



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 5, 2006
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:10 p.m.

2. Roll Call

Council Members present: Barney, Coletto-Cohen, Hildebrandt, Holloway, Valenzuela, Vice Mayor Wootten and Mayor Feldman-Kerr.

3. Pledge of Allegiance

Led by Mayor Feldman-Kerr.

4. Ceremonial Matters: Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Ten-Year Award –Joe LaFortune, Assistant to the Town Manager/Public Safety was presented with his Ten-Year Award by Mayor Feldman-Kerr.

B. Student of the Month Award – March 2006 – Mayor Feldman-Kerr with the assistance of Council Members Hildebrandt and Valenzuela presented the following with the Student of the Month Award for March 2006:

Marena Ramon-Desert Mountain Elementary School
Kyle Welch – Frances Brandon Pickett Elementary School
Anthony Conforti – Franklin Charter School
Mica McGriggs – Queen Creek High School
Jordan Predo- Queen Creek Middle School
Eliza Andreason – Franklin Charter School (February 2006)
Jacqueline Santos – Jack Barnes Elementary School

C. Volunteer of the Year Awards

The following were presented certificates for Volunteer of the Year Nominees:

Men's Nominees: Jerry Chadwick, Jeff Chavez, Kevin Sorochie, Mike Till, Dave Weiss, Mark Young.

Men's Winner: Robert Zucker

**Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 2**

Women's Nominees: Sylvia Acuna, Aurelie Flores, Mary Gloria,, Betty Maddox, Kerry Means, Monica Munoz, Irene Roaro-Jasso, Joanne Weiss and Regina Whitman.

Women's Winner: Gloria Greer

Youth Nominees and Winners: Adriana Aguilar and Vivianna Aguilar

Organization Nominees: Queen Creek Church Softball League, Queen Creek Youth Commission.

Organization Winner: Queen Creek Youth Commission.

The meeting was recessed from 7:56 – 8:13 p.m. for refreshments.

- 5. Public Comment:** Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a "Request to Speak Card", located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

None.

- 6. Consent Calendar:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

A. Consideration and possible approval of the March 15, 2006 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the March 27, 2006 Special Session Minutes.

C. Consideration and possible approval of the transfer of funds in the Parks Fund from contingency into Desert Mountain Park to pay for approved unbilled costs.

D. Consideration and possible approval of **Resolution 559-06** modifying the Sewer Service Area.

E. Consideration and possible approval of a change order to the contract with Dibble & Associates in the amount of \$206,784 for additional design services for the Ellsworth Loop Road – Rittenhouse Road project.

F. Consideration and possible approval of the authorization of a Professional Services Contract with Stanley Consulting Engineers in the amount not to exceed \$5,000 for survey, legal descriptions and exhibits necessary to purchase right-of-way for road and wash improvements.

Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 3

G. Consideration and possible approval of contract amendment with Engineering Mapping Solutions (EMS) in the amount not to exceed \$11,560 for additional expenses related to the database implementation of LIS.

H. Consideration and possible approval of a Notice of Intention to enter into a retail development tax incentive agreement with Westcor Development Partners and Vestar Development for the purpose of rebating a portion of sales taxes generated from their projects for costs paid by them for constructing certain off-site public infrastructure at approximately Rittenhouse, Ellsworth and Ocotillo Roads.

I. Consideration and possible approval of **Resolution 550-06** authorizing and directing staff to take all actions necessary to acquire real property from RLA-998 Venture III, LLC for road right-of-way (Maricopa County Assessors Parcel 304-66-428).

J. Consideration and possible approval of **Resolution 551-06** authorizing and directing staff to take all actions necessary to acquire real property from Mt. Baldy LP for road right-of-way (Maricopa County Assessors Parcel 30466-002D).

K. Consideration and possible approval of **Resolution 552-06** authorizing and directing staff to take all actions necessary to acquire real property from Ellsworth Enterprises Limited Partnership for road right-of-way (Maricopa County Assessors Parcel 304-67-013H, 304-67-015E & F and 304-67-024A & B).

L. Consideration and possible approval of **Resolution 554-06** approving the acquisition of real property from Grantor, Queen Creek Irrigation Water Delivery District #32 for right-of-way. The property is located on the east side of Sossaman Road south of Ocotillo Road.

