



Requesting Department:  
Development Services

**TO: PLANNING AND ZONING COMMISSION**

**FROM: BRETT BURNINGHAM, INTERIM DEVELOPMENT SERVICES DIRECTOR; KYLE BARICHELLO, PLANNER I**

**RE: Public Hearing and Possible Action on Case P18-0139, “Gerber Collision at Power Marketplace PAD Amendment”** a request from Ralph Pew, Pew & Lake, PLC on behalf of the Queen Creek Power Marketplace, LLC, for a Planned Area Development (PAD) amendment to the Power Marketplace development (Ordinance 334-06) to remove a condition of approval that restricts the number of automotive related uses, located on Business Park Road between Germann Road and Rittenhouse Road in the Business Park at Power Marketplace

**DATE: September 12, 2018**

**STAFF RECOMMENDATION**

Staff recommends approval of P18-0139 “Gerber Collision at Power Marketplace PAD Amendment”, subject to the Conditions of Approval outlined in this report.

**PROPOSED MOTION**

Move to recommend approval of P18-0139 PAD Amendment “Gerber Collision at Power Marketplace PAD Amendment”, to the Conditions of Approval outlined in this report.

**RELEVANT COUNCIL GOALS**



Effective Government

**SUMMARY**

This proposal consists of a request for a PAD Amendment to the Power Marketplace development (Original Case No. RZ12-05), specifically an amendment to Ordinance 334-06 to remove one condition of approval restricting the number of automotive uses throughout the Power Marketplace development. The proposed amendment is to allow for the development of future automotive related uses which includes Gerber Collision. No additional changes to the conditions of approval are being requested at this time.

There is no Site Plan included with this Amendment request and it has been provided for reference only.

The proposal began with a Pre-Application meeting with the applicants to discuss a new Site Plan for an automotive use in the Power Marketplace Business Park, Gerber Collision. Per the conditions of approval in the Power Marketplace Business Park, there is a limit of three automotive uses throughout the entire Power Marketplace Commercial Center and the Business Park at Power Marketplace. This Condition of Approval was part of the original approval of the entire Power Marketplace which was approved in 2003 (Ordinance 271-03).

Currently, there are three automotive uses in the Business Park and any future auto related uses, such as Gerber Collision, could not exist per the conditions of approval. The applicants have chosen to proceed with removing this condition of approval per Staff's recommendation. Additionally, the applicants have received authorization from the Power Marketplace Property Owners Association (POA) who are supportive of removing the Condition of Approval. By removing this condition of approval, the Power Marketplace development will be able to fully develop according to market demand without the restriction of any particular uses.

Should this PAD Amendment be approved, the applicant would then be able to proceed with the Site Plan process, which would be reviewed administratively.

## HISTORY

- |                    |  |
|--------------------|--|
| November 5, 2003:  | Town Council approved Ordinance 271-03 (RZ03-009) authorizing the rezone of 123 acres from R1-43 (Rural Estate District) to a Planned Area Development (PAD) with the underlying zoning of C-2 (General Commercial) and I-1 (Light Industrial) subject to 25 conditions of approval. |
| August 3, 2005:    | Town Council approved Ordinance 323-05 (RZ05-004) authorizing the amendment of the conditions approval outlined by Ordinance 271-03 to add one (1) condition of approval bringing the total conditions of approval to 26.  |
| August 3, 2005:    | Town Council approved Ordinance 322-05 (RZ05-004) authorizing the amendment of the conditions approval outlined by Ordinance 271-03 to add one (1) condition of approval bringing the total conditions of approval to 27.  |
| February 15, 2006: | Town Council approved Ordinance 334-06 authorizing the revision of the ordinance standards in RZ12-05 and S07-05 for the "Business Park at Power Marketplace" and by amending the conditions approval outlined by Ordinance  |

271-03 to add one (1) condition of approval bringing the total conditions of approval to 28.

**PROJECT INFORMATION**

<b>Gerber Collision at Power Marketplace PAD Amendment</b>	
Project Name	Gerber Collision at Power Marketplace PAD Amendment
Site Location	This project is generally located on Business Park Road between Germann Road and Rittenhouse Road in the Power Marketplace Business Park
Current Zoning	EMP-A/PAD
General Plan Designation	Commercial
Surrounding Zoning Designations:	
North	EMP-A, Business Park at Power Marketplace
South	R1-6, Residential
East	R1-43, Benjamin Franklin High School
West	C-2, Commercial

**DISCUSSION**

The original Power Marketplace Development was approved by Town Council on February 15, 2003 through case RZ03-009 and Ordinance 271-03. This approval zoned approximately 123 acres from R1-43 to a combination of C-2 (General Commercial) and I-1 (Light Industrial). All subsequent amendments to the Power Marketplace (Ordinances 322-05, 323-05, and 334-06) did not specifically address use restrictions in the Power Marketplace development which subsequently continued the application of the restriction condition of approval.

