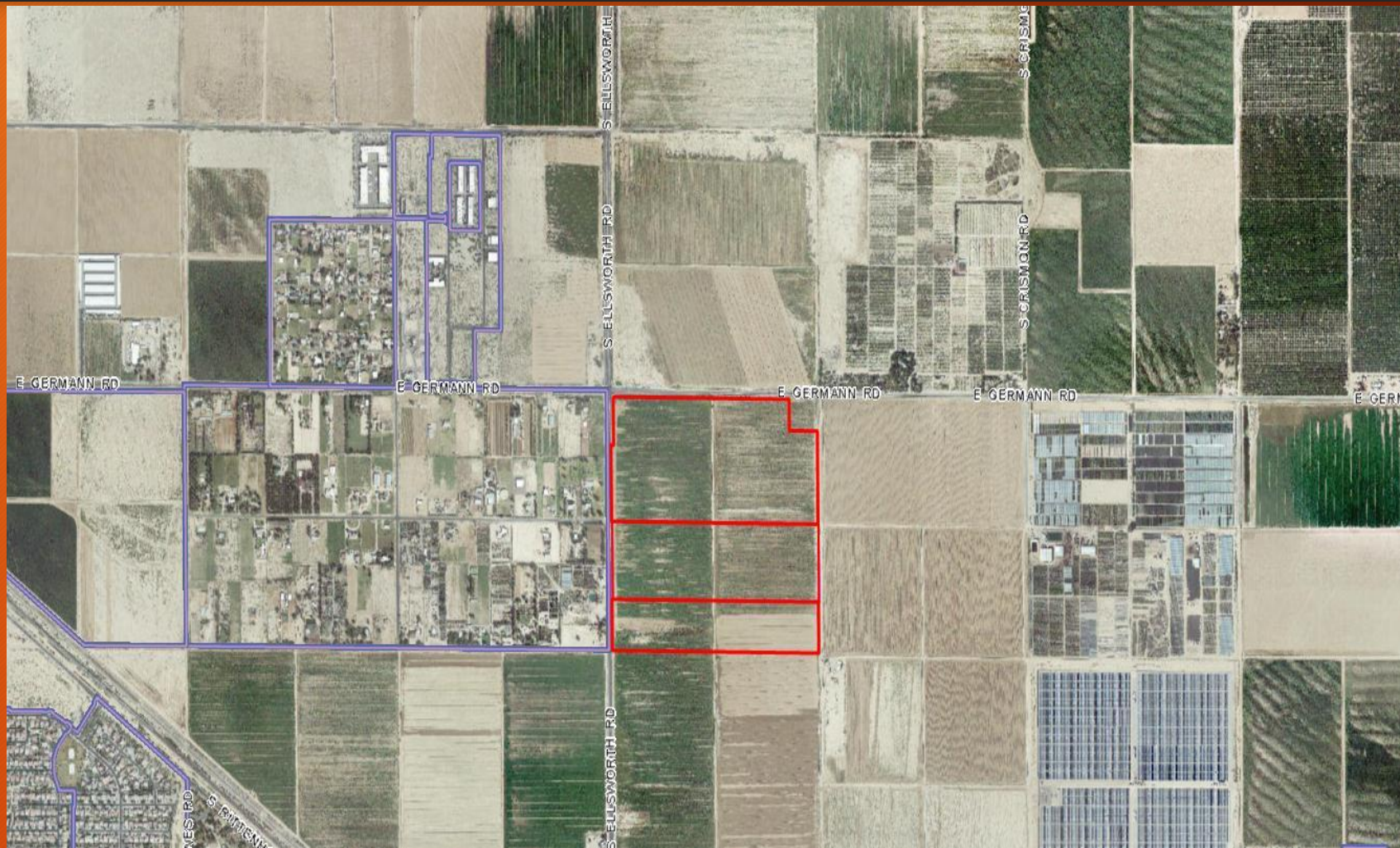




# The Estates at Queen Creek Station GP-13-026 by RSF Property, LLC

Town of Queen Creek  
First Planning Commission Meeting  
October 15, 2013

# Site Location and Data

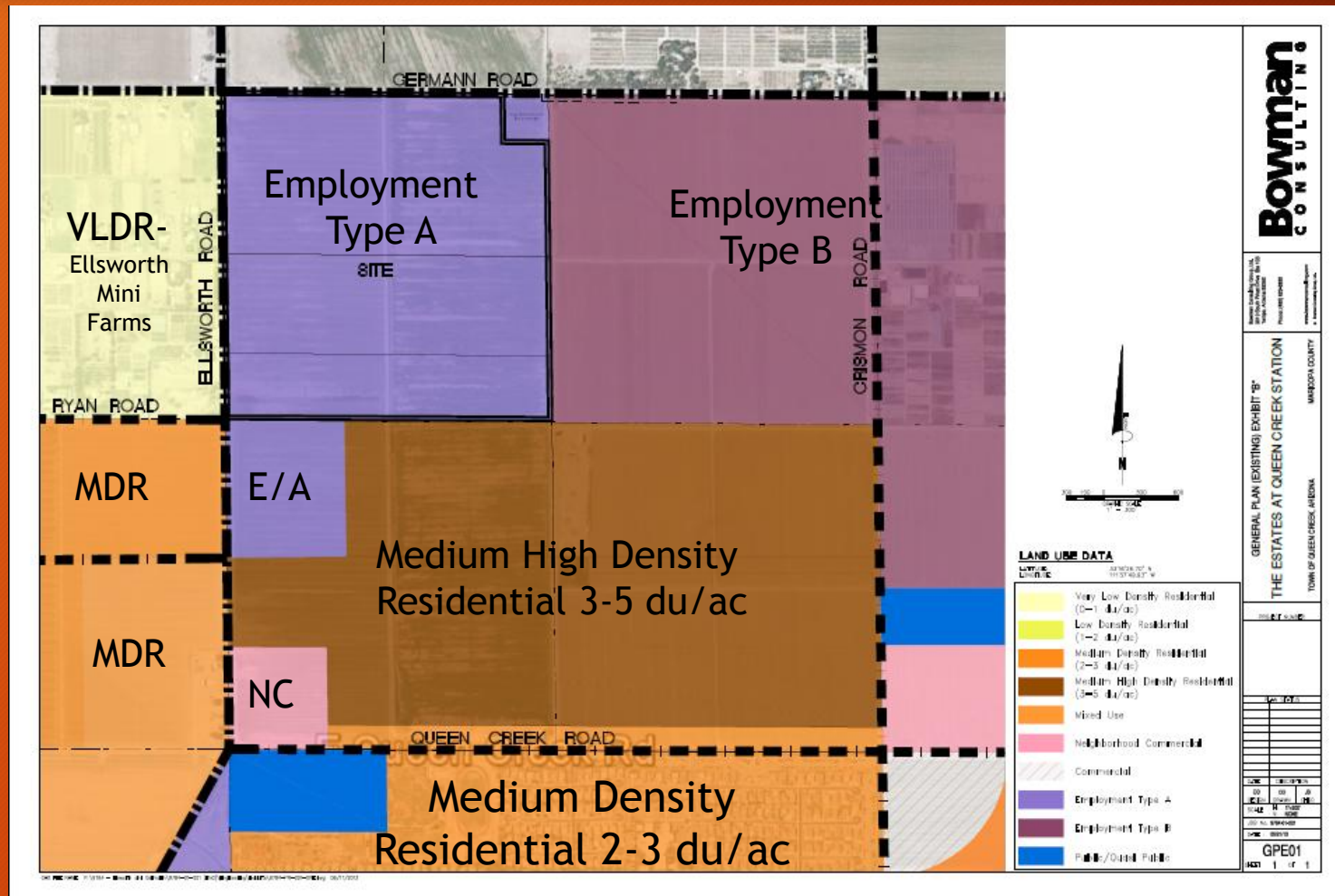


156 Acres

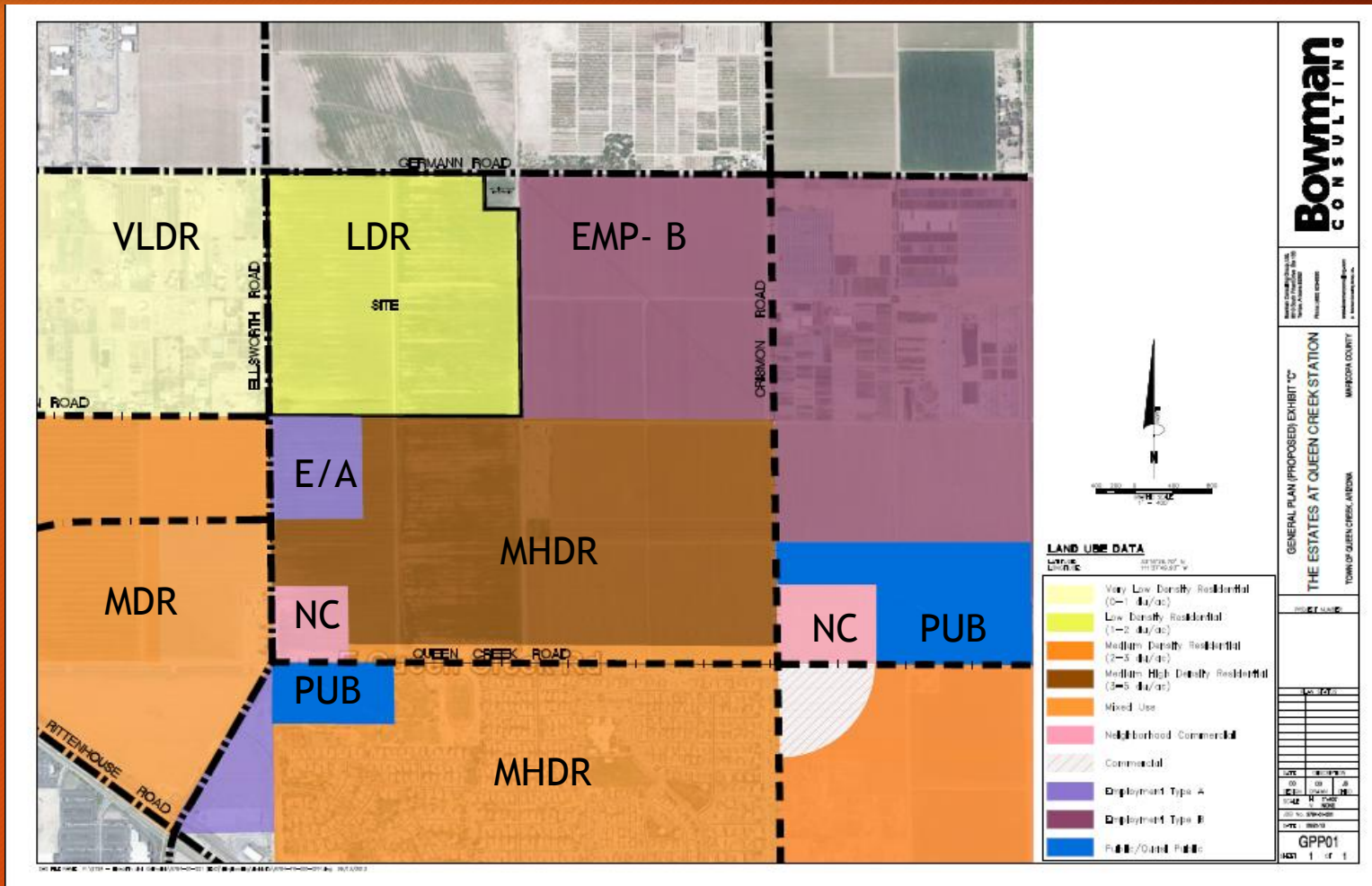
Zoned R1-43

General Plan:  
Employment A

# Existing Land Use:



# Proposed Land Use



Note:

This is an example of how four different residential land use categories can effectively be developed together.



# Conceptual Lot Layout



The Estates at Queen Creek Station  
Conceptual Site Plan

324 Total Lots

165 @ 9,800 s.f.

81 @ 12,600 s.f.

78 @ 16,500 s.f.

