



Requesting Department:
Development Services

TO: Planning and Zoning Commission

THRU: Brett Burningham, Development Services Director

FROM: Erik Swanson, Planning Administrator
Sarah Clark, Senior Planner/Project Manager

RE: **Public Hearing and Possible Action on P20-0109 Zimmerman Dairy/ North Creek PAD Rezone**, a request from Drew Huseth of Woodside Homes, for a PAD Rezone of approximately 195.1 acres from Agritainment (AT) to 142 acres of R1-5/PAD, 38-ares of MDR/PAD and 15.1 acres of C-2/PAD to allow for a future residential and commercial development located at the southeast corner of Meridian and German roads.

DATE: October 14, 2020


STAFF RECOMMENDATION

Staff recommends approval of P20-0109 Zimmerman Dairy/ North Creek PAD Rezone, subject to the Conditions of Approval outlined in this report.

PROPOSED MOTION

Move to recommend approval of P20-0109 Zimmerman Dairy/ North Creek PAD Rezone, subject to the Conditions of Approval outlined in this report

RELEVANT COUNCIL GOAL(S)

 Secure Future

 Effective Government

SUMMARY

This proposal consists of a request from Woodside Homes for a PAD Rezone of approximately 195.1 acres from AT (Agritainment) to 142 acres of R1-5/PAD, 38-ares of MDR/PAD and 15.1 acres of C-2/PAD to allow for a future residential and commercial development located at the southeast corner of Meridian and German roads. Three residential product types are proposed with two traditional lot configurations at 46'x120' and 60'x135', with the third product type being

an alley-loaded single-family detached product within the MDR designations. A total of 738 lots with a net density of 4.5 du/acre is proposed.

HISTORY

April 9, 2018	The property was annexed into the Town of Queen Creek
November 20, 2019	Town Council approves Resolution 1309-19 for the Zimmerman Dairy Major General Plan Amendment, which amended the property's General Plan Land Use Designation from Industrial to Neighborhood and Commercial.

DISCUSSION

In 2019, the Town Council approved a Major General Plan Amendment for the subject property, to amend the General Plan Land Use Designation from Industrial to 14 acres of Commercial at the intersection of Germann and Meridian roads and 177 acres of Neighborhood surrounding the commercial corner. The applicant is requesting to rezone the property from Agritainment to R1/5/PAD, MDR/PAD and C-2/PAD to be in conformance with the General Plan Land Use Map. The rezoning request is consistent with the zoning of the surrounding area, having comparable density and character to the properties east, west, and south of the site.

The proposed North Creek Development Plan includes approximately a 15.1 acre commercial corner, 142 acres zoned R1-5 for a traditional single family neighborhood (7-parcels) and 38 acres zoned MDR for an alley loaded single-family detached housing product (3-parcels). In total, the North Creek development is proposing a combination of five (5) different residential lot sizes. The applicant proposes that this mixture of lot sizes meets the intent of the PAD standards outlined in the Town's Zoning Ordinance. The table below summarizes the minimum lot sizes and the composition of each lot type provided in the subdivision. In total, the proposed 738 units amounts to a gross density of 4.1 du/acre and a net density of 4.5 du/acre. The net density of the R1-5 parcels is 3.8 du/acre and the net density of the MDR parcels is 6.7 du/acre.

Development Plan Summary						
Lot Size	Zoning District	Minimum Lot Size	Gross Acres	% of Development	# of Lots	% of Lots
Village Series	MDR	2,240 sq. ft. 2,590 sq. ft. 3,185 sq. ft.	38.0 ac	21%	256	35%
46'x120'	R1-5	5,520 sq. ft.	142.0 ac	79%	304	41%
60'x135'	R1-5	8,100 sq. ft.			178	24%
TOTAL			180.0 ac	100%	738	100%

The MDR zoning district is proposed to be developed with single-family detached alley loaded homes, which the applicant refers to as the Village product. The proposed alley loaded product is the first of its kind in the Town. The front entries and front porches of the Village homes are oriented onto an internal courtyard, open space area, or the street where vehicular access to the home will be provided utilizing private drive alleys to access the rear garage.

