



TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER

**FROM: CHRIS ANARADIAN, DEVELOPMENT SERVICES DIRECTOR;
BRETT BURNINGHAM, PRINCIPAL PLANNER**

RE: PUBLIC HEARING AND POSSIBLE ACTION ON RZ13-034 / SD13-035 (ORDINANCE 540-14) "Cloud Estates", a request by Cason Tyler Ventures, LLC for Planned Area Development (PAD)/Rezoning and Preliminary Plat approval for approximately 16.5 acres from R1-43 (Rural Estate District) to PAD/R1-35 (Suburban Residential District), and for approval of a Preliminary Subdivision Plat to facilitate the development of a 16 lot residential development. This project is located on the south side of Cloud Road, approximately 1,400 feet east of Power Road.

DATE: JANUARY 15, 2014

PLANNING & ZONING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of RZ13-034 and SD13-035, "Cloud Estates" at its regular meeting on December 11, 2013 with a vote of 4 to 0, subject to the Conditions of Approval contained in this report (Commissioners Nichols, Matheson, and Turley were absent).

STAFF RECOMMENDATION

Staff concurs with the Planning Commission's recommendation. Due to the written protest that has been submitted to the Town a favorable vote of three-fourths of the Council is required for approval.

PROPOSED MOTION

Move to approve Ordinance No. 540-14, approving RZ13-034 and SD13-035 "Cloud Estates," subject to the Conditions of Approval as provided in the Ordinance.

RELEVANT COUNCIL GOALS

General Plan Goal 1: Maintain the Town's unique community character

Policy 1c: Maintain and strengthen the ambiance and character of the Town's equestrian and low-density areas as development occurs in their surrounding areas.

General Plan Goal 3: Develop superior residential neighborhoods

Policy 3a: Recognize and maintain the unique character of the Town's low density equestrian areas in the density, design and construction of both public and private projects planned in areas where these neighborhoods exist.

General Plan Goal 3: Develop superior residential 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 developments.

General Plan Goal 3: Develop superior residential neighborhoods

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 open space, a non-residential land use or an arterial street.

SUMMARY

The proposal consists of a request by Cason Tyler Ventures, LLC for Planned Area Development (PAD)/Rezoning and Preliminary Plat approval for approximately 16.5 acres from R1-43 (Rural Estate District) to R1-35/PAD (Suburban Residential District), and for approval of a Preliminary Subdivision Plat to facilitate the development of a 16 lot residential development. This project is located on the south side of Cloud Road, approximately 1,400 feet east of Power Road.

HISTORY

In 2002 the Town Council approved the "Cloud Road Area Street Plan" (see attachment). This local area street plan was proposed to address vehicular and trail locations for future development in the area bounded by Cloud Road on the north, Riggs Road on the South, Sossaman Road on the east, and Power Road on the West. In 2002, the Town Engineer sent letters to all property owners in the area with development plans asking for comments on a circulation plan for the area. The comments were incorporated into a plan that was then recommended to the Planning Commission. The importance of equestrian/pedestrian access between the neighborhoods was discussed and the Cloud Road Area Street Plan was approved by the Council on December 4, 2002 (see attached Council Meeting Minutes).

The Cloud Area Street Plan was intended to provide the Town's preferred circulation plan for this area. Since the approval of the Cloud Road Area Street Plan the Saddlewood (2003) and Saddlewood Estates (2005) subdivisions have been approved and developed west of Sossaman Road. West of these residential subdivisions, property owners have divided parcels in this area over time using legal descriptions rather than subdivision plats. Over the years, staff has considered possible options related to proposed roadway networks to provide access to "land locked" properties in this area. This effort has been partially successful but there continue to be parcels in this area that are "land locked" and do not have frontage on a dedicated roadway. For instance, the Rock Point Church will extend Ivy Lane located at the southern edge of their parcel from Power Road, to the eastern edge of their second phase of development. The parcels east of the church have been further split. However, the future roadway for Ivy Lane has not been appropriately dedicated to the Town (in accordance with the Cloud Area Street Plan), which makes the timing of continuing Ivy Lane to the east difficult (see Aerial Photo Exhibit attachment).

The applicant/developer has put together four contiguous properties with direct access from Cloud Road in an effort to develop a residential subdivision. *The applicant noted that they were unsuccessful in acquiring additional properties, including the Ivy Lane right-of-way south of the subject property that is shown on the Cloud Area Street Plan.* Since the applicant has proposed a secondary means of access to Power Road for emergency services staff is supportive of this proposal.

DISCUSSION

This site is located on the south side of Cloud Road, approximately 1,400 feet east of Power Road. This site is composed of four currently vacant, unimproved parcels; 304-90-012H, 304-90-012L, and 304-90-012M, and 304-90-617B. Adjacent to the site, on the south and the west side, are other vacant parcels owned by Chandler Unified School District and Rock Point Church. To the north of the site, across Cloud Road, is the Ranchos Jardines Unit 2A single-family neighborhood which is currently zoned R1-43. To the east of the site are a few additional large lot single family residences, zoned R1-43. The most nearby uses to the south and west are churches, Rock Point Church (located at 24759 South Power Road) and a Church of Jesus Christ of Latter-day Saints (located on Riggs Road, just east of Power Road).

The applicant is requesting to rezone approximately 16.5 acres from R1-43 (Rural Estate District) to R1-35/PAD (Suburban Residential District), and approval of a Preliminary Subdivision Plat and landscape plan to facilitate the development of a 16 lot residential subdivision.

The applicant proposes that the PAD provide minimum lot sizes and development standards that are compatible with the surrounding low density, large lot homes and subdivisions and that the rezone to R1-35/PAD will still uphold the low-density character set in place by the Town's General Plan. Cloud Estates slightly varies from the minimum

lot area and lot dimensions required by a R1-35 zone. The largest lot size proposed is 38,026 square feet. Although the smallest lot size is proposed at 25,002 square feet, the average lot size throughout the 16 lot subdivision is 31,569 square feet. The proposed lot sizes area listed in the table on the following page.

In consideration of the modified standards being proposed for Cloud Estates, this development will provide 11.9% or 1.98 acres of open space, which exceeds the 5% minimum open space that is typically required in a R1-35 zoning district. In addition to the open space provided, a ramada amenity will be provided at the mailbox location for the residents to utilize (see landscape plan). Given the large lot sizes within the proposed Cloud Estates subdivision, the proposed PAD requests a deviation to remove the requirement for play stations per finished lot. The applicant is proposing that the large lots allow sufficient open space for residents to enjoy private outdoor spaces within their own individual lots.

Cloud Estates PAD Proposed Lot Sizes	
Lot #	Lot Area (square feet)
1	27,215
2	28,723
3	27,887
4	25,002
5	25,135
6	38,026
7	36,461
8	37,845
9	35,006
10	31,140
11	31,140
12	36,376
13	28,278
14	35,258
15	31,866
16	29,743

Cloud Estates Project Information	
Project Name	Cloud Estates
Site Location	Generally located on the south side of Cloud Road, approximately 1,400 feet east of Power Road.
Current Zoning	R1-43
Proposed Zoning	PAD / R1-35
General Plan Designation	Very Low Density Residential (VLDR 0-1 DU/AC)
Surrounding Zoning Designations: North	R1-43 Residential (undeveloped land) in the Ranchos Jardines Unit 2A subdivision.

Cloud Estates Project Information	
South	R1-43 Residential (undeveloped land) owned by the Chandler Unified School District
East West	R1-43 Residential properties R1-43 Residential (undeveloped land) Rock Point Church
Gross Acreage	16.5 Acres
Total Lots/Units	16
Proposed Density	0.97 dwelling units per acre
Open Space Acreage:	
Provided	11.9% (1.98 acres)
Required	5%

Planning Commission

During the Planning Commission meeting on December 11, 2013 the Commission asked the applicant to add an equestrian trail adjacent to Cloud Road as condition #14 and the applicant agreed to this request.

Mr. Ryan Young, a resident in the area, spoke in opposition to the case. Mr. Young noted that he moved to Queen Creek in an effort to live in a rural area with horse properties. Mr. Young was also concerned about potentially losing his horse privileges due to higher density homes being approved adjacent to his home. The Commission responded that the current R1-43 properties will maintain their horse privileges despite the consequences of this rezone request. The Commission recommended that an additional condition (number 15) be added in an effort to notify future home buyers that they may be in proximity to potential dust, odor, and noise that may be associated with horse properties. The applicant agreed to this condition.

The Planning Commission recommended approval of RZ13-034 and SD13-035, "Cloud Estates" with a vote of 4 to 0, subject to the Conditions of Approval contained in this report (Commissioners Nichols, Matheson, and Turley were absent).

ANALYSIS

General Plan Review: The project is located in the Very Low Density Residential (VLDR 0-1 DU/AC). The overall density for this project is 0.97 dwelling units per acre when averaged over the entire 16.5 acre site. The proposed density is consistent with the General Plan for this area.

Zoning Review: The zoning designation of the property is R1-43 (Rural Estate District). The applicant is proposing a Planned Area Development (PAD) with underlying Zoning District of R1-35 (Suburban Residential Type A). The intent of the R1-35 Zoning District is to provide areas for medium low-density, single-family residential uses in the *Suburban Transitional Tier* where adequate public facilities and services exist with

capacity to serve development. R1-35 zoning implements the *Very Low Density Residential* (VLDR), *Low Density Residential* (LDR) and *Medium Density Residential* (MDR) future land use classifications of the Queen Creek General Plan.

Engineering Review: The project has been reviewed by the Engineering Division. Conditions of Approval have been added to address Engineering stipulations for this project.

Preliminary Plat Review: The Preliminary Plat consists of 16 lots and 4 tracts for open space, landscaping, and drainage. The tracts will be owned and maintained by the Cloud Estates Home Owner's Association (HOA). The subdivision plat is in compliance with all applicable codes of the Town.

Building Elevation Review: No elevations were submitted with this application(s). The applicant is proposing that custom homes be constructed on the site.

Landscape / Open Space / Fence Plan Review: The overall landscaping and open space as proposed meets the standards set forth in the Zoning Ordinance. The applicant noted that the proposed community walls have been designed to be complimentary to the rural atmosphere and to the neighboring large lot, single-family homes to the east. A 6 foot view wall with CMU block masonry and split face block decoration will act as a unifying theme throughout Cloud Estates. This view wall will be used along the outside edge of the subdivision, facing Cloud Road and Lime Drive. A 6 foot CMU block masonry and split face block screen wall will buffer the southern and eastern sides of Cloud Estates. In addition, a proposed 4 foot high CMU block masonry and split face block entry monument will be placed at the entrance to the subdivision at the southeast corner of Cloud Road and Lime Drive. The main entry, located off Cloud Road, will be landscaped and has been designed to reflect the overall theming of the project.

Utilities: *The Cloud Estates property is not currently located within the Town's sewer service area. The Town is currently developing policies for properties that are located in the Town's Municipal Planning Area but are not in the Town's sewer service area. A condition of approval has been added requiring annexation into the Town's sewer service area prior to the approval of a final plat for Cloud Estates.*

PUBLIC COMMENTS

The applicant conducted a Neighborhood Meeting on Wednesday, October 28, 2013 after notifying all property owners within 1,200 feet of the perimeter of the subject property. Fifteen residents attended the neighborhood meeting. The Neighborhood Meeting minutes are included as an attachment to this report. Several revisions to the application have been made by the applicant to address comments generated during the neighborhood meeting, including the elimination of Lime Drive as a through street and incorporation of view walls into the proposed development.

Staff advertised the public hearing in the Arizona Republic – Gilbert Edition, posted a large public hearing sign on the property and mailed property owner letters to all owners within 1,200 feet of the subject property.

Staff received three phone calls from residents adjacent to the subject property who were concerned and are in opposition to the proposed density included in this rezone request. The concerned residents noted they did not want to lose their horse privileges due to new higher density residential subdivisions that would likely not be compatible with the existing horse properties adjacent to the site. The three residents also expressed concern that the proposed density (R1-35) of Cloud Estates was not sufficient adjacent to their R1-43 properties. They preferred that R1-43 zoning be maintained on the site.

Additionally, Mr. Joe Brekan, who owns an approximately 4.8 acre parcel to the east of the subject property, approached Town staff regarding access to his property. Mr. Brekan noted that in 2005 he met with town staff to discuss legal access to his newly acquired property. The Town Attorney's Office has advised staff that this access issue raised by Mr. Brekan is not a sufficient reason to hold up the Cloud Estates application(s) at this time. The Town Attorney's office is in the process of researching the access issue raised by Mr. Brekan and will provide a recommendation or potential solution for Mr. Brekan prior to the Council meeting.

