



**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION
Wednesday, September 13, 2006 6:00 P.M.
Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242**

1. **CALL TO ORDER**
2. **ROLL CALL**

Present

Chairman Schweitzer
Commissioner Sossaman
Vice-Chairman Shifman
Commissioner Atkinson
Commissioner Ingram
Commissioner Trapp-Jackson

Absent

Commissioner Perry

Staff

Present

Community Development Director Condit
Planning Manager Brittingham
Principal Planner McCauley
Planner Chambers
Planner Ramos
Planning Assistant Moats

Absent

3. **CONSIDERATION OF MINUTES**

- Consideration of the August 9, 2006 Work Study and Regular Session Minutes

Motion: Commissioner Atkinson

To approve the August 9, 2006 Work Study and Regular Session Minutes, as presented.

2nd: Commissioner Trapp-Jackson

Vote: All ayes. Motion carried 6-0 (Perry absent)

4. **PUBLIC COMMENT** Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to staff prior to the commencement of the meeting

PUBLIC HEARINGS

5. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON RZ06-057/SD06-002**, "Cliffstone". A request from Jason Check, on behalf of Christopher Cole and Lonnie McCleve, for a Planned Area Development (PAD), Rezoning from current R1-43 to a PAD with R1-18 underlying zoning, and Preliminary Plat approval for a 41-lot subdivision on approximately 30 acres. The property is located approximately 625 ft. west of the northwest corner of Riggs and Ellsworth Roads.

Principal Planner McCauley presented the staff report. The requested PAD modifications are:

- 1) Elimination of the 20-foot buffers on the western and northernmost borders (Lots 4-9);
- 2) Modification of lot standards for the R1-18 zoning district, for 31 of 41 lots. Staff feels this is excessive, and does not feel the applicant has adequately demonstrated the benefits to the Town.
- 3) Cul-de-sac encroachment into the 20-foot transitional buffer on the northeastern border of the property (abutting the Uptain residential property). The applicant's main reason

for the cul-de-sac is to provide future access to the homeowner's property to the immediate north. Staff is not in agreement with the design of this cul-de-sac, which does not meet Town standards.

The applicant is requesting the deletion of stipulations/conditions of approval #1 through #3, which are:

1. Provide one (1) acre lots (minimum) along the western perimeter of the development.
2. Provide in CC&Rs that the keeping of livestock for all lots one (1) acre or greater is allowed, subject to the standards of the Town of Queen Creek Ordinances.
3. Provide 33,000 s.f. lots (minimum) adjoining the immediate northern border where lots adjoin the Pecans Subdivision (lots 5 thru 9).

Mr. Ralph Pew of 1930 E. Brown Road, Mesa, Suite 101, addressed the Commission on behalf of Lonnie McCleve and Christopher Cole, and the applicant, Jason Check.

Mr. Pew explained the PAD request regarding the buffering technique on the north and west boundaries of the site. He stated the applicant is agreeable to the Town standards/staff stipulations, if the Commission is absolutely unbendable on this request. Mr. Pew explained the reasons why the applicant feels this is a feasible request. The Parks & Recreation Department has indicated they want an 8' block wall on the western buffer of the property, in lieu of a 20-foot trail, and a view fence on the western lots. The view fence looking to the west will show a 20-foot landscape trail with an 8-foot block wall, and no place for the trail to go, since the Parks & Recreation Department does not want access/penetration to the future park.

The applicant believes the elimination of the 20-foot buffer makes sense, and the applicant will agree to build the 8-foot wall, but hopefully without the 20-foot landscape buffer. On the north side of the subdivision, there will also be a block wall, with a buffer on the other side of that wall (western).

Mr. Pew also clarified that relating to the cul-de-sac modification, the applicant agrees to Stipulation #4 that the design will be worked out at the final plat. It is there because Mr. Uptain sold the developer the project property, and the developer has agreed to grant him access to his home.

