



Requesting Department:  
Development Services

**TO: PLANNING AND ZONING COMMISSION**

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

**RE: DISCUSSION AND POSSIBLE ACTION ON MAJOR GENERAL PLAN AMENDMENT GP13-030 "SONOQUI CREEK VILLAGE",** a request by Ralph Pew on behalf of KEMF Hawes & Riggs, LLC to amend the General Plan Land Use Map for 107 acres at the northwest corner of Hawes and Riggs roads from Very Low Density Residential (up to 1 dwelling per acre) to Low Density Residential (up to 2 dwellings per acre).

**DATE: JANUARY 22, 2014**

**STAFF RECOMMENDATION**

Staff recommends denial of GP13-030, "Sonoqui Creek Village".

**PROPOSED MOTION**

Move to deny GP13-030, "Sonoqui Creek Village".

**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 1b: Maintain and strengthen the ambiance and character of the Town's equestrian and low-density areas as development occurs in their surrounding areas.
  - 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 2: 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 3a: Recognize and maintain the unique character of the Town’s low density equestrian areas in the density, design and construction of both the public and private projects planned in areas where these neighborhoods exist.
  - 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.

**Growth Areas Element Goals and Policies**

- **Goal 6: Evaluate new development requests in the San Tan Foothills south of Hunt/Empire roads and the equestrian areas southwest of the Sonoqui Wash for compatibility with the existing and planned character of the area.**
  - Policy 6a: Additional development in the Town’s traditional equestrian areas south of the Sonoqui Wash should reflect an equestrian theme complementary with the established character of the area.

**Economic Development Element Goals and Policies**

- **Economic Development Goal 3: Create a distinctive economic development identity and character for the Town.**
  - Policy 3c: Promote the Town’s equestrian areas as a unique Lifestyle (particularly as other areas of the southeast valley are converted to alternative uses) to attract additional investment from the equestrian and estate community.

**SUMMARY**

This request involves a proposed change from Very Low Density Residential (up to 1 du/ac) to Low Density Residential (up to 2 du/ac) on 107 acres at the northwest corner of Hawes and Riggs Roads. The property was rezoned from R1-43 to R1-35 in 2006 in conjunction with the approval of the 93 lot Broadlands Estates at Riggs Road subdivision. However, the subdivision was never built.

The applicant is requesting the land use designation be revised to Low Density Residential (up to 2 du/ac) in order to replan the property.

An updated concept plan will be provided to the Commission showing 122 lots, with an overall density of 1.18 dwelling units per acre. The concept plan shows larger lots (22,100 s.f.) on the perimeter and smaller lots on the interior. The minimum lot size on the update concept plan is 18,000 s.f.

## HISTORY

September 20, 2006:	Town Council approved Ordinance 368-06 for RZ04-06 and SD06-006 rezoning the property from R1-43 to R1-35 for Broadlands Estates at Riggs Road.
September 2, 2008:	Current General Plan was adopted.
August 28, 2013:	Staff conducted an Open House to receive public comments on the proposed Major General Plan amendments for 2013.
September 25, 2013:	Staff conducted a second Open House to receive public comments on the proposed Major General Plan amendments for 2013.
May 29, September 23, & October 8, 2013:	The applicant conducted three neighborhood meetings to discuss this General Plan amendment and the future rezoning request, should the amendment be approved.
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.

The Planning and Zoning Commission also conducted a special meeting on October 15 to introduce the General Plan amendments for this year.

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 Planning and Zoning Commission also conducted a second public hearing.

In addition to the Town's outreach efforts, the applicant also conducted three neighborhood meetings on May 29, September 23 and October 8, 2013. Copies of the meeting minutes are attached.

## **DISCUSSION**

The Very Low Density Residential land use designation was intended to provide a smooth density transition from the existing and future large-lot residential areas and equestrian neighborhoods to the higher density residential districts. Since the Town approved its first General Plan in 1990 the Sonoqui Wash has been used as the dividing line in this area between Very Low Density Residential (up to 1 du/ac) land use designation to the south and Low Density Residential (up to 2 du/ac) land use designation to the north.