Subsequent to the Planning Commission meeting, an additional petition of opposition was submitted to the Town on January 13, 2014 that includes the signatures of 23 property owners on East Cloud Road (see attachment). The document cites concerns including:

- *Negative impacts on the rural/equestrian area;*
- *Increase of traffic on Cloud Road;*
- *Opposition to Ivy Lane connecting to Cloud Road in the future; and,*
- *Concern regarding compatibility with adjacent R1-43 properties.*

Written Protest: *When 20% of land owners within 150-feet of a rezoning application file a protest with the Town a favorable vote of three-fourths of the Council is required (see attached Zoning Protest Map). Staff has verified that due to the written notice submitted to the Town, in order for this case to be approved a three-quarter vote of the Council (i.e. 6 out of 7 votes) is needed for approval.*

CONDITIONS OF APPROVAL

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. The Rezoning approved in case number RZ13-034 is effective upon signature by the property owner of the Prop. 207 waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the

Planning Division within 5 working days of the date of approval shall render this conditional approval null and void.

3. The Developer shall create a Home Owners Association (HOA) for the maintenance of all landscaping within all arterial and local right-of-ways adjacent to HOA residential lots and/or HOA owned tracts and all HOA owned open spaces, parks and/or tracts as shown on the plat or map of dedication.
4. This project shall be developed in the conformance Zoning Ordinance standards with the following modifications listed below.

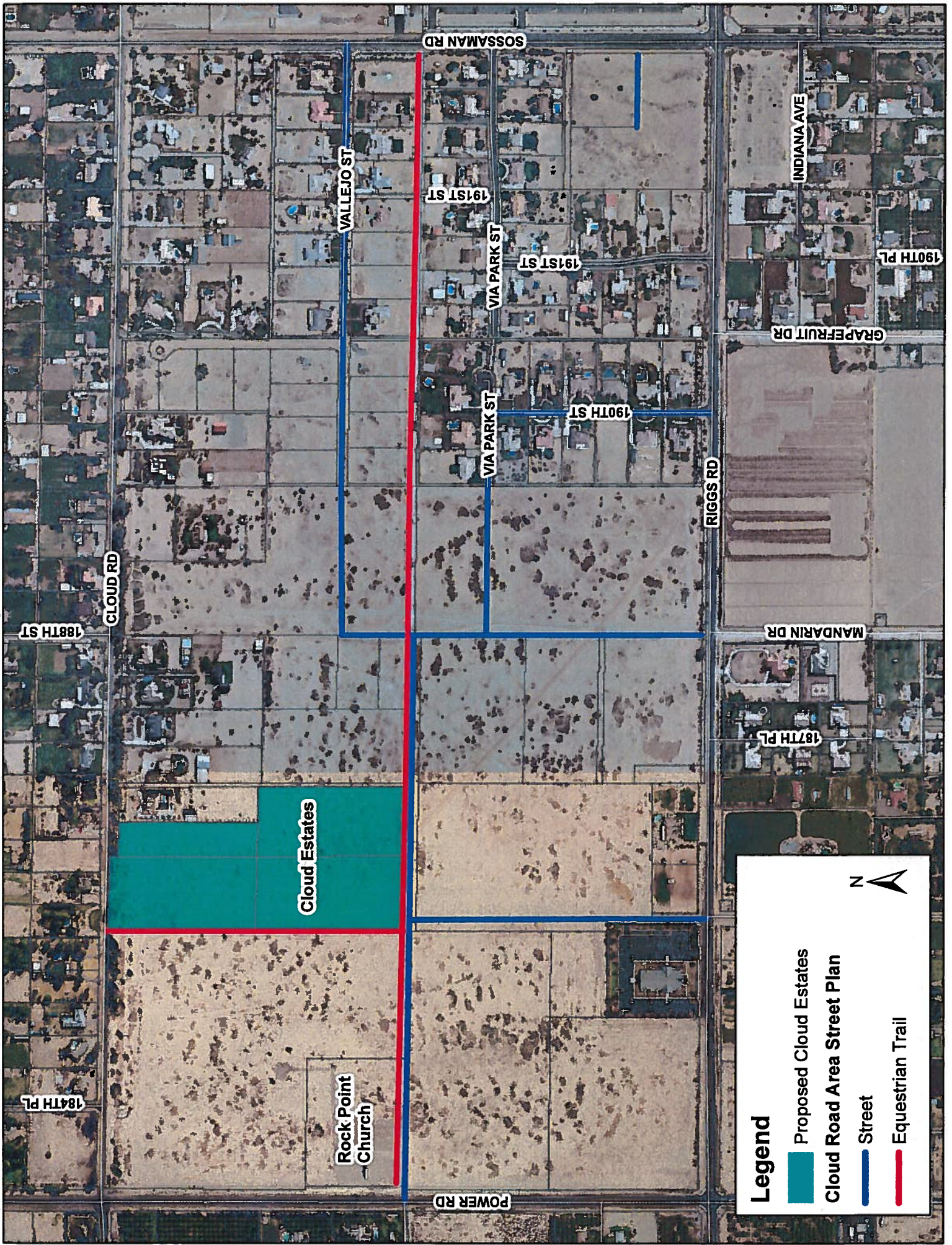
Cloud Estates Development Standards		
Standard	R1-35 PAD (Proposed)	R1-35 (Code)
Minimum Lot Area (square feet)	25,000	35,000
Minimum Lot Width	140'	145'
Minimum Lot Depth	150'	None
Maximum Lot Coverage	30%	25%
Maximum Height	30'	30'
Minimum Building Setbacks		
-Front	30'	40'
-Sides	20'	20'
-Rear	30'	40'

5. The developer shall submit a clearance letter regarding archeological and cultural resources from the State Historic Preservation Office (SHPO) prior to final plat approval.
6. The Developer shall be responsible for the dedication of Right-of-Way (ROW) for all adjacent offsite improvements as outlined below:
 - a. 40 feet ROW (half street) on Cloud Road adjacent to the subject property street shall be dedicated to the Town of Queen Creek.
7. The developer shall be responsible for a cash-in-lieu payment to cover the construction and project management costs of the full 1/2 street improvements on Cloud Road for all portions for the Right-of-Way adjacent to the project. The cash-in-lieu payment will be determined by an engineer's estimate that will be submitted and reviewed by the Town during the Final Plat review phase of the project. Quantities on the engineers estimate will be based on Town Detail R-103 and shall include removal and replacement of asphalt to the center line (section line) of the roadway.
8. All construction documents submitted to the Town for review during the final plat review phase shall be in accordance with Town Ordinances, Town checklists, Town design standards and guidelines, and requirements, except as superseded by these conditions of approval.

9. For offsite and onsite public improvements the Town requires cash, Irrevocable Letter of Credit (IRLOC), or a bond to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount will be determined by an engineer's estimate during the Final Plat review. Construction assurance shall be deposited with the Town prior recording of the Final Plat.
10. A secondary temporary emergency access road shall be provided allowing emergency access to/from Power Road. This gated secondary access shall be designed and constructed associated with the final Engineering improvement plans. The Developer shall be responsible for obtaining a "Water and Access Easement" from the Rock Point Church property to the west. This will enable proper looping of the water line and provide the necessary access for emergency vehicles. This easement shall be recorded prior the recording of the Cloud Estates Final Plat. The developer shall utilize the new "Water and Access Easement" and construct an "all weather" access road from existing Ivy Lane to Lime Drive.
11. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.
12. Annexation into the Town of Queen Creek's sewer service area will be required *prior to final plat approval in accordance with relevant Town policies.*
13. Due to the 4 inch force main being potentially near capacity, a study must be conducted to insure the flows from this project can be handled by the current system. An alternative is to install the proposed 15 inch sewer main that eliminates the lift station and force main through a reimbursement agreement.
14. The Preliminary Plat and Landscape Plan shall include a Neighborhood Unpaved Trail (minimum 8 feet wide) adjacent to Cloud Road and adjacent to the west edge of the property.
15. The Developer shall place a note on the final plat, State Real Estate Department Report, and the CC&Rs for the project that, "This subdivision is adjacent to properties zoned R1-43 (Rural Estate District) which may contain horse properties and this site may be subject to noise, dust and possibly odors normally associated with adjacent horse properties".

ATTACHMENTS

1. Aerial Photo Exhibit
2. Preliminary Subdivision Plat Exhibit
3. Preliminary Landscape Plan Color Exhibit
4. October 28, 2013 Neighborhood Meeting Attendance List
5. October 28, 2013 Neighborhood Meeting Minutes
6. Email #1 from Mr. Joe Brekan
7. Cloud Road Area Street Concept Plan
8. December 4, 2002 Council Meeting Minutes
9. Email #2 from Mr. Joe Brekan
10. Letter and petition from Mr. Arthur Allan
11. Letter from Mike Johnson
12. Letter from the Rock Point Church
13. Ordinance No. 540-14
14. December 11, 2013 Planning Commission Draft Meeting Minutes
15. Email from Linda Heimer
16. *Petition with 23 Signatures submitted on January 13, 2014*
17. *Zoning Protest Exhibit*
18. *Written Protest from Joe Brekan (January 14, 2014)*



184TH PL

188TH ST

CLOUD RD

VALLEJO ST

SOSSAMAN RD

191ST ST

VIA PARK ST

191ST ST

VIA PARK ST

190TH ST

RIGGS RD

INDIANA AVE

190TH PL

GRAPEFRUIT DR

MANDARIN DR

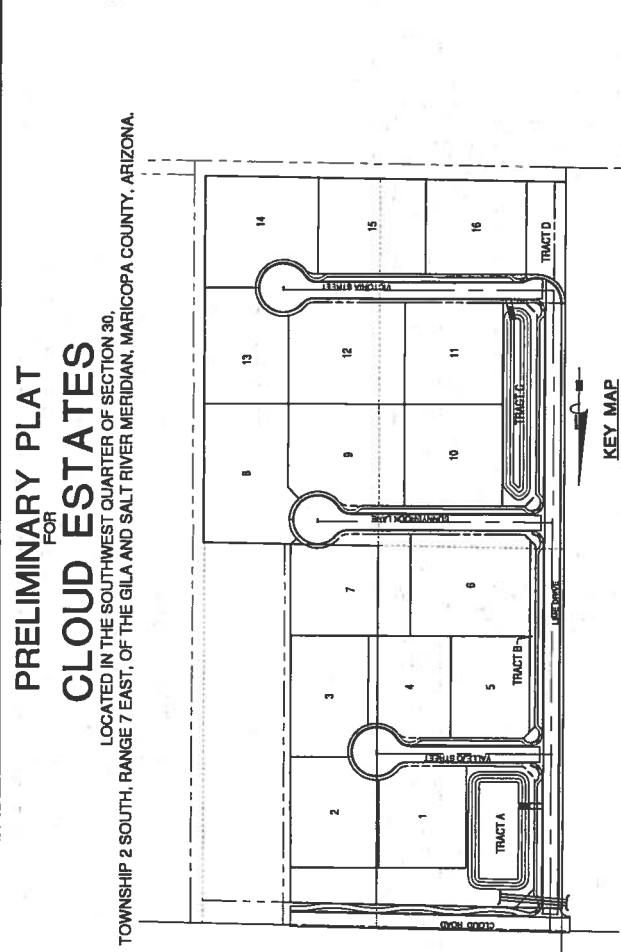
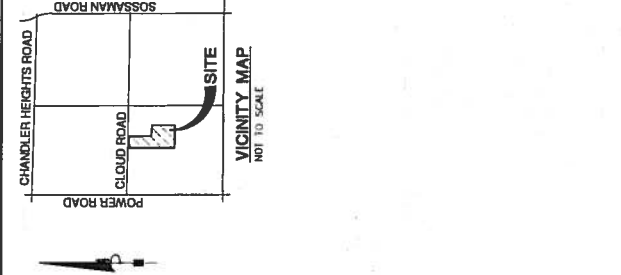
187TH PL

Rock Point Church

POWER RD

Legend

- Proposed Cloud Estates
- Cloud Road Area Street Plan
- Street
- Equestrian Trail



LEGAL DESCRIPTION

PANEL NO. 1: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

PANEL NO. 2: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

PANEL NO. 3: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

PANEL NO. 4: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 5: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 6: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 7: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 8: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 9: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 10: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 11: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 12: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 13: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 14: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 15: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

PANEL NO. 16: THE SOUTHWEST QUARTER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 25.0 FEET THEREOF.