In addition to providing front porches, the Village product includes private 10-foot side courtyards via a Use Benefit Easement (UBE). The UBE operates by providing a 5-foot easement on the side-yard of the alley loaded lot to the adjacent property owner, providing in total a 10-foot sideyard that is utilized for the use and benefit of the adjacent property owner as a larger private sideyard courtyard space. Each alley loaded lot is afforded a 10-foot courtyard to be used by the homeowner; this space is not shared between the two lots. The use of a UBE is common in this type of housing product and is also used in other communities in Town, such as Cortina and Ocotillo Landing. An exhibit demonstrating the Village lot configuration and the UBE is provided as an attachment.

All of the proposed alley loaded homes will be for sale; the Village product is not a for rent community and will not be gated.

In the Village parcels, parking is prohibited within the private alleyway to maintain access. Parking for guests is provided in on-street parking spaces. With the Village product a new type of housing product in the Town, the applicant has provided 1.2 guest parking spaces per Village home, which, based on the applicant's prior experience in developing this type of product, is sufficient to meet the demands of the community. Dedicated locations for trash pick-up for the Village product is provided so that on-street parking can be maintained. Exhibits demonstrating the Village product configuration, access, UBEs, parking, and refuse location have been provided as attachments to this report.

The applicant provided preliminary elevations and details for the proposed alley loaded housing product and the proposed R1-5 housing product as part of this PAD to determine that the product meets Zoning Ordinance requirements, Design Standards, and the dimensional standards proposed for this development. The elevations provided are for reference and additional architectural modifications may be made or required to the building elevations as part of the Residential Design Review and approval process.

As reflected on the proposed Development Plan, the community's primary access point is served via a central collector street segment with ingress and egress from Germann and Meridian roads. This internal collector road provides a future connection to the development to the south, providing further connectivity to the adjacent community and better connections to the Town's greater street network. The collector roadway will be signalized at Germann and Meridian roads, will have an expanded width of 80 feet, and will be designed as a tree-lined street with detached sidewalks, roundabouts, and a tree lined median. An additional secondary access point is provided along Germann Road.

The site is surrounded by a drainage corridor along the south, east, and west side of the property, which varies in size from 50-feet to 90-feet in width. This drainage corridor is necessary to capture the current flows that run across the property and divert the flows westward to the box culvert at the southeast corner of Germann and Meridian roads intersection. While the drainage corridor is utilitarian in design, the design team has amenitized this area with walking trails and landscaping.

The development incorporates a number of parks throughout the community that are well amenitized with a large central park that is connected throughout the development via walking trails, greenways, and sidewalks and includes amenities such as a pool, sports courts, game plaza, and an outdoor kitchen and dining area. The development also proposes an enclosed dog park located near the Village product, a nature sensory park, and other smaller parks located throughout the community.

Phasing

Phase 1 of the development includes the completion of the Meridian Road half-street improvements, German Road roadway improvements (pavement, streetlights, and curb and gutter), the collector road and box culvert, and the construction of Parcels 1-8 which line the eastern and southern boundaries of the development. Parcels included in Phase 1 include the alley loaded lots and the two R1-5 zoned lot types. Phase 2 includes the construction of the remaining Germann Road half-street improvements (landscaping, sidewalks, and drainage facilities) and the construction of Parcels 9-12 which generally wrap the commercial corner. The commercial corner will submit a Site Plan application for review and approval at a later date. According to the applicant, the dairy, whose operations are located in the Phase 2 boundaries, will remain in operation until the completion of Phase 1, except for the up to 50 cattle that might remain on site.

Proposed Planned Area Development (PAD) Deviations:

The Zimmerman Dairy/ North Creek PAD meets or exceeds the development standards for the respective zoning districts, with the exception for a request to reduce the R1-5 minimum lot width from 50-feet to 46-feet. The proposed PAD deviations are highlighted in bold in the table below.