*“No more than 3 auto oriented uses shall be allowed at the Power marketplace and all such uses shall be subject to obtaining a conditional use permit.”*

The proposed amendment is for the removal of one stipulation. All other conditions of approval remain in full effect. The applicant has the support of the Property Owner Association (POA) to amend the conditions of approval for Power Marketplace and Staff has no concerns with the proposal. See attached letter.

In summary, the Power Marketplace development was originally approved in 2003 which is over 15 years ago when the availability of industrial and commercial sites within the Town limits were very scarce. Staff believes that the protection of the lighter industrial areas for only employment-type uses was a priority to the Town Council and consistent with the goals of the long range plans that were in effect at that time. These circumstances no longer exist and the removal of this stipulation may be warranted.

## GENERAL ANALYSIS

**General Plan Review:** The project site is currently designated in the 2018 General Plan as Commercial. The use and proposal is consistent with the General Plan.

**Zoning Review:** The current zoning designation of the property is Planned Area Development (PAD), C-2 (General Commercial) and EMP-A (Office/Industrial Park).

The Applicant is requesting modifications to the Power Marketplace Conditions of Approval (Ordinance 334-06) which includes removing the condition that limits the number of auto related uses throughout the entire Power Marketplace. No other changes are proposed at this time.

### **Planned Area Development (PAD) Overlay Compliance:**

The Applicant provided the following justifications to support the request for a Planned Area Development Amendment:

- A. Is the proposed rezone compatible with the surrounding area/adjacent neighborhoods?

#### Applicant Response:

*The PAD rezoning amendment is fully consistent with the surrounding area and neighborhoods. The Business Park at Power Marketplace has been an industrially zoned property for over twelve years and the PAD amendment is only for the removal of a zoning stipulation that no longer is necessary, as circumstances and additional development opportunities have since increased and changed since the time of initial zoning approvals.*

- B. Will there be adverse impacts on the capacity or safety of the portion of street network influenced by the rezone, parking problems, or environmental impacts that the new use will generate such as an excessive storm runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances?

#### Applicant Response:

*This finding is not applicable, as there will not be adverse impacts generated with this industrial use in an existing business park, where there are also other automotive related uses established.*

- C. Does the proposal conform with and is in furtherance of the implementation of the goals and policies of the General Plan, other adopted plans, and the goals, objectives and policies of the Zoning Ordinance, and other Town regulations and guidelines, including goals and policies related to economic development?

#### Applicant Response:

*Yes, the removal of the condition of approval limiting the number of auto-oriented uses within the business park is no longer necessary as market circumstances have changed since the time of initial zoning approvals. When the PAD was adopted in 2006, the Town may have been concerned about a proliferation of auto related uses. Now, it is clear that businesses like Gerber and Enterprise Rent-a-Car, when operating in properly designed, enclosed, and adequately parked sites, provide a significant economic benefit to the Town. To continue an arbitrary, numerical limitation is no longer appropriate, particularly at this location. The proposed PAD Amendment better implements the Town's development and economic development goals and objectives, by providing the opportunity for a collision and glass company and a rental car facility to locate in a still developing business park that was designed with parcels that are the sizes that these types of uses prefer. In addition the uses are consistent with the Town's zoning ordinance.*

D. Is property suitable for the proposed use?

Applicant Response:

*Absolutely, the property is suited for an automotive collision/glass business and a rental car facility in an already industrially zoned and developed business park.*

E. What is the degree to which the proposed zoning will benefit the community and the benefits derived by the community, or area, by granting the proposed rezone?

Applicant Response:

*As previously stated, the limitations imposed with the existing zoning stipulations hampers the development of what is otherwise a prime and preferred location for a light industrial use that is consistent with other businesses within the business park and the uses listed in the Town's zoning ordinance. The opportunity for the new Gerber Collision and Glass and Enterprise Rent-a-Car at Business Park at Power Marketplace is a benefit to an incremental increase to the Town's economic development goals.*

**Adequate Public Facilities:** In accordance with Article 5.1 (Adequate Public Facilities) provision of the Zoning Ordinance, the Applicant has provided information regarding the project's potential impact on public facilities. Staff's review of those reports indicates that adequate public facilities will be provided by the project.

**Public Notification/Participation:** One Neighborhood Meetings was held on August 22, 2018. Notification of the meetings were sent to property owners within 1,200 feet of the project. There were no attendees at the meeting and no comments have been provided thus far.

## CONDITIONS OF APPROVAL

1. All Conditions of Approval for Power Marketplace (Ordinance 334-06) remain in effect, unless identified to be modified via this application.