The subject property is the last large vacant land in this area south of the Sonoqui Wash. The zoning was changed in 2006 at the request of the property owner to allow a subdivision of R1-35 lots (35,000 s.f. +), consistent with other projects to the west, in that the overall density for the project would remain within the Very Low Density Residential (up to 1 du/ac) classification when the open space areas are included.

The applicant has submitted a Fiscal Impact Analysis indicating the property would require 7 years to complete given the current land use designation, as compared with 3 years for the project now proposed by the applicant (see Analysis section of the staff report).

In addition to the public comments reflected in the applicant's neighborhood meeting minutes, and comments received at the Town's open houses and hearings, staff has also received several emails from adjacent property owners in opposition to the request, as well as a petition in protest. Copies of the emails and petitions are attached.

## **ANALYSIS**

This property is the last large undeveloped property in the area southwest of Sonoqui Wash in this area. All other properties to the south and west have been developed consistent with the

existing General Plan density of less than one dwelling unit per acre. A portion of the applicant's property is within the Sonoqui Wash channel and would be transferred to the Town for incorporation into the Town's trail system. The applicant's property also includes 17 acres on the north side of Sonoqui Wash which is currently designated Low Density Residential (up to 1 du/ac). This property is not proposed for change or included in this General Plan amendment request.

A summary of the surrounding area is provided in the table below.

<b>Surrounding Zoning and Land Uses</b>	
North:	Sonoqui Wash and single family homes designated Very Low Density Residential (up to 1 du/ac) and Low Density Residential (up to 2 du/ac), zoned R1-35 and R1-43.
South:	Single family homes, designated Very Low Density Residential (up to 1 du/ac), zoned Rural 43 in Maricopa County.
East:	Vacant property and the Horseshoe Park and Equestrian Center designated Office/Service (O-S) and Open Space (O-S), zoned R1-43.
West:	Single family homes, designated Very Low Density Residential (up to 1 DU/AC), zoned R1-35.

The updated preliminary concept plan submitted for this request shows a total of 122 lots with a gross density of 1.18 dwellings per acre. The concept plan shows larger lots (22,100 s.f.) around the perimeter, with smaller lots (minimum of 18,000 s.f.) near the center. Additionally, the concept plan also shows the portion of Sonoqui Wash which crosses this property would be dedicated to the Town for incorporation into Town's trail system as part of the future subdivision. The applicant will present an updated concept plan at the Planning Commission meeting.

