



Requesting Department:  
Development Services

**TO: PLANNING AND ZONING COMMISSION**

**FROM: CHRIS ANARADIAN, DEVELOPMENT SERVICES DIRECTOR**

**RE: DISCUSSION AND POSSIBLE ACTION ON MAJOR GENERAL PLAN AMENDMENT GP13-028 "BARNEY FARMS",** a request by Mario Mangiamale on behalf of Ken, Newell, Gail and Pamela Barney and Dane Chaffee to amend the General Plan Land Use Map for 241 acres at the northeast corner of Signal Butte and Queen Creek Roads from Employment Type B and Recreation/Conservation to Mixed Use and High Density Residential Type B (up to 8 dwellings per acre).

**DATE: JANUARY 22, 2014**

#### STAFF RECOMMENDATION

Staff recommends that GP13-028 "Barney Farms" be continued until the March 12, 2014 Planning Commission Meeting.

*Please see the UPDATED information described in italicized text below.*

#### PROPOSED MOTION

Move to continue GP13-028 "Barney Farms" to the March 12, 2014 Planning Commission meeting.

#### 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.
  
- **Goal 2: Effectively manage the Town's growth**
  - Policy 2a: Focus the Town's efforts to promote new development and economic development in the areas identified in the Growth Areas Element, the Town

Center and the State land east of Meridian and the area adjacent to the City of Mesa.

- Policy 2b: Coordinate the Town’s efforts with the private sector to provide the additional infrastructure when and where needed to accommodate new development.
  - Policy 2g: Require all development proposed within the Phoenix-Mesa Gateway Airport Overflight Zones I and II to comply with all applicable standards of Part 77 of the Federal Aviation Regulations.
  - Policy 2h: Residential Development will not be permitted within the AOA I.
  - All new residential development within AOA II shall be subject to the noise attenuation and disclosure statements established by Phoenix-Mesa Gateway Airport.
- **Goal 3: Develop superior neighborhoods**
    - Policy 3b: Provide a diversity of housing opportunities within the Town ranging from lower density residential areas in the desert foothills and equestrian neighborhoods, to higher density housing in master planned communities in the Town Center and near future shopping and employment areas.
    - Policy 3d: Ensure compatibility between new projects and existing neighborhoods by providing appropriate transitional treatments when:
      - a. New residential subdivisions are adjacent to existing residential areas; and,
      - b. New development contains lots adjacent to an open space, a non-residential land use or an arterial street.
  - **Goal 4: Ensure long-term employment and economic stability**
    - Policy 4a: Develop a diverse and robust economic development base to ensure the Town’s long term economic stability.
    - Policy 4e: Partner with the private sector to actively promote development of employment related uses in the Town’s growth areas and adjacent to the Phoenix-Mesa Gateway Airport.

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

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

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

**Economic Development Element Goals and Policies**

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

**Cost of Development Goals and Policies**

- **Goal 1: Ensure the Town is financially self sustainable at build-out.**
  - Policy 1a: Designate areas and land uses in the General Plan which are appropriate in size and location for future revenue or employment-generating uses.
  - Policy 1b: Minimize land use changes which would reduce the size of areas designated for future revenue or employment-generating land uses.

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

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

## SUMMARY

The applicant is proposing to amend the General Plan land use designation for 241 acres at the northeast corner of Signal Butte and Queen Creek Roads from Employment Type B and Recreation/Conservation/Parks to Mixed Use and High Density Residential Type B (up to 8 dwellings per acre) to allow the property to be entitled for a mixture of housing types and “mixed use” development.

## HISTORY

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.
September 23, 2013:	The applicant conducted a neighborhood meeting to discuss both this General Plan amendment and rezoning request that will follow it, if the amendment is 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.

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’ 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.

In addition to the Town’s outreach efforts, the applicant also conducted a neighborhood meeting on September 23, 2013. A copy of the meeting minutes is attached.

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

## DISCUSSION

The Town of Queen Creek, as a result of being located on the south side of the Phoenix-Mesa Gateway Airport, is affected by the aircraft approaching and departing the airport. For comparison, in Gilbert there are 5.9 square miles within AOZ III, which represents 3.5% of Gilbert's planning area. In contrast, there are 13.2 square miles in Queen Creek and they represent 7.7% of the Town's planning area. One of the results of this difference is that the Town has designated more area for future employment (non-single family residential use) than Gilbert.

