



**TO:** Planning and Zoning Commission

**THRU:** Brett Burningham, Development Services Director  
Erik Swanson, Planning Administrator

**FROM:** Christine Sheehy, Principal Planner

**RE:** Public Hearing and Possible Action on P20-0206 Power and Chandler Heights Center, a request by Wendy Riddell, (Berry Riddell, LLC) for a rezoning of approximately 4.98 acres from R1-43 (Rural Estate) to C-2 (General Commercial) for future commercial uses consistent with the General Plan, located north and east of the northeast corner of Power and Chandler Heights roads.

**DATE:** April 14, 2021

### STAFF RECOMMENDATION

Staff recommends approval of P20-0206 Power and Chandler Heights Center, subject to the Conditions of Approval outlined in this report.

### PROPOSED MOTION

Move to approve P20-0206 Power and Chandler Heights Center, subject to the Conditions of Approval outlined in this report.

### SUMMARY

This proposal consists of a request by Wendy Riddell, (Berry Riddell, LLC) for a rezoning of approximately 4.98 acres from R1-43 (Rural Estate) to C-2 (General Commercial) for future commercial uses consistent with the General Plan, located north and east of the northeast corner of Power and Chandler Heights roads.

### HISTORY

May 31, 1990: The Town annexed the property from Maricopa County and applied the equivalent zoning district Rural Estate (R1-43) (Ordinance 7-90).

## PROJECT INFORMATION

Project Name:	Power and Chandler Heights Center
Site Location:	N&E/NEC of Power/Chandler Heights roads.
Current Zoning:	R1-43 (Rural Estate)
Proposed Zoning:	C-2 (General Commercial)
General Plan Designation:	Commercial
Surrounding Zoning:	
North	R1-43 (Ranchos Jardines)
South	C-2 and across Chandler Heights Road C-2 and R1-43 (Ranchos Jardines)
East	R1-43 (Ranchos Jardines)
West	C-2 and across Power Road RU-43 Maricopa County
Gross Acreage:	4.98 acres
Net Acreage:	N/A acres
Total Lots/Units:	N/A
Density:	Floor Area Ratio: 0.6 N/A (gross) N/A du/ac (net)
Open Space Acreage:	Required – 15% (0.74 acres or 35,539 s.f.) Provided – To be shown on future site plan.
Minimum Lot Area (Proposed):	N/A

## DISCUSSION

The applicant is requesting that the subject property be rezoned from R1-43 (Rural Estate) to C-2 (General Commercial) consistent with the Town's General Plan. At a future date, when commercial users are secured for the site, the applicant will be required to submit a Site Plan Application for approval of a development plan that will include the required landscape buffers and architectural details compatible with the adjacent residential homes.

In terms of surrounding General Plan land use designations, the properties to the north, south, east and west are designated as Rural on the current 2018 General Plan with the exception of the adjacent Circle K store at the northeast corner of Power and Chandler Heights roads and the subject site, which are designated as Commercial on the General Plan. The surrounding properties are all in the Town of Queen Creek with the exception of the area at the northwest corners of Power and Chandler Heights roads, which is in Maricopa County. These County properties, however, are within the Town's General Plan Area boundary and are designated as Rural on the Town's current 2018 General Plan.

The subject site is currently zoned R1-43 (Rural Estate) (1 du/acre). The properties to the north and east are part of the Ranchos Jardines Unit Two subdivision and are zoned R1-43. The subject site wraps the existing Circle K convenience store site, which is zoned C-

2 (General Commercial). The property to the south across Chandler Heights Road is zoned C-2 (General Commercial) on the corner, which is wrapped by properties that are part of the Ranchos Jardines Unit Two-B subdivision and are zoned R1-43. The properties at the northwest corner of Power and Chandler Heights roads are zoned RU-43 (1du/acre) in Maricopa County. The property at the southwest corner of Power and Chandler Heights roads is a shopping center that is zoned C-2. This center contains Basha's grocery store, drive-thrus, restaurants, bank, dentist and various retail shops.

## ANALYSIS

**General Plan Review:** The current 2018 General Plan designation for this property is Commercial. The proposed General Commercial District (C-2) zoning is consistent with the Commercial designation on the General Plan.

**Zoning Review:** The current zoning designation of the property is R1-43. The applicant is requesting C-2 zoning, as set forth within the Town of Queen Creek Zoning Ordinance. A PAD is not being requested, therefore future development would be required to adhere to the current C-2 development standards. The site however is currently deed restricted to a maximum building height of 20-feet.

**Adequate Public Facilities:** In accordance with Article 5.1 (Adequate Public Facilities) provision of the Zoning Ordinance, the subject property is within the Town's water and wastewater service areas.

**Engineering, Utilities and Transportation Review:** The project has been reviewed by the Engineering, Utilities and Transportation departments. Conditions of Approval have been added to address development requirements for this project.

**Landscape / Open Space Review:** For the proposed C-2 zoning, a total of 15% (0.74 acres or 35,539 s.f.) open space is required and will be quantified on a future site plan. A 30-foot landscape buffer is required adjacent to the properties zoned R1-43 along the northern and eastern property lines of the subject site. The ordinance also requires a 30-foot landscaped area along the Power and Chandler Heights roadway frontages.

