



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
May 17, 2006
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:08 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. Welcome and introduction of the Jesus Maria Sister City Delegation – Mayor Feldman-Kerr with assistance of Council Members Hildebrandt and Valenzuela welcomed and introduced the Sister City delegation from Jesus Maria, Aguascalientes, Mexico.

B. Presentation by the Queen Creek Middle School Honors Science Class of GIS Project – Queen Creek Middle School Principal Johnson gave a brief review of the GIS Project and introduced Mrs. Berry and students. Mrs. Berry wrote a grant and received the tracking units used in the project. The students then presented their project “How much trash was added to Queen Creek Landfill by not recycling” and discussed the purpose, procedures and results of the project. Dianne Brossert, President of Valley Forward, stated that this was the first year the grant was awarded and 30 applications had been received.

C. Neighborhoods in Bloom Awards – the following were presented awards:

Residential under ½ acre – Ed Garcia

Residential over ½ acre – Roy & Debra Lopenen

Business Category – Queen Creek Realty LLC (Bob Russell)

Make Over Category – JP & June Nelson

D. Front Porch Bench winners – Kim Dorn of Rancho Jardines was presented a front porch bench and Manda Deglar of Sossaman Estates also awarded a front porch bench as part of the Howdy Doody program.

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”,

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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 May 3, 2006 Work Study and Regular Session Minutes.

B. Consideration and possible approval of February 2006 Financial Report.

C. Consideration and possible approval of purchases over \$10,000.

D. Consideration and possible approval of line item budget reallocations.

E. Consideration and possible approval of a Final Plat for Power Marketplace Business Park.

F. Consideration and possible approval of **Resolution 587-06** approving amendments to the Intergovernmental Agreement and Joint Powers Agreement for the Williams Gateway Airport Authority supporting the request by the City of Phoenix to join the Authority.

G. Consideration and possible approval of a contract in the amount not to exceed \$182,015.26 with Sunland Asphalt to construct an extension of Germann Road to connect with Rittenhouse Road, just west of Sossaman Road.

H. Consideration and possible approval of **Resolution 585-06** adopting an Early Start Agreement for Residential Developments.

I. Consideration and possible approval of a contract amendment in the amount of \$15,000 bringing the total to \$35,000 with V3/Landmark Engineering, Inc., for additional case load assistance with engineering plan review.

J. Consideration and possible approval of the Final Plat for "Pegasus Estates" a request by Kevin Peterson and Ashton Wolfswinkel of Bellerio, LLC. The project is located in the northeast quadrant of Ellsworth Road and Empire Boulevard.

K. Consideration and possible approval of the Final Plat for "Victoria Phase 2, Parcel 1" a request by William S. Lund of Specres, Inc. The project is located west of Hawes Road between Queen Creek Road and Ocotillo Road.

L. Consideration and possible approval of **SP21-05** "Village Shops at Queen Creek" a request from Chris Smith of Robert Kubicek Architects and Associates, Inc., for site plan, building elevations and landscape plan approval for an approximate 10,500 square foot building on approximately 1.75 acres. The site is currently zoned C-2 (General Commercial). The property is located at the northeast corner of Ellsworth Road and Sierra Park Boulevard.

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M. Consideration and possible approval of **SP17-05** “Village Office Suites, Phase II” a request from M. Joe Bayer of Main Spring Capital V., LLC, for site plan, building elevations and landscape plan approval of a four-building office complex of approximately 29,500 square feet on approximately 2.07 acres. The site is currently zoned C-2 (General Commercial). The property is located north and east of the northeast corner of Ellsworth Road and Sierra Park Boulevard.

N. Consideration and possible approval of **DR06-004** “Holmes Homes at Nauvoo Station (formerly Emperor Estates at Heritage Town Center) 12,000 Series” a request by David Rohovit of Holmes Homes for design review of five (5) standard floor plans, four (4) of which have two (2) elevations each, on a total of 36 lots zoned R1-12 within a 182 acre community located north of Ocotillo Road, south of Queen Creek Rod and northeast of the Union Pacific Railroad.

O. Consideration and possible approval of **DR06-003** “Holmes Homes at Nauvoo Station (formerly Emperor Estates at Heritage Town Center) 5400 Series” a request by David Rohovit of Holmes Homes for design review approval of five (5) standard floor plans with three (3) elevations each, on a total of 98 lots zoned R-2 within a 182 acre community located north of Ocotillo Road, south of Queen Creek Rod and northeast of the Union Pacific Railroad.