Chairman Schweitzer referenced the terms used by Mr. Pew: "sellable" and "usable", and stated that he feels the applicant's requests would be beneficial to the seller, not to the Town.

Vice-Chairman Shifman stated that the property adjacent to the western boundary has a high probability of becoming a local arena. In that regard, Ms. Shifman feels it makes a lot of sense for the western boundary lots to be lots that allow horse privileges.

Commissioner Sossaman, referencing Tract B (eastern tract), which is next to a possible commercial corner and shows a 10' equestrian trail running north and south, asked if there is a plan to gain access to this. Mr. Pew responded that the applicant believes the plans are in error. This is a landscaped trail, not an equestrian trail.

Commissioner Sossaman asked if the zoning on this corner becomes commercial, what would the buffer be like next to the residential area, transitioning from the commercial site.

Mr. McCauley answered it would be a 25-foot transitional buffer requirement. More specifically, the requirement is 20-feet on the residential side and 25-feet on the commercial side.

Chairman Schweitzer opened the Public Hearing at 7:35 P.M. There were no public comments. The Public Hearing was closed.

Mr. McCauley pointed out that as he mentioned previously regarding staff recommendations, should the Commission recommend approval, staff is recommending the approval is contingent upon the stipulations listed in the staff report, as well as the addition of language stating the subdivision shall not be a gated community.

Planning Manager Brittingham responded to one of Mr. Pew's points regarding property to north having an 8-foot wall along the perimeter. There is a property lot line fence that is open wrought-iron, then a 20-foot tract. There are no plans for a second 8-foot wall. There would only be two 20-foot buffers with no block wall, according to the fence plans for The Pecans. The point of making one-acre lots to the west, is to offer the availability for horse lots, even though horse owners may not buy those lots.

Commissioner Atkinson concurred with most of Mr. Pew's comments and views, adding that he has problems with the fact that there is not going to be a block wall on the northern border. He would like to see this issue firmed up between the Parks & Recreation Department and the Developer, and sees no problem with installing a block wall if the two different property owners are in agreement to this. Commissioner Atkinson would like this project to be continued, with something to be worked out with the property owners. He is in agreement with deleting stipulations #1-3; or possibly leaving in #3 if there is no block wall to the north. He believes a 40-foot tract is a reasonable buffer zone between the two properties/developments.

Commissioner Sossaman stated that there is a need to envision elimination of the cul-de-sac. He would also like to see what northern buffer is going to look like, and would be more in favor of continuing the case, with the Commission providing more direction to the applicant before they come back to the Commission.

Commissioner Sossaman deferred to Mr. Pew on whether or not he would like a denial or a continuance tonight. The overall landscaping and layout is good. The lot sizes are compatible, which is well within density requirements.

Mr. Pew stated the applicant agrees to all of the buffers, including the western boundary next to the public use. He would prefer not to do the 8-foot wall.

Commissioner Sossaman clarified that he does not think it makes sense to have an 8-foot block wall on the west boundary.

Chairman Schweitzer stated there should be a wall on the north side, but he is not as concerned with having a wall on the west.

Commissioner Trapp-Jackson stated her opinion that a buffer to the north needs to be maintained. In addition, there should be stipulations added to ensure the subdivision will not be a gated community.

After extensive discussion, the applicant agreed to the 20-foot transitional buffers on the western and northern boundaries of the site. The applicant has agreed to build the 8-foot wall; however neither the applicant nor Commissioner Sossaman believe installation of the 8-foot wall along the western boundary is sensible. Commissioner Atkinson thinks the wall should be built since the Parks and Recreation Department has requested this, and the applicant is willing to build it.

Commissioner Sossaman stated he will not go along with Commissioner Atkinson's request to include verbiage regarding the 8-foot wall on the western boundary since the plans for the public use abutting this side of the subdivision have not been finalized.