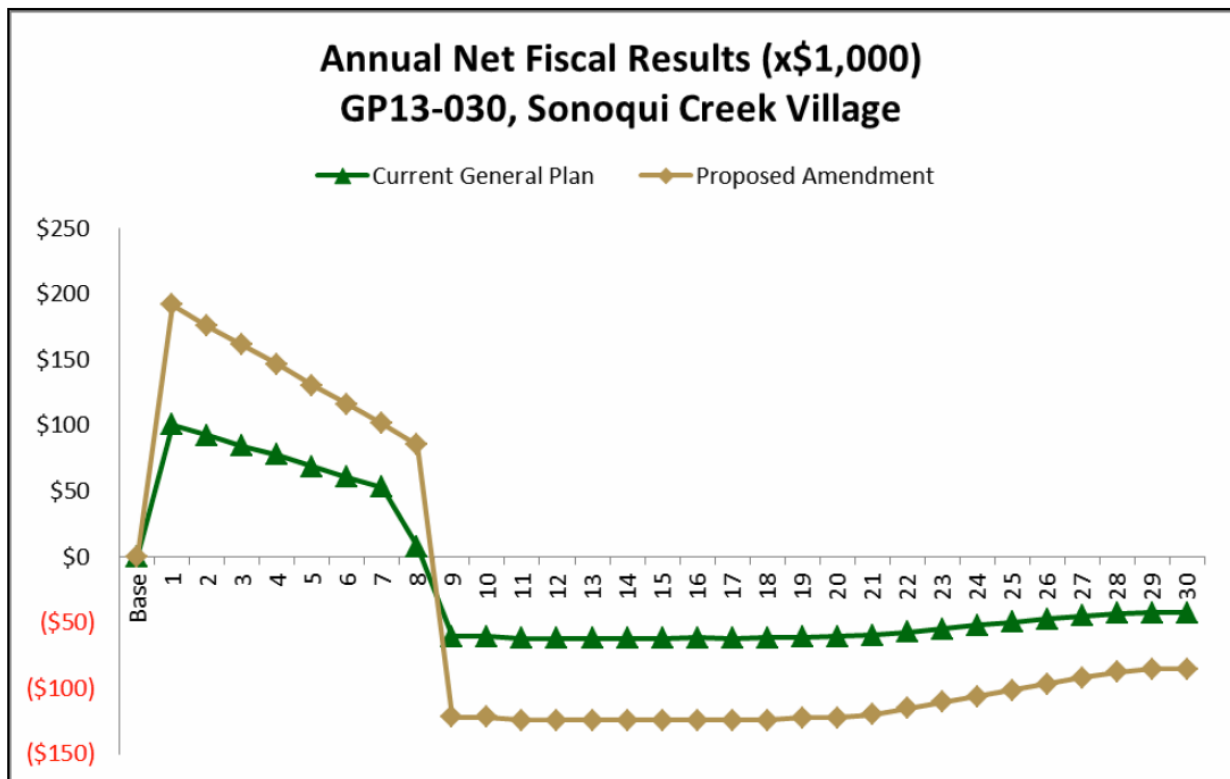
The traffic, utility and economic studies submitted by the applicant reflect the following:

- The Town's water and wastewater systems will be adequate to accommodate the anticipated demand from the proposed project once the appropriate line extensions have been constructed.
- The additional traffic volume created by the proposed development can be accommodated on Hawes and Riggs Roads with the construction of the future street improvements adjacent to the property.
- The fiscal impact analysis submitted by the applicant indicates the project would generate positive initial revenues to the Town due to construction related sales taxes

and development impact fees, but starting in 2017 the project would require annual expenditures exceeding revenue by \$14,300. When considering sales taxes paid by the future residents are included, the analysis indicates the project would generate a positive return of \$39,000 per year. This is actually an improvement over the potential revenues generated by the current project, due to the greater number of homes to be constructed and sales taxes paid.

- The Town’s Draft Fiscal Impact Analysis of General Plan Amendment Application (dated November 22, 2013), prepared by TischlerBise indicates the project would generate positive initial revenues to the Town due to construction related sales taxes and development impact fees. Both development scenarios generate net deficits on an annual basis after construction is complete. Net deficits for the Current General Plan land use designation are less than the proposed amendment. By year 30, net deficits are generated at approximately \$43,000 for the current General Plan and \$86,000 for the proposed amendment.

Figure 9: Annual Net Results -- Development Scenario: GP13-030, Sonoqui Creek Village



(graphic taken from Draft – TischlerBise Fiscal Impact Analysis Report, Queen Creek, Arizona)

**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 project 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** - Table 1 labeled “Queen Creek Future Land Use Plan” in the Town’s General Plan is provided below:

