



**TO:** Planning and Zoning Commission

**THRU:** Brett Burningham, Development Services Director

**FROM:** Erik Swanson, Planning Administrator

**RE:** Public hearing for P21-0071 Durham Queen Creek Rezone, a request for Rezoning on an approximate 20-acre site from R1-43 (Rural Estate District) upon annexation from Maricopa County to C-2 (General Commercial District).

**DATE:** May 5, 2021

#### STAFF RECOMMENDATION

Staff recommends approval of P21-0071, Durham Queen Creek Rezone, subject to the Conditions of Approval outlined in the staff report.

#### PROPOSED MOTION

Move to recommend approval of P21-0071, Durham Queen Creek Rezone, subject to the Conditions of Approval outlined in the staff report.

#### RELEVANT COUNCIL GOALS



Effective Government



Secure Future

#### SUMMARY

This proposal consists of a request by Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer, PLLC for the rezoning of approximately 20 acres from RU-43 (formal annexation will occur at the Council hearing and will be to the Town equivalent of R1-43) to C-2, located at the southeast corner of Ellsworth and Cloud roads.

## HISTORY

May 5, 2021: First Public Hearing regarding the proposed annexation occurred.

## DISCUSSION

In October of last year, the applicant (representing the future property owner) filed a pre-application narrative and site plan for the subject site indicating interest in a future annexation and rezoning. Subsequently, in March of this year annexation and rezoning applications were filed for the subject site. With the applications a conceptual site plan was submitted indicating plans for two future automotive dealerships. In May of this year the first public hearing for annexation occurred.

The current request is for the rezoning of the subject site. If approved a subsequent formal Site Plan application will be submitted for review, however the applicant and design team have provided a conceptual site plan throughout the review process. While the conceptual site plan is not definitive many of the elements as provided on the plan will remain consistent including generally building location, access points, landscape buffers, and retention area adjacent to the existing residential developments to the east. As provided on the conceptual plan, there is a vacant pad space that remains at the intersection corner. It is anticipated that this area will be developed as future commercial uses. It is important to note that the development team is proposing a Development Agreement with the Town, however details have not been finalized.

## ANALYSIS

**General Plan Review:** The General Plan Land Use designation for this project is Neighborhood, a land use designation that primarily focuses on a range of residential development, however allows for consideration of commercial development. The request to rezone the subject site is consistent with the General Plan.

**Zoning Review:** The zoning designation of the property will become C-2 upon annexation. The request to rezone the property to C-2 is to facilitate the development of two potential automotive dealerships along neighborhood commercial uses at the intersection corner that may be potential restaurants. The applicant is not requesting any deviations to the Design Standards or Zoning Ordinance.

**Engineering, Utilities, and Traffic Review:** The Engineering Division, Traffic Division, and Utilities Department have been involved throughout the development and review of the request.

## **PUBLIC NOTIFICATION/PARTICIPATION**

A neighborhood meeting was conducted as part of the review process on June 29, 2021 in the Community Chambers. Approximately 20 residents and property owner representatives attended the meeting. A number of general questions related to the development were asked with concerns being expressed regarding increased traffic, particularly along Cloud Road, the proposed use and potential for reduced property values, as well as design related questions pertaining to building users, heights, and lighting. The applicant addressed the concerns relating to the request, however a majority of attendees expressed opposition to the request. As of the writing of this memo, Staff has received a number of emails stating opposition to the request (attached).

## **CONDITIONS OF APPROVAL**

1. This project shall be developed in accordance with the plans and exhibits attached to this case and case P21-0071 Durham Queen Creek Rezone, and all the provisions of the zoning ordinance applicable to this case, except as modified herein.
2. For the 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 recording of the Final Plat.
3. The development will be responsible to complete the adjacent roadway half street improvements per Town standards. These improvements include but are not limited to roadway, landscaping, sidewalks, driveways, utilities and drainage facilities. Any additional right-of-way required to complete the improvements shall be dedicated on the Final Plat or by separate instrument.
4. The developer shall be responsible for the design and construction of a traffic signal at the proposed median break along Ellsworth Road, details shall be worked out with Staff.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current Town standards.

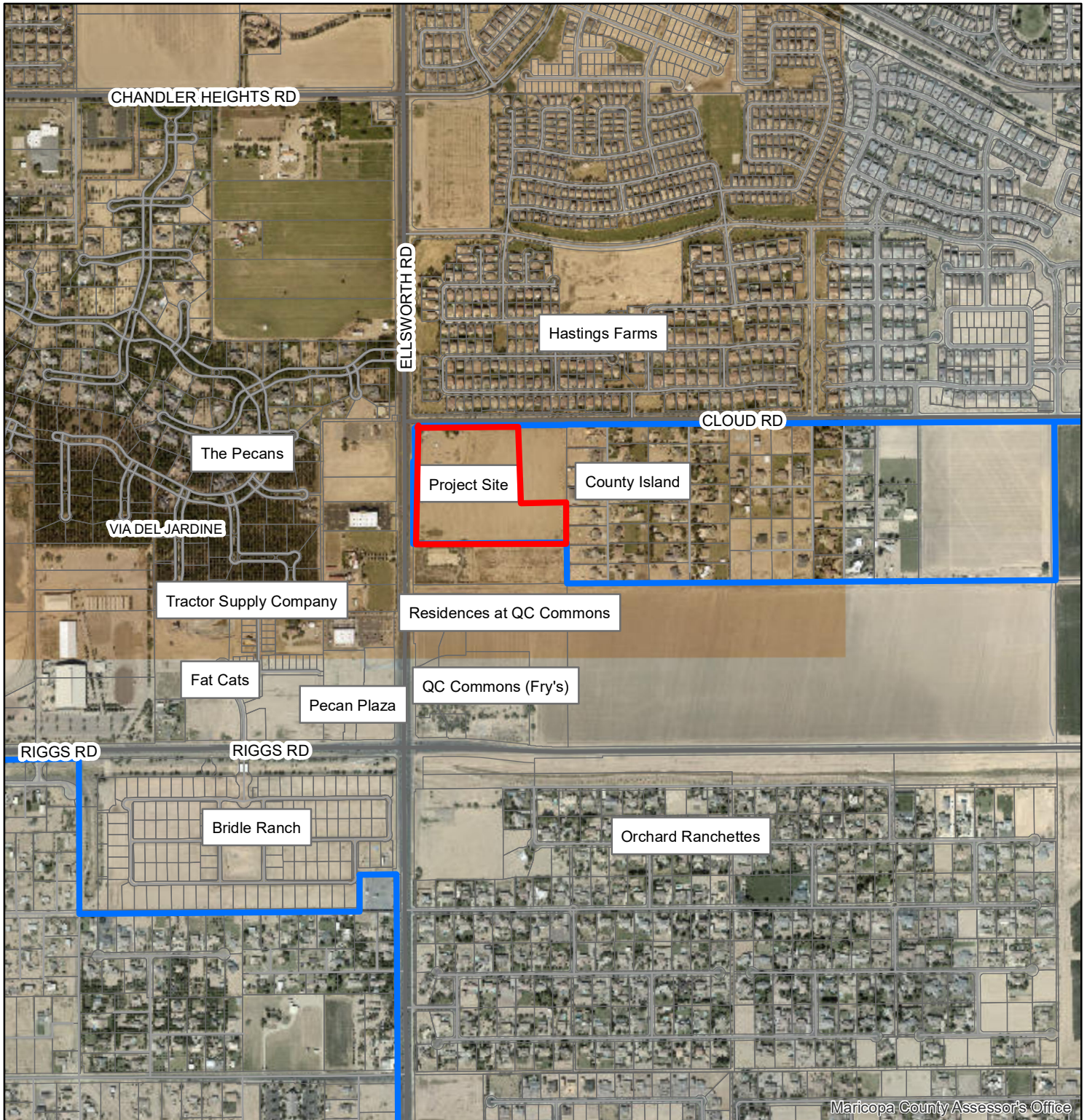
## **ATTACHMENTS**

1. Aerial Photo Exhibit
2. General Plan Exhibit
3. Current Zoning Exhibit
4. Proposed Zoning Exhibit
5. Conceptual Site Plan
6. Project Narrative
7. Neighborhood Meeting Summary
8. Resident Emails