Both Mesa and Gilbert have also designated a significant amount of area for future employment adjacent to the airport in their communities for much the same reasons. This has resulted in a significant total amount of acreage being designated for future employment (non-single family residential use), likely more than can be absorbed. As the area surrounding the airport continues to grow, however, alternative land uses which will be compatible with the airport will enter the area. As a result, it is likely that the total amount of area designated for employment use will be modified over time as the area continues to grow and the economy matures.

As the area surrounding the airport continues to grow, planned, unforeseen and alternative land uses which will be compatible with the airport may enter the area in each adjacent community - but certainly not without readily available infrastructure. Sites designated for Commercial and Industrial uses that are lagging similarly situated sites in the provision of water, sewer, transportation, electric and communications infrastructure will continue to be under increasing pressure to accommodate unforeseen and alternative land uses. As a result, it is likely that the total amount of area designated today for commercial and industrial uses will be modified over time in the lands surrounding the Phoenix-Mesa Gateway Airport as the area continues to grow and the economy matures.

The question proposed by this request is should the subject properties be redesignated for alternative uses now? If so, is this alternative plan acceptable to the Town. If not, how is the current designation in the General Plan to be realized on these subject properties that reside in a neighborhood of similarly designated lands which currently or will soon provide needed infrastructure?

The applicants have a positive history of working with the Town to address issues related to land use as the Town has continued to grow. The applicant sold the Town a park site (the former East Park) and then traded the property for an alternative location when it became clear that it was in our mutual best interest to relocate the park. In fact, the former 127 acre park site is a portion of this request. The park is currently designated Recreation/Open Space in the General Plan, but now that the property is in private hands, it needs to be given an alternative land use designation. The applicant has proposed the new designation be High Density Residential (up to 8 du/ac). Staff notes that the property to the east which is also owned by the applicant and was approved for a Major General Plan amendment (GP09-58) in May 2010, for Medium-High Density Residential Type A (up to 5 du/ac) with a maximum density of 4.5 du/ac and 975 units total. Part of the reasoning behind approving this change was that East Park would be located between this residential area and the AOZ II noise contours on the west side of the park.

**Phoenix-Mesa Gateway Airport:**

With the closure of Williams Air Force Base in 1993 and the opening of Williams Gateway Airport (later renamed Phoenix-Mesa Gateway Airport), the issue of aircraft overflight and its impact on the surrounding communities became an issue of concern. In a time of uncertainty regarding the ultimate expansion of airport operations, these concerns resulted in the completion of a Part 150 Noise Mitigation Study by the Airport Authority in 2000 which provided maps reflecting the three “Aircraft Overflight Zones” (AOZ) for the airport. These three zones attempt to regulate the construction of additional housing near the airport.

When the completed Part 150 Study was presented to the Airport Authority Board of Directors in 2000, it was approved with Queen Creek’s support, and Town staff was directed to reflect the locations of the Overflight Zones on the Town’s General Plan and work with property owners who would be affected by them.

“AOZ I” and “AOZ II” noise contours were incorporated into the Town’s 2002 and 2008 General Plans. The areas within these contours were shown primarily for future industrial and commercial uses, consistent with the recommendations of the Part 150 Study.

In “AOZ I” it was recommended no new housing be constructed. In “AOZ II”, single family residential construction that had been previously approved was recommended to be allowed to proceed - subject to noise attenuation and disclosure statements established by Phoenix-Mesa Gateway Airport. In “AOZ III” all new housing was recommended to be allowed, with public disclosure and noise attenuation measures.

This subject property falls within “AOZ II”, where rezoning is recommended to be pursued in compliance with the permitted uses identified in the 2000 Part 150 Study. These uses are primarily employment and agriculture. It was in response to the 2000 Part 150 Study that portions of the subject property were previously rezoned from R1-43 (single family residential at 1 home per acre) to I-2 General Industrial.