2. Condition of Approval #7 per Ordinance 334-06 is hereby removed as part of this PAD Amendment application.

## **ATTACHMENTS**

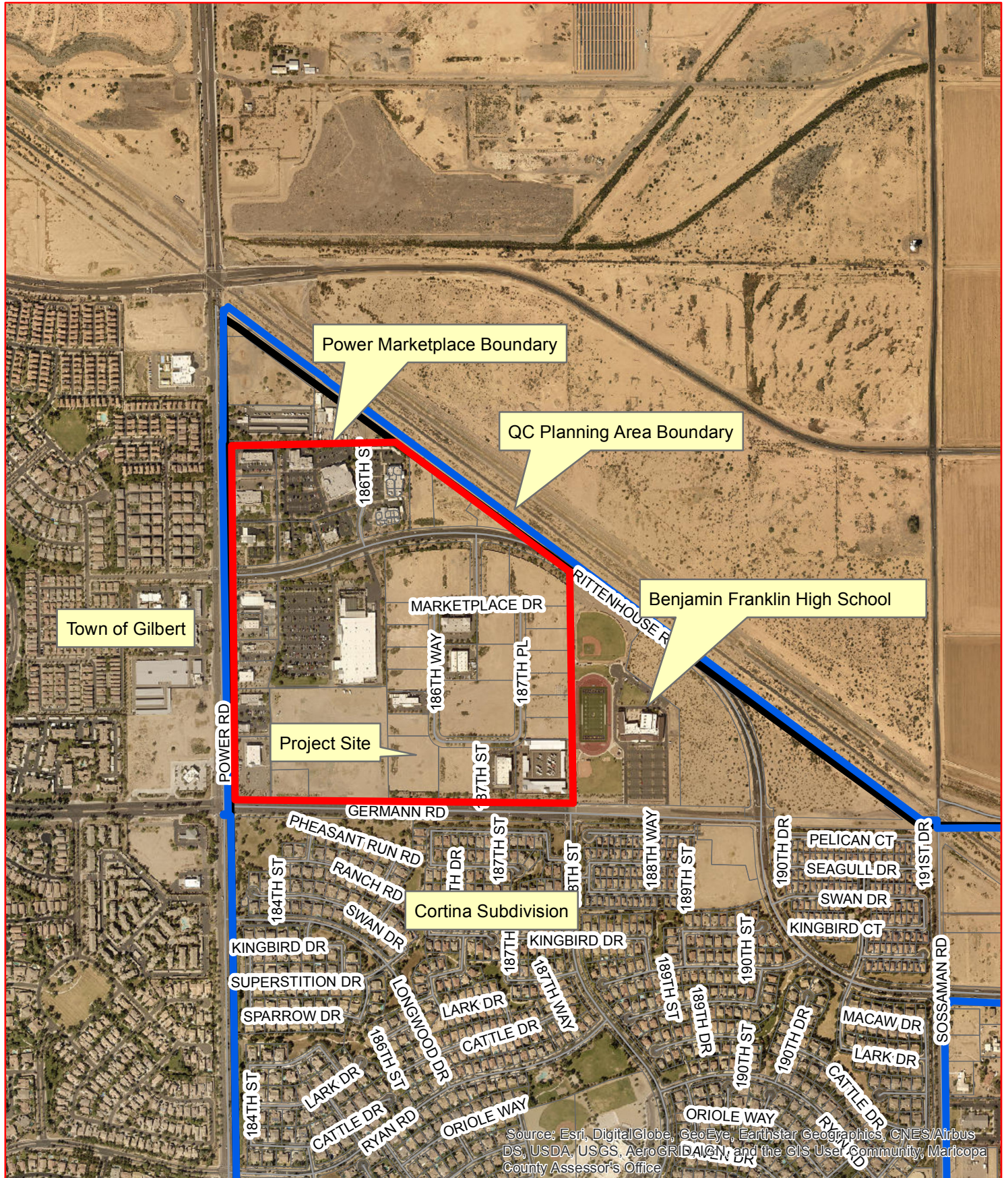
1. Aerial Photo Exhibit
2. Zoning Exhibit
3. General Plan Exhibit
4. Proposed change to Ordinance 334-06
5. Property Owner Association (POA) Authorization Letter