## PUBLIC PARTICIPATION

With the outbreak of COVID-19, in-person Neighborhood Meetings have been temporarily suspended. Input from the surrounding community is important to the overall public hearing process, and the Town recognizes the vital importance that public comment provides. As such, on February 10, 2021 the applicant sent a notification letter to all property owners within the 900 foot notification area along with specific details of the case. On February 10, 2021 signs were posted on the site with information pertaining to the proposed rezoning application, including contact information for the applicant and Town representative along with a link to Town's Planning website that had the proposed project's information. A summary of the Neighborhood Meeting is attached.

A virtual Neighborhood Meeting was held on February 25, 2021. The applicant and their consultant team gave a presentation of the project. Two neighbors attended. Only one neighbor spoke and asked if a site plan had been developed, if the rezoning was related to the amendment of the CC&Rs, and how would the applicant prevent other parcels from successfully rezoning to allow for commercial. (Staff was informed early in the public hearing process that within the CC&R's of the Rancho Jardines Unit Two community, that commercial development is prohibited. Additional details are provided below.) The applicant's team explained that no site plan was presented as part of this request because users have not yet been secured, and the amendment to the CC&Rs is a separate process not regulated by the Town. The team also explained that it can be difficult to prevent other land owners from pursuing a rezone to commercial, but that they would brainstorm potential solutions and contact the neighbor with more information.

While the Town does not regulate or enforce CC&Rs, it is important to note that the Site is subject to a Declaration of Restrictions (the "CC&R's") recorded in the Official Records of Maricopa County under Recording No. 19720330890. Although the CC&R's for Ranchos Jardines Unit Two originally precluded commercial development throughout all lots, Lot 46, the subject site, may now be used for commercial land uses pursuant to a Judgment filed in Superior Court Case No. CV2013-006723 provided the property meets applicable Town ordinances and regulations and that the height shall be limited to a maximum of 20-feet. The applicant is currently working with the Rancho Jardines Unit Two property owners to amend the maximum height of 20-feet permitted by the CC&R's. According to the applicant, additional height would allow for greater flexibility in design, however, it is not a prerequisite to develop the Site as proposed. For comparison purposes, the C-2 zoning district permits building heights up to 48-feet, and the Basha's building is 35-feet in height.

Staff later received an email from the resident that spoke at the open house. A copy of the resident's email and the staff's response is attached. The resident was not supportive of the project. They had met privately with the developer to learn more about the project but remained concerned about potential conflicts with the Ranchos Jardine's Unit Two CC&Rs, additional traffic, noise, more buildings and parking lots Staff has received no other public input to date.

## **CONDITIONS OF APPROVAL**

1. A Site Plan Application shall be submitted for approval prior to the issuance of a building permit. The Site Plan will demonstrate compliance with the C-2 (General Commercial) zoning regulations and all applicable provisions of the Town's Zoning Ordinance and Design Standards.
2. A 55' by 105' drainage easement is required on this property in conjunction with the Power Road improvements by the Town of Queen Creek to capture and retain offsite flows.

3. Subdivision developments, including commercial, consisting of 6 parcels or more are required to obtain an Arizona Department of Water Resources (ADWR) Certificate of Assured Water Supply (CAWS). A copy of the CAWS in the builder/ developer's name, will have to be provided to the Town of Queen Creek Water Division. This may be accomplished by transferring current CAWS, or converting an existing Analysis of Assured Water Supply associated with the proposed development, or by applying for a new CAWS in the event that one does not currently exist. The Town of Queen Creek Water Division cannot agree to supply water to the subdivision unless this stipulation is met as the Town of Queen Creek does not have a 100 year assured water designation. The Town has however completed a Physical Availability Determination (PAD) study that has evaluated most properties in the area to determine that the groundwater hydrology can support new development in undeveloped portions of the Town. This information was developed as the technical background needed to obtain a CAWS and can be provided upon request. As a part of the CAWS program, the project will also need to be enrolled as a member in the Central Arizona Groundwater Replenishment District ("CAGRDR") program with ADWR before the Town of Queen Creek can supply water to the development.
4. For all remaining offsite public improvements the Town requires cash, irrevocable letter of credit (IRLOC), or bond, to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount will be determined by an engineer's estimate during the Final Plat review. Construction assurance shall be deposited with the Town prior to any permits being issued.