Development Standards		R1-5 Lots Size A Required	R1-5 Lots Size A Proposed	R1-5 Lots Size B Required	R1-5 Lots Size B Proposed	MDR Required	MDR Required
Min. Lot Area (sq ft.)		5,000	5,520¹	5,000	8,100¹	--	2,240
Min. Lot Width (feet)		50	46¹	50	60¹	--	32
Min. Lot Depth (feet)		100	120	100	135	--	70
Max. Height (feet)		30	30	30	30	36	30
Setbacks	Front (feet)	20 ²	20 ²	20 ²	20 ²	10	10
	Front – Village (feet)					10	10
	Front – Village Cluster (feet)					--	5
	Side (feet)	5 ³	5 ³	5 ³	5 ³	5 ³	5 ⁶
	Rear (feet)	20 ⁴	20 ⁴	20 ⁴	20 ⁴	10	3
Minimum Distance Between Buildings		N/A	N/A	N/A	N/A	10	
Maximum Lot Coverage		50 ⁵	50 ⁵	50 ⁵	50 ⁵	60 ⁷	60 ⁷

- (1) Except to accommodate street cul-de-sacs, knuckles, and other street designs that encroach into the typical lot depth.
- (2) 20 ft. to front of garage (front entry); 10 ft. to front of garage (side entry) and living area; 10 ft. to covered front porch.
- (3) R1-5 District: Rear Setback: 20 ft. for 2-story homes; 15 ft. for 1-story and/or covered patios.
- (3) Side yard setbacks may be 0-feet for attached housing products and other designs such as but not limited to detached z-lot configurations with the application of a use benefit easement (UBE).
- (4) 20-feet for two-story homes; 10-feet for single story homes and/or covered patios.
- (5) 55% for single-story homes and 60% for single-story homes.
- (6) Side yard setback will be 5-feet (each side) and will utilize the application of a 5-foot use benefit easement (UBE) on the adjacent lot to accommodate a private side yard courtyard for the home.
- (7) Lot Coverage shall be calculated for the overall development site

Proposed Deviations:

Reduction of the R1-5 Minimum Lot Width from 50-feet to 46-feet - Staff is supportive of the request to reduce the lot widths for 304 of the 482 R1-5 lots within the community. While the lot width is reduced by 4-feet, the applicant is proposing an increased lot depth for a minimum lot square footage of 5,520-feet. Further, the PAD secures 178 60' x 135' R1-5 zoned lots that far exceed the R1-5 minimums. Additionally, the applicant has provided conceptual details and building elevations of the proposed product which meet the Town's standards for 20' x 20' garages and are in compliance with the proposed dimensional standards for the North Creek development. Lastly, the development exceeds open space requirements and incorporates 8 acres of additional open space than is required and 53% of the open space provided is dedicated to active open space, where only 30% is required by the Zoning Ordinance. A similar deviation in lot width was requested and approved in the original Barney Farms PAD, west of the Zimmerman/Woodside community, and in the Harvest developments, for a minimum lot size of 45' x 120'.

Modifications to the MDR Dimensional Standards – At the time the MDR dimensional standards were created, it did not contemplate the use of the single-family detached alley loaded product. Therefore, the development proposes its own dimensional standards that correlate with the single-family detached alley loaded home and the proposed dimensional standards meet the spirit and intent of the MDR zoning category and are supported by Staff.

Staff has evaluated the proposed deviations and they meet the intent of the PAD as proposed PAD deviations.

Planned Area Development Findings of Fact:

In order to grant the PAD Overlay Zoning District, the following findings of fact must be made, as defined in the Zoning Ordinance:

- That the requested modifications to the requirements of the Zoning Ordinance and the underlying Zoning Districts are in the best interests of the Town and are beneficial to the Town in that a higher quality or more appropriate design, or economic benefits (such as employment) can be achieved by not requiring strict adherence to the terms and regulations of the zoning ordinance;
- That strict adherence to the requirements of the Zoning Ordinance is not required in order to ensure the health, safety and welfare of the future occupants of the proposed development;
- That strict adherence to the requirements of the Zoning Ordinance is not required in order to ensure that property values of adjacent properties will not be reduced;

- That the proposed development is consistent with the goals, objectives and policies of the General Plan.

Staff supports the rezoning request citing compliance with the Findings of Fact. Additional details regarding the applicant’s response to the Findings of Fact can be found in the Project Narrative attached to this Staff Report.