**Project Name: Gerber Collision at Power Marketplace PAD Amendment**

**Case Number: P18-0139**

**Hearing Date: September 12, 2018 (Planning and Zoning Commission)**



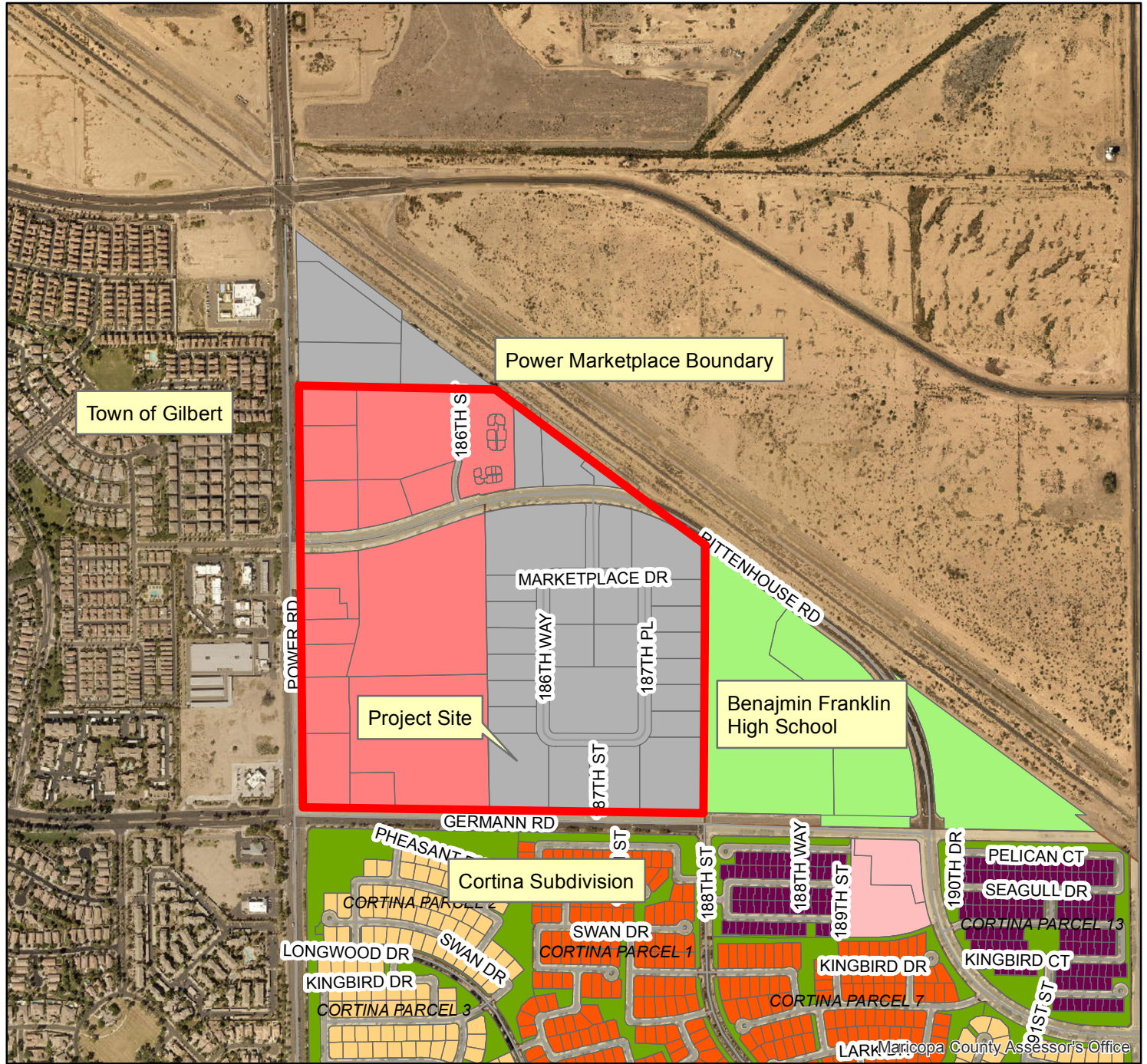
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Maricopa County Assessor's Office





**Project Name: Gerber Collision at Power Marketplace PAD Amendment**

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**Zoning Districts**

 C-1 - Commercial	 PQP - Public/Quasi-Public	 R1-7 - Residential	 R1-35 - Residential
 C-2 - Commercial	 RC - Recreation/Conservation	 R1-8 - Residential	 R1-43 - Residential
 C-3 - Commercial	 MDR - Residential	 R1-9 - Residential	 R1-54 - Residential
 TC - Commercial	 R1-4 - Residential	 R1-12 - Residential	 R1-190 - Residential
 EMP A - Office/Industrial Park	 R1-5 - Residential	 R1-15 - Residential	 PCD - Planned Community
 EMP B - General Industrial	 R1-6 - Residential	 R1-18 - Residential	 AT - Agritainment