## **ATTACHMENTS**

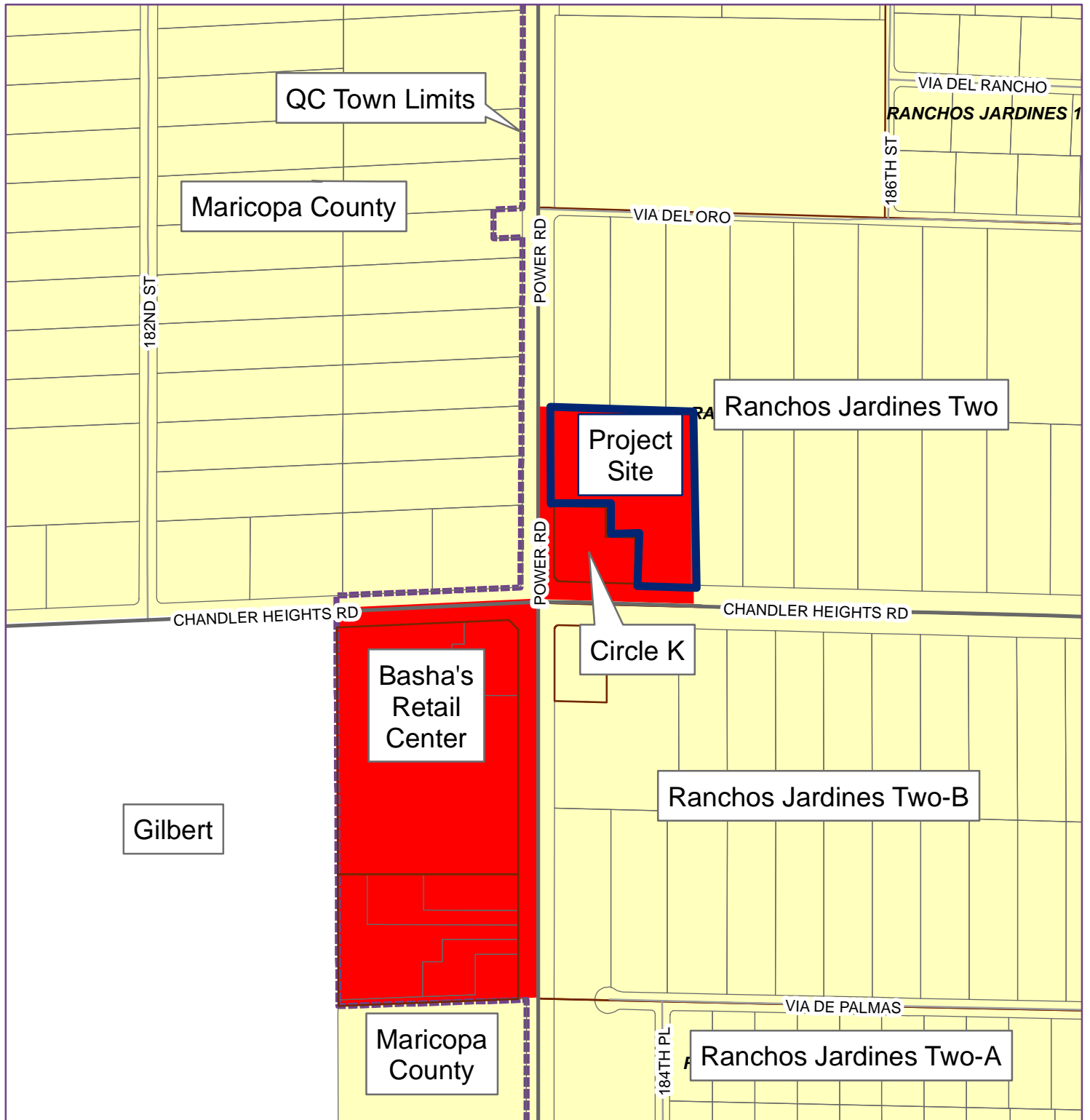
1. Aerial Exhibit
2. General Plan Exhibit
3. Current Zoning Map Exhibit
4. Proposed Zoning Map Exhibit
5. Project Narrative
6. Neighborhood Notification and Meeting Summary
7. Public Comments
8. Legal Description



**Project Name: Power and Chandler Heights Center Rezone Aerial Exhibit**  
**Case Number: P20-0206**  
**Hearing Date: April 14, 2021 (Planning Commission)**  
**May 19, 2021 (Town Council)**



**Project Name: Power and Chandler Heights Center Rezone General Plan Exhibit**  
**Case Number: P20-0206**  
**Hearing Date: April 14, 2021 (Planning Commission)**  
**May 19, 2021 (Town Council)**



**General Plan Land Use**

























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



**Project Name: Power and Chandler Heights Center Rezone**  
**Current Zoning Map Exhibit**  
**Case Number: P20-0206**  
**Hearing Date: April 14, 2020 (Planning Commission)**  
**May 19, 2021 (Town Council)**