**Project Name: Durham Queen Creek Rezone Aerial Exhibit**

**Case Numbers: P21-0071**

**Hearing Dates: November 10, 2021 (Planning Commission)  
December 1, 2021 (Town Council)**

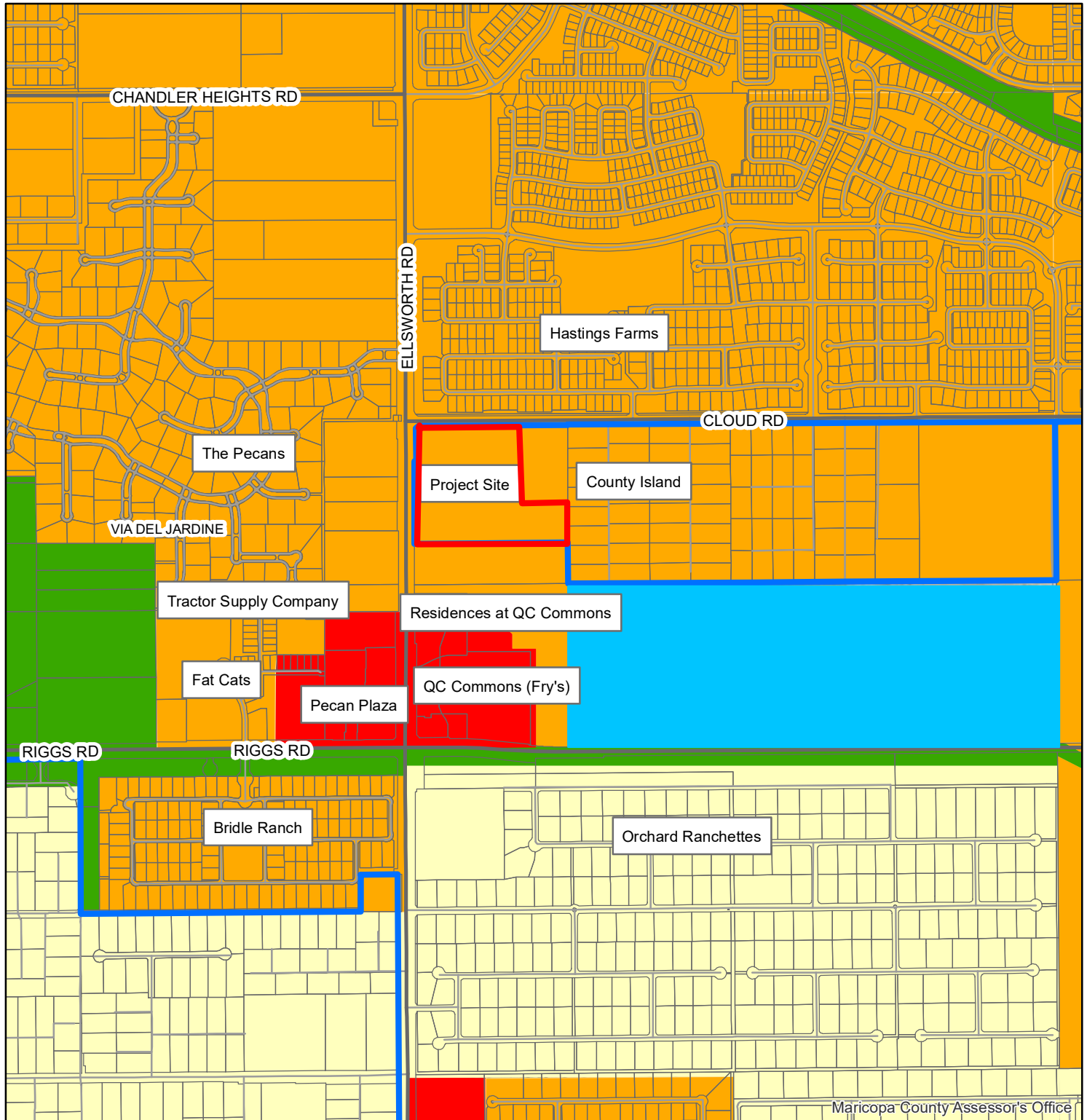




# Project Name: Durham Queen Creek Rezone General Plan Exhibit

Case Number: P21-0071

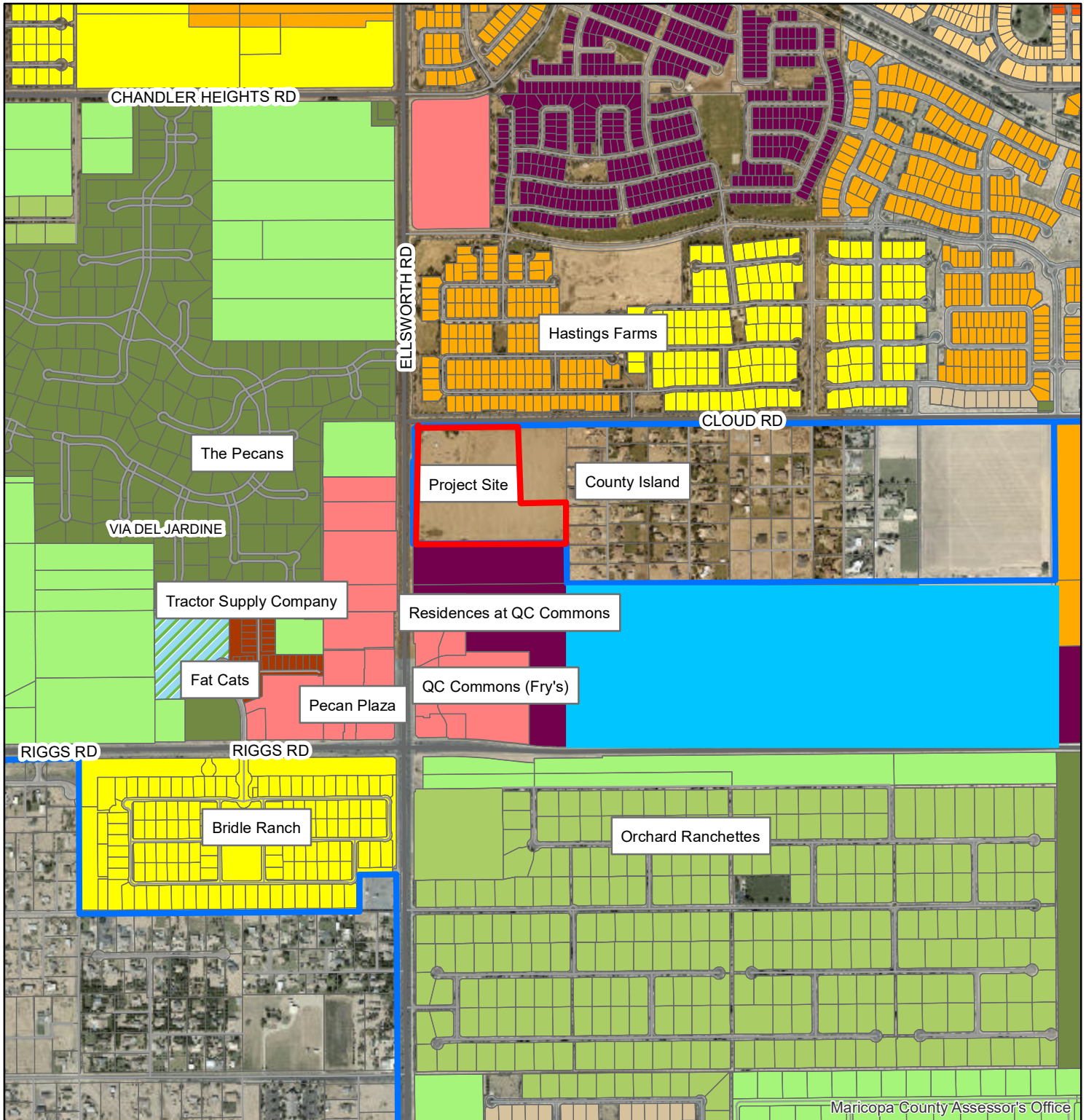
Hearing Dates: November 10, 2021 (Planning Commission)  
December 1, 2021 (Town Council)



# Project Name: Durham Queen Creek Rezone General Plan Exhibit

Case Number: P21-0071

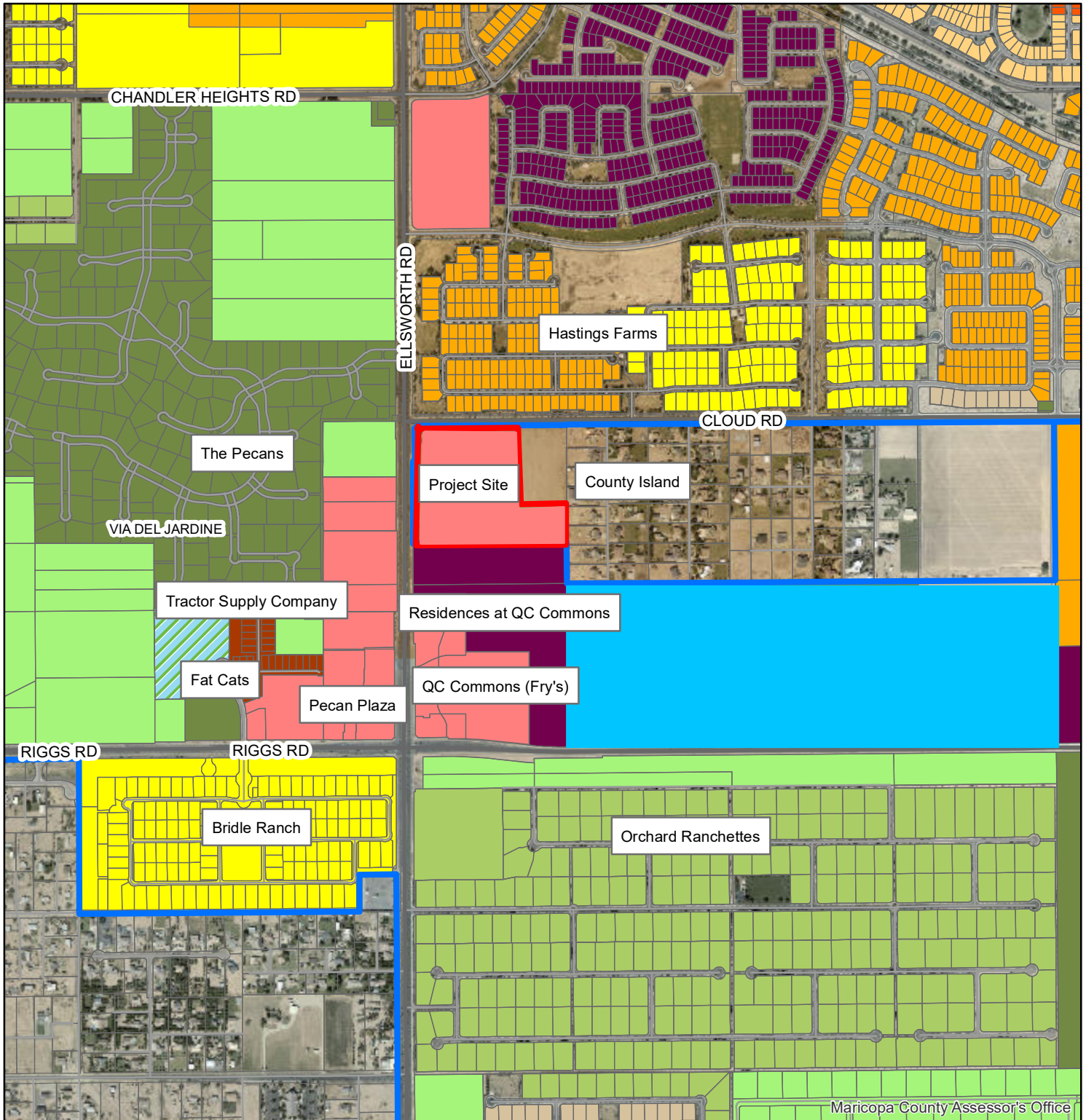
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# Project Name: Durham Queen Creek Rezone General Plan Exhibit