OWNER/DEVELOPER:
CASH TITEL VENTURES, LLC
10000 W. WILLOW BLVD. SUITE 3
PHOENIX, ARIZONA 85028
PHONE: (602) 807-1788
FAX: (602) 807-1789
CONTACT: TERRY BURNS

ENGINEER:
BOWMAN CONSULTING
10000 W. WILLOW BLVD. SUITE 3
PHOENIX, ARIZONA 85028
PHONE: (602) 807-1788
FAX: (602) 807-1789
CONTACT: TERRY BURNS

SHEET INDEX
PPR1 COVER SHEET
PPR2 PRELIMINARY PLAT

BASIS OF BEARING
BASIS OF BEARING IS THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASIN AND MARIKOPA COUNTY, ARIZONA, SAG BEARING BEING NORTH 88 DEGREES 51 MINUTES 08 SECONDS WEST.

BENCHMARK
MARIKOPA COUNTY DEPARTMENT OF TRANSPORTATION
FOUND 1/2" REBAR WITH NO. 10 IR W/AND NOD 0.75 DOWN AT
INTERSECTION OF ROAD AND CLOUD ROAD
EASTING: 710028.01
ELEVATION: 1363.37 (NAVD 88)

TYPICAL LOT DIMENSIONS
SCALE: 1" = 50'

TYP. CUL DE SAC LOT DIMENSIONS
SCALE: 1" = 50'

SITE DATA

EXISTING ZONING: R1-43 (MARIKOPA COUNTY)
F.E.A. ZONE: ZONE 31 (TOWN OF QUEEN CREEK)
ZONING DISTRICT: 16.8454 AC
58 AC (11.80)
OPEN SPACE REQUIRED: 18.3431 AC
NET AREA: 28.5023 AC
MIN LOT AREA: 31.008 SF
MAX LOT AREA: 31.008 SF
PLANNED AREA: 31.008 SF
LIVABLE: 1110248177

UTILITIES SERVICES

SEWER: TOWN OF QUEEN CREEK COMPANY
WATER: SALT RIVER PROJECT
ELECTRIC: COX COMMUNICATIONS
CABLE: SOUTHWEST GAS

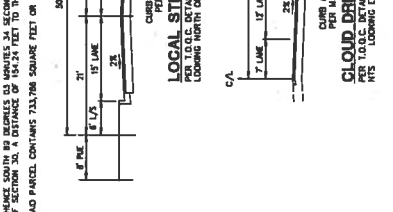
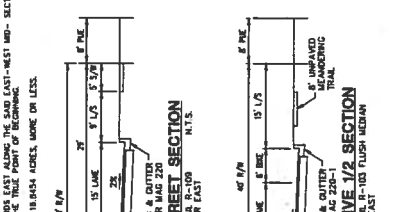
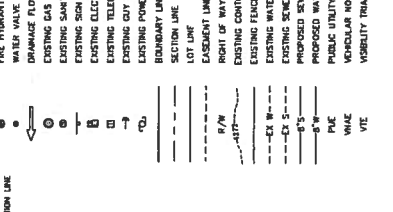
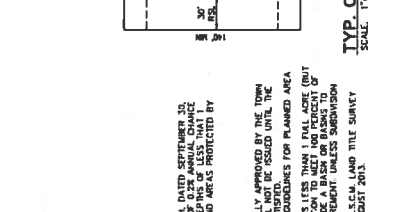
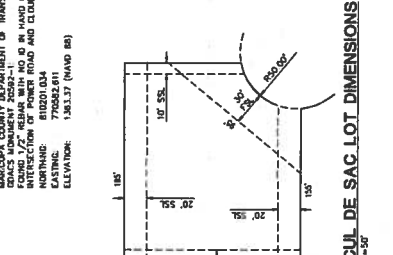
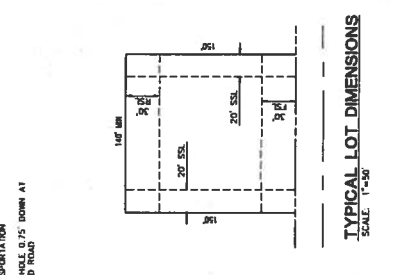
FLOOD ZONE CERTIFICATION:
ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM NUMBER: 17080C0201A) DATED SEPTEMBER 30, 2006, THE ENTIRE PROJECT AREA IS LOCATED IN AN UNDESIGNATED FLOOD HAZARD AREA. THE FLOOD HAZARD AREA IS A RARE FLOOD HAZARD AREA WITH AN AVERAGE DEPTH OF LESS THAN 1 FEET. THE FLOOD HAZARD AREA IS A RARE FLOOD HAZARD AREA WITH AN AVERAGE DEPTH OF LESS THAN 1 FEET. THE FLOOD HAZARD AREA IS A RARE FLOOD HAZARD AREA WITH AN AVERAGE DEPTH OF LESS THAN 1 FEET.

NOTES:

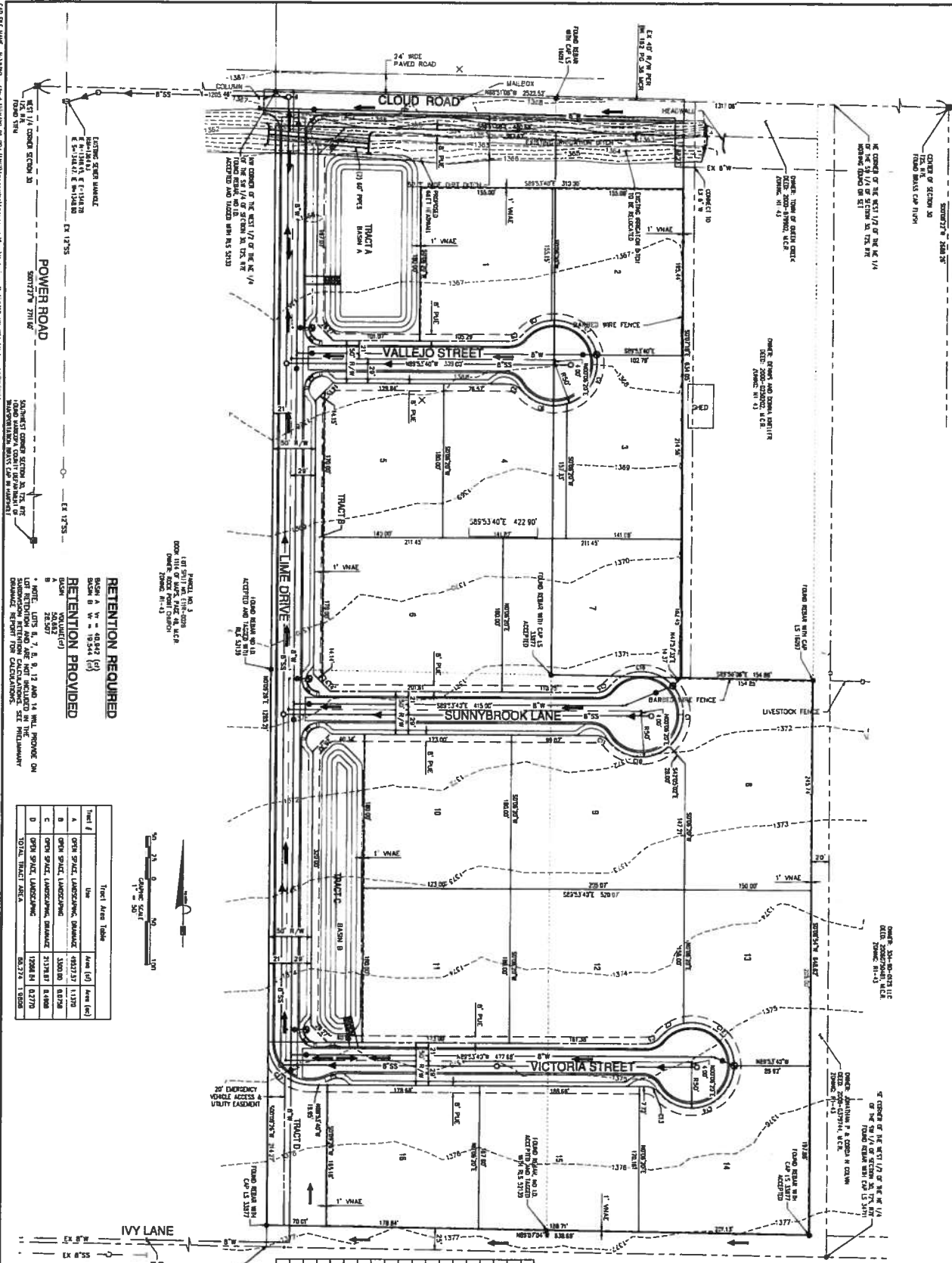
- THE IMPROVEMENTS SHOWN ON THIS PLAT WILL NOT BE FULLY APPROVED BY THE TOWN OF QUEEN CREEK UNTIL THE UTILITY LINES UNDERGROUNDING REQUIREMENT HAS BEEN SATISFIED.
- DEVELOPMENTS SHALL COMPLY WITH ZONING ORDINANCES FOR PLANNED AREA DEVELOPMENTS.
- ALL LOTS WITH AN ADJACENT CUL-DE-SAC LOT OR DEEDS LIES WITHIN A PLANNED AREA DEVELOPMENT SHALL BE REQUIRED TO PROVIDE A PARK OR BASKET BALL COURT. THE COURT SHALL BE 20 FEET WIDE AND 30 FEET LONG. THE COURT SHALL BE LOCATED WITHIN THE PLANNED AREA DEVELOPMENT UNLESS SUBMISSION OF A PARK OR BASKET BALL COURT PLAN IS FILED WITH THE TOWN OF QUEEN CREEK AND TITLED SURVEY.
- THIS PLAT IS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF MARICOPA, ARIZONA, ON 02/20/2008.

LEGEND

- BRASS CAP AS NOTED
- FOUND 1/2" REBAR AS NOTED
- FOUND BRASS CAP AS NOTED
- SCREW MANHOLE
- WATER HYDRANT
- WATER VALVE
- DRAINAGE FLOW DIRECTION
- EXISTING GAS MANHOLE
- EXISTING SIGN
- EXISTING ELECTRICAL PULL BOX
- EXISTING TELEPHONE POSTAL
- EXISTING OUT WIRE
- EXISTING POWER POLE
- BOUNDARY LINE
- SECTION LINE
- LOT LINE
- EXISTENCE LINE
- RIGHT OF WAY
- EXISTING CONTOUR & ELEVATION
- EXISTING FENCE
- EXISTING WATER
- EXISTING SEWER
- EXISTING SEWER
- PROPOSED SEWER
- PARKING UTILITY FACILITY
- VEHICULAR NON-ACCENT ELEVATION
- VEHICLE TRIANGLE ELEVATION



188TH STREET ALIGNMENT



LOT #	AREA (sq) (A)	AREA (sq) (B)
1	7773.58	8124.84
2	29723.37	8124.84
3	27983.87	8124.84
4	25983.87	8124.84
5	24134.11	8124.84
6	22134.11	8124.84
7	20134.11	8124.84
8	18134.11	8124.84
9	16134.11	8124.84
10	14134.11	8124.84
11	12134.11	8124.84
12	10134.11	8124.84
13	8134.11	8124.84
14	6134.11	8124.84
15	4134.11	8124.84
16	2134.11	8124.84
17	1134.11	8124.84
18	1134.11	8124.84

PRELIMINARY PLAT
CLOUD ESTATES

Town of Queen Creek, Arizona

MARICOPA COUNTY

Bowman Consulting Group, Ltd.
3013 South Phoenix Drive, Suite 102
Tempe, Arizona 85282
Phone: (480) 823-6620
www.bowman-consulting.com
© Bowman Consulting Group, Inc.