Table 1  
Queen Creek Future Land Use Plan

Land Use Designation	Acreage	Percent
San Tan Mountain Regional Park	10,296	24%
RC-Recreation/Conservation	1,244	3%
VLDR-Very Low Density Residential	9,798	22%
LDR-Low Density Residential	1,902	4%
Master Planned Community (San Tan Foothills)	2,167	5%
MDR-Medium Density Residential	6,864	16%
Medium-High Density Residential Type A	48	0%
Medium-High Density Residential Type B	241	1%
Higher Density Residential	621	1%
Office/Services	89	0%
NC-Neighborhood Commercial	233	1%
CC-Community Commercial	209	0%
Commercial Services	1,268	3%
Mixed Use	1,008	2%
TC-Town Center	561	1%
Regional Center	53	0%
RCC-Regional Commercial	503	1%
EMP A-Employment A	1,232	3%
EMP B-Employment B	1,312	3%
Employment	3,630	8%
P/Q-Public/Quasi-Public	421	2%
<b>Total Planning Area<sup>1</sup></b>	<b>43,700</b>	<b>100</b>

*Source: The Planning Center, 2008.*

Of all the single-family residential General Plan land use categories in the Town, the Low Density Residential (“LDR”) accounts for the smallest amount of acreage throughout the Town. Only 4% of the acreage within the Town is planned for LDR development while Very Low Density Residential (“VLDR”) accounts for 22% and Medium Density Residential (“MDR”) 16% of the Town’s total acreage. In effect, this allocation of land uses encourages residential development at either the highest single-family densities or the lowest densities as projected in the General Plan. It is the Owner’s position (as illustrated in the VLDR acreage absorption matrix below) that, in today’s residential development environment, the MDR areas will develop rapidly, the VLDR areas are extremely slow to develop and more acreage designated LDR would provide for greater diversity in housing product within the Town and create the opportunity for new residents in Queen Creek to purchase homes that are on lots larger than the MDR zoning categories and less than the typical acre lot development in the VLDR designations.

As illustrated in the chart below, a significant amount of VLDR acreage in the vicinity of this proposed GPA was platted for 339 residential lots between 1998 and 2013. As of the date of this application, 168 out of the 339, or nearly half, of the residential lots remain vacant. The absorption of the surrounding acreage has averaged 10.69 dwelling units per year. At this absorption rate, over fifteen years of vacant lot inventory is available in the surrounding area. The General Plan Land Use change from VLDR to LDR is minor. In fact, this Amendment affects less than 1% of the total VLDR acreage in the General Plan and only increases the LDR category by 4.7%.

**Subdivision Plat Study Summary for Hawes & Riggs GPA (Years 1998-2005)**

# of Subdivision Plats	Total # of Lots	# of Vacant Lots	Lot Size Ranges
5	219	123	18,000 to 40,000 sq. ft.
3	72	19	32,000 sq. ft. to 1 acre
2	48	26	1 acre
<b>Total: 10</b>	<b>339</b>	<b>168</b>	

**Subdivision Plat Study Summary for Hawes & Riggs GPA (Years 1998-2005)  
(Cont'd)**

<b>Improved Lots</b>			
# of Subdivisions	# of Developed Lots	Years	Lots Sold per Year
10	171	16	10.68

<b>Vacant Lots</b>			
# of Subdivisions	# of Vacant Lots	Lots Sold per Year	Years until vacant lots are improved
10	168	10.68	15.7



While VLDR land uses are appropriate and necessary within a community, it is even more appropriate to provide the public with a balance of residential options. It is appropriate to decrease the extremely high proportion of VLDR acreage in the Town and “bridge” the gap between the MDR and VLDR land use designations, thereby providing a transition and more residential options via the LDR land use designation. The importance of the transition between the MDR and VLDR as mentioned above is accentuated by the fact that selling acre lot custom home sites adjacent to the decommissioned landfill and the Horseshoe Park Equestrian Center will be extremely difficult. This amendment will increase the acreage absorption in the area thereby allowing a one-time impact and other fees to the Town as well as providing fiscal benefits and opportunities (at a much earlier time) for increased sales tax revenue as these residents spend discretionary income in the Town Center and other commercial areas.