Case Number: P21-0071

Hearing Dates: November 10, 2021 (Planning Commission)  
December 1, 2021 (Town Council)





**PROJECT INFORMATION**

PROJECT NAME: AUTO DEALERSHIPS  
 PROJECT ADDRESS: SEC ELLSWORTH ROAD AND CLOUD ROAD  
 QUEEN CREEK, ARIZONA

OWNER: EARNHARDT ARIZONA PROPERTIES  
 7300 W. ORCHID LANE  
 CHANDLER, AZ 85226

ARCHITECT: JOHN MAHONEY ARCHITECT, LLC  
 850 W. ELLIOT RD, SUITE 108  
 TEMPE, AZ 85284  
 (480) 345-8457

ENGINEER: WESTWOOD PROFESSIONAL SERVICES  
 6909 E. GREENWAY PARKWAY, SUITE 250  
 SCOTTSDALE, AZ 85254  
 (480) 747-6558

APN #: 314-91-005D  
 SITE AREA: 1,048,639 S.F. (24.07 AC GROSS)  
 847,253 S.F. (19.45 AC NET)  
 COMMERCIAL DEVELOPMENT -  
 EXCLUDES LANDSCAPE  
 SETBACKS

ZONING: C2 PAD PROPOSED  
 OCCUPANCY GROUP: MIXED (B, S-1)  
 BUILDING AREA:  
 DEALERSHIP 1:  
 50,000 S.F. GROUND FLOOR  
 10,000 S.F. SECOND FLOOR  
 60,000 S.F. TOTAL  
 DEALERSHIP 2:  
 40,000 S.F. GROUND FLOOR  
 7,000 S.F. SECOND FLOOR  
 47,000 S.F. TOTAL

TOTAL BUILDING AREA:  
 90,000 S.F. GROUND FLOOR  
 17,000 S.F. SECOND FLOOR  
 107,000 S.F. TOTAL

F.A.R.: 107,000/1,048,639 = .10

CONSTRUCTION TYPE: II-B, AUTOMATIC FIRE SPRINKLER  
 SYSTEM PER IBC SECTION 903

NO. STORIES: 2  
 BUILDING HEIGHT ALLOWED: 48'-0"  
 BUILDING HEIGHT PROVIDED: 38'-0" MAX.

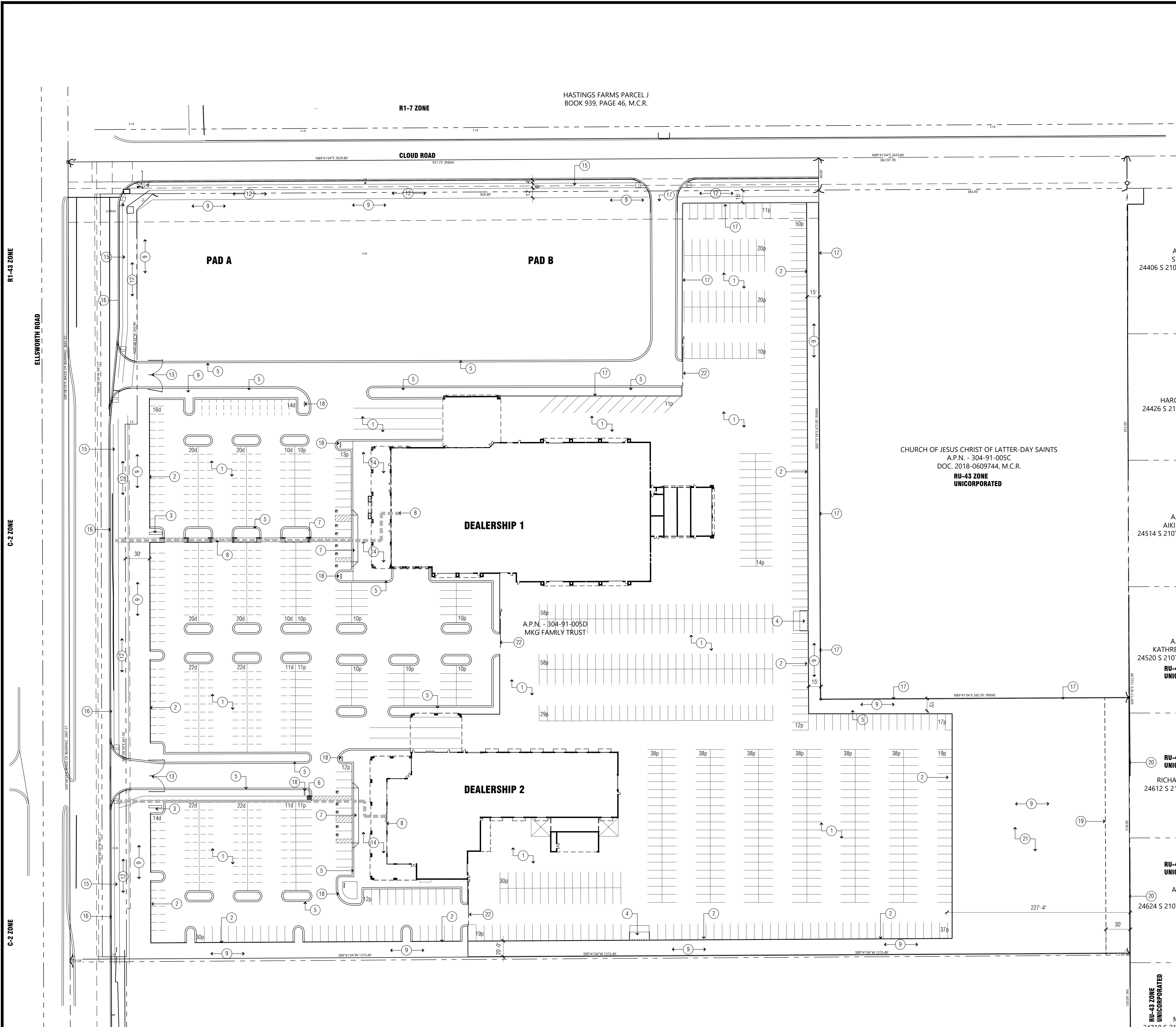
PARKING CALCULATIONS:  
 TOTAL PARKING REQUIRED  
 DEALERSHIP 1: 60,000 S.F. / 375 = 160 SPACES  
 6 ACCESSIBLE  
 DEALERSHIP 2: 47,000 S.F. / 375 = 126 SPACES  
 5 ACCESSIBLE  
 TOTAL REQUIRED: 288 SPACES  
 11 ACCESSIBLE

PARKING SPACES PROVIDED: 816 SPACES  
 DISPLAY SPACES PROVIDED: 277 SPACES  
 TOTAL ONSITE PARKING = 1093 SPACES

ACCESSIBLE PARKING REQUIRED = 11 SPACES (2 VAN)  
 ACCESSIBLE PARKING PROVIDED = 11 SPACES (2 VAN)

**JOHN MAHONEY ARCHITECT**  
 850 W. ELLIOT ROAD, #108  
 TEMPE, ARIZONA 85284  
 P 480.345.8457 F 480.345.1759

**PROFESSIONAL SEAL ONLY**  
**NOT FOR CONSTRUCTION**



CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS  
 A.P.N. - 304-91-005C  
 DOC. 2018-0609744, M.C.R.  
**RU-43 ZONE UNINCORPORATED**

A.P.N. - 304-91-005D  
 MKG FAMILY TRUST

**SYMBOLS**

- FIRE HYDRANT - SEE CIVIL
- LIGHT POLE ON CONCRETE BASE
- TYPICAL ORDINANCE REQUIRED PARKING SPACE
- TYPICAL DISPLAY OR INVENTORY SPACE - DASHED LINES SHALL NOT BE PAINTED
- DENOTES FIRE TRUCK TURNING RADIUS

ACCESSIBLE ROUTE OF TRAVEL, MIN WIDTH TO BE 4'-0". RUNNING SLOPE SHALL NOT EXCEED 1:20. CROSS SLOPE SHALL NOT EXCEED 1:50 SURFACE TO BE FIRM, STABLE AND SLIP RESISTANT.