ANALYSIS

Zimmerman Dairy/North Creek PAD Rezone Project Information	
Site Location	Southeast corner of Meridian and Germann roads
Current Zoning	AT
Proposed Zoning	R1-5/PAD, MDR/PAD and C-2/PAD
General Plan Designations	Neighborhood and Commercial
Surrounding Zoning:	
North	Special District (ASLD) Pinal County General Rural (vacant lots)
South	R1-5
East	R1-5
West	R1-5/PAD (Barney Farms) Emp-A (Barney Farms Employment)
Gross Acreage	195.1 acres
Total Lots/Units	738 units
Proposed Density	4.5 net dwelling units per acre
Open Space	Open Space required - 20% (32.92 acres) Open Space provided - 25% (41.45 acres) Active Open Space required - 30% (9.81 acres) Active Open Space provided - 53% (17.48 acres)
Minimum Lot Width	R1-5 Lot Size A: 46-feet (304 lots) R1-5 Lot Size B: 60-feet (178 lots) MDR interior/courtyard lots: 32-feet MDR perimeter lots: 37-feet MDR loop road lots: 53-feet
Minimum Lot Depth	R1-5 Lot Size A: 120-feet (304 lots) R1-5 Lot Size B: 135-feet (178 lots) MDR interior/courtyard lots: 70-feet MDR perimeter lots: 70-feet MDR loop road lots: 70-feet
Minimum Lot Area	R1-5 Lot Size A: 5,520 sq. ft. (304 lots) R1-5 Lot Size B: 8,100 sq. ft. (178 lots) MDR interior/courtyard lots: 2,240 sq. ft. MDR perimeter lots: 2,590 sq. ft. MDR loop road lots: 3,185 sq. ft.

General Plan Review: The 2018 General Plan designation for this property includes 14 acres of Commercial at the intersection of Germann and Meridian roads and 177 acres of Neighborhood surrounding the commercial corner. The applicant is requesting to rezone the existing 14-acre commercial site to be slightly larger in acreage, depth, and width, at 15.1 acres, which is generally consistent with its General Plan Land Use Designation. The commercial corner size is consistent with the depth of the EMP-A zoned property at the southwest corner of Meridian and Germann and is also consistent with the Industrial designated properties at the northeast corner of Germann and Meridian roads. Within the Neighborhood designation, land use densities can range between 0-20 dwelling units per acre depending on the surrounding developments and context of the proposed development. The applicant is proposing 4.5 du/acre (net). The subject property has a comparable density and character to the east, west, and south providing a mix of single-family detached homes. The General Plan requires an analysis of adequate transitions and buffers between new and existing communities. The proposed development plan provides similar lot sizes to the existing Barney Farms community to the west and to the development to the east. The proposed PAD rezone request is consistent with the General Plan Land Use Map and provides adequate transitions to the surrounding area.

Zoning Review/Proposed Deviations: The property is currently zoned AT (Agritainment). The applicant is proposing to rezone the property to R1-5/PAD, MDR/PAD and C-2/PAD. The proposed zoning is consistent with the General Plan Land Use Map and provides adequate buffers and transitions between existing adjacent developments. As provided above, the applicant is proposing deviations to the dimensional standards for the R1-5 and the MDR parcels. Based on the justification provided by the applicant, Staff is supportive of the proposed deviations.

Adequate Public Facilities: In accordance with Article 5.1 and its provisions in the Zoning Ordinance, the adequate public facilities will be provided by the project. Additional details will be provided with the future plat review and approvals for this site. The Town of Queen Creek will be the potable water provider and wastewater service provider for the property.

Engineering Review: The project has been reviewed by the Engineering Division and meets all Town design standards.

Traffic Review: The project has been reviewed by the Traffic Division and meets all Town design standards.

Open Space: The total open space required for the MDR and the R1-5 zoning districts is 20% with 30% required for active open space. The proposed project meets and exceeds the Zoning Ordinance requirement. The open space is evenly distributed throughout the community and meets the Zoning Ordinance criteria for connectivity and distance requirements as they relate to open space.

Public Participation: A Neighborhood Meeting was conducted by the applicant on September 1, 2020 with no members of the public in attendance. Following the neighborhood meeting, Staff received an email from a member of the public in opposition of the project due to its proximity to existing industrial uses in Mesa. The email is provided as an attachment to this report. Staff has not received any further comments or questions from the public.