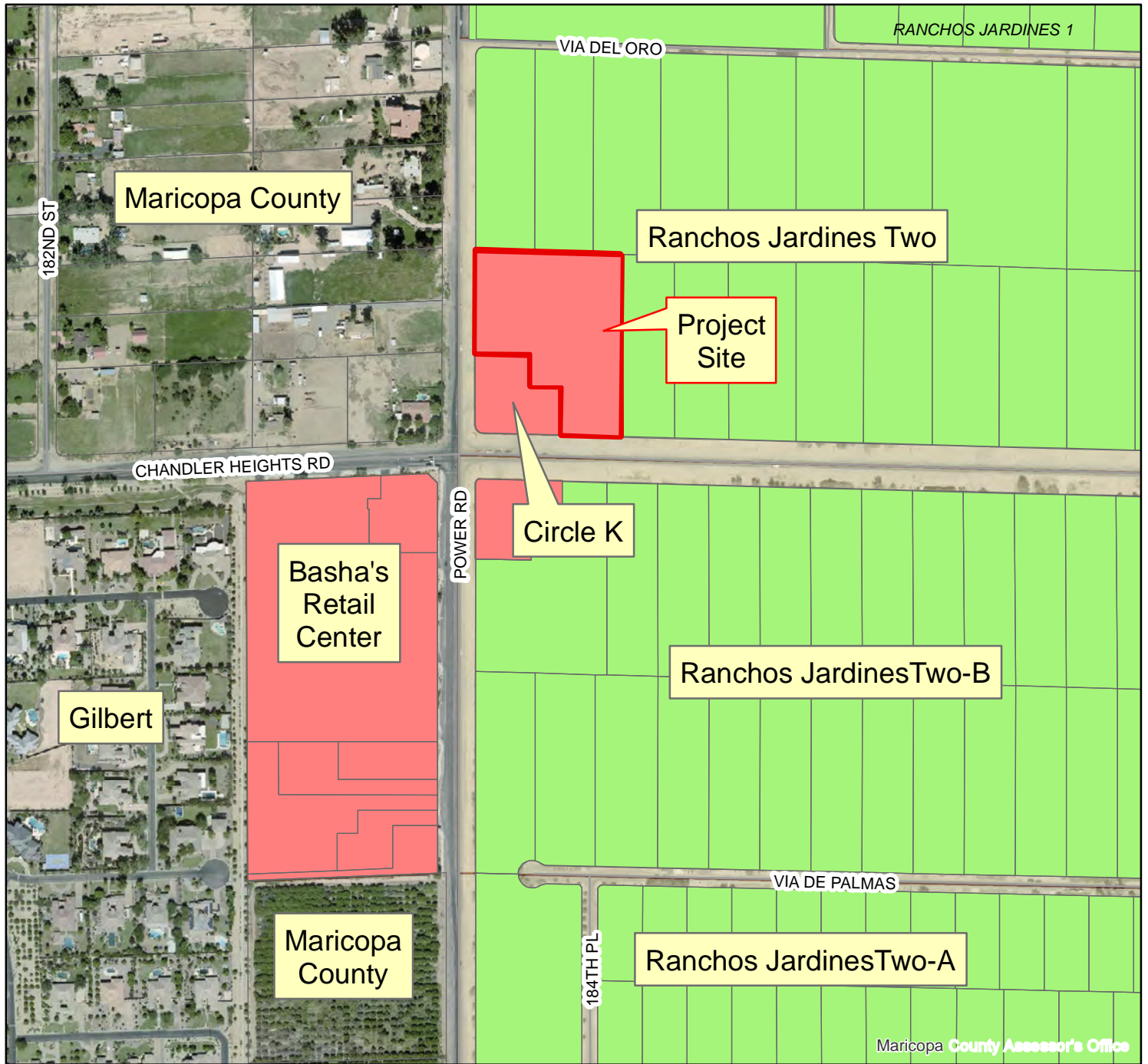


**Zoning Districts**

 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



**Project Name: Power and Chandler Heights Center Rezone**  
**Proposed Zoning Map Exhibit**  
**Case Number: P20-0206**  
**Hearing Date: April 14, 2020 (Planning Commission)**  
**May 19, 2021 (Town Council)**



**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
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EMP B - General Industrial	R1-6 - Residential	R1-18 - Residential	AT - Agritainment

# Project Narrative

## NEC Power Road & Chandler Heights Road

Case #: P20-0206

First Submittal: December 29, 2020

Resubmitted: February 3, 2021

Prepared for:

Genesis Devco, LLC

Craig Esslinger

Prepared by:

Berry Riddell LLC

Wendy Riddell, Esq.

Ashley Porter, Planner

6750 E Camelback Road, Suite 100

Scottsdale, Arizona 85251

## PURPOSE OF REQUEST

The purpose of this request is to seek a rezone of an approximate 4.98-acre parcel, APN 304-68-155, located at the northeast corner of Power Road and Chandler Heights Road (the “Site”) from R1-43 to C-2 to align with the General Plan land use designation of Commercial. The Site location is shown in the graphic below.



## CONTEXT

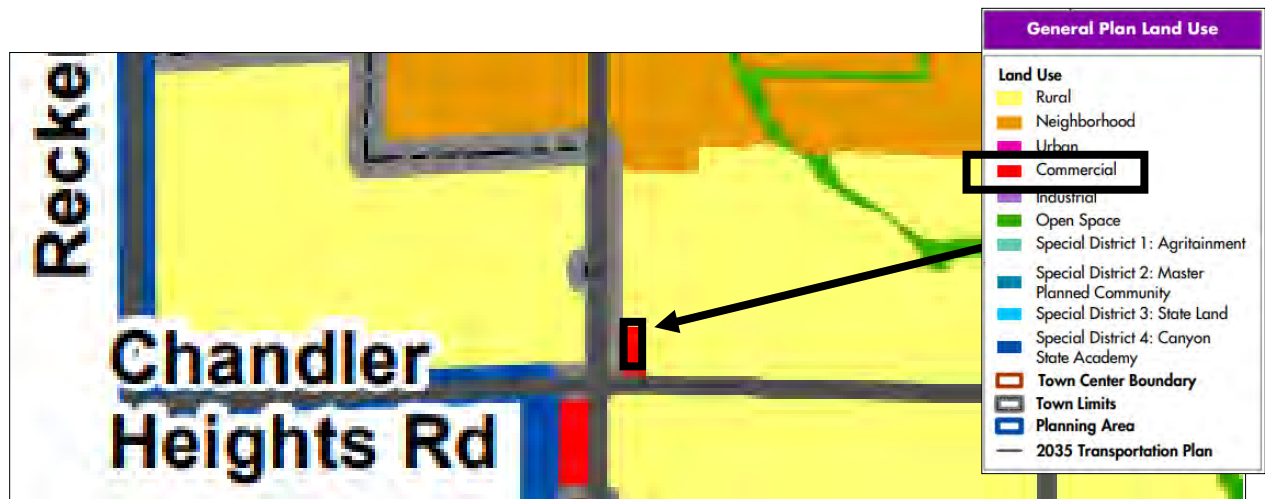
The vacant Site is surrounded by a mix of synergistic land uses that support the request. As summarized below, the Site is bound on the north and east by single-family residential. West of the Site is additional single-family residential in unincorporated Maricopa County. Directly south of the Site at the hard corner of the intersection is a Circle K with a car wash, and the vacant land across Chandler Heights Road south is zoned C-2. To the southwest of the Site is a commercial development comprised of such supportive uses as a Basha’s grocery store, drive-thrus, restaurants, bank, dentist and various retail. The Site is located adjacent to a principal arterial, Power Road, and an arterial, Chandler Heights Road.