**KEYNOTES**

- 1 TYPICAL ASPHALT PAVING PER GEOTECH REPORT & CIVIL PLANS
- 2 6" HIGH VERTICAL CURB
- 3 MONUMENT SIGN - UNDER SEPARATE PERMIT
- 4 REFUSE YARD
- 5 ROLL CURB
- 6 CONCRETE SIDEWALK RAMP - SEE 3/A500
- 7 CONCRETE CURB RAMP - SEE 2/A500
- 8 KNOX LOCK BOX NEAR DOOR AT NO HIGHER THAN 60" ABOVE FINISH GRADE. PROVIDE A FULL SET OF KEYS TO OPEN ALL DOORS INSIDE AND OUTSIDE THE BUILDING, TO INCLUDE FIRE ALARM PANEL - LABELED AND PLACED INSIDE KEY BOX
- 9 LANDSCAPE AREA
- 10 ELECTRICAL TRANSFORMER, CONCRETE PAD & BOLLARDS AS REQ'D BY UTILITY COMPANY
- 11 18" HIGH STEEL SECURITY RAIL - SEE DETAIL 5/A510
- 12 EQUESTRIAN TRAIL - SEE LANDSCAPE
- 13 3" H. STEEL SECURITY GATE - PROVIDE KNOX BOX PER FIRE DEPT REQUIREMENTS
- 14 CAR DISPLAY HARDSCAPE - 5' CONCRETE OVER 4' ABC
- 15 NEW 6" W DETACHED CONCRETE SIDEWALK
- 16 EXISTING STREET CURB AND GUTTER
- 17 6'-0" HIGH CMU SCREEN WALL - SEE 1/A510
- 18 DIRECTIONAL SIGNAGE
- 19 LINE OF REQUIRED LANDSCAPE SETBACK
- 20 EXISTING WALL TO REMAIN
- 21 LANDSCAPED RETENTION AREA
- 22 6" H. ROLLING STEEL GATE

**VICINITY MAP**

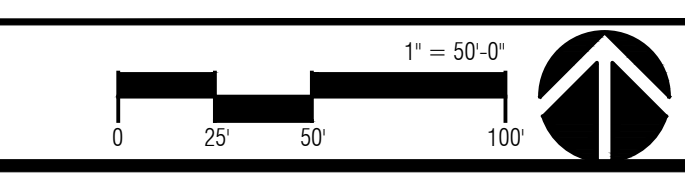
**AUTO DEALERSHIPS**  
 SEC CLOUD ROAD & ELLSWORTH ROAD  
 QUEEN CREEK, ARIZONA

PROJECT NO.: 2023  
 ISSUE DATE: 4/22/21


**SITE PLAN**

**A100**

**SITE PLAN**





REZONE AND ANNEXATION REQUEST  
Durham Queen Creek  
Case No. P20-0071



Project Location: SEC of S. Ellsworth Road  
& E. Cloud Road  
APN 304-91-005D

Submittal: March 26, 2021  
**Second Submittal: May 6, 2021**

## PROJECT TEAM

### APPLICANT

**B | F | S | O**

BERGIN, FRAKES, SMALLEY & OBERHOLTZER

4343 EAST CAMELBACK ROAD, SUITE 210  
PHOENIX, AZ 85018  
CONTACT: CAROLYN OBERHOLTZER  
PHONE: 602.888.7860

### ARCHITECT

**JOHN MAHONEY**  
**A R C H I T E C T**

850 W. ELLIOT ROAD #108  
TEMPE, AZ 85284  
PHONE: 480.345.8457

### CIVIL ENGINEERING

**Westwood**

6909 E. GREENWAY PARKWAY, STE. 250  
SCOTTSDALE, AZ 85254  
PHONE: 480.747.6558

## **PURPOSE OF REQUEST**

The purpose of this request is to rezone an underdeveloped property that has been in Town's planning area since incorporation, but not yet annexed. The Applicant, in tandem with Earnhardt Automotive, requests companion annexation and rezoning applications to transform the vacant southeast corner of Cloud and Ellsworth Roads ("Property") into a dealership-anchored neighborhood retail center ("Center"). Following the establishment of the Town's first new car dealership less than 1.5 miles to the south of this location, this Property has been identified an ideal location for a neighborhood-scale dealership with restaurant and retail opportunities at the hard corner.

The Property is approximately 20 acres and is currently in unincorporated Maricopa County. This rezoning request from County R1-43 to the Town's C-2 designation accommodates commercial uses for the property in a manner that is in conformance with the Town's General Plan "Neighborhood" designation.

## **PROJECT DESCRIPTION**

The Conceptual Site Plan included with this application demonstrates the project as compatible with the immediately surrounding uses by providing for large setbacks and buffers from adjacent uses and centralizing the anchor dealership building. *See Exhibit A. Conceptual Site Plan, dated April 22, 2021.*

The Center will have access at both Cloud and Ellsworth Roads, with landscape buffers that extend and connect the Town's inviting treatment of rights-of-way using multi-use trails, sidewalks, and thematic landscaping. Required onsite water retention can be located at the southeast corner of the Property to provide open area where adjacent to the large county residential lots to the East. Pad locations at the northwest corner of the Property address the signalized South Ellsworth and East Cloud Road intersection as a neighborhood-servicing retail transition to the Hastings Farm subdivision.

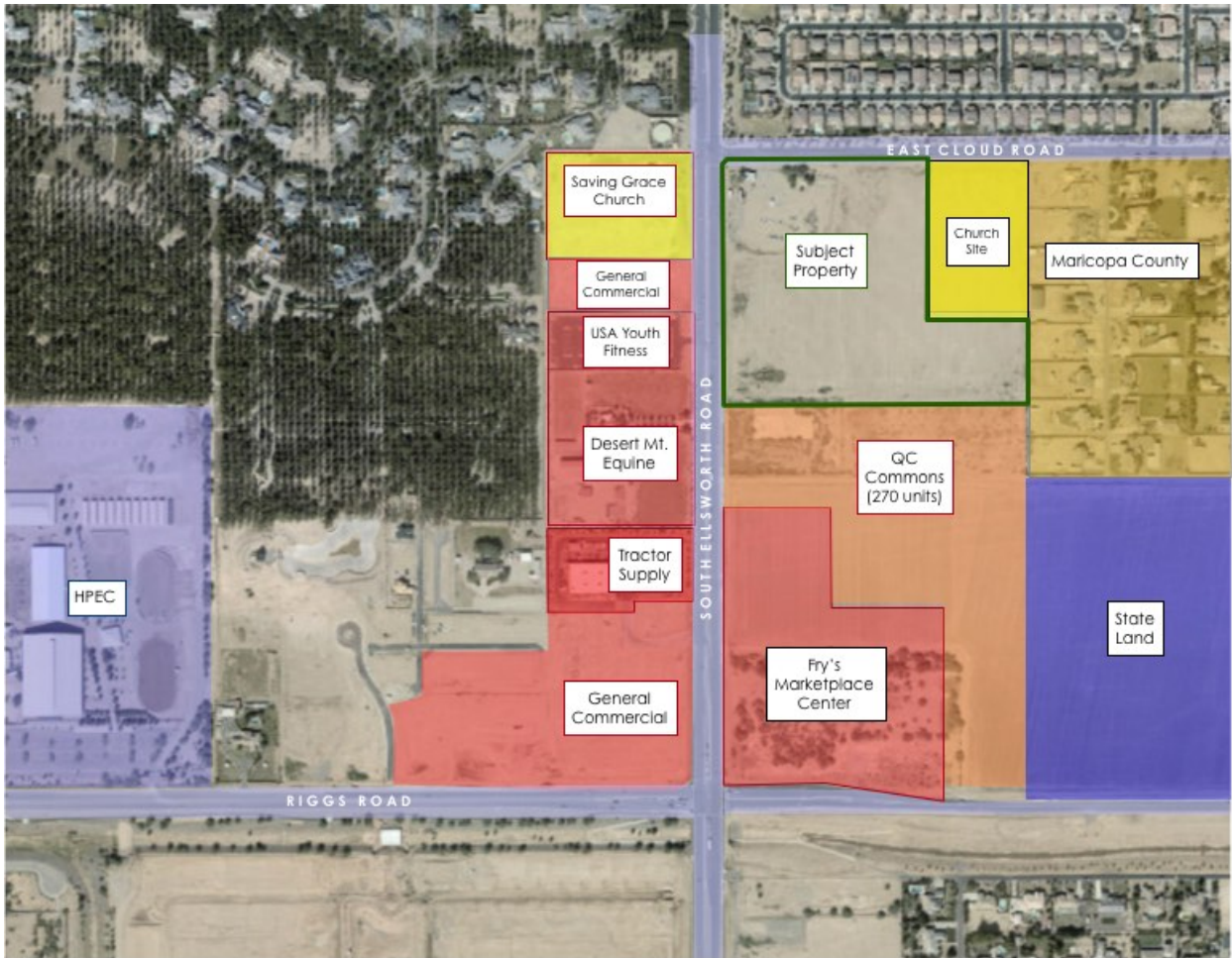
The Property will be developed under Town standards to provide architecturally compatible design, complement the surrounding area, and advance several goals and strategies of the Town's General Plan.

## **RELATIONSHIP TO ADJACENT PROPERTIES**

The Property is located along Ellsworth Road in an emerging commercial growth corridor just south of Town Center and is contiguous to the Town on the north, west and south sides of the Property. Recent residential uses have also started to fill in between the commercial gaps as shown in Figure A below. The Property is adjacent to the Residences at QC Commons development, planned for a single-story, multi-family attached and detached gated residential community of 270 units on approximately 26 acres. This rezone will cause the commercial uses of this site to address South Ellsworth Road and the Cloud Road intersection, placing the Center's parking and less trafficked uses towards the eastern portion of the Property. The existing County homes to the east also benefit from this site arrangement as this area will be separated from the



buildings by a wide setback, and retention area. Commercial properties have also emerged along the west side of Ellsworth Road, with the addition of Tractor Supply, USA Youth Fitness, and the Desert Mountain Equine Center.



**Figure A – South Ellsworth Road Corridor**

The following table describes the uses, zoning, and General Plan designation for the properties immediately adjacent to the Property.