CONDITIONS OF APPROVAL

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. The following table outlines the development standards for the proposed project:

Development Standards		R1-5 Required	R1-5 Proposed	R1-5 Required	R1-5 Proposed	MDR Required	MDR Required
Min. Lot Area (sq ft.)		5,000	<u>5,520¹</u>	5,000	<u>8,100¹</u>	--	2,240
Min. Lot Width (feet)		50	<u>46¹</u>	50	<u>60¹</u>	--	32
Min. Lot Depth (feet)		100	<u>120</u>	100	<u>135</u>	--	70
Max. Height (feet)		30	30	30	30	36	<u>30</u>
Setbacks	Front (feet)	20 ²	20 ²	20 ²	20 ²	10	10
	Front – Village (feet)					10	10
	Front – Village Cluster (feet)					--	5
	Side (feet)					5 ³	5 ³
	Rear (feet)	20 ⁴	20 ⁴	20 ⁴	20 ⁴	10	<u>3</u>
Minimum Distance Between Buildings		N/A	N/A	N/A	N/A	10	
Maximum Lot Coverage		50 ⁵	50 ⁵	50 ⁵	50 ⁵	60 ⁷	60 ⁷

- (1) Except to accommodate street cul-de-sacs, knuckles, and other street designs that encroach into the typical lot depth.
- (2) 20 ft. to front of garage (front entry); 10 ft. to front of garage (side entry) and living area; 10 ft. to covered front porch.
- (3) R1-5 District: Rear Setback: 20 ft. for 2-story homes; 15 ft. for 1-story and/or covered patios.
- (3) Side yard setbacks may be 0-feet for attached housing products and other designs such as but not limited to detached z-lot configurations with the application of a use benefit easement (UBE).
- (4) 20-feet for two-story homes; 10-feet for single story homes and/or covered patios.
- (5) 55% for single-story homes and 60% for single-story homes.
- (6) Side yard setback will be 5-feet (each side) and will utilize the application of a 5-foot use benefit easement (UBE) on the adjacent lot to accommodate a private side yard courtyard for the home.
- (7) Lot Coverage shall be calculated for the overall development site.

3. The Final Plats of the MDR parcels shall incorporate the Use and Benefit Easements and Sidewalk Access Easements as depicted in the Village Cluster Detail Exhibits.
4. The parks and amenities as shown on the development plan shall be available to all residents in the development. This shall be reflected in the CC&R's.
5. For offsite public improvements the Town requires cash, irrevocable letter of credit (IRLOC), or a bond to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount shall be determined by an

- engineer's estimate during the Construction Document review phase. Construction assurance shall be deposited with the Town prior to final plat recordation.
6. For onsite public improvements the Town requires cash, irrevocable letter of credit (IRLOC), bond, or a signed C of O hold agreement to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. Construction assurance shall be deposited with the Town prior to final plat recordation.
 7. Any existing 69kV overhead lines within road right-of-way shall be required to be relocated outside of the rights-of-way and any overhead lines less than 69kV shall be placed underground.
 8. FEMA approval of the CLOMR/LOMR must be supplied to the Flood Control District, and the LOMR must become effective, prior to any Final Plat being recorded.
 9. 70' of half street of Right-of-Way for Meridian Road for all portions adjacent to the residential property frontage shall be dedicated to the Town of Queen Creek as part of Phase 1.
 10. 70' of half street of Right-of-Way for Meridian Road for all portions adjacent to the commercial property frontage shall be dedicated to the Town of Queen Creek at same time as Phase 1 by separate Map of Dedication.
 11. Full ½ street improvements (pavement, curb, gutter, sidewalks, culvert crossing, landscaping, streetlights, and drainage facilities shall be required to be designed and constructed for Meridian Road for all portions of the Right-of-Way adjacent to the residential property frontage as part of Phase 1. The remaining ½ street improvements for Meridian Road adjacent to the commercial property frontage shall be designed and constructed at time of commercial property development.
 12. 55' of half street of Right-of-Way for Germann Road for all portions adjacent to the residential property frontage shall be dedicated to the Town of Queen Creek as part of Phase 2.
 13. 55' of half street of Right-of-Way for Germann Road for all portions adjacent to the commercial property frontage shall be dedicated to the Town of Queen Creek prior to any commercial permits being issued.
 14. Pavement, curb & gutter, and streetlight improvements for Germann Road shall be designed and constructed for all portions of the Right-of-Way adjacent to the residential property frontage as part of Phase 1. The remaining half-street improvements (landscaping, sidewalks, and drainage facilities adjacent to the residential property frontage shall be constructed as part of phase 2.
 15. The remaining ½ street improvements for German Road adjacent to the commercial property frontage shall be designed and constructed at time of commercial property development.
 16. The Developer shall be responsible for design plans and installation of 3-legged Traffic Signal at the Meridian Road and Collector Road intersection as part of Phase 1. The Developer has no ability to obtain any easements outside of the right-of-way for a Traffic Signal. As such,

the Town shall ensure the installation of the Traffic Signal can be installed within Town right of way.