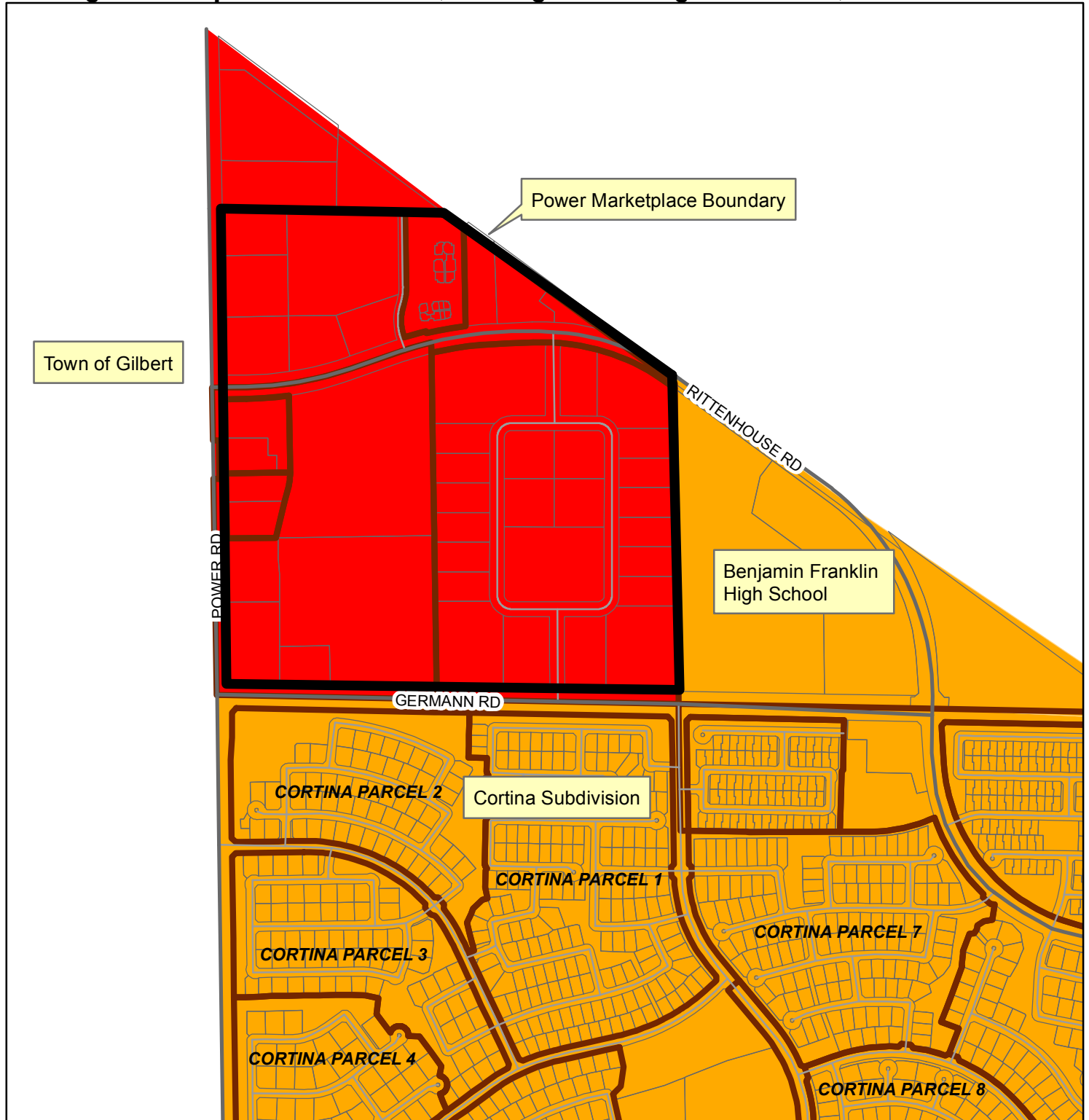


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**General Plan Land Use**

- |              |            |                    |                    |
|--------------|------------|--------------------|--------------------|
| Rural        | Commercial | Special District 1 | Special District 4 |
| Neighborhood | Industrial | Special District 2 |                    |
| Urban        | Open Space | Special District 3 |                    |

**ORDINANCE 334-06**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, MARICOPA COUNTY, ARIZONA, AMENDING THE ATTACHED EXHIBIT "C" OF ORDINANCE 271-03 FOR POWER MARKETPLACE ADDING CONDITION 28 OF APPROVAL FOR THE "BUSINESS PARK AT POWER MARKETPLACE" IDENTIFIED AS PARCEL 304-61-978, LOCATED EAST OF POWER ROAD NORTH OF GERMANN ROAD AND SOUTH OF RITTENHOUSE ROAD.**

**WHEREAS**, the amendment proposed is consistent and in accordance with Article 4, Section 4.10 **PLANNED AREA DEVELOPMENTS**;