Direction	Surrounding Use	Zoning	General Plan Category
South	Adjacent:  Currently Vacant Lot (APN #304-91-987) Part of Case Nos. P20-0150 and P20-0151, "The Residences at QC Commons" PAD Rezone and Site Plan	PAD / Medium Density Residential (MDR/PAD)	Neighborhood
East	Adjacent:  Vacant Lot / Church of Jesus Christ of Latter-Day Saints (APN #304-91-005C)  3 Residential Lots (APN # 314-06-924D; APN # 314-06-925A; APN # 314-06-925B)	RU-43 (County)  RU-43 (County)	Neighborhood  Neighborhood
North	Across East Cloud Road:  Hastings Farm Subdivision- Parcel "J": includes 9 residential lots setback at least 45 feet and 60 feet from the back of the northern curb of East Cloud Road. (APN#314-09-001 through APN#314-09-009)	R1-7	Neighborhood
West	Across South Ellsworth Road:  USA Youth Fitness Center (APN #304-06-954A);  Saving Grace Lutheran Church (APN #304-06-953; APN #304-91-011U);  Desert Mountain Equine (APN #304-91-011S)	C-2  R1-43 & C-2  C-2	Neighborhood  Neighborhood  Neighborhood

**Table 1 – Surrounding Uses**

## GENERAL PLAN CONFORMANCE

This rezoning request and the companion application for annexation represent an exciting opportunity to advance underdeveloped agricultural land, that would otherwise remain unincorporated territory into a high-value commercial use in conformance with the Town of Queen Creek 2018 General Plan (“Plan”).

The Neighborhood land use category specifically identifies commercial retail and services as compatible uses in its description of Plan land use categories (Figure 2, pg. 6). The Plan also describes the character of commercial land uses within the Neighborhood category as appropriate for sites less than 20 acres, with direct access to an arterial or collector street, and containing a variety of building styles and sizes. As demonstrated on the Conceptual Site Plan, project is perfectly sized and located in conformance with the Neighborhood commercial allowances, with a variety of building sizes such that one large-scale building complex is avoided.

Given the Property’s size, shape, and frontage along the South Ellsworth Road arterial, the Property is not ideal for new residential development. An appropriately scaled commercial development more aptly conforms to both the designated Neighborhood land use category for the property, and to the pattern of existing and successful commercial developments already established along the South Ellsworth Road corridor, one of the Town’s most significant north-south arterial roadways.

The following details specific provisions of the Plan that are implemented in this application:

A. The Land Use Element includes 4 goals that apply to this rezone request:

*Goal 1: Maintain the Town’s unique community character.*

*Goal 2: Effectively manage the Town’s growth.*

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

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

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

This rezone request meets the needs of the Town’s land use program by providing desirable retail and commercial services on a site that would be otherwise under-sized for development of a new residential community in an unincorporated area. Bringing this property into the Town further reduces the inventory of underdeveloped county land adjacent to a 6-lane major arterial roadway. The Plan’s Neighborhood land use category specifically calls for commercial developments of this size, and the Center will conform to the Town’s non-residential design and standards for new development, which take into account the character of the surrounding area.

This rezone request supports the establishment of new automobile dealerships and retail which represent significant and continued diversification of the Town’s tax base. In addition to the one-time revenues from construction, Development Impact Fees, and recurring revenue from



taxable sales, this Center will create jobs for the Town which further ensures overall economic stability.

B. The Economic Development Element specifically states in the General Plan:

*“Queen Creek does not currently have a full range of retail services and will experience leakage of retail spending to nearby cities, such as Mesa and Gilbert where regional malls are located along with high value merchandisers such as car dealers and furniture retailers.”*

This rezone request supports the transformation of low-density zoning to revenue-generating retail with the addition of the most highly valued merchandisers in a prime, central location that will discourage retail spending elsewhere.

This element also includes 2 goals achieved by this rezone request:

*Goal 1: Attract private investment and foster job creation in Queen Creek.*

*Goal 5: Plan for and invest in the infrastructure that supports economic development.*

*Strategy 5.B: Provide shovel-ready sites to attract new business.*

This rezone request supports the creation of new jobs to the area that help establish Queen Creek as a sustainable community. Commercial development of this property will increase the redundancy of mainline infrastructure and advantage remaining vacant properties along the South Ellsworth Road corridor.

C. & D. The Circulation Element and Recreation, Parks, & Open Space Element describe current and planned arterial and collector streets and on-street bicycle routes that apply to this rezone request:

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

*Strategy 1.E: Provide for non-motorized modes of transportation through construction of bicycle, pedestrian, multi-use and equestrian paths/trails in the right-of-way in coordination with existing paths/trails and facilities in adjacent properties;*

*Action 1.E.1: Continue to provide bicycle lanes and sidewalks in conjunction with development of arterial and collector streets where right-of way exists;*

*Action 1.E.4: Expand the availability of multiuse paths and trails to accommodate equestrian and non-motorized modes of transportation as provided in the Parks and Recreation Master Plan.*

*Recreation, Parks & Open Space Element Goal 5: Design parks and trails that are safe.*

*Action 5.A.2: Coordinate roadway improvements and trail crossings identified in the Parks and Recreation Master Plan.*

The development of this property as a commercial center will include the addition of both detached 6' sidewalks and 12' multi-use and equestrian paths/trails identified in the Parks and Recreation Master Plan.

## **DEVELOPMENT REQUIREMENTS**

The Property will be developed in accordance with the Town's Zoning Ordinance and applicable Design Guidelines for C-2. As a result, all uses permitted in the C-2 General Commercial District are permitted as indicated by an "P" on Table 4.6-1 Permitted Uses in Article 4, Zoning Districts, of the Town of Queen Creek Zoning Ordinance in place as of the date of this Application.

The conceptual site plan shows conformance with the following applicable development standards for C-2, including the following setbacks and buffers.

<u>Building Minimum Setback:</u>	Front: none Side: 0 feet Rear: 15 feet
<u>Applicable Landscape Buffers:</u>	30 feet adjacent to arterial, South Ellsworth Road 15 feet adjacent to collector, East Cloud Road 20 feet adjacent to Multi Family Residential (southern Property boundary) 30 feet adjacent to Single Family Residential (eastern Property boundary) 15 feet adjacent to the LDS Church/Non-Residential (eastern Property boundary)

## **PLAN FOR DEVELOPMENT AND IMPROVEMENTS**

As a result of annexation, the Center will be designed and constructed under the Town's development standards and commercial design guidelines, not existing County regulations. This will ensure a higher level of design and operational compatibility with the surrounding area.

### Vehicular Circulation

Access to the site will be provided by direct access to South Ellsworth Road and East Cloud Road as required in the General Plan. The Conceptual Site Plan reflects a single drive on Cloud Road, and the south drive aisle on Ellsworth Road aligns with the USA Gymnastics' driveway.

### Pedestrian Circulation

Pedestrian circulation will emphasize connections internally and externally, with main entrances accessible by walkway and walkways connecting throughout the site. A 6-foot detached sidewalk will be installed along South Ellsworth Road and East Cloud Road. The pad buildings can be designed to access both South Ellsworth Road and East Cloud Road. Pedestrian entry design

will avoid blind corners to help maximize visibility and also incorporate lighting for additional safety.

In the final site planning process, efforts will be made to mitigate any vehicular and pedestrian interference through site layout and clearly identified lanes and paths. The pedestrian network throughout the site will provide spaces with seating, canopy trees, and lighting to create comfort, convenience, and safety.

#### Architecture and Site Organization

Buildings will incorporate a variety of massing, building heights and stepping roof lines. The Commercial pads located along East Cloud Road can create a buffer and transition from the intersection to the centrally located dealership building. Adjacent buildings of different architectural styles can be designed to be compatible by such means as screens, sight breaks, and materials. Materials, colors, shape, and proportions will complement the architectural style of the buildings.

All garage doors and loading areas will be oriented so doors do not open towards an abutting residential district or arterial street. Mechanical equipment, electrical meter and service components, and similar utility devices whether ground level, wall mounted, or roof mounted, will be screened and designed to appear as an integral part of the building.

#### Signage

Provisions for signage will be established in a companion comprehensive sign plan in accordance with the Town's requirements. Signage will be compatible with building architecture and site design relative to color, material, and placement.

#### Landscape Architecture

The Project's perimeter landscape buffers ensure visual separation between uses when appropriate; create a transition area; preserve and enhance property values; and implement the goals and policies of the General Plan.

Shade will be incorporated for pedestrian walkways with street trees spaced at least 30-foot on center to form a pleasant experience for motorists, pedestrians, and Center visitors. Consideration will be given to the Town's management of groundwater supplies by using drought-tolerant, low maintenance, and low-water consumptive landscaping. Landscape plant material will be arranged in a manner not to obstruct security lighting. All landscaping will be installed in accordance with the applicable Town's planting procedures and densities.

#### Multi-Use Trails

A 12-foot-wide unpaved trail will be completed along the south side of East Cloud Road and the East side of South Ellsworth Road to connect to the Town trails system, and as identified in the Town's Parks, Trails and Open Space Master Plan. These trails will be maintained in perpetuity by the development.

#### Lighting

Lighting will be designed to provide safe vehicular, bicycle, and pedestrian travel within the development. Light source locations and pole standards will be considered to minimize the hazards of glare. All fixtures used for display lighting will be fully shielded or designed with



sharp cut-off capability to minimize up-light, spill-light and glare. Display lot lighting will be turned off within thirty (30) minutes after the closing of the business, and afterwards operated at lower, security lighting levels.

#### Grading and Drainage

The onsite storm water retention structures will be sized to handle the 100-year, 2-hour storm event. The Center will use a storm drain system to collect runoff and may direct flows into an underground storage facility under the paved parking areas. Half-street improvements and retention capacity for East Cloud Road and Ellsworth Road will be provided as needed. Temporary retention may be used for runoff during site development. Retention structures will be designed to drain within 36 hours in accordance with Maricopa County Flood Control District regulations.