M. Consideration and possible approval of **Resolution 555-06** authorizing the purchase agreement for real property from Jarom A & Amy Stradling a/k/a Bob & Norma Burk (Maricopa County Assessors Parcel 304-67-010-Y).

N. Consideration and possible approval of **Resolution 556-06** authorizing the purchase agreement for real property from Anthony T. McCardell (Maricopa County Assessors Parcel 304-66-026-A & B).

O. Consideration and possible approval of **Resolution 557-06** authorizing the purchase agreement for real property from Kaufmann Levy Potato, LLC (Maricopa County Assessors Parcel 304-66-008M).

P. Consideration and possible approval of **Resolution 558-06** authorizing and directing staff to take all actions necessary to acquire real property from Patrico R. and Juana C. DeLaCerde for right-of-way (Maricopa County Assessors Parcel 304-66-019A & B).

Q. Consideration and possible approval of **SP18-05/S04-06** – Bashas' Retail Center Phase II a request by Park/Gibbs Company, Inc., for site plan, preliminary plat, building elevations and landscape plan approval for Bashas' Retail Center Phase II. The proposed site plan includes 6.22 acres with 41,322 square feet of building area and is located south of the southwest corner of Chandler Heights and Power Roads.

Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 4

R. Consideration and possible approval of reallocation of \$20,000 within Department 203-Human Resources, line items.

S. Consideration and possible approval of a Professional Services Contract with Speyer & Associates P.C. in the amount not to exceed \$5,000 to perform necessary Phase I Environmental Site Assessment for Town owned property.

T. Consideration and possible approval of the reallocation of monies within the Capital Improvement Project budgets to allow for permanent salaries to be directly charged to specific projects.

U. Consideration and possible approval of the reallocation of funds within the Street Maintenance Department from the Travel/Conference/Seminar/Training line item (101-431-0220-00000-4031000) to the Signage line item (101-431-0220-00000-405800) totaling \$3,250 to allow for the addition of entry/exit signs within the Town.

V. Consideration and possible approval of **Ordinance 346-06** and **Resolution 548-06** to begin collection of plan review fees on behalf of Independent Public Service Providers.

W. Consideration and possible approval of the acceptance of the Sossaman Estates Subdivision Parcel H improvements.

X. Consideration and possible approval on the allocation of funding to hire two new Public Works Inspectors including the purchase of two vehicles and associated equipment as necessary for the implementation of the Town's Capital Improvement Project program this Fiscal Year (05/06).

Y. Consideration and possible approval of the Final Plat for Ocotillo Heights Phase 1.

Z. Consideration and possible approval of an amendment to the Sunrise Engineering contract for phasing of the Sossaman Sewer line construction project and the granting of approval to Sunrise Engineering to obtain the required environmental clearances for the Chandler Heights/Ellsworth/Cloud sewer construction project.

1. Consideration and possible approval of a Professional Services Contract with Ninyo & Moore Geotechnical Engineers in the amount not to exceed \$26,500 for testing and design services on the Riggs Road project.

* 2. Consideration and possible approval of an amendment to the Intergovernmental Agreement with Maricopa County Sheriff's Office to increase law enforcement services to three (3) beats.

Staff requested Items H & V removed. Council requested Items C, D & E removed.

Motion: Barney

Second: Coletto-Cohen

To approve the remainder of the Consent Calendar as presented.

**Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 5**

Vote: Unanimous

Item C: Council asked if the contractor neglected to bill for services. Staff explained that a standard verification of work done was completed during the company's annual audit.

Motion: Barney **Second:** Coletto-Cohen

To approve Item C as presented.

Vote: Unanimous

Item D: Council requested clarification on the deleted area of the mini-farms area. Staff stated that the service boundaries between the Town and Johnson Utilities were still unclear. Council also asked about the inclusion of Horseshoe Park. Staff stated it was a recommendation of the Town's consultant.

Motion: Hildebrandt **Second:** Coletto-Cohen

To continue Item D to the April 19, 2006 Town Council Meeting.