**WHEREAS**, a Public Hearing, consistent with state statute, was held on this amendment to Ordinance 271-03 before the Planning and Zoning Commission on January 11<sup>th</sup>, 2006; and,

**WHEREAS**, the Planning and Zoning Commission voted 7-0 to recommend approval of this amendment.

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

**Section 1.** That Ordinance 271-03 is hereby amended for the subject property known as "Power Marketplace PAD" located on the northeast corner of Power and Germann Roads by revising the ordinance standards noted in RZ12-05 and S07-05 for the "Business Park at Power Market Place and by amending the Conditions of Approval by adding no. 28 relating to the "Business Park at Power Market Place( Ordinance 334-06, RZ12-05 and S07-05)", as prescribed in Exhibit "C" attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 15th day of February, 2006.

FOR THE TOWN OF QUEEN CREEK:      ATTESTED TO:

\_\_\_\_\_  
**Wendy Feldman-Kerr, Mayor**

REVIEWED BY:

\_\_\_\_\_  
**Jennifer Robinson, Town Clerk**

APPROVED AS TO FORM:

\_\_\_\_\_  
**Cynthia Seelhammer, Town Manager**

\_\_\_\_\_  
**William E. Farrell, Town Attorney**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**Business Park at Power Market Place**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND #6 REBAR WITH A MARICOPA COUNTY ALUMINUM CAP AT THE SOUTH QUARTER CORNER OF SAID SECTION 6, FROM WHICH A FOUND MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE AT THE SOUTHWEST CORNER OF SAID SECTION 6 BEARS NORTH 88°53'42" WEST A DISTANCE OF 2,499.45 FEET; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, NORTH 88°53'42" WEST, A DISTANCE OF 1309.24 FEET, TO THE SOUTHEAST CORNER OF A FINAL PLAT OF POWER MARKETPLACE AT QUEEN CREEK RECORDED IN BOOK 701, PAGE 43, MARICOPA COUNTY RECORDS; THENCE LEAVING SAID SOUTH LINE, ALONG THE EAST LINE OF SAID FINAL PLAT OF POWER MARKETPLACE AT QUEEN CREEK, NORTH 00°52'22" WEST, A DISTANCE OF 1873.35 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, THE CENTER OF WHICH BEARS SOUTH 13°43'54" EAST FOR A DISTANCE OF 1695.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°15'45", FOR A DISTANCE OF 333.18 FEET, TO THE CURVES END; THENCE NORTH 87°31'51" EAST, A DISTANCE OF 221.82 FEET, TO A POINT OF TANGENT CURVATURE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1145.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°50'37" FOR AN ARC LENGTH OF 776.25 FEET, TO THE CURVE'S END; THENCE SOUTH 53°37'32" EAST A DISTANCE OF 45.13 FEET TO THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 6; THENCE ALONG SAID NORTH-SOUTH MID-SECTION LINE, SOUTH 00°44'05" EAST, A DISTANCE OF 1706.16 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,480,305 SQUARE FEET OR 56.9400 ACRES, MORE OR LESS.



## EXHIBIT C

### CONDITIONS OF APPROVAL

1. This project shall be developed in accordance with the plans attached to this case and all amendments thereto made by the Town Council. All future phases shall require final site plan approval through the Planning Commission and Town Council when specific users are known.
2. As part of this case 123 acres shall be zoned Planned Area Development with 65 acres zoned as C-2 General Commercial and 58.14 acres zoned as I-1 Light Industrial as identified on the zoning exhibit.
3. All industrial and commercial uses not included in the Power Market Place shall require preliminary site plan approval through the Planning Commission and Town Council. Developer shall work with the Town and property owner along Rittenhouse to provide appropriate access where the existing Rittenhouse Road may be abandoned.
4. Dedication and improvement of rights-of-way for Power, Rittenhouse and Germann shall be required with construction of the Home Depot Phase as indicated in the layout and drainage phasing plan submitted with this case.
5. Any areas of the site, which are left open and not landscaped or hard surfaced for parking, shall be stabilized for dust control consistent with Town ordinances.
6. Building additions or modifications greater than 1,000 square feet shall require site plan, building elevations and landscape plan approval by the Planning Commission and Town Council.
- ~~7. No more than 3 auto-oriented uses shall be allowed at the Power Market place and all such uses shall be subject to obtaining a conditional use permit.~~
- ~~8.7.~~ Signage for the power market place shall be permitted as presented in the sign package prepared for this case.
- ~~9.8.~~ Lighting in the large parking fields shall be allowed at a height of 20 feet. All other pad sites along Power and the first three rows of parking along Germann shall be at the 15 feet required by code. Lighting shall not be required to be located in landscape island planters.