Bowman CONSULTING

DATE: 03/11/15

PROJECT NUMBER

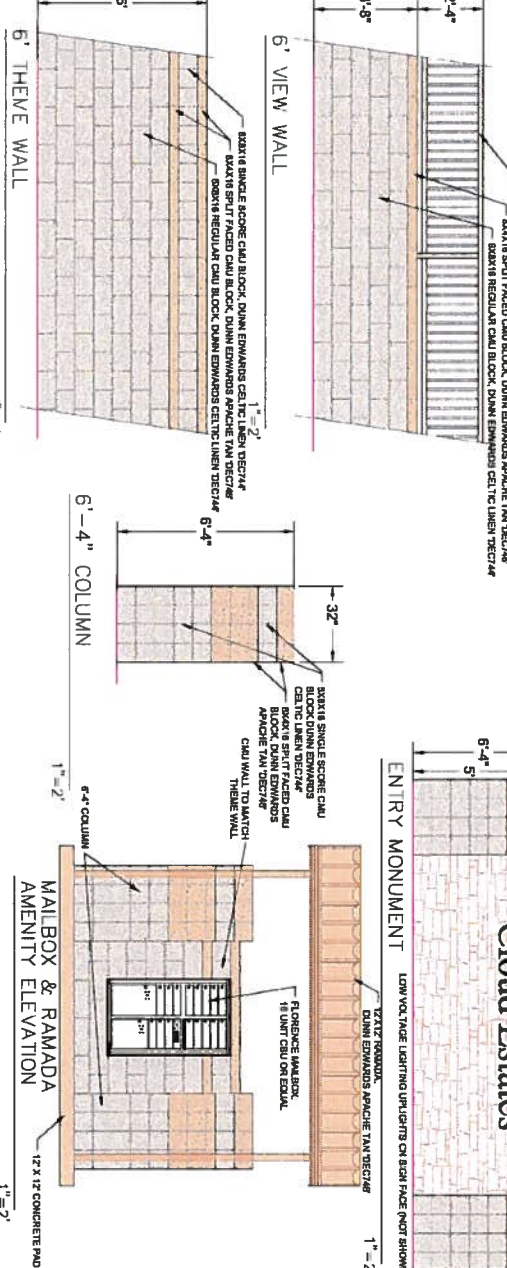
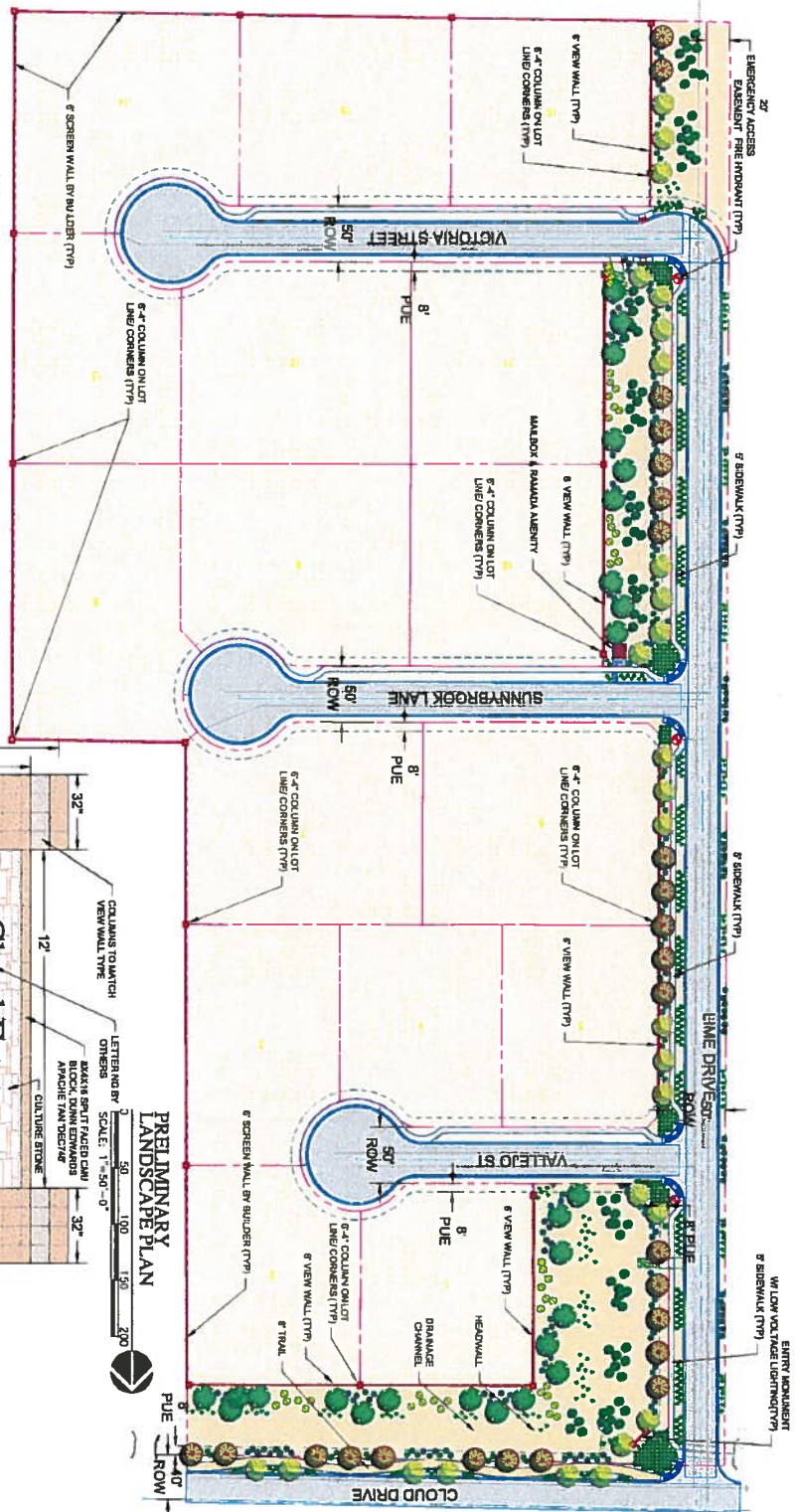
DATE: 03/11/15

PP01

SHEET 2 OF 2

LANDSCAPE NOTES

1. CONSTRUCTION OF BRUSHWOODS/RAVINEWOOD, MEXICAN JARDINON, CACTUS AND OTHER PLANTING SHALL BE ACCORDING TO ALL UNDERGROUND UTILITIES CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIAL AND EQUIPMENT TO CONSTRUCT THE WORK SHOWN ON THE LANDSCAPE DOCUMENTS. THE WORK SHOWN ON THE LANDSCAPE DOCUMENTS SHALL BE RESPONSIBLE FOR CORRECT SITE PERFORMANCE, DRAINAGE, AND PROTECTION OF EXISTING UTILITIES. ALL CONSTRUCTION SHALL BE SUBJECT TO THE ATTENTION OF THE OWNERS AND TO THE BRUSHWOODS/RAVINEWOOD, MEXICAN JARDINON, CACTUS AND OTHER PLANTING CONTRACTOR MUST OBTAIN THE NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN.
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PLANT SCHEDULE

SYMBOL	BOTANICAL/COMMON NAME	SIZE
1	BRUSHWOODS/RAVINEWOOD	7 1/2" GAL
2	MEXICAN JARDINON	7 1/2" GAL
3	CACTUS	7 1/2" GAL
4	OTHER PLANTS	7 1/2" GAL

NOTES:

- 1. ALL PLANTING SHALL BE ACCORDING TO THE LANDSCAPE DOCUMENTS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN.
- 2. ALL PLANTING SHALL BE ACCORDING TO THE LANDSCAPE DOCUMENTS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN.
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GILMORE
PLANNING & LANDSCAPE ARCHITECTURE

CLOUD ESTATES
CLOUD DRIVE EAST OF POWER ROAD
QUEEN CREEK, ARIZONA
PREPARED FOR: CASON TYLER

DATE: 11/11/10
SCALE: 1/8" = 1'-0"
DRAWN BY: JLS
CHECKED BY: JLS
APPROVED BY: JLS

L1.0

11/11/10

NAME		STREET ADDRESS	CITY/TOWN	PHONE	EMAIL
LAST	FIRST				
Allan	Art	18602 E. Cloud Road	Queen Creek	480-987-3031	aallanx2@netzero.com
Brekan	Joe	2178 E. Golf Avenue	Tempe	602-330-5785	joebrekan@gmail.com
Colvin	Jonathan	8733 N. 9th Avenue	Phoenix	602-678-0677	iccli@cox.net
Conner	Doreen	19014 E. Cloud Road	Queen Creek		
Denehy	Bridgett	18502 E. Cloud Road	Queen Creek	617-590-5191	
Grida	Teresa	18514 E. Cloud Road	Queen Creek	480-981-3332	fragrace@cox.net
Ingram	Steve	19053 E. Cloud Road	Queen Creek	480-415-1819	stichn@msn.com
Kneller	Dennis	18639 E. Cloud Road	Queen Creek		dwkneller@gmail.com
Kneller	Donna	18639 E. Cloud Road	Queen Creek		
Little	Gary	18546 E. Via de Palmas	Queen Creek	602-980-5192	katgary@aol.com
Matheson	Alex	18702 E. Cloud Road	Queen Creek	480-620-8749	alexzjulre@yahoo.com
Nimmo	Jan	18731 E. Cloud Road	Queen Creek	480-497-1679	azsandratt@msn.com
Schaeffer	Anne	18693 E. Cloud Road	Queen Creek	928-255-5553	
Schaeffer	John	18693 E. Cloud Road	Queen Creek	928-255-5553	johnpsert@hotmail.com
Young	Ryan	18647 E. Cloud Road	Queen Creek	480-580-2624	

CLOUD ESTATES
NEIGHBORHOOD MEETING MINUTES

MEETING DATE: October 28, 2013, 6:00 pm

MEETING LOCATION: Queen Creek Public Library, Edward Abbey Room
21802 Ellsworth Road, Queen Creek, Arizona

THOSE IN ATTENDANCE: Troy Peterson, Bowman Consulting Group and Perry Mathis, Project Owner

Neighboring Property Owners: Art Allan, Joe Brekan, Jonathan Colvin, Doreen Conner, Bridgett Denehy, Teresa Grida, Steve Ingram, Donna Kneller, Dennis Kneller, Gary Little, Alex Matheson, Jan Nimmo, Anne Schaeffer, John Schaeffer, and Ryan Young

The following outlines Cloud Estate's neighboring homeowners' discussion points from the meeting:

1. Questions were asked regarding how utilities would be provided to the project. Water will connect to the line on the south side of Cloud Road and sewer will be extended in Cloud Road from Power Road to serve the project.
2. Several neighbors were concerned with future cut through traffic getting from the Rock Church and future school site to Cloud Road. It was requested that Lime Street not connect all the way to the Ivy alignment.
3. A discussion was held regarding the lots sizes and it was explained that the density is only one lot per acre even though lots are less than an acre in size as a result of common open space being provided for storm water retention and landscaped open space. Some neighbors felt that the project would enhance the area while others were not supportive.
4. The development public hearing process was explained, including the future Planning and Zoning Commission and Town Council hearings on the proposed project before the zoning is approved.
5. Project walls were discussed with suggestions that they be some sort of combined view fencing.
6. Existing drainage issues along Cloud Road were discussed.
7. Questions were asked regarding the size and future price of homes in the project. The homes will be custom homes, so these parameters are not known at this time.



Cloud Estate proposed planned development and adjacent street requirement and improvement.

Messages

Joe Brekan <joebrekan@gmail.com>
To: brett.burningham@queencreek.org

Thu, Nov 7, 2013 at 2:03 PM

Brett Burningham,

Attached is map of Council approved streets received at meeting with Town of Queen Creek Planning and Zoning in 2005. I was assured at the meeting that the Town of Queen Creek was in process of the purchase of the parcel adjacent to my property which includes the 25 feet west extending to Cloud Rd and the 50 feet south extending to Power Rd. The purpose of the meeting was to obtain confirmation of legal ingress/egress to my property before I closed escrow on the purchase. The close of escrow was delayed pending this assurance.

The attached map includes names of various Town of Queen Creek employees and signatures. All of the writing on the map was not made by me. This map was provided to me at the meeting by Town of Queen Creek attendee.

The map shows streets and equestrian trail approved by the Town Council. The street south of my property and the equestrian trail were mentioned by neighbors attending the meeting on October 28, 2012 at Queen Creek Public Library regarding the proposed Cloud Estates. The neighbors on Cloud Rd mentioned that at a previous meeting with Town of Queen Creek considering another proposal for same parcel that "no access to Cloud Rd was a Town requirement for the last proposed site plan". Also, another neighbor inquired as to what happened to the equestrian trail which was to run on the west boundary of Cloud Estates parcel and along the street south of Cloud Estates from Power Rd to Sossaman Rd. So, evidently other neighbors were also informed about the approved streets and the equestrian trail as shown on the attached map.

I would believe the Town of Queen Creek would put in the streets as approved or require adjacent landowners to complete the street improvements for the portion of street adjacent to their property as a condition of developmental approval by the Town of Queen Creek. Thus, the church owner to the west of Cloud Estates and the Chandler School District owner of property south and west would be required to improve street from Power Rd to boundary of Cloud Estates and owner of the Cloud Estates land, as a condition of approval for site plan development, be required to improve street adjacent to their property.