P. Consideration and possible approval of **DR06-022** “Nicholas Homes at Villagio” a request by Heather Barnes of Nicholas Homes for design review approval of six (6) standard floor plans with three (3) elevations on a total of 135 lots zoned R1-7 on approximately 46 acres, located directly north of the Queen Creek Wash on the southeast corner of Sossaman and Queen Creek Roads.

Q. Consideration and possible approval of an Intergovernmental Agreement with Queen Creek Unified School District related to the Administration of Building Codes.

R. Consideration and possible approval of **Ordinance 357-06** for services related to planning and engineering review and construction monitoring fees and other services and fees rendered by or through the Town of Queen Creek Community Development Services Departments.

S. Consideration and possible approval of appointments to the San Tan Foothills Specific Area Plan Technical Advisory Committee.

T. Consideration and possible approval of the Public Involvement Plan for the San Tan Foothills Specific Area Plan.

U. Consideration and possible approval of appointments to the Parks, Trails and Open Space Committee.

V. Consideration and possible approval of creating a Senior Advisory Committee and appointments to the committee.

W. Consideration and possible approval of **Resolution 583-06** authorizing the purchase agreement for real property from Queen Creek Summit, LLC (Assessors Parcel# 304-66-010-L) for the Ellsworth Loop Road Project.

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X. Consideration and possible approval of **Resolution 584-06** authorizing the purchase agreement for real property from Patricio R. & Juana C. De La Cerda (Assessor's Parcel # 304-66-019-A, B & C) for street improvements (Ocotillo Rd. & Ellsworth Rd.).

Y. Consideration and possible approval of a professional services contract in the amount not to exceed \$75,817 with Kirkham, Michael & Associates, Inc., for traffic signal design of five (5) intersections.

Z. Consideration and possible approval of a contract amendment in the amount of \$32,500 bringing the total to \$72,500 with East Valley Engineering Corp. for additional assistance with engineering plan review.

1. Consideration and possible approval of accepting donated traffic control equipment and the miscellaneous improvements of intersections by private parties.

2. Consideration and possible approval of an Intergovernmental Agreement (IGA) between Maricopa County and the Town of Queen Creek for maintenance, plan review and permitting work within certain existing County rights-of-way.

3. Consideration and possible approval of an amendment for additional services for the Wastewater Master Plan project with PBS&J Company in the amount of \$7,169.

4. Consideration and possible approval of a design/build contract in the amount of \$1,264,840 with CORE Construction Services of Arizona, Inc., for the Queen Creek Library.

5. Consideration and possible approval of a contract with Nancy Robb Dunst in the amount of \$15,000 to install artwork at Desert Mountain Park.

6. Consideration and possible approval of "Termination of Grant of Public Use and Drainage Easement" a request by William S. Lund of Victoria Land Investment Group, LLC and Specres, Inc., for terminating an easement adjacent to Victoria Phase 2, Parcel 1.

7. Consideration and possible approval of "Deed of Gift" a request by William S. Lund of Victoria Lund Investment Group, LLC to dedicate a portion of the Queen Creek Wash adjacent to Victoria Phase 2, Parcel 1.

8. Consideration and possible approval of the Town of Queen Creek increasing its participation as a member of Williams Gateway Airport Joint Powers Authority by \$10,000 for a total cost of \$100,000 in FY06-07.

Council requested items H, U and 1 pulled for discussion.

Motion: Barney **Second:** Holloway

To approve the remainder of the Consent Calendar as presented.

Vote: Unanimous

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Item H: Council requested that the signature of the responsible person for entire project be added to the agreement in addition to other amendments discussed in Work Study.

Motion: Wootten **Second:** Coletto-Cohen

To approve Item H as amended.

Vote: Unanimous

Item U: Council discussed the requirement for voting committee members to be Town residents. Discussion included the opportunity for non-residents to participate in committee meetings but not able to vote on issues that affect Town residents. Town Attorney Bisman added that the item for consideration was for appointments to the committee and the ordinance previously approved would need to be reconsidered if amendments were desired.

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

To approve the appointments to the Parks, Trails and Open Space Committee as presented with the amendment appointing Jon Wootten as Co-Chair.

Vote: 5 – 2 (Hildebrandt and Holloway)

Motion passed.

Item 1: Staff provided clarification on the intersections being considered for portable traffic signals and the need to continue working with the developers and request warrant studies. Discussion was also in regard to the costs of full signal improvements vs. temporary; right-of-way acquisitions and safety of intersections with temporary signals. Council asked if the developer providing signal equipment was building in the Town of Queen Creek. Staff responded no. Discussion was also in regard to possible future development in the Town by the developer.