- ~~10.9.~~ Delivery shall be allowed on 24 hour basis for the Home Depot. All other shops and pad site would be limited to delivery hours as specified in the ordinance.
- ~~11.10.~~ The Home Depot shall be permitted to provide outdoor areas for display and sales of merchandise, the operation of a food service cart and vending machines. The placement of merchandise, carts and vending machines shall not interfere with the designed pedestrian access/circulation as shown on the plans. Display of trailers, storage buildings and awnings shall be allowed in the parking rows along Rittenhouse Rd as shown on the site plan prepared by Greenberg Farrow architects. Special events and seasonal sales shall require a temporary use permit.
- ~~12.11.~~ All engineering and fire department comments and requirements shall be incorporated prior to issuance of any building permits.
- ~~13.12.~~ A Final Landscape, Site and Elevations Plan shall be provided for review and approval by staff prior to issuance of any building permits. Said plan shall comply with the Queen Creek Zoning Ordinance. All non-turfed areas shall be covered with decomposed granite and sized 1/2" in accordance with code requirements.
- ~~14.13.~~ In areas where the 3 foot landscape berms cannot be provided to screen the parking lots, 3 foot screen walls designed to match the center shall be provided.
- ~~15.14.~~ No roof mechanical or HVAC equipment shall be visible from any surrounding properties or the adjacent street as per code.
- ~~16.15.~~ Designs for the public art element required under Section 6.17 Superstore and Big Box Retail Uses shall be provided prior to recordation of the final plat or the Certificate of occupancy for the Home Depot.
- ~~17.16.~~ A second pedestrian design element shall be provided to approval of a second phase site plan for the major tenants in the future phase as required in article 6.17 Superstores and Big Box Retail Uses.
- ~~18.17.~~ Developer shall work with the Town and property owner to the north along existing Rittenhouse Road to provide adequate access to the property where that portion of Rittenhouse Road will be re-aligned.
- ~~19.18.~~ Developer shall provide notice that this project is within the Williams Gateway Airport Overflight Area 3" as defined by the Williams Regional Planning Study (WRPS) and as adopted by Queen Creek Council Resolution No. 115-96. Airport Overflight Area 3 requires the following:
- a. Public Disclosure of Potential Noise Impacts – Constructive knowledge of potential aircraft noise impacts should be made to future purchasers, mortgagees, renters, occupiers and users of the property.

- b. Notification on all Plats and Titles. It should be noted on the plat and the Title Report that there is a potential for objectionable aircraft noise. The plat and title shall note the following: “This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals.”
- c. Noise/Sound attenuation measures –Due to its proximity to the Airport, sound attenuation measures should be installed during initial construction so as to achieve an exterior to interior noise level reduction of 20 decibels.
- d. An aviation easement shall be recorded over this entire property and duly noted on all plats, public reports and notices of title.

20.19. Arterial Roadway Traffic Signalization:

The developer shall provide the stipulated share of the design and construction costs for traffic signals at the following intersections:

- a) Power and Rittenhouse Road intersection contribution of 50%.
- b) Power and Power Marketplace Main Entrance intersection contribution of 50%.
- c) Power and Germann Road intersection contribution of 25%.

Construction or payment of signal contributions shall be in accordance with the approved Layout and Drainage Phasing Plan for the Power Marketplace at Queen Creek, or as approved by the Town Engineer.

- 21. The flag pole shown on the Home Depot elevations shall not be permitted as shown, but shall be ground mounted with a pole height not to exceed 40 feet.
- 22. Germann Road frontage shall be posted with 4- 4x8 signs to notify future residents of the planned commercial and industrial land uses. Developer shall work with staff regarding appropriate language.
- 23. Prior to approval of the future phase, consideration shall be given to design elements of individual shops and major users. Orientation of buildings and creation of pedestrian spaces shall be considered. Differentiation of individual stores should be an important element in the overall design.
- 24. Bicycle parking shall be provided at a ratio of 1 space per every 25 parking spaces for the Power Market Place.
- 25. Prior to Certificate of Occupancy, the developer shall provide a copy of the executed Memorandum of Understanding with the State Museum’s Office regarding any archeological remains that may be found on site.