Vote: Unanimous

Item E: Council requested clarification on the requirement for 12-inch water line. Staff explained that the line wasn't identified in the original proposal but is necessary for the fire loop.

Motion: Hildebrandt **Second:** Wootten

To approve Item E as presented.

Vote: Unanimous

Item H: Assistant Town Manager Kross explained the Notice of Intent requirement per the Legislature for development agreements that include tax incentives.

Motion: Wootten **Second:** Holloway

To approve Item H as presented.

Vote: Unanimous

Item V: Community Development Director Condit clarified the request to approve the Resolution and Ordinance only at this time.

Motion: Hildebrandt **Second:** Valenzuela

To approve **Ordinance 346-06** and **Resolution 548-06** to begin collection of plan review fees on behalf of Independent Public Service Providers.

**Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 6**

Vote: Unanimous

PUBLIC HEARINGS AND FINAL ACTION: If you wish to speak to the Council on an item listed as a Public Hearing or Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

7. Presentation by Jack Tomasik of CAAG (Central Arizona Association of Governments) on development in Pinal County.

Jack Tomasik, representing CAAG, gave a presentation that showed the transportation, employment and fiscal impacts from approved projects in Pinal County, more specifically not enough transportation routes and employment land compared to residential land. Mr. Tomasik stated that within 511 square miles, 538 projects with 730,000 housing units have been approved.

Council asked Mr. Tomasik about Pinal County's actions to address these issues. Town Manager Seelhammer added that an Economic Element was included in Queen Creek's General Plan. There was also discussion on ADOT vs. CAAG population projections in regard to transportation improvements.

ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

8. Discussion on TA02-05 a Text Amendment for Neighborhood Meeting Notification, a request by the Town of Queen Creek for text amendments to the Town of Queen Creek Zoning Ordinance and Subdivision Ordinance for the purpose of revising neighborhood meeting and notification distance requirements.

Planner Ashley Lumpkin reviewed the proposed text amendment for neighborhood meeting requirements that include revised distance notification requirements and identifying what type of cases would require a neighborhood meeting.

Council asked how the proposed 600-foot notification distance was determined. Ms. Lumpkin said that a survey of other municipalities showed that the 600-foot distance was common. There was discussion on possible notification to others impacted by noise or use and measuring noise. Council requested additional information and possible options for notification distance requirements be provided at the April 19, 2006 Town Council Meeting.

9. Discussion on RZ18-05/SP20-05 "Queen Creek Marketplace" (Vestar Project) a request from Ralph Pew of Pew & Lake PLC, on behalf of Vestar Development for the Queen Creek Marketplace commercial shopping center consisting of approximately 133.01 acres (approximately 1,200,000 sq. ft. building area). The rezoning is to amend the current PAD with existing C-2 General Commercial underlying zoning and approval of a site plan, landscape plan and building elevations. The project is located at the southeast and southwest corners of Rittenhouse Road the proposed Ellsworth Loop Road.

Planning Manager Brittingham gave a general overview of the Vestar & Westcor projects and the impact of the improvement district in the Town Center.

Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 7

Planner Cady reviewed the site plan for Phase 1 & 2 of “Queen Creek Marketplace” including the landscape plan that shows water features, seating areas and landscaped walkways throughout the project. Mr. Cady said that the proposed elevations comply with Town standards. Mr. Cady reviewed the eight modifications the applicant is requesting, stating that staff supports all but administrative site plan approval except for elevations already presented. In addition, staff recommends 25ft light limit rather than the 30ft requested.

Council discussed the parking space sizes and desire for increased number of larger spaces and parking provided for sit down restaurants and larger big box stores. Mr. Cady clarified the parking lot layout with the mix of 9 1/2 ft. and 10 ft. spaces with the standard 10 ft. spaces located along the landscaped areas with smaller spaces at other locations, saying the arrangement allows for more retail locations, increased landscaping and less asphalt. Council also requested clarification of the location of the handicapped parking and Phase 2 timeline.

Ralph Pew, 1930 E. Brown Rd., representing the applicant stated Phase 2 construction would depend on marketing.

Council requested that the applicant complete a quick analysis of parking lot configurations with increased number of 10 ft. parking spaces prior to the April 19, 2006 Council meeting.