The Site is surrounded by the following uses and zoning:

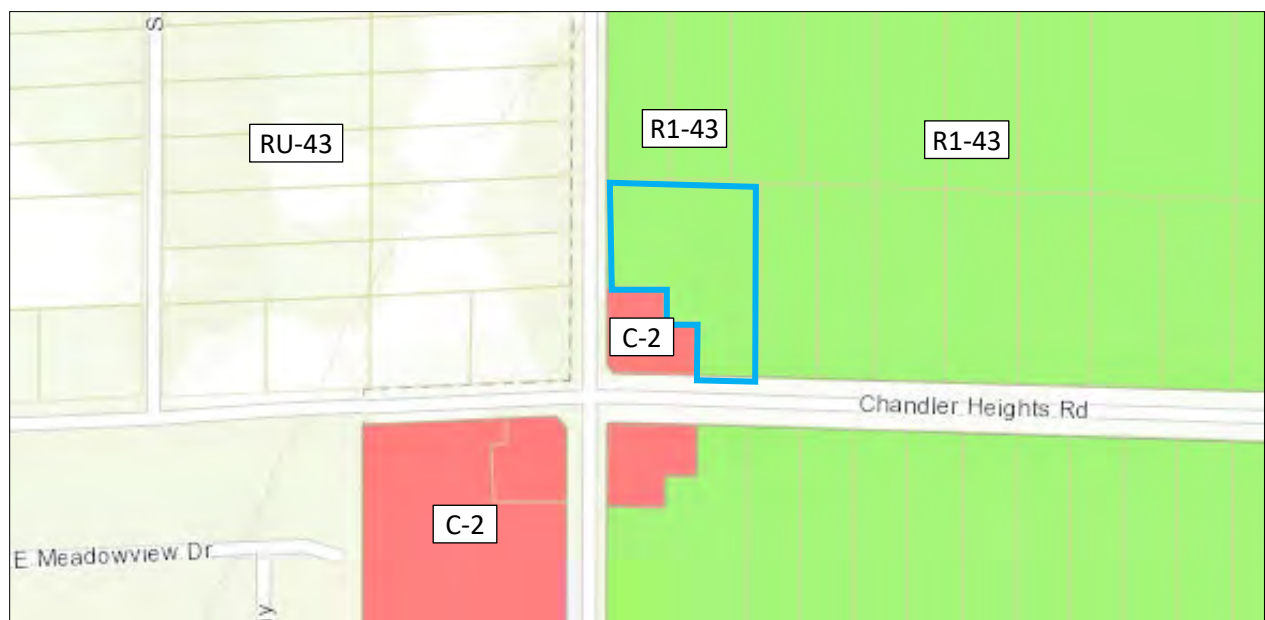
	Jurisdiction	GP Land Use	Zoning	Current Land Use
<b>Subject Site</b>	Queen Creek	Commercial	R1-43	Vacant
<b>North</b>	Queen Creek	Rural	R1-43	Residential
<b>East</b>	Queen Creek	Rural	R1-43	Residential
<b>South</b>	Queen Creek	Rural	C-2 & R1-43	Commercial & Residential
<b>West</b>	Maricopa County	Rural	RU-43	Single-family residential

## EXISTING DESIGNATIONS

As shown in the graphic below, the Site is designated as Commercial on the General Plan Land Use Map. According to the General Plan, the character of the Commercial designation “accommodates existing conventional suburban shopping centers” with emphasis on attractive streets and appropriate transitions between adjacent land uses. The General Plan anticipates the Site would develop as commercial as a continuation of this commercial/retail intersection that provides the community with the convenience of nearby businesses.



As shown in the graphic below, the Site is zoned R1-43. The current zoning conflicts with the General Plan designation of Commercial and as such, this rezoning request will result in a development that is consistent with the General Plan and better promotes long-range planning goals for this Site.





## GENERAL PLAN CONFORMANCE

The Queen Creek General Plan encompasses a set of goals, approaches and tools that guide development and pave the future of the Town. By outlining long-term goals, the General Plan gives the ability to respond to shifts in market trends while remaining mindful of these goals. Although the Site is currently zoned R1-43, it is designated as Commercial on the 2018 Town General Plan land use map and as such, this proposal is consistent with the General Plan. Below is a discussion of the goals and policies represented in this project.

### ***Land Use Goal 1: Maintain the Town's unique community character.***

***Strategy 1.A:*** Protect and promote the Town's history, location, amenities, and development potential to create a unique, attractive, desirable, and economically sustainable community.

***Action 1.A.4:*** Ensure compatibility between new projects and existing neighborhoods by providing appropriate transitions as described in the Land Use Categories Requirements Table included in this Plan.

**Response:** This proposal seeks to maintain the unique character of Queen Creek while also anticipating the needs of the community as it continues to grow. As previously discussed, the Site is surrounded by single-family residential and the proposal is a continuation of the commercial and retail uses that exist at the intersection of Power Road and Chandler Heights Road. Residents will benefit from the additional supportive services offered through this proposal. Appropriate transitions will be provided that respect the scale and intensity of surrounding developments.