Jane Morris, the Executive Director of the Phoenix-Mesa Gateway Airport, has submitted a letter in protest of this case. (See attachment) She states the airport is opposed to all forms of residential development within the AOZ II, and is recommending the case be denied. The applicant agrees that residential development should be permitted in the AOZ II, as the 2000 Part 150 Study recognized similar residential development has been permitted in Gilbert, and the property has been developed without apparent aircraft overflight problems.

While the airport is still growing at a significant rate, the full development potential of the facility is still unknown. Aircraft traffic may continue to grow for years. The noise contours in all Part 150 Studies are determined to a significant degree by the aircraft “fleet mix” projected to use the airport in the future. In 2000 when the Part 150 Study was completed, a fleet mix was established for the new airport which included military aircraft and large aircraft. In the intervening years, however, it is possible the currently anticipated fleet mix may have changed, which would affect the projected noise contours, and with it the location of the future Aircraft Overflight Zones.

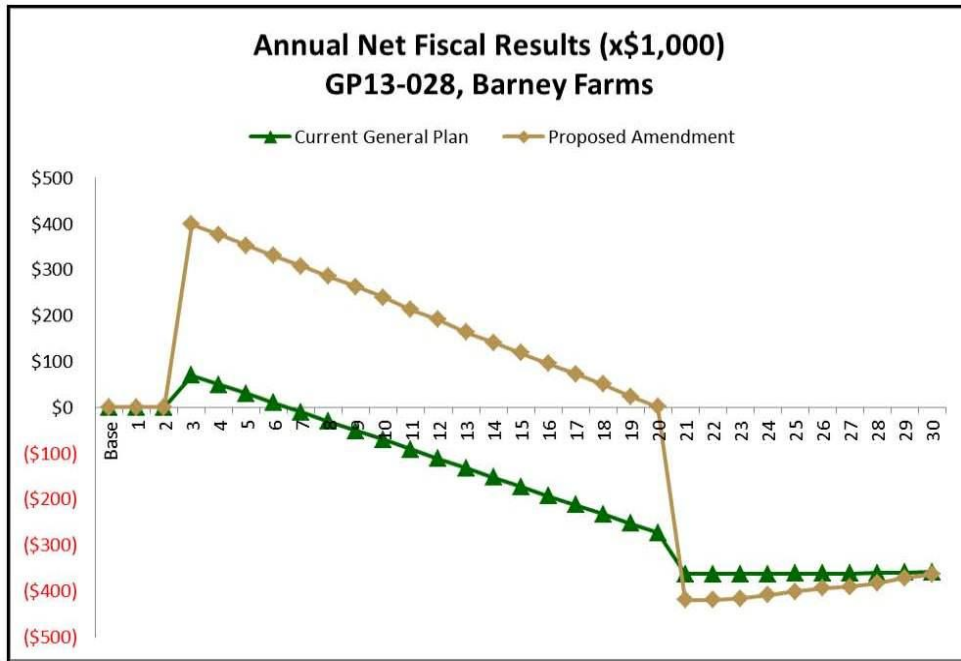
This application proposes that development of the subject property for residential use would be beneficial to the town in that it would generate near term revenues as a result of new construction and long term revenue from sales taxes paid by the residents.

**UPDATE:**

***The long term financial sustainability of the town was a key issue in the development of the current General Plan, and it remains so today. The balance of future employment areas and residential uses is a significant future concern for the Town, from both a financial and livability standpoint. It was for this reason the Town commissioned TischlerBise to study the fiscal sustainability issue as part of this General Plan Amendment review and future update process.***

***As it pertains to this subject property and request to amend the General Plan land use designation to Mixed Use and High Density Residential Type B (up to 8 dwellings per acre), the key findings in the TischlerBise study are as follows:***

Figure 7: Annual Net Results – Development Scenario: GP13-028, Barney Farms



- *The Town’s Draft Fiscal Impact Analysis of General Plan Amendment Applications (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 more than the proposed amendment. By year 30, net deficits are generated at approximately \$359,000 for the Current General Plan and \$364,000 for the proposed amendment.*
- *While the resulting net deficit amounts are close in value, the actual operating impact from both scenarios is very different: The Current General Plan generates an annual operating cost of \$508,000 while the Proposed Amendment generates an annual operating cost of \$2 million—a fourfold increase.*