JOE BREKAN

Queen City 9870496

2/8/02 Jim Salner - Eng - Public, 9887 #243

6/1 Mike McAuley, Plan

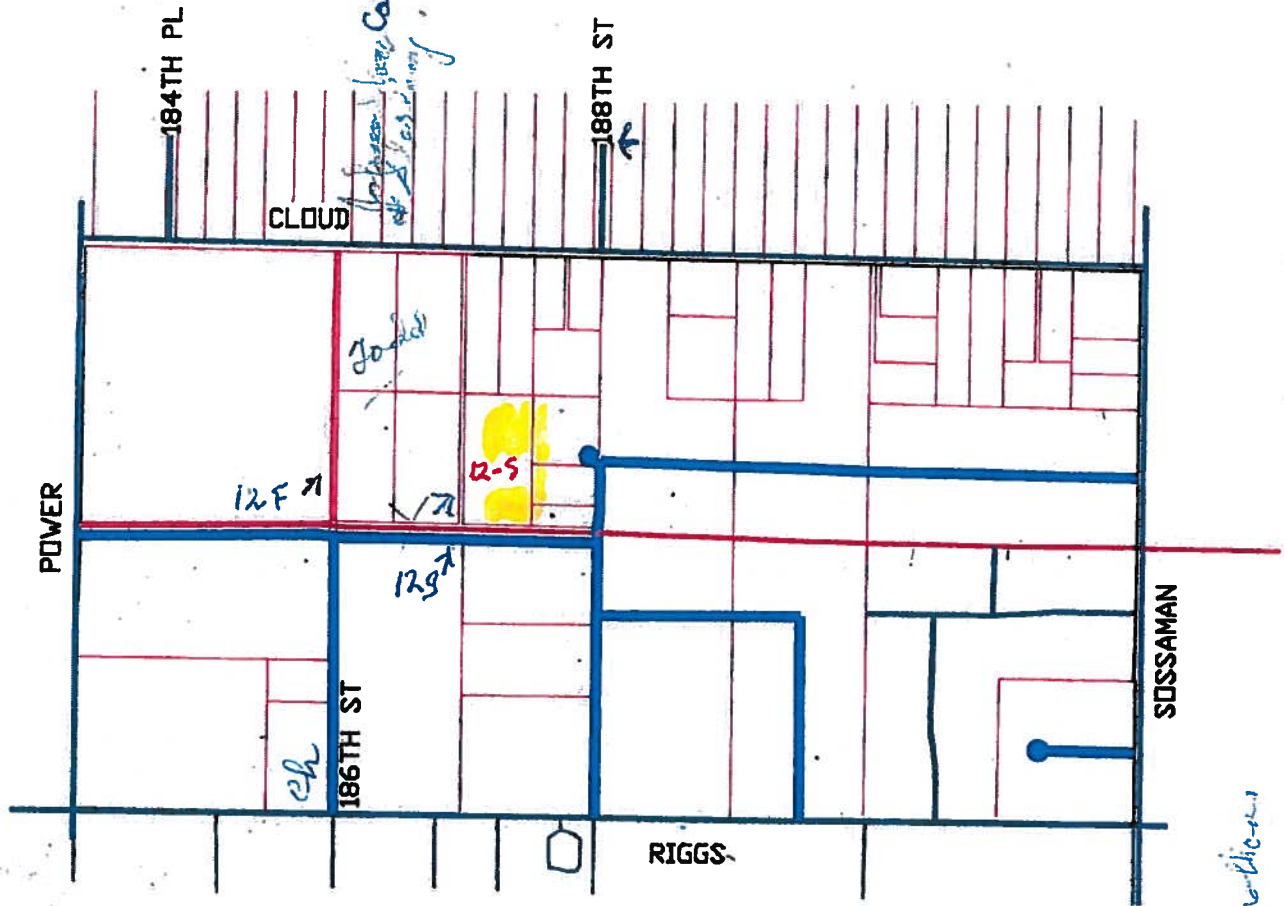
David Sterling - 307 532 4509 Dick Shaner

Joan Calderon

Joe B 602-330-5985-
4667 So Lake Shore - 82

CLOUD ROAD AREA STREET PLAN

APPROVED BY COUNCIL 12-04-02



- EXISTING STREETS
- EQUESTRIAN TRAIL
- PROPERTY LINES
- PROPOSED NEW STREETS

Location with the new street

T.C. B. per 8-5-02



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
December 4, 2002
7:00 p.m.

1. **CALL TO ORDER**

Mayor Feldman-Kerr called the meeting to order at 7:05 p.m.

2. **ROLL CALL**

Council Members Coletto-Cohen, Hildebrandt, Holloway, Wootten, Vice Mayor Dobbs and Mayor Feldman-Kerr were present. Council Member Barney was out of town.

3. **PLEDGE OF ALLEGIANCE**

Mayor Feldman-Kerr led the Pledge of Allegiance.

4. **CEREMONIAL MATTERS:** Presentations, Proclamations, Awards, Guest Introductions, and Announcements.

None.

5. **PUBLIC COMMENT:** Members of the public may address the Town Council on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to the Town Clerk prior to the commencement of the meeting.

None.

6. **CONSENT CALENDAR:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

A. Consideration and possible approval of the November 6, 2002 Work Study and Regular Session Minutes.

B. Consideration and possible approval of September 2002 Financial Statement.

C. Consideration and possible approval of the Annual Financial Report for Fiscal Year Ended June 30, 2002.

**Minutes for the Regular Session
Queen Creek Town Council
December 4, 2002**

Page 2

- D. Consideration and possible approval of appointments to the Landfill Re-master Plan Sub-Committee.
- E. Consideration and possible approval of appointments to the Queen Creek Youth Commission.
- F. Consideration and possible approval of the Final Plat for Roman Estates IV.
- G. Consideration and possible approval of the Final Plat for Ryland Homes at Sossaman Estates Parcel J.
- H. Consideration and possible approval of DND Electrical Change Order #6 in the amount of \$1,179.06 and Change Order #7 in the amount of \$486.53 to the Founder's Park Phase 1 Construction Contract (PRO -04-02).
- I. Consideration and possible approval of an Intergovernmental Agreement with Maricopa County Department of Transportation and Town of Gilbert for the traffic signalization at the intersection of Power and Rittenhouse Roads.
- J. Consideration and possible approval of an appointment to the Recreation Advisory Board.

Motion: Council Member Coletto-Cohen

To approve the Consent Calendar as presented.

Second: Vice Mayor Dobbs

Vote: Unanimous

ITEMS FOR DISCUSSION

Motion: Council Member Coletto-Cohen

To suspend the Rules and hear Item 9 before Item 7.

Second: Vice Mayor Dobbs

Vote: Unanimous

- 7. **Public Hearing on Ordinance 230-02** relating to the privilege license tax (sales tax) by amending the Town Tax Code by increasing the rate of taxation by one percent (1%) with an effective date of March 3, 2003.

**Minutes for the Regular Session
Queen Creek Town Council
December 4, 2002**

Page 3

Town Manager Seelhammer reviewed prior Council discussions regarding the revenue needed to finance additional services and needs of residents as the Town grows. She explained that since Queen Creek doesn't have a property tax, the Town is dependent on sales tax and state shared revenue. Ms. Seelhammer explained that the majority of the sales tax revenue comes from materials for new construction since retail development is still limited in Queen Creek. She reviewed several other smaller growing communities tax rates. She also explained that sales tax revenue is general fund money and goes towards the operation and maintenance of all Town facilities and activities whereas the development fees that are collected can be used for capital expenses only. Ms. Seelhammer said that staff recommended a one-percent (1%) increase with an effective date of March 1, 2003, allowing time for notification to businesses and other agencies.

Council asked how sales tax was collected on construction materials and if there would be any "grandfathered" sales tax rates for construction contracts signed before the March 2003 effective date. Ms. Seelhammer explained that the builder pays sales tax at the time of purchase, and that a builder could purchase materials ahead of time and take delivery at a later date and that there can't be a grandfather clause. Council also asked how notification would be provided. Ms. Seelhammer replied that through news releases and Arizona Department of Revenue notices that notification would be made, and that staff would also notify Town business license holders.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

8. Discussion and possible action on Ordinance 230-02.

Council discussed a higher sales tax increase on construction since the sales tax is only collected once, but services to the new residents are forever. Council discussed the increased cost of a new home.

Motion: Vice Mayor Dobbs

To approve Ordinance 230-02, increasing the general sales tax to two-percent (2%) and the sales tax on construction to three-percent (3%).

Second: Council Member Wootten

Vote: Unanimous

**Minutes for the Regular Session
Queen Creek Town Council
December 4, 2002**

Page 4

9. **Discussion and possible action** on a proposed Local Area Street Plan to address vehicular and trail locations for future development in the area bounded by Cloud Road on the north, Riggs Road on the south, Sossaman Road on the east and Power Road on the west.

Town Engineer Schaner reviewed the process used to develop several proposals for a local area street plan for the area bounded by Cloud Road on the north, Riggs Road on the south, Sossaman Road on the east and Power Road on the west. The process included a letter sent to all residents in the area with plans asking for comments. The comments were incorporated into a recommendation to the Planning and Zoning Commission at their October 16, 2002 meeting. The Commission considered staff's proposals and residents' comments and directed staff to prepare an additional plan to incorporate those comments and bring back to the Commission at the November 13, 2002 meeting. At that meeting, the Commission made a recommendation to delete vehicular connections at 191st Street, Via Park Street (west) and add an equestrian connection at the 186th Street alignment. Mr. Schaner requested Council's input on equestrian/pedestrian and vehicular connections to neighborhoods.

Council discussion was in regard to subdivisions having two points of access; equestrian trail locations and possible lot/parcel splits with new access available. Staff suggested alternatives similar to 196th Street in Rancho Jardines for the 191st Street and Via Park Street stubs. Council discussed cul-de-sacs as another alternative and the resident's desire to have equestrian/pedestrian access to trails.

Sorrelle Norman -, 18814 E. Cloud Rd., representing the Rancho Jardines residents in attendance, stated that they agree with the Planning and Zoning Commission recommendation. She also said she didn't think that Cloud Road was sufficient to handle two additional feeder roads.

John Falcione, 1240 W. Geronimo Pl, Chandler, stated that he had purchased two 20-acre parcels to build a new one-acre subdivision adjacent to Rancho Hacienda de Caballos. He said he was in favor of 191st Street not going through because his subdivision plan shows his lots abutting those on Via Park Street and adjacent to the equestrian trail. He did request that the barricades be removed to provide access to the trail for people and horses, but not vehicles.

Heather Ferenz, 19130 Via Park St., said she was in favor of the Planning and Zoning Commission recommendation and was concerned that if 191st Street or Via Park Street were made into thru-streets, that traffic would increase and possibly create hazards for the children in the neighborhood.

**Minutes for the Regular Session
Queen Creek Town Council
December 4, 2002**

Page 5

Council discussed the importance of equestrian/pedestrian access between the neighborhoods. They also discussed the necessity to post signs on future through streets so that residents are aware that the street may go through at some time. They discussed having street plans in place prior to new developments.

Brian Henry, 19165 Via Park St., said he was in favor of the Planning and Zoning Commission recommendation.

Motion: Council Member Wootten

To approve the Planning and Zoning Commission's recommendation on the Local Area Street Plan (Plan E) with no vehicular connectivity at the 191st Street and Via Park Street stubs and providing for equestrian access at the 186th Street alignment.

Second: Council Member Hildebrandt

Council discussed the abandonment of 191st Street north of Via Park Street (north of the equestrian trail) and Via Park stub and directed staff to bring back designs for further consideration.

Vote: Unanimous

- 10. Discussion** on a rezoning application (**RZ 07-02**), site plan, building elevations and landscape plans (**SP 04-02**) for a proposed retail center (Bashas') located at the southwest corner of Power and Chandler Heights Roads.

Community Development Director Kross reviewed modifications made to the site plan based on a neighborhood meeting. The modifications include re-orienting Pad E and relocating the south driveway approximately 150 ft. north. The gas stations site was also deleted and parking space size increased. Two additional stipulations were added requiring additional landscaping & design for the trails and clarifying the definition of fast food drive-thru restaurants.

Planner Haque reviewed the site plan, phasing plan and building elevations. Council discussed right turn access from Chandler Heights Road and from Power Road. Mr. Haque explained the zoning ordinance requirements for road improvements including turn lanes, bus bays and traffic signalization.

Council discussion was in regard to the implementation of the General Plan and Economic Development Plan; lighting of signs; design of the public art elements and drive-thru restaurant accessibility.