### ***Land Use Goal 3: Ensure long-term employment diversity and economic stability.***

***Strategy 3.A:*** Develop a diversified and robust economic development base to ensure the Town's long-term economic stability.

**Response:** Developing vacant properties is critical in maintaining the economic stability of the community. Development of this Site as a commercial center will create employment opportunities, tax revenue, and increased Town funds through permitting fees.

### ***Land Use Goal 4: Promote seamless development between the Town and adjacent jurisdictions.***

***Strategy 4.A:*** Coordinate with adjacent jurisdictions and other entities on development and the implementation of land use regulations.

**Response:** The proposed development is sensitive to the surrounding context. The Site is surrounded by single-family residential that is in both the Town of Queen Creek and unincorporated Maricopa County. The General Plan has anticipated that this intersection would serve as a commercial node providing convenient goods and services to the local residents.

### ***Circulation Goal 1: Develop a multimodal transportation system for all users.***



**Strategy 1.B:** *Develop a safe, continuous arterial street network that can accommodate all modes, minimize congestion, and connect to arterial street networks of neighboring communities.*

**Action 1.B.6:** *Develop priorities for roadway improvements on existing and future traffic demand.*

**Action 1.B.8:** *Promote the importance of continued roadway maintenance and paving for new and existing roads consistent with adopted traffic engineering and construction design standards.*

**Response:** The Site is located adjacent to Power Road, a principal arterial, and Chandler Heights Road, an arterial. In anticipation of the ultimate configuration of these streets, this proposal includes a 70' half-street on Power Road and a 75' half-street on Chandler Heights Road. Capital Improvement Projects are established for both arterials adjacent to the Site. The proposed build out of Power Road is four lanes with bike lanes and a center turn lane. It is currently in the design and permitting stage. Chandler Heights Road is planned to be a four-lane arterial with a west-bound turn lane onto Power Road, bikes lanes, and a center turn lane, and is currently under construction.

The Site will feature cross access among the lots at the intersection of Power Road and Chandler Heights Road. Additionally, the developer is working with Circle K to establish a connection that will enhance circulation throughout the properties.

**Land Use Goal 2: *Effectively manage the Town's growth.***

**Strategy 2.A:** *Encourage development patterns that maximize opportunities to use land efficiently.*

**Response:** As previously discussed, this proposal seeks to expand upon the commercial presence at the intersection of Chandler Heights Road and Power Road. This proposal seeks to rezone the Site from R1-43 to C-2. This request aligns with the Town's General Plan land use designation of commercial. The concentration of commercial at this intersection, as anticipated by the General Plan, encourages an efficient land use pattern, reduces trip generation, and provides for the addition of convenient amenities for the community.

Given the proposed CIPs for Chandler Heights Road and Power Road, this proposal is appropriately timed and will maximize the investments made into the roadway improvements.

## **REZONING APPLICATION APPROVAL CRITERIA**

According to the Town of Queen Creek Zoning Ordinance, the Planning Commission and Town Council shall consider the following questions, at a minimum, in reviewing an application for a rezone. This proposal meets the rezoning approval criteria as outlined below.

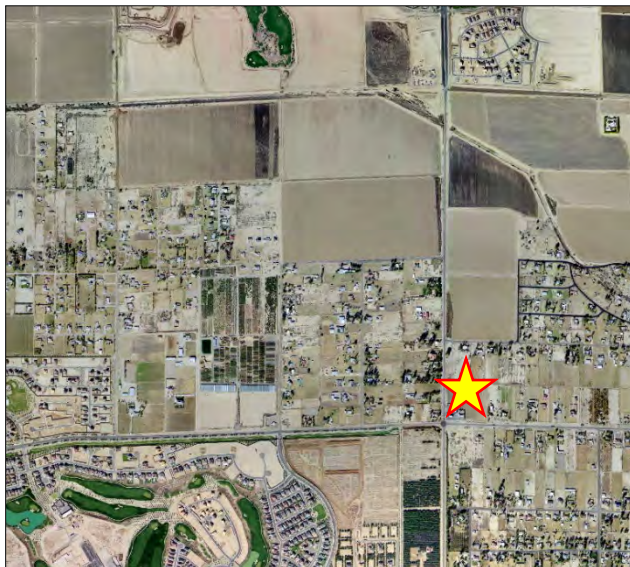
- 1. *Whether the existing zoning was in error at the time of adoption;***

**Response:** The existing zoning was not in error at the time of adoption. The Site became part of the Town of Queen Creek in the original incorporation of the Town in September 1989 and equivalent zoning (R1-43) to the previous Maricopa County zoning was subsequently adopted.

**2. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development;**

**Response:** The Town of Queen Creek has experienced a significant population increase over the last decade. The landscape has changed drastically as a result with neighborhoods, goods and services and supporting infrastructure emerging throughout the Town. As shown in the graphics below, the area surrounding the Site has seen several single-family residential neighborhoods develop. This trend is expected to continue with the recently proposed Sossaman Farms West community at the southwest corner of Power Road and Ocotillo Road currently undergoing the entitlement process. It is anticipated that the Town's population will grow, and as such, the proposed development will serve current and future resident's needs.