*Since the Commission’s decision to continue this case to the January 22, 2014 meeting, additional information has been provided from TischlerBise. In addition, MAG (Maricopa County Association of Governments) recently released an updated Fiscal Balance Report (October, 2013 prepared by Applied Economics).*

*The TischlerBise Part 2 study highlights a major consideration(s) that requires additional staff analysis and communication with the applicant. Staff is considering the implications of land use recommendations as a result of these initial findings that were received from TischlerBise on January 14, 2014. The TischlerBise study identifies the amount of land that should be preserved for “net new” retail, office, and industrial projects as follows:*



**Figure 1: Summary of Projected 40-Year Market Demand: Square Footage and Estimated Land Area**

Land Use	Net New Square Feet*	FAR Range			Net New Land Area Range (Sq. Ft.)			Net New Acres		
		Lower	Mid	Higher	SF at Lower FAR	SF at Mid FAR	SF at Higher FAR	Ac. at Lower FAR	Ac. at Mid FAR	Ac. at Higher FAR
Retail	1,370,000	0.20	0.30	0.40	6,850,000	4,566,667	3,425,000	157	105	79
Office	1,400,000	0.20	0.30	0.40	7,000,000	4,666,667	3,500,000	161	107	80
Industrial	2,380,000	0.10	0.15	0.20	23,800,000	15,866,667	11,900,000	546	364	273
<b>Total</b>	<b>5,150,000</b>				<b>37,650,000</b>	<b>25,100,000</b>	<b>18,825,000</b>	<b>864</b>	<b>576</b>	<b>432</b>

\*Source: The Chesapeake Group; TischlerBise

**These acreages identified in the study represent the “net new acres” that should be available to bring projects to fruition between now and the Town’s next 40 years. These acreages confirm the findings of previous studies that were conducted prior to the economic downturn by Elliot Pollack (Elliott D. Pollack & Company, “Employment Land Supply/Demand Analysis, Town of Queen Creek, Arizona, November 2004”).**

**The Town’s Economic Development team is assisting Development Services staff in the process of comparing these proposed “net new” acreages and the existing inventory of retail, office and industrial properties to neighboring communities regarded as having a good mix of land uses, financial sustainability, and a good quality of life in our region. Encouraging commercial and industrial development at the subject property was the goal of the land use designation in our General Plan.**

**ANALYSIS**

At present the property involved in this request is used for agricultural purposes and zoned I-2 (General Industrial).

A summary of the surrounding area is provided below.

Surrounding Zoning and Land Uses	
North:	Agricultural property zoned I-2 in the Town of Queen Creek and the TRW facility in Mesa zoned G-I General Industrial
South:	Agricultural property designated Commercial and Employment Type A, and zoned R1-43 Single Family Residential.
East:	Medium-High Density Residential Type A (up to 5 dwellings per acre) – zoned I-2 Heavy Industrial.
West:	Employment Type B, (with 127 acres owned by the Town of Queen Creek for a future park), currently in agriculture and zoned I-2 Heavy Industrial.

Staff has reviewed the traffic, drainage, utility and economic impact studies submitted by the applicant and has concluded 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 are completed. These extensions will be significant in size, length and cost and will be the responsibility of the property owners to complete.
- Substantial improvements will be required to the Town’s street system to accommodate this project, including the construction of portions of Queen Creek, Signal Butte Roads. These project will be significant in size, length and cost and will be the responsibility of the property owner to complete. See item 3.c on page 13 for more on this issue.
- The economic impact study submitted by the applicant states the project could create a net positive revenue stream to the Town of \$500,000 annually, which would be about 14% more than the required expenditures by 2034. The positive revenues created by the proposed commercial and mixed-use components of the project are projected to offset the costs associated with the residential components of the project. The primary reason for the projected revenue increase is the revised employment mix (verses general industrial type uses) and the shorter absorption time required for the proposed project, as compared with the industrial uses shown on the current plan.

**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** - The Town’s General Plan Land Use Plan may contain other appropriate areas for the proposed, traditional mix of uses however; the impetus of this request is that the existing employment and Recreation/Conservation/Open Space land use classifications are not appropriate at this specific location.