**Minutes for the Regular Session
Queen Creek Town Council
December 4, 2002**

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- 11. Discussion on CU 03-02** a request for a Conditional Use Permit and **SP 06-02** site plan, building elevations and landscape plans for Queen Creek Self Storage located at the Inverness Industrial Park Subdivision parcels 1-5.

Planner Haque reviewed the site plan; elevations and landscape plan including the wall details. Mr. Haque said the applicant is requesting some relief from the stone accent requirement on the east elevation. The applicant feels that the extensive landscaping on the east will partially hide the stone and is requesting to move some of the stone up to the arches. Council discussed several options for placement of the stone and requested some options be brought back for consideration.

Antonio Cooper, representing the applicant, requested clarification on elevation variations.

- 12. Discussion on a TA 08-02** a text amendment to Article III, Zoning Procedures Section 3.5 Conditional Use Permits to repeal D.2 of the Queen Creek Zoning Ordinance.

Planner Ekadis reviewed the proposed text amendment regarding the requirement for a super-majority approval for the use of modular units for office/commercial instead of site-built buildings. Ms. Ekadis reviewed the Planning and Zoning Commission's recommendation for denial of the text amendment, citing it may take away any flexibility that the Town Council may have for such uses. Council asked if the Commission suggested any other options to consider and discussed other uses in office/commercial zoning districts that the proposed amendment would apply to.

Council discussed property tax comparisons between modular and site built buildings. Community Development Director Kross explained that the zoning ordinances don't address tax issues, and that the owner/developer would have to consider any tax implications. Council also discussed the possibility of amending Article III of the Zoning Ordinance to adding additional use restrictions and design guidelines.

- 13. Discussion on TA 00-02** a text amendment to Article IV, Section 4.7.C Dimensional and Density Regulations, to permit front porches to encroach into the front yard setback for all zoning districts.

Planner Ekadis gave a staff report and reviewed the amendment previously approved allowing a five-foot front yard encroachment for production homes for a front porch/patio. Ms. Ekadis explained that text amendment being proposed

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would allow a 25% or 10-foot front yard encroachment on R1-43 or larger lots and that smaller lots or production homes would not be affected by this amendment. The Planning and Zoning Commission recommended approval of the text amendment.

Council discussed the definition of front porch and screening or enclosing of porches.

14. COMMITTEE REPORTS and ANNOUNCEMENTS

A. Fire Service Study Committee – November 19, 2002

Council Member Hildebrandt reported that the committee heard a presentation by Town Attorney Farrell and reviewed the draft recommendation. She also said that the committee had met for the last time.

B. Sister Cities Commission – November 13, 2002

Council Member Hildebrandt reported that the Sister Cities Commission members will sell burritos at the parade and serve hot drinks at the Holiday Tree Lighting.

C. Recreation Advisory Board – November 19, 2002

Vice Mayor Dobbs reported that a meeting was not held due to the lack of a quorum.

15. ADJOURNMENT TO EXECUTIVE SESSION

A. Pursuant to A.R.S. §38-431.03(A)(7) the Council may vote to go into Executive Session for discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase or lease of real property.

None.

16. ADJOURNMENT

Motion: Council Member Coletto-Cohen

To adjourn the Regular Session at 9:55 p.m.

Second: Vice Mayor Dobbs

Vote: Unanimous

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Dated this 12th day of December 2002.

Town of Queen Creek

Attest:

Wendy Feldman-Kerr, Mayor

Jennifer F. Robinson, Town Clerk

I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the December 4, 2002, Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Jennifer F. Robinson, Town Clerk

Passed and approved on December 18, 2002.



Brett Burningham <brett.burningham@queencreek.org>

Cloud Estates -- Planning Commission Staff Report

Joe Brekan <joebrekan@gmail.com>

Wed, Dec 4, 2013 at 4:01 PM

To: Brett Burningham <brett.burningham@queencreek.org>

Thanks for the update.

Under Public Comments the comments need to be corrected to reflect my actual comments. It should read:

“Additionally, Mr. Joe Brekan, who owns an approximately 4.8 acre parcel to the east of the subject, approached Town staff regarding a roadway concept plan that was approved by Town Council several years ago (see “Cloud Area Street Plan” attachment). Mr. Brekan noted that in 2005 he met with town staff to discuss legal access to the parcel because Mr. Brekan was considering purchasing the parcel. Mr. Brekan was assured by town staff that legal access will be created per the Approved Street Plan and the Town was in process of acquiring the roadway land. With this Town assurance regarding legal roadway access Mr. Brekan proceeded to purchase the property.”

If the Town approves “Cloud Estates” without requiring as conditions thereof that 1) all roadway improvements be completed for Ivy Lane located on the southern edge of Cloud Estates and 2) require all landowners east to Power Road to do likewise, then is the Town of Queen Creek prepared 1) to purchase the Ivy Lane right-of-way land and complete the Ivy Lane road improvements or 2) to purchase my parcel from me?

JOE BREKAN

Realty Executives

480-839-2600

602-330-5785

18602 E Cloud Road
Queen Creek, Arizona 85142-4011
Phone: 480-987-3031

December 9, 2013

Town of Queen Creek
Development Services Department
22358 S Ellsworth Road
Queen Creek, Arizona 85142

Attn: Brett Burningham, AICP

Subject: Cloud Estates

Dear Mr. Burningham:

I am writing on behalf of: my wife, myself and other concerned residents of Cloud Road. My wife and I have lived on Cloud Road for over 30 years, and many of the other residents have lived on Cloud Road more than 40 years. The area is made up of one acre plus parcels and is horse property. In keeping with the long standing rural and agricultural culture image of the Town of Queen Creek (Town) and specifically this area we are opposed to the rezoning of the property. The Town must take steps to maintain the culture or it will be lost forever.

We are not opposed to having the property developed, but are opposed to the zoning change. Other items which we oppose are the improvements to Cloud Road and the new proposed street connecting to Cloud Road.

Several years ago this same parcel was proposed for development and access was to be from what is now the street on the south side of Rock Point property. At that time the Town assured the residents of Cloud Road that there would never be access from the south to Cloud Road except for locked gate access for emergency vehicles. We request the Town honor their commitment to the residents of Cloud Road and not allow the proposed street.

Additionally, horse access through the property was going to be maintained and we see no accommodation for a horse trail. The south side of Cloud Road has always been used by horse owners; therefore, it should not be improved, but be incorporated into the Town's horse trails.

We request the Planning and Zoning Commission deny the request for rezoning and the developer reconsider his proposal. Minimally, we request that the Development Services Department make a staff recommendation to continue the case until January so that the suggested options can be discussed.

Sincerely,



Arthur and Eileen Allan

ADDITIONAL SIGNEES

Print Name: Mr. & Mrs. William Spitzer

Address: 18526 E. Cloud Rd.

Signature: William Spitzer

Print Name: Teresa G. Spitzer

Address: 18526 E. Cloud Rd.

Signature: Teresa G. Spitzer

Print Name: Dennis Koeller

Address: 18639 E. Cloud

Signature: D Koeller

Print Name: Steven Ryan Young

Address: 18647 E. Cloud Road

Signature: Steven Ryan Young

Print Name: Joyce Baker

Address: 18548 E. Cloud Rd

Signature: Joyce Baker

Print Name: Diana Gacione

Address: 18833 E. Cloud Rd.

Signature: Diana Gacione

~~Address: _____~~

Print Name: Thomas GACCIONE

Signature: *Thomas Gaccione*

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

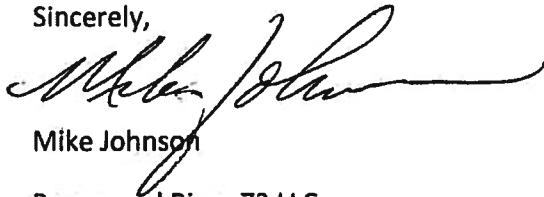
December 10, 2013

Town of Queen Creek Planning Department

Dear Mr. Burningham,

As owners of property located just south and east of the Cloud Estates property, we are in support of the rezoning and preliminary plat cases and feel that the development of the Cloud Estates project will be a positive benefit to the Town of Queen Creek.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Johnson", written in a cursive style.

Mike Johnson

Power and Riggs 72 LLC



Town of Queen Creek
Attn: Brett Burningham, Planner
22350 S. Ellsworth Road
Queen Creek, AZ 85142
brett.burningham@queencreek.org

RE: Cloud Estates
Case RZ13-034 and SC13-035

Dear Mr. Burningham:

I am writing to you to let you know that we support the Cloud Estates project.

Rock Point Church is located immediately west of this planned project. We appreciate that the developer contacted us in the early stages of the project to discuss common issues and identify any concerns. At one home per acre, Cloud Estates is a nice planned community and will serve as an appropriate buffer between our property and the existing homes in the neighborhood.

Sincerely,

Dave Sutherland
Lead Director
Rock Point Church

ORDINANCE 540-14

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, DECLARING AS PUBLIC RECORDS THAT CERTAIN DOCUMENTS TITLED "CLOUD ESTATES" – LEGAL DESCRIPTION", ATTACHED HERETO AS EXHIBIT "A", AND ADOPTING EXHIBIT "A", THEREBY AMENDING THE OFFICIAL ZONING DISTRICT MAP FOR THE TOWN OF QUEEN CREEK, ARIZONA, PURSUANT TO ARTICLE 3, SECTION 3.4 OF THE ZONING ORDINANCE FOR THE TOWN OF QUEEN CREEK TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR APPROXIMATELY 16.54 ACRES FROM R1-43 (RURAL ESTATE DISTRICT) TO PAD/R1-35 (SUBURBAN RESIDENTIAL TYPE A). THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF CLOUD ROAD, APPROXIMATELY 1,400 FEET EAST OF POWER ROAD. THE ASSOCIATED ZONING CASE IS RZ13-034.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, Article 3, ZONING PROCEDURES, Section 3.4 ZONING AMENDMENT, establishes the authority and procedures for amending the Zoning Ordinance; and

WHEREAS, the development proposed is consistent and shall be developed in accordance with Article 4, Section 4.10 PLANNED AREA DEVELOPMENTS; and,

WHEREAS, Article 4, ZONING, Section 4.2 Zoning District Maps, establishes the Zoning District Maps and states that the Zoning District Maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references, and other information shown thereon were all fully set forth or described in the zoning ordinance text; and,

WHEREAS, a Public Hearing on this ordinance was heard before the Planning and Zoning Commission on December 11, 2013; and

WHEREAS, the Planning and Zoning Commission voted 4-0 in favor of this text amendment case;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

- Section 1. The document attached hereto as Exhibit "A," titled Cloud Estates - Legal Description is hereby declared to be public records;
- Section 2. Three (3) copies of Exhibit "A" are ordered to remain on file with the Town Clerk;
- Section 3. If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to the Queen Creek Zoning Map is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY the Mayor and Town Council of the Town of Queen Creek, Maricopa County, this 15th day of January, 2014.

FOR THE TOWN OF QUEEN CREEK:

ATTESTED TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Mariscal, Weeks, McIntyre &
Friedlander, PA, Attorneys for the
Town

EXHIBIT A
Legal Description for Cloud Estates

PARCEL NO. 1:

THE WEST HALF OF THE NORTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE WEST HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;
EXCEPT THE SOUTH 25.01 FEET THEREOF.

PARCEL NO. 3:

THE EAST HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;
EXCEPT THE EAST 20 FEET; AND
EXCEPT THE SOUTH 25.01 FEET THEREOF.

PARCEL NO. 4:

THE EAST HALF OF THE NORTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPTING THE EAST 20 FEET.