**2003**



**2019**



**3. The degree to which the proposed zoning will benefit the community. Whether there will be benefits derived by the community, or area, by granting the proposed rezone;**

**Response:** The proposed rezone will be beneficial to the community. The intersection of Power Road and Chandler Heights Road is emerging as a commercial center with a variety of land uses that support the neighboring single-family residential communities. The General Plan land use map designated the Site as commercial in anticipation of this proposed use. The proposed rezone and investment into the Site will also be the impetus for reinvestment in the Circle K, which will serve to benefit the community further.

**4. Whether the proposed rezone is compatible with the surrounding area or whether there will 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 excessive storm runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;***

**Response:** The proposed rezone is compatible with the surrounding area. This proposal will continue the commercial/retail intersection at Power Road and Chandler Heights Road. In anticipation of growing traffic volumes, the site plan includes future right-of-way along Power Road and Chandler Heights Road. Additionally, the proximity of the types of land uses this proposal includes will reduce the number of vehicle miles traveled by residents and this contributes to a reduction in pollution and vehicle emissions. In conformance with the Parks and Recreation 2018 Master Plan, a six-foot sidewalk and 10-foot multi-use path will be provided along both Chandler Heights and Power Roads.

***5. Whether the proposal conforms 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 this Ordinance, and other Town regulations and guidelines, including goals and policies relating to economic development;***

**Response:** As previously discussed, this request seeks to rezone the Site from R1-43 to C-2, consistent with the adjacent zoning and the General Plan land use designation of Commercial. This proposal is consistent with the goals and policies outlined in the General Plan, as discussed herein.

***6. Compliance with the Adequate Public Facilities criteria as set forth in Section 5.1 of this Ordinance;***

**Response:** The proposed development will be in compliance with the Adequate Public Facilities criteria as set forth in Section 5.1 of the Town of Queen Zoning Ordinance.

***7. The zoning districts and existing land uses of the surrounding properties;***

**Response:** This Site is located adjacent to a commercial development and within an established commercial intersection, anticipated to provide goods and services to the growing population.

***8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;***

**Response:** The large size and usual shape of the parcel, tucked behind an existing fuel station and car wash, make it unsuitable for a large-lot residential development as the Site is currently zoned.

***9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character;***

**Response:** The proposed rezoning is compatible with the adjacent neighborhoods. This intersection is developing as a commercial center that serves the neighboring single-family residential communities. No deviations from the Zoning Ordinance are sought through this request. As such, the sensitive land use transition standards required by the Zoning Ordinance will ensure that the land use relationship is compatible, such as 30' landscaping setbacks where adjacent to single-family residential, and 20-foot street side landscaping setbacks. Although no users have been secured at this time and thus, no specific elevations are provided at this time, the architectural theme will draw upon the character of the area.

***10. The length of time the subject property has remained vacant as zoned; and,***

**Response:** The Site has remained vacant as zoned since it was incorporated into the Town of Queen Creek in 1989. To date, the Site has not been developed, but has been used for agricultural purposes for a portion of the last century.

***11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.***

**Response:** The existing large-lot residential zoning has been in place for many decades, but the Site has not been marketable for a residential use. The unusual shape of the parcel and access onto two arterials, combined with the General Plan land use designation, make this Site much more appropriate for commercial than residential. As shown in the aerial comparisons above, there have been a number of new, large residential subdivisions constructed in the vicinity within the past two decades. This proposal will increase the available commercial amenities at this intersection, which will support the growing population.

## **CC&R's**

The Site is subject to a Declaration of Restrictions (the "CC&R's") recorded in the Official Records of Maricopa County under Recording No. 19720330890. Although the CC&R's originally precluded commercial development throughout all lots described within the document, Lot 46 may now be used for commercial land uses pursuant to a Judgment filed in Superior Court Case No. CV2013-006723, but that the height shall be limited to a maximum of 20 feet. The applicant is currently working with the community to amend the maximum height permitted by the CC&R's. While this additional height would allow for greater flexibility in design, it is not prerequisite to develop the Site as proposed.



March 4, 2021

**Via Email to:**

Town of Queen Creek  
Attn: Christine Sheehy  
22358 S Ellsworth Road  
Queen Creek, Arizona 85142

**Re: NEC Power Rd & Chandler Heights Rezone / P20-0206**

Dear Christine:

The purpose of this correspondence is to summarize the virtual Open House meeting and other neighborhood outreach that is being performed in conjunction with a pending application for a rezoning from R1-43 to C-2 for the site shown below and located at the northeast corner of Power Road and Chandler Heights Road (the "Site").



On February 10<sup>th</sup>, a notification letter was sent to all property owners within 900 feet of the Site and all HOAs, which explained the request and included details of a virtual Open House to be held via Zoom on February 25<sup>th</sup>. *See Exhibit A, Notification Letter.* Only one call or email was received in response to the letter, which was from a property owner living west of Power Road, who asked about the location of the Site and timing for approvals, but did not attend the Open House.