Although the location of the existing Employment - Type B land use classification for a portion of the property is consistent with the established vision of the Queen Creek General Plan, the distance separation from major transportation corridors such as the San Tan Freeway (202L), future State Route 24, and the Union Pacific Railroad, coupled with the overabundance of employment land uses within the geographical location, contribute to the undesirable employment use of the property.

Additionally, the Town's General Plan does not provide a sufficient cross-section of attainable housing to accommodate the anticipated local and regional employment base along the northern planning area boundary. Excluding higher residential densities permitted in the nearby Regional Commercial land use classification, the Town has only allocated less than 2% of the Town's overall 43,700 acre planning area as permitting residential densities greater than 3 dwelling units per acre. In an effort to promote the General Plan vision concerning housing diversity and higher residential densities within proximity to employment and commercial areas, the Medium High Density Residential Land Use classification is proposed.

**Staff Comment** – Since the Town developed its first General Plan in 1990 this property, along with the others adjacent to Germann Road have been designated for employment use. This was done due to the proximity of the property to Phoenix-Mesa Gateway Airport and the employment areas in Mesa in an effort to capture a portion of that employment growth, and the location of the aircraft overflight zones for the airport which would adversely affect future residential areas. It was not proposed or recommended that residential development be located in this area.

The applicant's position is that the Town has over designated areas for Employment (non-residential) use, which as adversely affected the near-term development potential for these properties. While it may be true that there currently is an oversupply of employment land in the area, as the Town continues to grow there will be an increasing need for non-single family residential uses in the community. These uses may be best located in non-single family areas.

In addition, this property is located within the AOZ I and AOZ II aircraft overflight areas for Phoenix-Mesa Gateway Airport which affect the residential development potential for the property, as is discussed elsewhere in this report.

As a result of the issues above, other areas within the community were designated for Medium-Density Residential use, and are being developed today.

- 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 proposed amendment does not exclusively benefit a particular landowner at a particular point in time, but conversely constitutes an overall improvement to the Queen Creek General Plan as it will provide additional locations for Medium High Density Residential land uses for the geographical area; provide an improved balance of sustainable land uses for the Town, and facilitate private capital investment for roadway and other infrastructure improvements that will significantly benefit the area as a whole. Additionally, the proposed Land Use Plan amendment will offer superior land use transitioning and buffering for the existing, adjacent residential and nonresidential land use classifications.

Maintaining the existing Employment - Type B land use classification does not benefit the Queen Creek community or geographical area as the property has been deemed undesirable by Employment - Type B users due primarily to the relatively large distance separation from major transportation corridors such as the San Tan Freeway (202L), future State Route 24 and the Union Pacific Railroad. Additionally, suitability of this property for employment type land uses, now or in the distant future, has been compounded through the realization that the City of Mesa has continually amended its General Plan to include over 5,000 acres of industrial/ employment classified land in between the Phoenix-Mesa Airport and this property.

Lastly, the proposed land use amendment will ultimately assist in alleviating vehicular traffic congestion in other parts of the Town and region by facilitating private improvements to adjacent roadways, which will enable more efficient transportation corridors for use by all residents of the community and surrounding areas.

**Staff comment** – Staff can appreciate that the applicant is interested in pursuing development of their property while the market for single family housing is strong and seen as a viable development option at this time. The concept of Mixed-Use has development potential, however it is incorporated within the design of the single family residential project. One of the basic concepts of the General Plan is that the Town remains economically viable over the long term and that to do so will require areas to be developed for non-single family residential land uses. This is particularly true in this case, given the aircraft overflight issues that affect the property.

***UPDATE: The consideration of the proper balance of Town-wide “net new” retail, office and industrial land uses is currently under review based on the new studies received from TischlerBise and MAG.***

- 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 proposed Land Use Plan amendment will not adversely affect the community as a whole by significantly altering land use patterns. The proposed amendment adheres to the goals and policies specified in the Queen Creek General Plan by: providing desirable and necessary commercial uses within closer proximity to nearby residents; integrating a transitional land use between the differing land use types to increase the compatibility, and provide a level of protection for each existing use; and encouraging residential developments that will provide a more diverse blend of housing types for different income levels and family types in an effort to accommodate an expanded local and regional employment base.