EXCEPT THAT PORTION CONVEYED IN THE WARRANTY DEED RECORDED 2000-0250202 OF OFFICIAL RECORDS, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MARKED BY A 1 INCH BAR;

THENCE NORTH 89 DEGREES 03 MINUTES 34 SECONDS WEST (BASIS OF BEARINGS), ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 30, A DISTANCE OF 657.33 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30;

THENCE CONTINUING NORTH 89 DEGREES 03 MINUTES 34 SECONDS WEST, 20.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 08 MINUTES 14 SECONDS EAST, BEING PARALLEL WITH AND 20.00 FEET WESTERLY OF THE EASTERLY LINE OF THE

SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, A DISTANCE OF 673.66 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30 AND FROM WHICH POINT THE SOUTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, BEARS SOUTH 89 DEGREES 11 MINUTES 33 SECONDS EAST, 20.00 FEET DISTANT THEREFROM;

THENCE NORTH 89 DEGREES 11 MINUTES 33 SECONDS WEST, ALONG THE SAID SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, A DISTANCE OF 154.42 FEET TO A POINT FROM WHICH THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, BEARS NORTH 89 DEGREES 11 MINUTES 33 SECONDS WEST, 154.44 FEET DISTANT THEREFROM;

THENCE NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST, 674.02 FEET TO A POINT ON THE SAID EAST-WEST MID-SECTION LINE OF SECTION 30 AND FROM WHICH POINT THE WEST QUARTER CORNER OF SAID SECTION 30, BEING MARKED BY A 1/2 INCH BAR IN HAND HOLE, BEARS NORTH 89 DEGREES 03 MINUTES 34 SECONDS WEST, 1685.94 FEET DISTANT THEREFROM;

THENCE SOUTH 89 DEGREES 03 MINUTES 34 SECONDS EAST ALONG THE SAID EAST-WEST MID-SECTION LINE OF SECTION 30, A DISTANCE OF 154.43 FEET TO THE **TRUE POINT OF BEGINNING**.

EXCEPT THAT PORTION CONVEYED TO TOWN OF QUEEN CREEK, A MUNICIPAL CORPORATION BY QUIT-CLAIM DEED RECORDED 2000-0780414 AND RERECORDED 2000-879902 OF OFFICIAL RECORDS, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 40 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE CENTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MARKED BY A 1 INCH BAR;

THENCE NORTH 89 DEGREES 03 MINUTES 34 SECONDS WEST (BASIS OF BEARINGS), ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 30, A DISTANCE OF 657.33 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30;

THENCE CONTINUING NORTH 89 DEGREE 03 MINUTES 34 SECONDS WEST, 174.43 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 00 DEGREES 08 MINUTES 14 SECONDS EAST, 674.02 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30 AND FROMWHICH POINT ON THE SOUTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST

QUARTER OF SECTION 30, BEARS SOUTH 89 DEGREES 11 MINUTES 33 SECONDS EAST, 174.42 FEET DISTANT THEREFROM;
THENCE NORTH 89 DEGREES 11 MINUTES 33 SECONDS WEST, 154.44 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30;
THENCE NORTH 00 DEGREES 07 MINUTES 10 SECONDS WEST, 674.37 FEET TO THE NORTHWEST CORNER OF THE SAID EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30 AND FROMWHICH POINT THE WEST QUARTER CORNER OF SAID SECTION 30, BEING MARKED BY A 1/2 INCH BAR IN HAND HOLE, BEARS NORTH 89 DEGREES 03 MINUTES 34 WEST, 1531.70 FEET DISTANT THEREFROM;
THENCE SOUTH 89 DEGREES 03 MINUTES 34 SECONDS EAST ALONG THE SAID EAST-WEST MID- SECTION LINE OF SECTION 30, A DISTANCE OF 154.24 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINS 733,786 SQUARE FEET OR 16.8454 ACRES, MORE OR LESS.

Conditions of Approval

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. The Rezoning approved in case number RZ13-034 is effective upon signature by the property owner of the Prop. 207 waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the Planning Division within 5 working days of the date of approval shall render this conditional approval null and void.
3. The Developer shall create a Home Owners Association (HOA) for the maintenance of all landscaping within all arterial and local right-of-ways adjacent to HOA residential lots and/or HOA owned tracts and all HOA owned open spaces, parks and/or tracts as shown on the plat or map of dedication.
4. This project shall be developed in the conformance Zoning Ordinance standards with the following modifications listed below.

Cloud Estates Development Standards		
Standard	R1-35 PAD (Proposed)	R1-35 (Code)
Minimum Lot Area (square feet)	25,000	35,000
Minimum Lot Width	140'	145'
Minimum Lot Depth	150'	None
Maximum Lot Coverage	30%	25%
Maximum Height	30'	30'
Minimum Building Setbacks		
-Front	30'	40'
-Sides	20'	20'
-Rear	30'	40'

5. The developer shall submit a clearance letter regarding archeological and cultural resources from the State Historic Preservation Office (SHPO) prior to final plat approval.
6. The Developer shall be responsible for the dedication of Right-of-Way (ROW) for all adjacent offsite improvements as outlined below:
 - a. 40 feet ROW (half street) on Cloud Road adjacent to the subject property street shall be dedicated to the Town of Queen Creek.
7. The developer shall be responsible for a cash-in-lieu payment to cover the construction and project management costs of the full 1/2 street improvements on Cloud Road for all portions for the Right-of-Way adjacent to the project. The cash-in-lieu payment will be determined by an engineer's estimate that will be submitted and reviewed by the Town during the Final Plat review phase

of the project. Quantities on the engineers estimate will be based on Town Detail R-103 and shall include removal and replacement of asphalt to the center line (section line) of the roadway.

8. All construction documents submitted to the Town for review during the final plat review phase shall be in accordance with Town Ordinances, Town checklists, Town design standards and guidelines, and requirements, except as superseded by these conditions of approval.
9. For offsite and onsite public improvements the Town requires cash, Irrevocable Letter of Credit (IRLOC), or a bond to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount will be determined by an engineer's estimate during the Final Plat review. Construction assurance shall be deposited with the Town prior recording of the Final Plat.
10. A secondary temporary emergency access road shall be provided allowing emergency access to/from Power Road. This gated secondary access shall be designed and constructed associated with the final Engineering improvement plans. The Developer shall be responsible for obtaining a "Water and Access Easement" from the Rock Point Church property to the west. This will enable proper looping of the water line and provide the necessary access for emergency vehicles. This easement shall be recorded prior the recording of the Cloud Estates Final Plat. The developer shall utilize the new "Water and Access Easement" and construct an "all weather" access road from existing Ivy Lane to Lime Drive.
11. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.
12. Annexation into the Town of Queen Creek's sewer service area will be required *prior to final plat approval in accordance with relevant Town policies.*
13. Due to the 4 inch force main being potentially near capacity, a study must be conducted to insure the flows from this project can be handled by the current system. An alternative is to install the proposed 15 inch sewer main that eliminates the lift station and force main through a reimbursement agreement.
14. The Preliminary Plat and Landscape Plan shall include a Neighborhood Unpaved Trail (minimum 8 feet wide) adjacent to Cloud Road and adjacent to the west edge of the property.
15. The Developer shall place a note on the final plat, State Real Estate Department Report, and the CC&Rs for the project that, "This subdivision is

adjacent to properties zoned R1-43 (Rural Estate District) which may contain horse properties and this site may be subject to noise, dust and possibly odors normally associated with adjacent horse properties”.



c

**MINUTES
REGULAR MEETING
QUEEN CREEK PLANNING & ZONING COMMISSION
QUEEN CREEK TOWN HALL, 22350 S. ELLSWORTH ROAD
COUNCIL CHAMBERS
December 11, 2013
7:00 PM**

1. **Call to Order** The meeting was called to order at 7:00 p.m.

2. **Roll Call:** (one or more members of the Commission may participate by telephone)

Commissioners present: Chair Ingram, Vice-Chair Arrington; Robinson; Sossaman.
Commissioners absent: Nichols, Matheson, Turley

3. **Public Comment:** Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of (3) three minutes. Request to Speak Cards are available at the door, and may be delivered to staff prior to the commencement of the meeting. Members of the Commission may not discuss, consider, or act on any matter raised during public comment.

None

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote.

None

ITEM FOR DISCUSSION:

5. **Public Hearing and Possible Action on RZ13-034/SD13-035 "Cloud Estates" (continued from the November 13, 2013 Planning & Zoning Commission Meeting).**

Mr. Burningham stated that the applicant is Troy Peterson (Bowman Consulting), on behalf of Cason Tyler Ventures, LLC. This request for approval to Rezone from R1-43 (Rural Estate District) to R1-35 Planned Area Development (Suburban Residential District) and approval of a Preliminary Subdivision Plat Approval to facilitate the development of a 16 lot residential development. The project is 16.5 acres, generally located on the south side of Cloud Road, approximately 1,400 feet east of Power Road.

Mr. Burningham reviewed the surrounding properties:

- To the North of the site, is Cloud Road, and the Ranchos Jardines residential neighborhood (zoned R1-43);
- South of the site there are 2 vacant parcels owned by the Chandler Unified School District
- West of the site there are 2 parcels owned by the Rock Point Church
- East of the site are 6 large lot single family residences (zoned R1-43)

Mr. Burningham stated the average size lot in this project is 31,569 square feet.

Mr. Burningham stated the applicant conducted a Neighborhood Meeting on October 28, 2013. Fifteen residents attended the meeting. Staff has spoken to four residents adjacent to the property who have expressed concerns regarding this project and are in opposition of the proposed density included in this rezoning request. They also expressed concerns about the possibility of losing their existing horse privileges. Staff has received five letters regarding this application, which have been included in the Commissioners staff reports.

Mr. Joe Brekan, Queen Creek resident who owns a 4.8 acre parcel to the east of project, has expressed concerns regarding access to his property, and the potential of being "land locked". The proposed development does not provide access for Mr. Brekan's property. Mr. Burningham stated in years past, staff has considered possible options to develop a roadway network that would provide access to "land locked" properties in this area. There continues to be parcels in this area that are "land locked" and do not have frontage on a dedicated roadway, and staff has worked with the owners to develop a street system as these properties have been developed.

Mr. Burningham stated the Rock Point Church will extend Ivy Lane which is located at the southern edge of their parcel from Power Road to eastern edge of Phase II of their project. He added that the parcels to the east of the Rock Point Church have been further split and the future roadway for Ivy Lane has not been appropriately dedicated, which makes the timing of continuing Ivy Lane difficult.

Staff stated that Mr. Brekan had previously met with the Town in 2005, in order to find a way to provide access to his property. Mr. Brekan presented a copy of a concept plan that shows a proposed street system that would provide access to his property. The Town's Legal Department is reviewing access issues for this property and does not recommend this case be postponed in order to resolve Mr. Brekan's access issues. The Town's Legal Department will provide a formal response prior to the upcoming Council Meeting.

Mr. Burningham stated staff would like to revise Condition of Approval #7 as an alternate to requiring full street improvements. Staff feels it would be more appropriate to ask for a cash in lieu payment that would be held and applied towards the infrastructure improvements at a future time, to cover the construction and project management costs of the full ½ street improvements on Cloud Road for all portions for the Right-of-Way adjacent to the project.

Commissioner Robinson asked if horse property access will be included as part of the development in the future. Mr. Burningham responded that the Parks and Trails Master Plan does show a horse trail on Cloud Road. Adding that he will ask the applicant to revise the plans to show unpaved trails on: Cloud Road, Power Road, and Riggs Road.

Commissioner Robinson asked if the existing R1-43 Zoning is protected and if the residents continue to have horse privileges. Mr. Burningham responded that the residents will retain their horse privileges and they are protected.

Commissioner Sossaman would like to add an additional Condition of Approval #14, to have the landscape plans show where the horse trail is located.

The applicant, Mr. Troy Peterson stated that the density is less than one unit per acre; and that some of the parcels have been converted into open space to be used by the Community. Mr. Peterson stated that the property in mention has not been recently farmed, and had previously been subdivided; outlining that this project will combine (4) four properties that were previously split.

Mr. Peterson stated that this project complies with the current General Plan Goals Policy 3D.

Mr. Peterson stated they are working to address some of the neighborhood concerns such as, the potential negative impact the lined drives may have on the neighborhood by creating potential a "cut through" from the school to the church. In order to resolve that issue, the applicant has redesigned the streets to reduce the potential of a traffic "cut through". A "knuckle" was created on Victoria Street; the applicant is also in current discussions with the church to provide a secondary emergency point of access. Mr. Peterson added that the neighbors have also raised concerns with the block walls that were originally proposed; in order to address that concern, partial wrought iron view walls have since been added to this project.

Public Comment

Mr. Ryan Young, Queen Creek resident, is in opposition of this case and expressed his concerns that future home buyers within this area may end up submitting complaints about horse properties within this area. He purchased a home here 3-months ago, with the intention of entering a rural area that could be used as horse property. He understands that further development in Queen Creek will occur, and is concerned that the Town may lose sense of a rural community.

Commissioner Sossaman appreciates the increase in lot coverage, as it allows for easier development of one-story homes; and understands that future buyers prefer to purchase larger lots. He asked that Condition of Approval #7 be modified as previously discussed and that the additional Condition #14 be added.

Commissioner Robinson recommended that a disclaimer be added by the home owners association stating that there is horse property nearby that may be associated with dust, smells and flies.