BERRY RIDDELL LLC

March 4, 2021

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The virtual Open House was held on February 10<sup>th</sup> from 6pm until attendees had asked any questions they had at the time. Representatives from Genesis Development, Bilsten Consulting, and Berry Riddell gave a presentation and were available to answer questions. A total of two neighbors attended. One resident asked if a site plan had been developed, if the rezoning was related to the amendment of the CC&Rs, and how we may be able to prevent other parcels from successfully rezoning to allow for commercial. The team explained that no site plan was presented as part of this request because users have not yet been secured, and the amendment to the CC&Rs is a separate process not regulated by the Town. The team also explained that it can be difficult to prevent other land owners from pursuing a rezone to commercial, but that they would brainstorm potential solutions and contact the neighbor with more information. The other attendee did not participate in the discussion, but as part of our door-to-door outreach, we had discussions with both attendees prior to the Open House meeting. Contact information for Bilsten Consulting was provided during the presentation so that attendees or their neighbors could reach out with any additional questions. Following the Open House meeting, Bilsten Consulting reached out to one of the abutting neighbors that did not attend the meeting, just to ensure that he did not have any questions. He reiterated that he still supports the project.

The entire project team is sensitive to the importance of neighborhood involvement and creating a positive relationship with property owners, residents, business owners, homeowners' associations, and other interested parties. A vital part of the outreach process is to allow people to express their concerns, understand their issues, and attempt to address them in a professional and timely matter. The team and outreach consultants will continue to engage with the community throughout this process to seek valuable feedback and be responsive to comments.

If you have any questions, please feel free to reach out to me directly.

Very truly yours,



Ashley Porter

**EXHIBIT A**  
Notification Letter

February 10, 2021

Dear Neighbor:

We are pleased to invite you to a virtual neighborhood meeting to receive your comments on a proposed development application (P20-0206) for the approximate 4.98-acre parcel located at 18434 East Chandler Heights Road (Maricopa County APN 304-68-155). This application is for the development of commercial land uses.

To accomplish the development of the property for commercial, the following request has been made to the Town of Queen Creek: a rezone from R1-43 (Rural Estate) to C-2 (General Commercial). The rezone will result in uses that align with the Town of Queen Creek's General Plan land use designation of Commercial. No site plan was submitted in association with this request, as we are currently working to find commercial users that would be appropriate at this location.

A virtual neighborhood meeting has been scheduled to give property owners in the area an opportunity to meet with the applicant and to learn more about the proposed project. At the virtual meeting, we will have information available for your review and comment. The details of this meeting are as follows:

**Date:** Thursday, February 25, 2021  
**Time:** 6:00 p.m. to 7 p.m.  
**Zoom Link:** <https://zoom.us/j/4806823902>  
**Meeting ID:** 480 682 3902  
**Passcode:** 6750

The Town of Queen Creek has also prepared a link of documents for the proposed development. See below. The Town's Planning Division has assigned this case to Christine Sheehy. She can be reached at 480-358-3105 or [christinesheehy@queencreek.org](mailto:christinesheehy@queencreek.org) should you have any questions regarding the Town's link or the public process.

<https://www.queencreek.org/departments/community-development/planning-and-zoning/current-planning-zoning-cases>

If you have any questions regarding this matter prior to the neighborhood meeting, please contact me, at **480-682-3916** or at **[ap@berryriddell.com](mailto:ap@berryriddell.com)**.

Sincerely,



Ashley Porter  
[ap@berryriddell.com](mailto:ap@berryriddell.com)  
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# Power and Chandler Heights Center (P20-0206)

## Public Comments (Received as of April 6, 2021)

**Kendall Power** <kendall@roadrunnerpavingaz.com>

Mar 17, 2021, 12:40 PM



to me ▾

Christine,

I wanted to reach out to you regarding the lot that is trying to be developed into a small commercial property on the NE corner of Power & Chandler Heights. I am a neighbor who lives right behind this lot. I was also in the neighborhood meeting a few weeks ago. I am not very keen on this development and have expressed my thoughts to the potential developer and his representative. I have also met with them in their office to discuss my contention with what they are trying to do.

There is just not enough neighborhood support for this development. It is unfortunate that legally they cannot just remove themselves from the neighborhood, but we all own these larger lots with the understanding that we have deed restrictions that apply. The area was subdivided to have multiple acre lots, and that's why we live here. We live here BECAUSE of the deed restrictions, not in spite of them. If the current owner did not want to abide by these legally recorded and binding restrictions, they should not have bought the property in the first place.

Additional traffic, noise, more buildings and parking lots is just not something the majority of us want in our area.

Thank you,

*Kendall Power*

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**Christine Sheehy** <christine.sheehy@queencreek.org>

Mar 17, 2021, 6:04 PM



to Kendall, bcc: Erik ▾

Dear Mr. Power,

Thank you for reaching out and expressing your concerns. It is good to hear that you are discussing the rezoning application with the proposed developer. As for deed restrictions, they are privately enforced and not regulated by the Town. The staff, however, has been made aware of a Judgement filed in a Superior Court case that would allow the site, Lot 46, to be developed with commercial uses subject to certain restrictions.

You will be receiving a Public Hearing Notice in a couple of weeks for the Planning Commission Hearing on April 14th at 6:00 pm followed by the Town Council meeting on May 19th. There will be instructions on how to attend these meetings virtually. Signs will also be posted on the property with the public hearing information. You are welcome to speak at the virtual meetings and/or submit written comments. Your letter below will be added to the public record for the case and included in the staff reports for the Planning Commission and Town Council. If you would like to discuss this further, please do not hesitate to give me a call. My contact information is listed below along with my office hours.

### **Legal Description**

Lot 46, RANCHO JARDINES UNIT TWO, according to Book 157 of Maps, page 17, records of Maricopa County, Arizona.

EXCEPT all geothermal rights as reserved in Quit Claim Deed dated January 4, 1973 and in Docket 9934, Page 345 and re-recorded in Docket 10232, Page 818.