#### Water and Sewer Utilities

Commercial development can increase the redundancy and reliability of waterline service in the area by facilitating a “looped” public utility connection. The Town of Queen Creek currently maintains a 12” water line and 24” sewer line on the East side of Ellsworth Road. In East Cloud Road, the Town maintains an 8” water line and 21” sewer line. Potable water services and dedicated fire lines for all development parcels may extend from a new public waterline backbone around the property that connects both Ellsworth Road and East Cloud Road. A waterline easement can be established to facilitate this looped public waterline connection through the development.

#### Dry Utilities

Dry utility services are planned to connect to adjacent facilities located in the surrounding public roads. Electric service will be provided by Salt River Project, natural gas service will be provided by Southwest Gas.

### **PHASING**

Development of the Center may take place over time. The anchor user may occur in advance of development of the balance of the property. Individual buildings, together with the necessary site work and infrastructure for those buildings, will be developed with sequencing of trades for efficient construction. Arterial road frontages, landscaping and streetscape will be installed in conjunction with onsite development.

### **CONCLUSION**

The proposed rezoning and conforms with and promotes the goals and objectives of the Town’s General Plan in compliance with applicable State statutes and will continue the orderly development of the South Ellsworth Road corridor. The Center will be a great complementary asset to the growing Queen Creek community, further diversifying its tax base and complimenting current and future surrounding uses. We look forward to working with the Town of Queen Creek as we move through the rezone and annexation process to establish the C-2 zoning in the Town.

**Exhibit A – Conceptual Site Plan**

**[see following page]**

**PROJECT INFORMATION**

PROJECT NAME: AUTO DEALERSHIPS  
 PROJECT ADDRESS: SEC ELLSWORTH ROAD AND CLOUD ROAD  
 QUEEN CREEK, ARIZONA

OWNER: EARNHARDT ARIZONA PROPERTIES  
 7300 W. ORCHID LANE  
 CHANDLER, AZ 85226

ARCHITECT: JOHN MAHONEY ARCHITECT, LLC  
 850 W. ELLIOT RD, SUITE 108  
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ENGINEER: WESTWOOD PROFESSIONAL SERVICES  
 6909 E. GREENWAY PARKWAY, SUITE 250  
 SCOTTSDALE, AZ 85254  
 (480) 747-6558

APN #: 314-91-005D  
 SITE AREA: 1,048,639 S.F. (24.07 AC GROSS)  
 847,253 S.F. (19.45 AC NET)  
 COMMERCIAL DEVELOPMENT -  
 EXCLUDES LANDSCAPE  
 SETBACKS

ZONING: C2 PAD PROPOSED  
 OCCUPANCY GROUP: MIXED (B, S-1)  
 BUILDING AREA:  
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 10,000 S.F. SECOND FLOOR  
 60,000 S.F. TOTAL  
 DEALERSHIP 2:  
 40,000 S.F. GROUND FLOOR  
 7,000 S.F. SECOND FLOOR  
 47,000 S.F. TOTAL  
 TOTAL BUILDING AREA:  
 90,000 S.F. GROUND FLOOR  
 17,000 S.F. SECOND FLOOR  
 107,000 S.F. TOTAL

F.A.R.: 107,000/1,048,639 = .10

CONSTRUCTION TYPE: II-B, AUTOMATIC FIRE SPRINKLER  
 SYSTEM PER IBC SECTION 903

NO. STORIES: 2  
 BUILDING HEIGHT ALLOWED: 48'-0"  
 BUILDING HEIGHT PROVIDED: 38'-0" MAX.

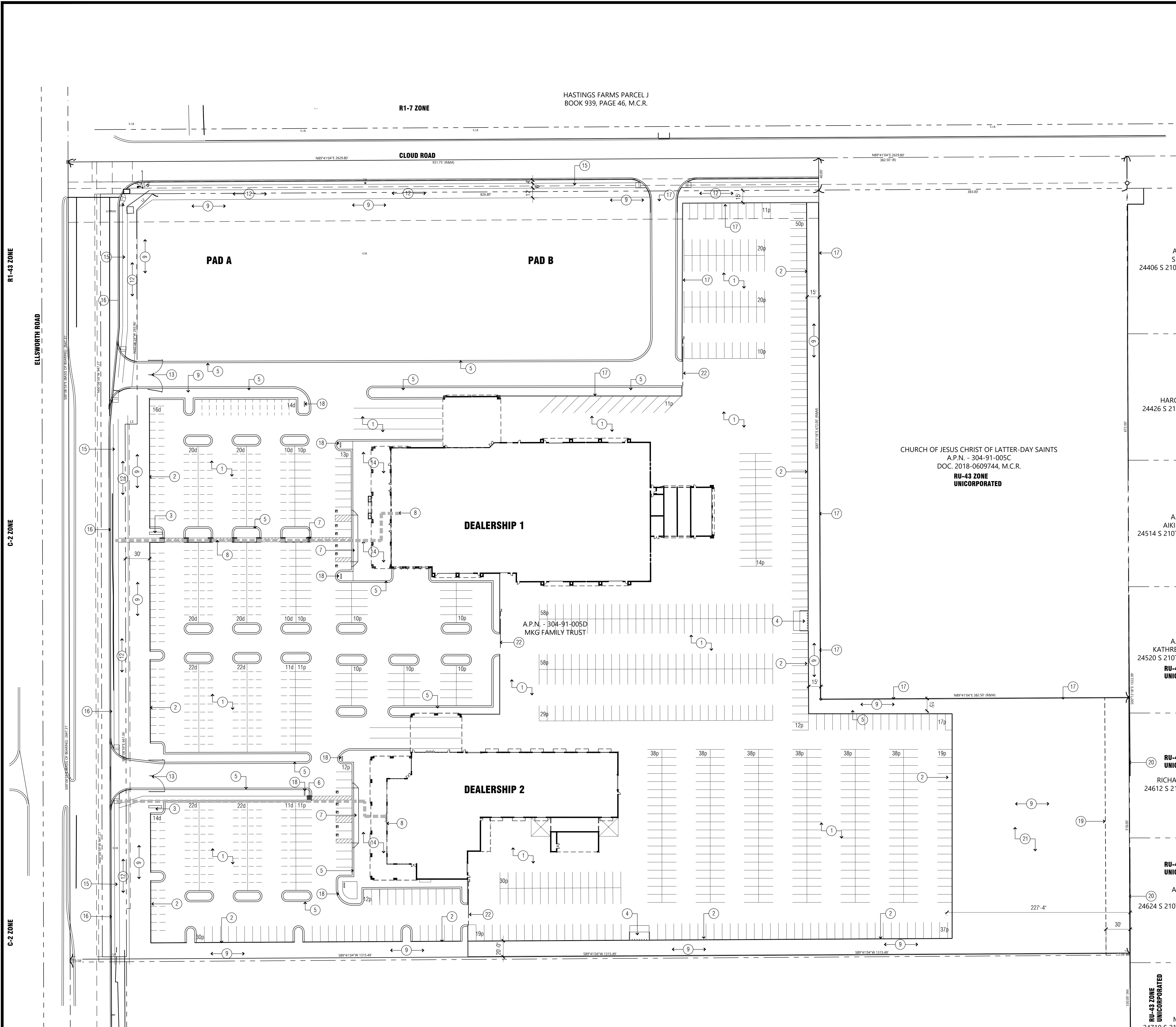
PARKING CALCULATIONS:  
 TOTAL PARKING REQUIRED  
 DEALERSHIP 1: 60,000 S.F. / 375 = 160 SPACES  
 6 ACCESSIBLE  
 DEALERSHIP 2: 47,000 S.F. / 375 = 126 SPACES  
 5 ACCESSIBLE  
 TOTAL REQUIRED: 288 SPACES  
 11 ACCESSIBLE

PARKING SPACES PROVIDED: 816 SPACES  
 DISPLAY SPACES PROVIDED: 277 SPACES  
 TOTAL ON-SITE PARKING = 1093 SPACES

ACCESSIBLE PARKING REQUIRED = 11 SPACES (2 VAN)  
 ACCESSIBLE PARKING PROVIDED = 11 SPACES (2 VAN)

**JOHN MAHONEY ARCHITECT**  
 850 W. ELLIOT ROAD, #108  
 TEMPE, ARIZONA 85284  
 P 480.345.8457 F 480.345.1759

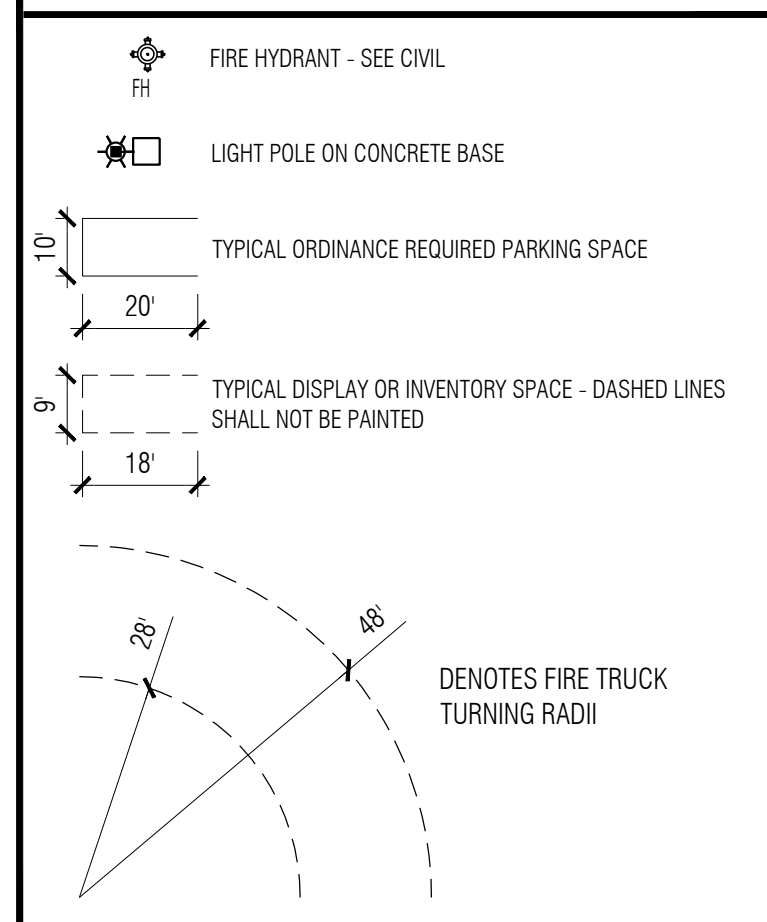
**PRELIMINARY ONLY  
 NOT FOR CONSTRUCTION**