Motion: Commissioner Sossaman

To approve RZ06-047/SD06-002, "Cliffstone", subject to the Conditions of Approval set forth in the staff report; deleting Stipulations #1 and #2; adding language to Stipulation #15, as follows: "Developer shall provide a note on the final plat and notice to all future residents on this project by way of the public report, AS WELL AS ON ANY PURCHASE CONTRACTS, as follows..."; And; adding the following verbiage to Stipulation #19: "...WITH THE EXCEPTION OF THE WESTERN BOUNDARY OF THE SUBDIVISION"; and the addition of Stipulation #20: "THIS SUBDIVISION WILL NOT BE A GATED COMMUNITY."

Note: This motion does not require one-acre lots on the west side of the project, but does require 33,000 square foot lots on the north side.

Second: Commissioner Ingram

Further discussion ensued.

Commissioner Sossaman, responding to Commissioner Atkinson's comment on the 8-foot wall, stated that because nothing is confirmed with regard to the use of property to the west, he would like to address this when it happens. He feels the homeowner will put up buffers anyway.

Chairman Schweitzer asked how do we maintain consistency if homeowners decide to put up their own walls. Mr. Brittingham responded there is a requirement for a fence plan, with a detailed wall plan submitted as part of the final plat to ensure consistency with entry features, perimeter fencing, etc.

Vote: All ayes. Motion carried. (6-0) Perry absent.

6. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON RZ06-001/SD06-020**, "Belle Estates". A request from Matt Everling of PlanRight Consulting, LLC for Rezoning from R1-54 to R1-35, Landscape Plan, and Preliminary Plat approval for 8 single-family lots on approximately 9.61 acres. The property is located south of the southwest corner of Hunt Highway and Bell Road.

Planner Chambers addressed the Commission, noting the applicant has requested a continuance to the October 11, 2006 in order to further work out outstanding issues presented in the staff report.

The public hearing was opened at 7:57 P.M.

- 1) Ms. Stewart (sp?) of 9410 W. Skyline Drive, Queen Creek. Ms. Stewart stated she doesn't know how far south this land is from Hunt Hwy, but as far as she knows, all lot sizes are at least 1 ¼ acre and higher. She asked the Commission to not allow the builder to reduce the lot sizes in this area, stating that in the future, it may cause people with large lots to reduce their lot sizes, then they will sell their lots off. This should be preserved with larger lot sizes.

There were no further public comments. The Public Hearing was closed.

Motion: Commissioner Ingram

To continue RZ06-001/SD06-020, "Belle Estates" to the October 11, 2006 Planning & Zoning Commission Meeting;

2nd: Commissioner Trapp-Jackson

Vote: All ayes. Motion carried 6-0 (Perry absent).

7. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON TA04-007**, “Text Amendment for Processing Religious Institutions”. A request by the Town of Queen Creek for a text amendment to the Town of Queen Creek Zoning Ordinance, Article 3 and Article 6, to modify the processing and approval procedures for religious institutions.

Planner Valerie Chambers, presented the staff report, stating that under direction of Council, staff is taking the opportunity to simplify and mainstream this process. The land use is not in question. The proposed Text Amendment includes:

- 1) Revision to procedures for approval;
- 2) Additional section on supplemental regulations;
- 3) Revision for Term Consistency

The approval procedure bases size on seating capacity. Larger religious institutions are defined as those with greater than 1,500 seating capacity; smaller is up to 1,500. Ms. Chambers stated a Conditional Use Permit will still be required for larger institutions; the approval process for smaller institutions will involve being processed through Town Council administrative action only, unless a deviation from code is being requested; in which case it will go through Planning & Zoning and Town Council for Public Hearing.

This Town Council Action formally establishes performance standards specifically for Religious Institutions. Ms. Chambers stated that Staff has not received any public comment.

Commissioner Atkinson stated that height has been an issue in the past. Ms. Chambers responded that staff has not revised any of these standards. This is found under a different section of the Code.