**Staff Comment** – The current employment land use designation was first established on this property with the 1990 General Plan in recognition of the military overflight from Williams Air Force Base, and in the 2002 General Plan in recognition of the conversion of the airport to become Phoenix-Mesa Gateway Airport and the newly completed Part 150 Study. Conversion of a significant area within the AOZ II for residential use would significantly change the land use pattern for the area and place housing in an area that will be subject to significant aircraft overflight, and the long-term issues it may create for the Town, the Airport, and the future residents of the area.

**UPDATE: *The consideration of the proper balance of Town-wide “net new” retail, office and industrial land uses is currently under review based on the new studies received from TischlerBise and MAG.***

- 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** - The proposed amendment will not have an adverse impact on the Town’s infrastructure; conversely, it will facilitate the dedication and improvement of Signal Butte and Queen Creek Roads, and it will provide necessary water and sewer infrastructure in the immediate area to serve as a catalyst for development of other, adjacent properties. As the project develops, necessary and required dedications and infrastructure improvements will benefit the Town as a whole. The net effects to the Town are lower direct costs, dramatically improved services, and increased tax revenues.

**Staff Comment** – A large and complex project of this type will require a significant expansion of the Town’s infrastructure for street improvements, utility extensions,

etc. Most of the cost for these and similar improvements will be borne by the private sector and/or paid for with development impact fees collected from the project. The new improvements will also be sized to serve adjacent properties through extensions to the system.

In addition to the street improvements proposed by the applicant, additional street improvements will be required to widen and improve the arterial streets connecting this project with the other arterial streets serving the community. These improvements would typically be done when the adjacent properties develop, but it is unlikely all will be completed in a coordinated fashion to avoid additional traffic congestion on adjacent 2-lane streets.

In order to help coordinate the process and provide improvements and fill in “gaps” where private funding is not available, and to provide improvements to Town owned property in the area, the Town will also need to contribute through the Town’s Capital Improvement Program.

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

**Applicant Response** - The proposed amendment will not have an adverse impact on the Town’s existing land uses, as development of the site will facilitate adjacent roadway dedications and improvements resulting in improved vehicular circulation for the area. As identified in the corresponding Trip Generation Memorandum, Signal Butte and Queen Creek Roads are the primary, adjacent streets serving Barney Farms. The current land use for the project area is anticipated to generate approximately 10,013 vehicles per weekday, based on development of the site at its highest intensity of use. The proposed land uses are anticipated to generate approximately 34,639 vehicles per weekday at the highest intensity of use. The planned arterial level street system will serve adequate to accommodate the existing and projected traffic volumes.

**Staff Comment** – Given the location of the property it is unlikely the increased traffic will adversely affect any adjacent uses. In fact, the street improvements proposed, combined with those to be provided by adjacent owners and the Town as described above, will improve the street system serving the area, which should positively affect the adjacent uses and vacant properties.

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

**Applicant Response** - The proposed uses will not adversely affect the livability of the area or affect the health or safety of the residents. Conversely, provision of residential development in this area, including its associated trails, parks, and open space areas, will provide the means to help promote healthy lifestyles for the residents of the development, as well as maintain a healthy sustainable community. The provisions of

Medium High Density Residential land uses within close proximity to employment and commercial areas will also serve to substantially increase the livability of the area for Queen Creek residents by possibly reducing automobile emissions due to shorter travel distances. Livability of the area will further be increased through, at a minimum, development of the site in compliance with the Town's livability test of aesthetics and low light impact guidelines. While a portion of the project area is located within the AOA II zone, proposed residential uses have been planned responsibly by locating them outside of the 65 and 60 DNL overflight contours generated by Phoenix-Mesa Airport. The AOA II zone is designated as compatible for residential development in the Gateway Part 150 noise study, subject to appropriate noise mitigation and disclosure.