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

To approve Item 1 as presented.

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. Public Hearing on RZ11-05/S05-05 (Ordinance 353-06) “Charleston Estates” a request from Ryan Larsen of Element Homes for rezoning, preliminary plat and landscape plan approval for a 331 lot single-family subdivision on approximately 159 acres. The site is currently zoned R1-43 (one acre per dwelling unit) and proposes a Planned Area Development with underlying zoning of R1-15, R1-12, R1-9 and R1-7. The proposal also includes an approximate 2 acre parcel of

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Light Commercial (C-1) and Recreation Conservation (RC) for their open space. The property is located at the northwest corner of Ocotillo and Signal Butte Roads

Planner Lumpkin reviewed the rezoning and site plan request as well as the PAD deviations regarding lot size and lot coverage. Ms. Lumpkin stated that an additional stipulation (#22) regarding traffic calming had been added. Council discussed the stipulation regarding the SRP substation; and requested an additional stipulation requiring open space/amenities for older children.

The Public Hearing was opened.

Bonnie Busha, 21113 S. 223rd Way, submitted written comments in favor.
Lawrence Busha, 21113 S. 223rd Way, submitted written comments in favor.
Jason Perry, 21108 S. 221st Pl, submitted written comments in favor.

Eric Curtis, 22230 E. Appleby Rd, spoke in opposition stating he had concerns that Appleby Road is one lane and residents won't be able to get in or out of their neighborhood. He also had concern with water flow from the irrigation canal.

Greg Bond, 21108 S. 223rd Way, said he was in favor of the rezoning but had concerns with added traffic on Signal Butte Rd. and would like to have a traffic study include Appleby Road improvements.

Ed Bull, representing the applicant, said he was in support of the 22 stipulations presented. He said during the neighborhood meetings there wasn't any opposition. He said drainage would be addressed and stated that the project doesn't have access to Appleby Road and it is not a part of the project.

The Public Hearing was closed.

8. Discussion and possible action on Ordinance 353-06 (RZ11-05/S05-05) "Charleston Estates".

Council discussed drainage and road improvements, specifically turning lanes and requesting the traffic study include northbound/southbound stacking turn lanes to accommodate trailers and other large vehicles and analyze tapers on Signal Butte Road.

Motion: Wootten **Second:** Hildebrandt

To approve Ordinance 353-06 RZ11-05/S05-05 "Charleston Estates" with the additional stipulations regarding traffic study and open space amenities for older children.

Vote: Unanimous

9. Public Hearing on RZ03-06 (Ordinance 356-06) "Marvel Masonry & Building Supply" a request from Matt Everling of Plan Right Consulting for rezoning approval for an approximate 4.3 acres. The site is currently zoned R1-43 (one acre per dwelling unit) and proposes Office

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Industrial Park (I-1). The property is located on the south side of Germann Road approximately 1,000 feet east of Sossaman Road.

Planner Lumpkin reviewed the rezoning request and stated that a preliminary plat would still be required to go through the Planning and Zoning Commission and Town Council approval process when submitted. Ms. Lumpkin stated that the rezoning request is consistent with the General Plan. She also reviewed the May 3, 2006 Council discussion and the added fencing stipulation as a result.

The Public Hearing was opened.

Sally Jambor, 19425 E. Germann Rd., spoke in opposition to the rezoning request and the General Plan designation. She said she was concerned with safety and design of the project.

Tom Jambor, 19425 E. Germann Rd., spoke in opposition. He stated that the area should be residential and not industrial. Mr. Jambor also stated his concern with traffic that could be generated from the project.

The Public Hearing was closed.

Matt Everling, applicant, addressed safety concerns would be addressed through the block wall stipulations. He also said that all Town requirements for a rezoning request were met, including the submittal of a conceptual site plan. Mr. Everling said that residential traffic generates more traffic than a single industrial use. Council asked what uses were planned for the rear of the property. Mr. Everling reviewed the conceptual plan, showing the building on the north part of the property and outdoor storage at the back. Council asked for clarification of what would be stored and hours of operation and deliveries. Mr. Everling replied that pallets of brick materials would be stored and provided the hours of operations which are similar to the other eight facilities operated by the company.

10. Discussion and possible action on Ordinance 356-06 (RZ03-06) “Marvel Masonry & Building Supply”.

Council discussed industrial uses and compliance with the zoning ordinance. Increased buffering requirements were also discussed. Planning Manager Brittingham explained that stipulations addressing buffering the project could be added to the preliminary plat. Town Attorney Bisman added that a site plan is not required for a rezoning and that a development agreement could be considered to address concerns. There was discussion in regard to industrial uses locating near the railroad and Williams Gateway Airport.