17. The Developer shall be responsible for design plans and installation of a 3-legged Traffic Signal at the Germann Road and Collector Road intersection as part of Phase 2. In addition, the Developer will be responsible for the design and installation of the underground facilities associated with the traffic signal as part of Phase 1. At the written request of the Developer, the Town shall provide assistance if the Developer is unable to obtain necessary easements from the Arizona State Land Department. As such, the Town shall ensure the installation of the Traffic Signal can be installed within the State Land Property.
18. The Developer shall cause to be constructed an 18-inch sewer line in Meridian Road from Germann Road to Queen Creek Road based upon an engineered design provided by the Town of Queen Creek. The Town shall obtain all necessary easements for the sewer line. The Town shall reimburse the Developer for all construction related costs associated with construction of the offsite sewer line.
19. All utility lines located within a private alleyway shall be private utilities and shall remain private.
20. The Developer shall cause to be constructed a 24" water line on the north side Germann Road from the point of connection located east of Meridian to the easternmost water connection to the property. The developer shall complete the design of the waterline improvements. The Town shall reimburse the developer for all design and construction costs related to the 24" water line and for costs associated with obtaining an easement from the Arizona State Land Department.
21. The Developer at their cost shall cause to be constructed all internal water and sewer lines internal to the development.
22. The Developer at their cost shall obtain a certificate of assured water supply as is legally required for a subdivision in the State of Arizona.
23. The Village product must comply with the refuse pick up location exhibit. On non-trash or recycling pickup days, the trash and recycling bins shall be located behind the side gate of each lot.
24. Guest parking for the Village Parcels shall be provided at a rate of 1.2 per unit.
25. The Public Sales Report and final plat(s) shall include a statement that this property is located in proximity to land designated for development as industrial, commercial, and/or multi-family uses and may be subject to potential noise intrusion vibrations dust and all other affects that may be associated with such uses.
26. The Developer shall provide for a waiver agreement, which shall run with the land, for each initial homebuyer to sign and shall include the following statement in the waiver agreement: "This property is located in proximity to adjacent to land designated for development as

industrial, commercial, and/or multi-family uses and may be subject to potential noise intrusion vibrations dust and all other effects that may be associated with such uses. The owner does release and discharge the Town of Queen Creek, the Developer, and the Homebuilder from any liability from any claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the development of such uses”.

27. Final subdivision plats shall note the potential for objectionable aircraft noise. Specifically, the plats shall note the following: “This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft.”
28. Sales offices for new single-family residential projects shall provide notice to prospective buyers that the project is located within an Overflight Area. Such notice shall consist of a sign at least two foot by three foot (2' x 3') installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of sales and shall not be removed until the sales office is permanently closed. The sign shall state the following in letters of at least one inch (1”) in height: “This subdivision, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft. For additional information contact the Arizona Department of Real Estate at: (602) 468-1414 or Phoenix-Mesa Gateway Airport Public Relations Office at: (480) 988-7600.”
29. The owners of the new project within Overflight Area 2 and 3, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final site plan for the new project.
30. The Developer shall provide for a waiver agreement, which shall run with the land, for each initial homebuyer to sign and shall include the following statement in the waiver agreement: “This property is located in proximity to adjacent to land designated for development as industrial, commercial, and/or multi-family uses and may be subject to potential noise intrusion vibrations dust and all other effects that may be associated with such uses. The owner does release and discharge the Town of Queen Creek, the Developer, and the Homebuilder from any liability from any claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the development of such uses”.
31. The Public Sales Report and final plat(s) shall include a statement that this property is located in proximity to land designated for development as industrial, commercial, and/or multi-family uses and may be subject to potential noise intrusion vibrations dust and all other affects that may be associated with such uses.

ATTACHMENTS

1. Aerial Exhibit
2. General Plan Exhibit
3. Current Zoning Exhibit
4. Proposed Zoning Exhibit
5. Development Plan
6. Landscape/Wall Plans
7. Project Narrative
8. Village Typical Exhibit
9. Residential Product Summary
10. Email of Opposition