Land use compatibility between VLDR and LDR land uses can be easily and appropriately adapted so that 30,000 to 40,000 square foot lots in the VLDR areas can coexist harmoniously with residents living on 18,000 to 22,000 square foot lots in the LDR category. The Applicant has included with this application a conceptual lot layout for this Amendment area demonstrating a quality subdivision design integrated in an area at the intersection of two arterial roadways, bounded by the Sonoqui Wash and VLDR development to the west. As indicated earlier in this Narrative, the Owner intends to file, during the process of this Amendment, a rezoning application consistent with the proposed LDR land use category.

**Staff Comment** – The Very Low Density Residential land use designation was intended to provide a smooth density transition from the existing and future large-lot residential areas and equestrian neighborhoods to the higher density residential districts. The Sonoqui Wash has been used in the General Plan as a dividing line between higher density to the north and lower density to the south.

- 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 Amendment constitutes an overall improvement to the Town’s General Plan by encouraging an appropriate balance between VLDR and LDR land uses within the Town as well as a transition from MDR to VLDR land use designations.

A key community benefit of the Amendment is to ensure sensible and sustainable land use transitions across the Town. We believe the proposed LDR is the appropriate land use for this site as it transitions from the higher intensity uses such as the adjacent Hawes Road, the decommissioned land fill, the Horseshoe Park Equestrian Center, as well as the many MDR neighborhoods to the north and east, to the lower intensity residential areas to the west and south. Furthermore, this site's location being less than 3 miles from the Town Center warrants a higher density to help promote the commercial success of the

community. Unfortunately, the existing VLDR land use has been and will continue to be difficult to implement due to the aforementioned higher intensity uses to the east and north. There are numerous locations in south Queen Creek that are better suited to develop a project of larger lot custom lots/homes that do not have the detriment of an adjacent decommissioned landfill or the potential traffic generated by a nearby Horseshoe Park and Equestrian Center. For these reasons, we believe the community will substantially benefit from the more sensible and sustainable LDR land use category.

The Amendment also promotes an increase in the diversity of housing product and quality of ultimate housing design and provides the short-term and long-term economic benefits summarized in the fiscal analysis submitted with this application. In addition, this Amendment is consistent with the overall intent of the General Plan as outlined in Subparagraph 4 below. The Owner acknowledges that approval of this Amendment will benefit the Owner at this particular point in time; however, this benefit to the Owner is not the sole purpose of the Amendment. All proposed Major GPAs are filed with the intent to improve or assist the owner of the property subject to the Major GPA to increase the economic viability or absorption of the real estate. The important point here is that this Amendment also provides important benefits to the Town and future residents that would enjoy living in the proposed Sonoqui Creek Village and participating in the ambiance and quality of life environment of the Town of Queen Creek and its amenities.

**Staff comment** – The current land use designation is located south of the Sonoqui Wash, and was intended to provide for Very Low Density Residential (up to 1 du/ac) development that would be consistent with other existing and proposed uses in the area focused on larger lot development and equestrian activities. The Sonoqui Wash has been used in the General Plan as a dividing line between higher density to the north and lower density to the south.

**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 approval of this Amendment will not significantly alter land use patterns in the area because the application is for a modest increase in density and a one category increase in General Plan residential land use intensity. This area of the Town north of Riggs Road and south of the Sonoqui Wash is comprised of predominantly VLDR land uses and this LDR land use across the street from land designated for office/service uses and the existing Horseshoe Park and the decommissioned land fill does not create an disruption in acceptable land use patterns and is consistent with residential densities along the Sonoqui Wash.

**Staff Comment** –The subject property (and the surrounding residential areas to the west) were designated as Very Low Density Residential (up to 1 du/ac), since the Town’s

inception. Adjacent properties to the west have been developed under this designation, and this property was rezoned in 2006 to allow a use consistent with the others in the area, which is still an option available for the future use of the property. The site's location adjacent to the Sonoqui Wash also offers the option of linking future equestrian uses on this property with the equestrian trail in the wash providing access to the Horseshoe Park and Equestrian Center.