**Staff Comment** – The purpose of the Part 150 Study for Phoenix-Mesa Gateway Airport is to prevent the location of noise sensitive land uses such as single family housing in areas which will be affected by the noise and other issues created by aircraft overflight. The applicant's property lies within the AOZ II overflight zone, where it is expected aircraft overflight will generate noise levels of concern to future residents. It has not been the policy of the Town to allow new residential projects fully within the AOZ II, knowing that aircraft overflight will become a greater issue in the future as the airport continues to grow than it is today. Noise levels today that may be acceptable to prospective residents in the area, may not be in the future when the airport is fully developed and the amount of air traffic using the facility has greatly increased. It was for that reason the applicant's property has been designated for non-residential use in the General Plan.

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

**Applicant Response** - The proposed General Plan amendment to the Queen Creek Land Use Plan is consistent with the vision and fosters the overall intent, goals and policies of the General Plan as it: provides a greater balance of land uses in appropriate locations to assist in diversifying and creating a more sustainable economy for the Town and resultant increase in tax base; provides compatible land use relationships with the surrounding area; provides opportunities for attainable housing for certain sectors of the market; accommodates a broader mix of residential opportunities by allowing single family housing on smaller lots and lot clustering; provides higher residential densities in close proximity to nonresidential uses; will accommodate residential in conjunction with commercial and employment land uses within a master planned development; provides opportunities for connections to parks, trails, and open spaces; integrates transitional land uses between the differing land use types to increase compatibility, and provides a level of protection for each use; and will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole.

**Staff Comment** – The proposed change is not consistent with the overall intent of the General Plan. The intent of the General Plan is to reserve the area south of Germann Road

for future employment use since it is nearest to Phoenix Mesa Gateway Airport, the SR-24 Freeway and the employment areas in Mesa.

- **Economic Development Goal 2: Cultivate the Town’s Economic Development centers and assets.**
  - **Policy 2b:** Actively promote the Town’s proximity to Phoenix-Mesa Gateway Airport and support new employment growth in the Germann Road/Ellsworth Road area near the airport.
  - **Policy 2d:** Direct major commercial growth and service projects to the Town’s Meridian Road, Riggs Road, Germann Road transportation corridors and the 802 Freeway.

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

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

<b>STAFF CONCLUSION</b>
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This property has been designated for future employment use since the Town’s first General Plan was adopted in 1990. This was done in order to provide an area for future employment uses within the Town nearest to Mesa and the Phoenix-Mesa Gateway Airport to help provide for a long term economic base for the community. It was also done in response to the Phoenix-Mesa Gateway Airport Part 150 Noise Compatibility Study which was adopted in 2000 and recommended area be used for employment and other uses compatible with the airport.

Town staff has also approached the Phoenix-Mesa Gateway Airport Authority regarding the status of the Airports efforts to update the Part 150 Study, in order to reassess the aviation implications for the properties surrounding the airport. All parties agree that it is not in the best



interest of the Town or the region to potentially adversely affect the growth and development of Phoenix-Mesa Gateway Airport by placing a use near the airport that could later create a land use compatibility problem for both the community and the future residents. The applicant's proposal would place housing outside (but adjacent to) the 60 DNL noise contour used to identify noise impacted areas – but within the AOZ II used by the Airport to identify areas shown in the Part 150 Study where new housing should not be approved. For this reason they have recommended the proposed change be denied.

In order to provide clarity to the issue of the long term effect of both the location of the noise contours on adjacent land uses and the implications of the development of those properties to the future of the airport, the Part 150 Study needs to be updated to reflect the current situation.

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, nor sufficiently demonstrated that the proposed change is in the best interest of the community.

**UPDATE:**

***Our current focus is working with our inter-department staff and consultant team(s) to determine the adequate supply of land for Queen Creek in the area of retail, office, and industrial “net new” development.***

<b>ATTACHMENTS</b>
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1. Existing General Plan map
2. Existing classification and proposed change
3. Applicant narrative
4. Concept Plan
5. Fiscal Impact Analysis
6. Traffic study
7. Letter from Jane Morris, Phoenix-Mesa Gateway Airport
8. Applicant neighborhood meeting minutes and public comments
9. Public comments received at Town open houses
10. Email from Shane Biesmeyer
11. Applicant October 15 presentation to the Planning Commission
12. Special Session Planning & Zoning Commission Minutes December 5, 2013