10. Discussion on RZ17-05/SP19-05 “Cornerstone at Queen Creek” (Westcor Project) a request from Ralph Pew of Pew & Lake PLC, on behalf of Westcor Corporation, for Cornerstone at Queen Creek, a 68-acre mixed-use development consisting of a 53-acre shopping center (approximately 389,000 sq. feet building area) and a 15-acre multi-family development. The rezoning is to change the current PAD underlying zoning from C-2 General Commercial, C-1 Light Commercial, TC Town Center and R-4 Multiple Family to C-2 General Commercial (to accommodate the shopping center) and R-4 Multi-Family. The project is located at the northeast corner of Ocotillo and Ellsworth Roads, and adjoining the southern right-of-way of Rittenhouse Road.

Planner McCauley reviewed the site plan, phasing plan and landscape plan for “Cornerstone at Queen Creek”. Mr. McCauley discussed the eight PAD requests and staff’s support for all but administrative site plan approval expect for elevations that have been presented to Council.

Council discussed the parking spaces and layout and requested that additional decorative pavement stones be used. Council requested a quick analysis of parking lot configurations with increased number of 10 ft. parking spaces completed prior to the April 19, 2006 Council meeting.

The meeting reconvened at 10:00 p.m.

11. Discussion on SP01-06 “Burger King at Power Marketplace”, a request from Mark Abel of Mark Abel Architects on behalf of Broatch Management for a Burger King restaurant. The project includes 3,105 sq. ft. on 1.17 acres and has a zoning designation of C-2 General Commercial and is located in the Power Market Place I Commercial Center at the northeast corner of Germann and Power Roads.

**Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 8**

Planner McCauley reviewed the site plan, elevations and landscape plan. Council discussed turning radius in the drive-thru.

12. Discussion on S15-05 “Condominium Plat for Power Marketplace Professional Plaza, a request from Rahib Sarela of EMC2 Group Architects & Planners on behalf of Desert Shadows Holdings, LLC for a condominium plat for Power Marketplace Plaza. The project includes two buildings with a total of 14 condominiums on approximately 37,207 sq. ft of building area. The site has a zoning designation of C-2 General Commercial and is located in the Power Marketplace II Commercial Center at the northeast corner of Power and realigned Rittenhouse Roads.

Planner McCauley reviewed the site plan for the condominium plat and the Planning and Zoning Commission’s recommendation for approval with stipulations.

13. Discussion on TA01-06 Text Amendment for Lot Coverage, a request by the Town of Queen Creek for an amendment to the Town of Queen Creek Zoning Ordinance to modify the definition of lot coverage (Appendix A: Definitions) and revise lot coverage standards in some Zoning Districts (Article 4, Table 4.7-2).

Planner Chambers reviewed the proposed text amendment that would increase the lot coverage allowed in R1-43, R1-54 and R1-108 zoning districts to 20%. Council discussed limitations of having accessory buildings on larger lots with the current 15% lot coverage requirement.

14. Discussion on DR06-022 Nicholas Homes at Villagio (formerly Mira Ranch PAD) for six standard floor plans with three elevations each.

Planner Ramos gave a presentation on the proposed standard plans for 163 lots.

15. Committee Reports

A. Recreation Advisory Board – March 28, 2006 – The Board discussed the aquatics feasibility study; heard department updates; presentations from the Girls & Boys Club of Queen Creek on alternate routes for the Holiday Parade; discussed the Youth Center Summer Recreation Program and remaining balance of sponsorship monies. The Board recommended returning the remaining balance to the General Fund.

B. Queen Creek Youth Commission – March 15, 2006 – no report

16. Adjournment

Motion: Valenzuela

Second: Barney

To adjourn the Regular Session at 10:15 p.m.

Vote: Unanimous

**Minutes for the Regular Session
Queen Creek Town Council
April 5, 2006
Page 9**

TOWN OF QUEEN CREEK

Wendy Feldman-Kerr, Mayor

Attest:

Jennifer F. Robinson, CMC

I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the April 5, 2006 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Jennifer F. Robinson, CMC

Passed and approved on April 19, 2006.