- b. Requiring larger and more expensive improvements to roads, sewer, or water systems that are needed to support the prevailing land uses in 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 the traffic statement submitted with this application, the proposed increased residential density will not have a significant or adverse impact on existing roadways and levels of service in the vicinity. No improvements to roadways other than the typical half-street improvements are necessitated. Water and sewer systems are adequate in this area to service these utility needs to residents in the Sonoqui Creek Village project. Discussions with the Town of Queen Creek Water and Utility Department indicate that The Town has adequate capacity within its existing water and sewer infrastructure to accommodate the increase in density with this project without adversely impacting future development within the General Plan. Sewer will be extended from the properties northwestern boundary, west along Cloud Road to Sossaman Road providing service to additional residents beyond this project which are currently on septic systems. This extension has the ability to raise additional revenue for the town.

**Staff Comment** – Staff agrees with the applicant, with the understanding that both Riggs and Sossaman Roads will be improved as part of the future subdivision of this property.

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

**Applicant Response** - As summarized in the traffic statement, access to the southeastern portion of Sonoqui Creek Village is from Riggs Road while access to the northwestern portion of the Queen Creek Villages is from 196th Street and Jeanna Lane. Because of the low density nature of this Amendment, the incremental increase in traffic will not require additional improvements to Riggs Road nor to 196th Street north of Riggs Road. However, consistent with acceptable development requirements, the developer of Sonoqui Creek Village will be required to improve the east half of 196th Street adjacent to the project's western boundary.

**Staff Comment** – While the project will create additional traffic on Jeanna Lane and Riggs Road as a result of this proposed change, the increase should not adversely affect the

future level of service designation for either street. As part of the future consideration of a rezoning request and subdivision plat, should the request be approved, it would be expected that both Riggs and Hawes Roads would be widened by the developer as part of the construction of the new project.

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

**Applicant Response** - Approval of this Amendment and the ultimate development of a single family residential community in the Low Density Residential category will not affect adversely the health and safety of residents in the area nor will it create a burden on existing residents and alter the livability of their existing very low density residential lifestyle. The fact that Sonoqui Creek Village develops at a density slightly higher than existing development to its west, does not alter the condition of livability in the area because the proposed density for Sonoqui Creek Village is approximately 1.57 dwelling units per acre. Both the Sonoqui Creek Village and the existing residential uses would be considered low density development in a general sense and inherently compatible with one another.

**Staff Comment** –The surrounding projects to the west and north all contain lots of 30,000 square feet or larger, while the majority of the lots shown on this concept plan are proposed to range from 18,000 to 22,100 square feet.

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

**Applicant Response** - In the General Plan and Land Use section of this narrative, the Owner specifically identifies several of the visions, goals and policies of the Town’s General Plan that are implemented by and consistent with this Amendment.

**Staff Comment** – The Town has used the Sonoqui Wash as the dividing line in this area between higher density to the north and lower density to the south. The intent of the Plan is to regain the low density and equestrian character of the area adjacent to the wash in that the Town’s trail system provides an equestrian trail within the wash. This goal is reflected in the Land Use Goals and Policies described above, as well as in the Vision to “Keep Queen Creek Unique” described in the plan.

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 Sonoqui Wash has been used as the dividing line between Very Low Density Residential (up to 1 du/ac) to the south and Low Density Residential (up to 2 du/ac) to the north in this area since the Town completed its first General Plan in 1990. This division was intended to demark the more rural and equestrian areas to the south from the higher density residential areas to the north.

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.

#### **ATTACHMENTS**

1. Existing General Plan map
2. Existing classification and proposed change
3. Applicant concept plan
4. Applicant narrative
5. Fiscal Impact Analysis
6. Traffic Report
7. Applicant neighborhood meeting minutes
8. Neighborhood petition in opposition
9. Comments received at the Town’s Open Houses and other public comments
10. Mike Hare email
11. Battles email
12. Naranic email and presentation
13. Applicant Planning Commission Presentation
14. Special Session Planning & Zoning Commission Minutes December 5, 2013