# Town of Queen Creek General Plan

## Planning Area Land Use Classifications

| Land Use                                   | Acreage and Percentage |
|--|------------------------|
| ▪ Very Low Density Residential (0-1 du/ac) | ▪ 9,748 = 29%          |
| ▪ Low Density (0-2 du/ac)                  | ▪ 2,060 = 6%           |
| ▪ Medium Density (0-3 du/ac)               | ▪ 7,367 = 22%          |
| ▪ Master Planned Community                 | ▪ 2,167 = 6%           |
| <hr/>                                      |                        |
|  | <b>63%</b>             |
| ▪ Commercial                               | ▪ 3,862 = 12%          |
| ▪ Employment                               | ▪ 5,861 = 17%          |
| <hr/>                                      |                        |
|  | <b>29%</b>             |

- Total Planning Area: 43,700 acres
- Estates at Queen Creek Station= 156 acres
- This project impacts less than 1% of the Town's total planning area.
- This request affects 2.6% of the Town's Employment Acreage, while adding 7% to the Low Density Residential Category.

# Neighborhood Outreach

- Neighborhood Meeting: September 24, 2013
- Comments/Suggestions:
  - Noise abatement on Ellsworth Road.
  - Inform residents of airport overflight zone.
  - Create an impactful entry to the Town.
  - Increase lot sizes; decrease density.
  - Improve overall subdivision design.
  - Work with schools to mitigate impact of increased student population.