Chairman Schweitzer opened the Public Hearing at 8:05 p.m. There were no public comments. The Public Hearing was closed.

Motion: Commissioner Sossaman

To approve TA04-007, “Text Amendment on Processing for Religious Institutions”, as presented.

2nd: Commissioner Atkinson

Vote: All ayes. Motion carried 6-0. (Perry absent).

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

8. **DISCUSSION AND POSSIBLE ACTION ON SP06-038**, “Power Mini-Storage, Phase III”. A request from James O. Power for a Site Plan approval for the final phase of Power Mini-Storage. The proposal consists of 63 mini-storage units and 57 RV and boat storage spaces on 1.6 acres. The mini-storage facility is zoned I-1 Office/Industrial Park. The project is located at 18005 S. Power Road.

Principal Planner McCauley presented the staff report. When complete, this site will provide a total of 288 storage units. Staff is recommending approval of this project.

Motion: **Vice-Chairman Shifman**

To approve SP06-038, Power Mini Storage Phase III, subject to the conditions of approval set forth in the staff report.

2nd: **Commissioner Trapp-Jackson**

Vote: **All ayes. Motion carried 6-0. (Perry absent).**

9. **DISCUSSION AND POSSIBLE ACTION ON SP06-049**, “Barney Family Sports Complex”. A request from Greg Davis of IPlan Consulting on behalf of Barney Family Sports LLC, for a 65,000 square foot sports complex on approximately 9 acres. The property is zoned I-2 General Industrial, and is located at the northeast corner of Queen Creek and Merrill Roads.

A continuance has been requested by the applicant.

Motion: **Commissioner Atkinson**

To continue SP06-049, “Barney Family Sports Complex”, to October 11, 2006 Planning & Zoning Commission Meeting.

2nd: **Commissioner Shifman**

Vote: **All ayes. Motion carried (6-0) Perry absent.**

10. **DISCUSSION AND POSSIBLE ACTION ON SP06-079**, “Office/Warehouse at Lot 14 of Inverness Industrial Park”. A request from Tom Hunt of Hunt Architecture, on behalf of Sid-Rich Design/Building Inc., for Site Plan and Building Elevation Plan approval for an Office/Warehouse building at Inverness Industrial Park. The proposal consists of approximately 17,000 square feet of Industrial use on site with existing I-1 Zoning. The project is located one-quarter mile east of Crismon Road, on the south side of Ocotillo, Lot 14 at Inverness Industrial Park.

Planner Chambers presented the staff report. Staff has not received any public comment. Staff is recommending approval of this project.

Commissioner Sossaman questioned if the size and manner in which the lot is laid out is working for the applicant as far as drainage, etc.

Ms. Chambers responded the applicants are able to meet the Town standards, and added that quite frequently during the pre-app stage, staff recommends the buildings be sized down. Sometimes the applicant purchases two lots to meet the Town Standards.

Thomas Hunt, architect, 10225 N. 38th Street, Phoenix, addressed the Commission. There were no questions from the Commission.

Motion: **Commissioner Sossaman**

To approve SP06-079, “Office/Warehouse at Lot 14 of Inverness Industrial Park”, subject to the stipulations presented in the staff report.

2nd: **Vice-Chairman Shifman**

Vote: **All ayes. Motion carried 6-0. (Perry absent).**

11. **DISCUSSION AND POSSIBLE ACTION ON SD06-005**, “Queen Creek Marketplace”. A request by Marc Grayson of Vestar Development for Preliminary Plat approval of Phase I of Queen Creek Marketplace, a commercial subdivision incorporating 27 lots on approximately 90 acres. Phase I of Queen Creek Marketplace is located south of Rittenhouse Road, directly west of the proposed Ellsworth Loop Road.

Planner Ramos presented the staff report. Mr. Ramos pointed out there are 23 lots, not 21 as listed in the staff report. The project is progressing well at this point. Staff is recommending approval, subject to the conditions set forth in the staff report, and the addition of the conditions presented during the Work Study session.