**KEYNOTES**

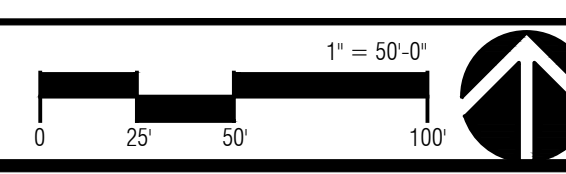
- 1 TYPICAL ASPHALT PAVING PER GEOTECH REPORT & CIVIL PLANS
- 2 6" HIGH VERTICAL CURB
- 3 MONUMENT SIGN - UNDER SEPARATE PERMIT
- 4 REFUSE YARD
- 5 ROLL CURB
- 6 CONCRETE SIDEWALK RAMP - SEE 3/A500
- 7 CONCRETE CURB RAMP - SEE 2/A500
- 8 KNOX LOCK BOX NEAR DOOR AT NO HIGHER THAN 60" ABOVE FINISH GRADE. PROVIDE A FULL SET OF KEYS TO OPEN ALL DOORS INSIDE AND OUTSIDE THE BUILDING, TO INCLUDE FIRE ALARM PANEL - LABELED AND PLACED INSIDE KEY BOX
- 9 LANDSCAPE AREA
- 10 ELECTRICAL TRANSFORMER, CONCRETE PAD & BOLLARDS AS REQ'D BY UTILITY COMPANY
- 11 18" HIGH STEEL SECURITY RAIL - SEE DETAIL 5/A510
- 12 EQUESTRIAN TRAIL - SEE LANDSCAPE
- 13 3" H. STEEL SECURITY GATE - PROVIDE KNOX BOX PER FIRE DEPT REQUIREMENTS
- 14 CAR DISPLAY HARDSCAPE - 5' CONCRETE OVER 4' ABC
- 15 NEW 6" W DETACHED CONCRETE SIDEWALK
- 16 EXISTING STREET CURB AND GUTTER
- 17 6'-0" HIGH CMU SCREEN WALL - SEE 1/A510
- 18 DIRECTIONAL SIGNAGE
- 19 LINE OF REQUIRED LANDSCAPE SETBACK
- 20 EXISTING WALL TO REMAIN
- 21 LANDSCAPED RETENTION AREA
- 22 6" H. ROLLING STEEL GATE

**SYMBOLS**



ACCESSIBLE ROUTE OF TRAVEL, MIN WIDTH TO BE 4'-0". RUNNING SLOPE SHALL NOT EXCEED 1:20. CROSS SLOPE SHALL NOT EXCEED 1:50 SURFACE TO BE FIRM, STABLE AND SLIP RESISTANT.

**SITE PLAN**



**AUTO DEALERSHIPS**  
 SEC CLOUD ROAD & ELLSWORTH ROAD  
 QUEEN CREEK, ARIZONA

PROJECT NO.: 2023  
 ISSUE DATE: 4/22/21


**SITE PLAN**

**A100**

# Durham Cloud & Ellsworth

## Summary of Neighborhood Meeting

June 29, 2021 6:00 p.m.

Case No. P21-0071





## **June 29, 2021, Neighborhood Meeting Summary for Durham Cloud & Ellsworth**

Case No. P21-0071

The neighborhood meeting for the Durham Cloud & Ellsworth Project ("Project") was held at 6:00 p.m. on June 29, 2021 at the Queen Creek Council Chambers/Community Meeting Room, more specifically 20727 E. Civic Parkway, Queen Creek, Arizona 85142. The development team was present at 5:20 p.m. and the first attendees arrived at 5:43 p.m. A list of attendees is attached as Appendix A.

Members of the development team present included:

Carolyn Oberholtzer- Bergin, Frakes, Smalley & Oberholtzer

Lyle Begiebing - Bergin, Frakes, Smalley & Oberholtzer

Fae Sowders - Bergin, Frakes, Smalley & Oberholtzer

Lauren Trobaugh - Bergin, Frakes, Smalley & Oberholtzer

City Staff Present:

Erik Swanson - Planning Administrator

Sarah Clark – Senior Planner

The meeting began at 6:00 and Ms. Oberholtzer introduced the Project to 5 citizens who had arrived early. Ms. Oberholtzer led the group through the 24"x 36" exhibit boards explaining in detail the various conditions surrounding the proposed Project. She explained the full scope of the proposed Rezoning from County RU-43 to Town C-2 and how it related to the previously submitted companion Annexation application that would bring the property into the Town of Queen Creek jurisdiction from Maricopa County. She pointed out that the adjacent church property was not included in the proposal and clarified that there would be no formal City Council action on the Annexation until the rezoning hearing. Ms. Oberholtzer continued to explain the development process and how citizens could find updated hearing information on the posted zoning sign, on the Project website, or in the mail if they lived within 1,200 ft. of the Property. She then turned to exhibits of the Ellsworth corridor down to Riggs Road and pointed out the various developments that had recently been approved adjacent, south, and west of the Property, such as the Queen Creek commons multi-family development. She pointed out the site plan explained how the Project was designed to keep the dealership uses as far away from residential as possible behind the church property, how it would utilize 2 main entrances on Ellsworth Road, and how there would be a multi-use trail for horses as well as a detached sidewalk and a wide landscape buffer. Ms. Oberholtzer then opened the meeting up for questions from citizens.

### Citizen Questions:

Multiple citizens highlighted the bad traffic conditions in the area and said they were worried about the traffic impacts of a dealership on both Ellsworth Road and Cloud Road.

**Ms. Oberholtzer responded that a traffic study is taking place and that if the numbers reach the City threshold then a signal could be added at the USA Gymnastics/Ellsworth entrance. She explained that the preliminary traffic study showed that much of the Property had good access especially compared to other locations in the area. She continued to explain that exact locations and spacing of signals and deceleration lanes would not be known until later, but that there are plans for deceleration lanes on Ellsworth and Cloud Road.**

A citizen asked when the traffic count was done and whether it was affected by the lower traffic the Town was still experiencing during the ongoing pandemic.

**Ms. Oberholtzer explained that the traffic counts were done during the school year at peak times and took into account the affect of the pandemic on the traffic in the area.**

A citizen asked how far in the future did the traffic study look out to.

**Ms. Oberholtzer responded that the study projected traffic through 2027 and that the Town could require the study look farther into the future if the analysis gives them reason to.**

Multiple citizens were concerned about the traffic on Cloud Road and how test drives would use Cloud Road instead of Ellsworth.

**Ms. Oberholtzer responded that the site plan was designed specifically to put the two main entrances and exits on Ellsworth Road and that the signals and deceleration lanes would provide ample opportunity for dealership activities to occur on Ellsworth and not Cloud Road. She also pointed out that the Project will annex the right-of-way on Cloud Road into Queen Creek jurisdiction and that the Town would dictate all future road improvements, not Maricopa county.**

One citizen expressed that his property values would be negatively affected due to zone change from Residential RU-43 to Commercial C-2.

**Ms. Oberholtzer explained that the RU-43 zoning category in Maricopa County was utilized as a placeholder zoning as well as a residential zoning, but that it also permits churches, schools, and other nonresidential uses. That market pressures of the area such as the multiple new approved developments on Ellsworth corridor were pushing the Property to be rezoned for a higher intensity use. She further explained that even if the developer decided to back out these market pressures would still exist.**

Multiple citizens were concerned about the volume of traffic coming from the proposed dealership use and said they would rather have the site develop as a residential community.

**Ms. Oberholtzer explained that the market pressures were leading the Property to become a higher intensity use and further detailed how the proposed dealership use would produce significantly less trips than most all other C-2 uses. She further explained that the Property would not become residential as the developer who is buying the land is not a residential developer.**

Citizens inquired about the location of the auto-shop/ garage and where the car haulers would be parked and said these uses would be detrimental to the nearby residential.

**Ms. Oberholtzer explained that these uses would all occur in the back of the lot as far away from Cloud and adjacent residential as possible. She explained that some of this activity would occur next**

to the church lot which acts as a buffer to nearby residents. In addition, she explained that the planned landscaped retention basin, in the southeast corner of the Project, would also serve as an additional buffer to residential.

Citizens asked what sort of commercial was planned for the 2 commercial pads on the corner.

**Ms. Oberholtzer explained that the commercial uses were not yet determined. However, the developer is in close talks with local, sit-down restaurants and that the pads would not be used for gas stations, car washes, drive-throughs or fast food.**

Multiple citizens were concerned with the light pollution and loud noises that would come from the dealership use.

**Ms. Oberholtzer explained that once the Property is annexed, the Town of Queen Creek's strict lighting ordinances would be applied to all the Project's lighting. She explained that the Project would have to comply with Queen Creek's code that requires light mitigation strategies, such as cut-off times and shielding around the edges of the Property, especially close to residential. She also pointed out that the updates to lighting technology and timers create a more modern lighting approach that will be better on neighbors than any comparable established dealership. She also explained that the dealership would not be active past 10:00p.m.**

Citizens were concerned that the site plan could change later in the process and be far worse for adjacent residents.