Motion to approve RZ13-034/SD13-035 "Cloud Estates" as presented subject to the conditions outlined in the staff report to include the revision of Condition #7, and the addition of Conditions #14 & #15

(REVISED CONDITION #7) The developer shall be responsible for a cash-in-lieu payment to cover the construction and project management costs of the full 1/2 street improvements on Cloud Road for all portions for the Right-of-Way adjacent to the project. The cash-in-lieu payment will be determined by an engineer's estimate that will be submitted and reviewed by the Town during the Final Plat review phase of the project. Quantities on the engineers estimate will be based on Town Detail R-103 and shall include removal and replacement of asphalt to the center line (section line) of the roadway.

(NEW CONDITION #14) The Preliminary Plat and Landscape Plan shall include a Neighborhood Unpaved Trail (shared use: minimum 8 feet wide) on Cloud Road.

(NEW CONDITION #15) The Developer shall place a note on the final plat, State Real Estate Department Report, and the CC&Rs for the project that, "This subdivision is adjacent to properties zoned R1-43 (Rural Estate District) which may contain horse properties and this site may be subject to noise, dust and possibly odors normally associated with horse adjacent properties".

1st: Sossaman

2nd: Robinson

VOTE: Unanimous

ADMINISTRATIVE ITEMS

- 6. **Summary of Events from members of the Commission and staff.** The Commission may not deliberate or take action on any matter in the "summary" unless the specific matter is properly noticed on the Regular Session agenda.

None

- 7. **Adjournment:** Motion to adjourn 7:38 pm

1st: Robinson
2nd: Arrington
VOTE: Unanimous

PLANNING AND ZONING COMMISSION

Steve Ingram, Chair

Attest:

Amy Morales-Olea, Planning Assistant

I, Amy Morales-Olea, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the December 11, 2013, Regular Session of the Queen Creek Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Amy Morales-Olea
Passed and approved on January 8, 2013



Brett Burningham <brett.burningham@queencreek.org>

RE - Cloud estates RZ-13-034 & SD13-035

3 messages

MICHEL HEIMER <twocloud@msn.com>

Fri, Jan 10, 2014 at 2:43 PM

To: "brett.burningham@queencreek.org" <brett.burningham@queencreek.org>

We have reviewed the proposal for this property and do have a couple of concerns. The surrounding area is made up mainly of 1+ acres with single dwellings. The proposed plan for this section of land is asking for a higher density of housing. This will greatly increase the vehicle traffic onto Cloud Road. This road from Sossaman to Power Road is quite heavy with traffic already. A number of residents do use the road for walking, bike riding, and horseback riding which is putting us more at risk everyday because of the volume of traffic. The the higher number of homes being built on the 16 acres it will greatly increase the traffic and the neighborhood noise.

We would like to see the development go through but with few homes. Queen Creek is known for the larger property which is a bigger draw for those individuals who are looking for a "rural" area. We understand that the times have changed but we would still like to see any development put in on the southside of Cloud Road still reflect what is on the northside of Cloud Road.

Thank you











Linda Heimer
18630 E Cloud Road
Queen Creek

To: Town of Queen Creek City Council Members

We, the undersigned Cloud street property owners request that no change or deviation to the existing code be approved regarding the Cloud Estates project.

Reasons:

- We the home owners moved to this area with the express intention of living in a rural / equestrian area and if approved, it would negatively affect the character of the area.
- It will significantly increase the traffic on Cloud road.
- We are against Cloud road ever connecting to Ivy.
- This planned community is not compatible with the surrounding area. All adjoining properties are zoned and conformed with R1-43 standards.

Signature	Printed Name	Address
	William MARSHALL	18904 E. Cloud RD
	Summer Marshall	18904 E. Cloud Rd.
	James Kinke	18914 E. Cloud Rd
	Roberta Snyder	19024 E. Cloud Rd.
	Tricia Blauvelt	19045 E. Cloud Rd.
	DIANA Blauvelt	19045 E. Cloud Rd.
	Cody Higgins	19124 E. Cloud Rd
	DAN CHASON	19104 E. Cloud Rd QC 85142
	Charen Nimrod	18731 E. Cloud. 85142
	JAN NIMROD	18731 E. Cloud 85142

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Signature	Printed Name	Address
<i>Sally DeBeque Smith</i>	Sally DeBeque Smith	18911 E Cloud Rd; Queen Creek
<i>J.P. Smith</i>	J.P. Smith	18911 E Cloud Rd; Queen Creek
<i>Kathryn E. Fish</i>	Kathryn E. Fish	18944 E. Cloud Rd. Queen Creek
<i>Jeanne Goodall</i>	Jeanne Goodall	19049 E. Cloud Rd. AZ.
<i>Scott K. Beyer</i>	Scott K. Beyer	19139 E. Cloud Rd. Queen Creek AZ
<i>Janie Glare</i>	Janie Glare	18724 E. Cloud Rd. Queen Creek AZ
<i>Greg Clare</i>	Greg Clare	18724 E. Cloud Rd. Queen Creek AZ
<i>Steven Borelli</i>	STEVEN BORELLI	18712 E. Cloud Rd. QUEEN CREEK
<i>Gloria Borelli</i>	Gloria Borelli	18712 E. Cloud Rd. QUEEN CREEK
<i>Jim Duvley</i>	Jim Duvley	18642 E. Cloud Rd, Queen Creek



Zoning Protest Exhibit

- Subject Property: Perimeter 3,928 ft
- 150 foot buffer
- Protesting Property (within 150 ft. 1,728 ft or 44% of project perimeter)

January 14, 2014

Mr. Brett Burningham, AICP
Principal Planner, Development Services Department
Town of Queen Creek
22350 S. Ellsworth Road, Queen Creek, AZ

Re: RZ13-034/SD13-035 "Cloud Estates"; notice of protest

Dear Brett:

I own a 4.8 acre parcel adjacent to the east of the Cloud Estate proposed development. As such, I represent 50% of the property ownership within 150' of the eastern boundary of the Cloud Estates proposed zoning case.

This letter is to inform the Town of Queen Creek of my official protest of this rezoning application. Pursuant to the protest mechanism prescribed in the Town of Queen Creek Zoning Ordinance Article 3, Section 3.4(F) and outlined in Arizona Revised Statutes §9-462.04(H), with the filing of this official protest, three-fourths of the Town Council are required to vote in the affirmative to approve this ordinance.

While I don't object to the residential zoning and lot sizes proposed in this case, I believe that a number of unresolved questions relating to access and right-of-way issues on this property still exist and that passage of this zoning case and the related preliminary plat would be premature. It is during a zoning case that the Town has the only opportunity to craft a solution to roadway dedication and improvement issues that impact the entire neighborhood. If the Town Council decides to approve this zoning request without requiring the developer to dedicate and improve the public roadway that will exist on the southern boundary of the property, it will be setting a precedent for future cases and will ignore the larger issue of a public roadway system between Power and Sossaman along the Ivy Road alignment.

I do not make this objection from the perspective of a disgruntled neighboring owner that bought land more than eight years ago without any thought for vehicular access to the land. After meeting with Town staff members Jim Lubner and Mike McCauley in 2005 to discuss this very issue, I was handed a copy of a "Cloud Road Street Plan- approved by the Town Council on 12-04-02", which clearly showed Ivy as a proposed new street on the southern boundary of my property. Mr. Lubner and Mr. McCauley were told by me that I was not going to buy the property without assurance that there would be a right-of-way provided on Ivy. With this assurance, I purchased the property. Understanding the real estate development business, I had assurance from the Town that as a development occurred adjacent to Ivy, the typical and generally required

dedications and improvements to Ivy would occur. (A copy of the "Cloud Road Street Plan- approved by Town Council on 12-04-02" is attached.)

Approving this zoning case without a resolution of the roadway dedication and improvement issue will destroy the intent of the Cloud Road Street Plan I and other owners have relied upon.

I do not want to unreasonably delay the applicant from proceeding with his project if the Council believes the zone change is appropriate, but surely continuing this case to the February 19, 2014 agenda to resolve the access issue would be a prudent step to take into the best interest of the Town and landowners in the vicinity.

I thank you for your professional attention to this request. Please let me know if you have any questions or comments.

Regards,

A handwritten signature in black ink, appearing to read "Joe Brekan", written in a cursive style. The signature is positioned above the printed name "Joe Brekan".

Joe Brekan

Council #2 9570496

also Jim Sehnert - Eng - Public, 9587 #243

6/1 Mike Maulay, Plan

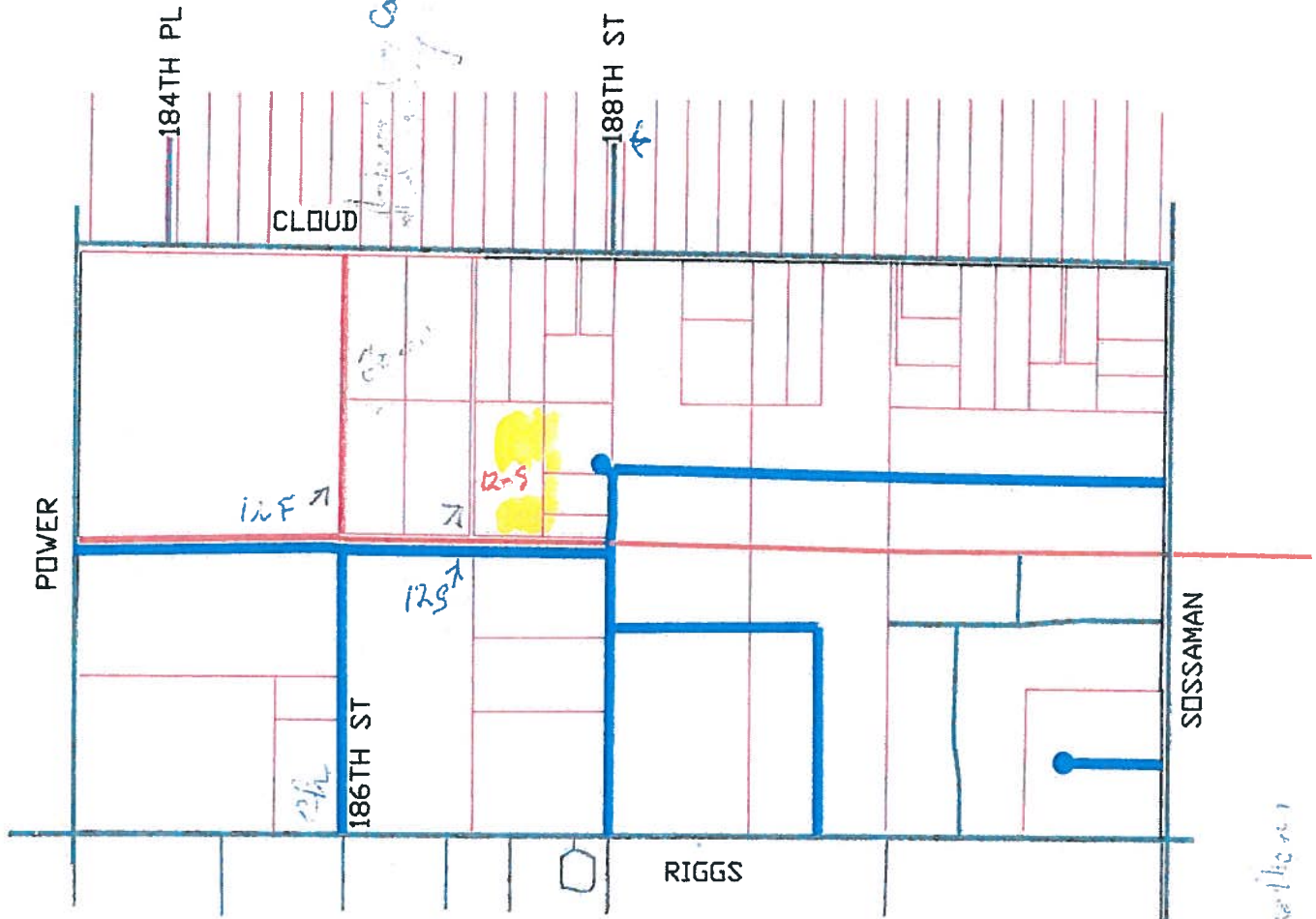
David Sterling - 307 532 4509 Dick Shaner

Joe B

4667 So Lake Shore - 82

CLOUD ROAD AREA STREET PLAN

APPROVED BY COUNCIL 12-04-02



- EXISTING STREETS
- EQUESTRIAN TRAIL
- PROPERTY LINES
- PROPOSED NEW STREETS

12-5

12-5