Commissioner Sossaman requested, regarding Stipulations/Conditions of Approval, to strike #6 and add language to #8 “FOR RESIDENTIAL COMPONENT”.

Chairman Schweitzer asked if the concerns raised by Canyon State Academy were worked out. Planning Manager Brittingham responded this issue has not yet been readdressed, because the buildings have not been presented for approval.

Applicant Ryan Desmond, Vestar Development Company, and project manager for Queen Creek Marketplace, addressed the Commission. Commissioner Atkinson questioned if there is a Property Owners Association that will manage public parking, and will there be private parking for specific areas?

Mr. Desmond responded there will be a POA to take care of common areas, including parking. Mr. Jeff Brown of Optimus Civil Design Group, added that every utility/parking/landscaping/drainage area is maintained by POA through CC&Rs for the entire center.

Planning Manager Brittingham noted that Sstipulation #3 addresses this issue.

Motion: **Commissioner Atkinson**

To approve SP06-035, “Queen Creek Marketplace”, subject to the stipulations presented in the staff report and revised during Work Study and Regular Session as follows:

2nd: **Commissioner Sossaman**

Vote: **All ayes. Motion carried (6-0) Perry absent.**

Commissioner Trapp-Jackson requested that the staff report consistently refer to the correct number of lots as 23 lots, not 21.

ADMINISTRATIVE ITEMS

12. **REVIEW** of the next month’s agenda items.
Planning Manager Brittingham presented the following projects, which are scheduled to be heard at the October 11, 2006 Planning & Zoning Commission Meeting:
 - 1) Church Farms
 - 2) Shoppes at Indigo Trails
 - 3) Danny’s Family Carwash
 - 4) Midfirst Bank at Power Marketplace II
 - 5) Schnepf wireless Communications T-Mobile Wireless
 - 6) Queen Creek Fiesta/DeRito Partners
 - 7) Belle Estates
 - 8) Barney Family Sports Complex

13. **REPORT** on Town Council Action.

Director of Community Development Condit reported on action taken at the August 16, 2006 Town Council, as follows:

- 1) LAM at Inverness Industrial Park;
- 2) DR Cresleigh Homes at Hastings Farms B
- 3) Reappointment of 3 P&Z Commissioners
- 4) Commencement of Public Comment Period for QC Library
- 5) Acceptance of ROW dedication from MCDOT with exception of Germann, Riggs and a portion of Power Road;
- 6) Paseo de Pecans
- 7) Sossaman Estates Community Center
- 8) First Improvement District – sale and issuance of bonds not to exceed \$57 million;

September 6, 2006

- 1) Updated annual contract with QC Chamber of Commerce
- 2) Facilitated team approach to develop the Community Economic Development Strategy with SRP;
- 3) New Economic Development Commission Members and Stakeholders (10/25 first meeting date)
- 4) Award of contract to Hunter Contracting in amount of approximately \$3 million for construction of Ocotillo sewer line;
- 5) Naming of new improvement district road: Ellsworth Loop Road;

14. **COMMUNICATION** from members of the Commission and Staff.

Planning Manager Brittingham reminded the Commission of the November 7, 2006 Special Public Hearing on the Proposed Major General Plan Amendments, as well as the ULI presentation on September 22, 2006 at ASU.

15. **ADJOURNMENT**

Motion: **Commissioner Ingram**

To adjourn the Meeting.

2nd: **Commissioner Sossaman**

Vote: **All ayes. Motion carried 6-0 (Perry absent).**

The Meeting adjourned at 8:34 P.M.

PLANNING AND ZONING COMMISSION

By: _____
Paul Schweitzer, Chairman

Laura Moats, Planning Assistant

I, Laura Moats, 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 September 13, 2006 Work Study of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 14th day of September, 2006.

Passed and Approved this 11th day of October, 2006