**Ms. Oberholtzer explained, that while changes to the site plan are possible, there is not much that can change due to the nature of the business and due to the restrictions of access on Ellsworth Road. She also explained that the site plan review process will come later and determine the exact details.**

Multiple citizens expressed concern that the church property could be sold to the dealership.

**Ms. Oberholtzer dispelled this as a false rumor and said that there have not been any talks to do that and that the developers have no interest in that.**

Multiple citizens asked why the developer chose this location for the dealership as they did not view it as a good location for that use.

**Ms. Oberholtzer explained the numerous reasons which made the site a uniquely good opportunity for the developer. One reason was the existence of multiple buffers already in place: the major arterial Ellsworth Road, Cloud Road, and the church property. In addition, she said the developers planned to create additional buffers with the construction of a perimeter wall near residential and a landscaped retention basin. Another reason provided was that recent approvals for multi-family and other projects in the surrounding area create great market conditions for this property to be annexed and developed for this type of use. Further, she said the developer was confident that the church property would not be sold and will be developed as a church at some point. However, Ms. Oberholtzer explained that even if the church property were to be sold that it would go through a lengthy process with multiple opportunities for citizen comment and review.**

A citizen challenged the idea that the Property was "undersized" for residential development.

**Ms. Oberholtzer pointed out that the Property is more likely to develop as a church or school under current County zoning. She further pointed out that the odd shape of the property and the location on a busy corner created obstacles for any residential developer.**

A citizen said they were not necessarily against a commercial C-2 use but that a dealership was not a good fit for the area. The citizen pointed out that the car demand for Queen Creek was not nearly enough to justify the dealership.

**Ms. Oberholtzer pointed out that the dealership would bring numerous benefits to the entire town of Queen Creek such as being one of the largest generators of sales tax and providing high-paying service and tech jobs. She pointed out that Queen Creek had just approved their largest budget in history and that the boost in sales tax revenue would help the Town in numerous other ways.**

A citizen inquired if the developer and buyer of the Property lived in Queen Creek.

**Ms. Oberholtzer responded that the developer does live in Queen Creek and that they take pride and care for the good of the town, as it is also their home.**

Citizens raised concerns over various issues such as horse, pig, agricultural smells, dust issues, mosquitoes, and that oleanders and peat moss are dangerous for horses.

**Ms. Oberholtzer responded that the developer is a Queen Creek native and is very aware of all of these concerns and factors. She also pointed out that the perimeter wall would serve as a barrier to reduce the chance of horses or other animals being harmed.**

A citizen asked who would maintain the retention basin?

**Ms. Oberholtzer responded that the property owner would be responsible.**

Citizens expressed the feeling that nobody in the area wanted this.

**Ms. Oberholtzer responded that she had spoken to numerous residents who did approve of the proposed Project.**

A citizen inquired about the height of the buildings.

**Ms. Oberholtzer responded that the maximum allowable height of a building in a C-2 zone is 48 ft. She explained the dealership was planned to be about 40 ft. and the commercial pads about 30 ft. in height.**

A citizen asked if the dealership was downsized due to more online car buying activity such as Carvana.

**Ms. Oberholtzer explained that the effect of the online car sales model had been taken into account and as a result the site plan reflected a smaller proposal than classic dealerships of the past.**

A Citizen asked if it would be possible for apartments to be developed above the 2 commercial pads.

**Ms. Oberholtzer responded that no, that was not an option.**

The formal question and answer portion of the meeting ended at 7:15 and the development team stayed to answer questions until 7:40 p.m.



Erik Swanson <erik.swanson@queencreekaz.gov>

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**Re: Durham Queen Creek Rezone**

1 message

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**Matthew Richards** [REDACTED]  
To: erik.swanson@queencreekaz.gov

Fri, Oct 29, 2021 at 11:27 AM

Hello Erik,

I am a resident of 24612 S 210th St, Queen Creek, AZ 85142. My property has an open fence line and directly backs the proposed re-zone for Durham Queen Creek. To prepare for the upcoming Planning/Zoning meeting on Wednesday November 10th, and the subsequent Town Council meeting on December 1st, I would like to request the complete application for his re-zoning for my review and understanding.

Additionally, I would like to take this opportunity to state again my strong opposition to this proposal. I fully understand the re-zone element to commercial, however the actual commercial business that is proposed is of a high level of concern to affected homeowners. I will be ensuring that I submit formal feedback whenever possible.

Thank you,

Matthew and Susan Richards.





Erik Swanson <erik.swanson@queencreekaz.gov>

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## No car dealer!

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Rachel Pollack [REDACTED]  
To: erik.swanson@queencreekaz.gov

Mon, Oct 25, 2021 at 3:31 PM

Please!!!! On the corner of Ellsworth and Cloud, please do not approve a car dealership. The lights are so horrible.

We used to be such a beautiful little town.

Thank you,  
Rachel Pollack



Erik Swanson &lt;erik.swanson@queencreekaz.gov&gt;

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## Dealership on Cloud and Ellsworth

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Leah Varon [REDACTED]  
To: "Erik.swanson@queencreek.org" <Erik.swanson@queencreek.org>

Fri, Jul 9, 2021 at 10:01 AM

I live in Hasting Farms on Via De Arboles, we rely so much on cloud to move out of our track and a Dealership is gonna make so much traffic.. We are a family community, the mass traffic of cars going in and out would be so harmful to the farming and loving neighborhoods surrounding that area.. I realize that dealership going in lives across the street and has lots of money, but please please don't do it. Lot of kids biking on cloud, horseback riding and families just going for walks.. Why can't someone just put in a nice park, or a waterpark, something family oriented, this is Queen Creek, the farming equestrian part of Arizona, PLEASE, can we keep this way of living as much as possible... My vote is NO NO NO to a dealership1

Sincerely,

Leah S Varon  
Homeowner in Hasting Farms



Erik Swanson <erik.swanson@queencreekaz.gov>

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## Proposal for dealerships

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**Charles Stalter** [REDACTED]  
To: erik.swanson@queencreek.org

Wed, May 12, 2021 at 8:22 AM

I would like to express my position in opposing the plan to put in two car dealerships adjacent to our quiet residential property. This will undoubtedly increase traffic in the area and remove the possibility of our families using the in place parks and walkways as possible exercise locations. This is a single lane road not suitable for commercial purposes.

Sent from my iPhone



Erik Swanson &lt;erik.swanson@queencreekaz.gov&gt;

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**Annexation and Dealership Cloud/Ellsworth**

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Lisa Burke [REDACTED]  
To: "erik.swanson@queencreek.org" <erik.swanson@queencreek.org>

Tue, May 11, 2021 at 11:49 AM

Hello,

This is Lisa and William Burke and have lived on 213th Place for 10 years. We have attended Town meetings to discourage apartments, roads/infrastructure, over growth and equestrian rights/signage. The strange place for Fat Cats next to an excellent horse arena and the strange houses surrounding the area is an odd sight. The idea of having another dealership on Ellsworth is unacceptable. The residences behind the current Earnhardt Dealership complain about the light pollution amongst other things. Another Earnhardt Dealership or some such atrocity on Cloud and Ellsworth is another example of poor management of Queen Creek's wonderful resources. The explosive growth of Queen Creek has caused dangerous traffic conditions and road quality issues. The specialness of Queen Creek must be properly managed. Please do your part and do not annex or approve a dealership or some other atrocity on a stressed traffic artery like Ellsworth.

Regarding the Jorde properties it is truly hopeful the lots will be at least an acre per home. It would be such a sad and poor use of a wonderful area to have it full of track homes like Johnson Ranches.

Respectfully,

Lisa Burke



Erik Swanson <erik.swanson@queencreekaz.gov>

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**RE: Public Notice Annexation P21-0060 Corner of Cloud and Ellsworth**

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Saul Goodman [REDACTED]  
To: Erik.Swanson@queencreek.org

Tue, Mar 30, 2021 at 3:12 PM

Mr. Swanson,

My name is Julie Buresch and I live on 211th PL off of Cloud Rd- I am officially letting you know that I do NOT want this annexation to go through in order to put an Earnhardt Auto Dealership on this property! This is an area that has multi million dollar homes nearby. Our town would be better served with senior centers, and care facilities.

Just because the Earnhardts may have gotten upset due to "Chapman" slapping their name on Horseshoe Arena, is not a reason to allow them to build ANOTHER dealership here.

PLEASE sir, listen to your residents- I realize at some point that corner will have something built on it. BUT NOT an auto dealership.

If you can supply me with any additional information about this annexation and P19-0090 the Jorde Farm Land I would appreciate it.

Also, will i need a password to access the online webex meeting on April 7th.

Thank You,

Julie Buresch  
909-518-1002





Erik Swanson &lt;erik.swanson@queencreekaz.gov&gt;

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**Corner of Ellsworth and Cloud**

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**Suzy Lenander** [REDACTED]  
To: "erik.swanson@queencreek.org" <erik.swanson@queencreek.org>

Mon, Mar 29, 2021 at 5:02 PM

Hi Erik,

I just learned today that there is another proposed build for the corner of Ellsworth and Cloud. I understand that it is an Earnhardt car dealership. I want to go on record that I am vehemently opposed to having a car dealership built on that corner. It's very disappointing to see the Town disregarding the position of the residents of this area. Money is the only thing that talks these days, and to heck with maintaining this as an equestrian area so that people can actually live they wanted to when they purchased land and built homes here.

Has the Town already made the decision to re-zone that parcel of land? Is there any way that the residents of the area can actually fight this or has it already been decided?

I look forward to your response.

Best regards,

Suzy