26. The CVS Pharmacy located on Lot 5 in the Power Marketplace I Commercial Center shall be permitted to provide parking in the front adjoining Germann Road and to exceed the maximum allowable parking spaces by 6 spaces for a total of 71.
27. The Power Marketplace II Commercial Center shall be allowed the following:
  - A. 13 parking spaces in front of the shops A (LOT 3).
  - B. A 20 FT. height limit for lighting structures in the major tenant parking lot.
  - C. A 40 Ft. right-of-way between lots 6 and 7 with appropriate lane widths, curbs and sidewalk on the east R-O-W.
  - D. Main entrance height for the major tenant not to exceed 45 feet.
  - E. A 15 foot landscape buffer without a fence or berm between lots 7 and 8 and a portion of the northern perimeter that borders parcel # 304-61-015-J (Power Mini-Storage) and a 15 foot landscape buffer with a 6 foot wall along the portion of the northern perimeter bordering parcel # 304-61-015-F.
  - F. 2 Multi-tenant monument signs with signs 72 square feet each and 1 multi-tenant monument sign totaling 52 square feet.
28. The Business Park at Power Market Place (Ordinance 334-06, RZ12-05 and S07-05) shall have the following stipulations:
  - A. Signs shall be subject to a separate permit and comply with the design guidelines of the Power Marketplace Commercial Center and the Zoning Ordinance.
  - B. Construction of all required off-site improvements on the future realigned Rittenhouse Road and Germann Road shall be completed at the same time as the interior improvements. Off-site improvements shall include but not be limited to paving, curb, gutter and landscaping. Any new arterial and major collector streets shall be constructed with rubberized asphalt or as otherwise approved by the Engineering Manager. Dedications and assurance of off-site construction shall occur upon recordation of the Final Plat.
  - C. Developer shall cause to be prepared and receive staff approval of a master drainage plan at the time of final plat review.
  - D. Developer shall create a Property Owners Association (POA) for the maintenance of all landscaping within the open spaces, local, collector and arterial rights-of-way as shown on the final plat.

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- E. Developer shall pay for its proportionate share of the water and sewer mains (as required) prior to recordation of the Final Plat.
- F. Developer shall submit a copy of the proposed CC&R's for review and comment by Town Staff prior to the Final Plat approval.
- G. This project shall be developed in accordance with the plans and stipulations attached to this case and all the provisions of the zoning ordinance applicable to this case.
- H. Developer shall provide notice that this project is within the Williams Gateway Airport Overflight Area 3" as defined by the Williams Regional Planning Study (WRPS) and as adopted by Queen Creek Council Resolution No. 115-96. Airport Overflight Area 3 requires the following:
  - 1. Public Disclosure of Potential Noise Impacts – Constructive knowledge of potential aircraft noise impacts should be made to future purchasers, mortgagees, renters, occupiers and users of the property.
  - 2. Notification on all Plats and Titles. It should be noted on the plat and the Title Report that there is a potential for objectionable aircraft noise. The plat and title shall note the following: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."
  - 3. Noise/Sound attenuation measures –Due to its proximity to the Airport, sound attenuation measures should be installed during initial construction so as to achieve an exterior to interior noise level reduction of 20 decibels.
  - 4. An avigation easement shall be recorded over this entire property and duly noted on all plats, public reports and notices of title.
- I. A Final Plat shall be provided for review and approval by Town Council prior to recordation.
- J. A Final Plat, Landscape Plans, Wall Plans, and Improvement Plans shall be provided for review and approval by Town Staff prior to issuance of any building permits.
- K. The Developer shall be responsible shall be responsible for obtaining all cross-access easements from the property owners and a note to that effect shall be included on the Final Plat and the CC&R's.
- L. All Industrial parcels created with this subdivision shall receive site plan review and approval by the Planning and Zoning Commission and the Town council prior

to issuance of any building permit. Along with the Industrial Parcel Site Plans, additional plans required shall include at a minimum the following; landscape plans, building elevations and grading and drainage plans.

- M. Maximum number of lots shall be 25.
- N. Perimeter fencing shall be 8 feet in height, solid CMU (View obscuring) with decorative variations occurring at 300 foot intervals.
- O. A 60 foot landscape buffer shall be required along Rittenhouse and Germann Roads. These landscape buffers shall be designated as a landscape easement on the final plat.
- P. Perimeter fencing on the east and west sides of the project shall be placed on the property line with a 15 foot landscape buffer on the interior of the walls.
- Q. Scissor lifts, forklifts and cherry pickers are not to be stored in the extended or upright position and shall not be used for advertising.



July 26, 2018

Town of Queen Creek  
Attn: Planning Department

RE: Gerber Collision & Glass  
Power Marketplace Business Park PAD Amendment

To Town of Queen Creek:

The Power Marketplace Business Park Association (PMKP) has no objection to the submitted request by Gerber Collision & Glass to remove Ordinance #334-06 a zoning stipulation, which is a condition of approval restricting the number of automotive uses in PMKP.

As an association we look forward to another building in the development.

Best Regards,

A handwritten signature in black ink, appearing to read "Grant D. Taylor". The signature is fluid and cursive, with a large initial "G" and "T".

Grant D. Taylor  
Board President  
Power Marketplace Business Park Association