Motion: Valenzuela

Second: Coletto-Cohen

To deny RZ03-06 “Marvel Masonry & Building Supply”

Vote: 6 – aye

1 – nay (Feldman-Kerr)

Motion Passed.

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The meeting was recessed from 9:22pm – 9:33pm.

11. Public Hearing on RZ03-05/SP06-05 (Ordinance 354-06) “Mahoney Real Estate” a request submitted by Jackie & James Mahoney for rezoning, site plan and landscape plan approval of approximately 1.15 acres from R1-43 to C-1 Light Commercial. The proposed project is located at 22632 S. Ellsworth Rd.

Planner Cady reviewed the rezoning application, site plan and landscape plan. Council asked what type of future uses the property could have if sold. Mr. Cady replied office or retail.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

12. Discussion and possible action on Ordinance 354-06 (RZ03-05/SP06-05) “Mahoney Real Estate”.

Motion: Barney **Second:** Hildebrandt

To approve Ordinance 354-06 RZ03-05/SP06-05 “Mahoney Real Estate”.

Vote: Unanimous

13. Public Hearing on TA03-05 (Ordinance 355-06) Text Amendment on Commercial Amusements, a request by the Town of Queen Creek for an amendment to the Town of Queen Creek Zoning Ordinance to permit Indoor Commercial Amusement Uses in I-1 and I-2 Zoning Districts (Article 4.6 Table 4.6.2 Use Regulations), i.e., skating rinks, bowling alleys, billiards, mechanical or electronic games etc.

Planner McCauley reviewed the proposed text amendment and Planning and Zoning Commission’s recommendation for approval.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

14. Discussion and possible action on Ordinance 355-06 (TA03-05) Text Amendment on Commercial Amusements.

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

To approve Ordinance 355-06 (TA03-05).

Vote: Unanimous

15. Discussion and possible action on the Tentative Budget for FY06/07.

Town Manager Seelhammer reviewed the budget highlights and budget process.

Motion: Valenzuela **Second:** Holloway

To approve the Tentative Budget for FY06/07.

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Vote: 6-1 (Hildebrandt)
Motion passed.

16. Discussion and possible action on forwarding comments to Maricopa County regarding a time extension for S2006029, William Heights Subdivision, located at the northeast corner of Ellsworth and Riggs Road intersection.

Planner Cady reviewed the application for a one-year extension for submitting the preliminary plat for William Heights Subdivision and staff's comments regarding commercial zoning, Riggs Road right-of-way, open space, sewer service area and impact on the Sanokai Wash project.

Motion: Wootten **Second:** Coletto-Cohen

To forward comments as presented to Maricopa County.

Vote: Unanimous

17. Discussion and possible direction on Council training and travel guidelines.

Town Manager Seelhammer explained that the Budget Committee had requested Council discussion in regard to Council training and travel guidelines. Council discussed several options. Council requested a set list of programs/training opportunities be included and allowed with others approved by the Council; responsibility for lost funds from cancellations; and approval of events costing over \$500 and any out of country travel.

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

18. Discussion on **DR06-002** "VIP Homes at Nauvoo Station" (formerly Emperor Estates at Heritage Town Center), a request by Warren Peterson of VIP Homes for design review approval of eleven (11) standard floor plans with three (3) elevations each on a total of 347 lots zoned R1-6 and R1-8 within a 182 acre community located north of Ocotillo Road, south of Queen Creek Road and northeast of the Union Pacific Railroad.

No further discussion.

19. Committee Reports

A. Queen Creek Youth Commission – May 3, 2006: The Commission members discussed the Town Hall Forum; continued planning the retreat and End of the Year Social.

B. Parks, Trails and Open Space Committee – May 9, 2006: The Committee heard updates on Horseshoe Park, Aquatics Study, Wash projects, Arts in the Park and landfill extension.

C. Transportation Advisory Board – May 10, 2006: The Board heard presentations on the 5-year CIP; Valley Metro; SATS; Ellsworth Loop Road and Improvement District update.

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20. Adjournment

Motion: Valenzuela **Second:** Barney

To adjourn the Regular Session at 10:12 p.m.

Vote: Unanimous

Jennifer F. Robinson, CMC

TOWN OF QUEEN CREEK

Arthur M. Sanders, 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 May 17, 2006 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on June 7, 2006

Jennifer F. Robinson, CMC