



**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION**

WHEN: WEDNESDAY, MARCH 8, 2006

WHERE: TOWN HALL COUNCIL CHAMBERS

TIME: 7:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Planning Commission

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

Absent

Commissioner Sossaman

Staff

Community Development Director Condit
Planning Manager Brittingham
Principal Planner Cady
Senior Planner McCauley
Planner Chambers
Plans Examiner/Inspector Ramos
Planning Assistant Moats

3. CONSIDERATION OF MINUTES

- Consideration of the February 8, 2006 Work Study and Regular Session Minutes.
- Consideration of the February 16, 2006 Special Commission Outline and Notes.

Commissioner Trapp-Jackson made a revision to the minutes/outline for February 16, 2006 Special Meeting.

Motion: **Commissioner Atkinson**

To approve the February 8, 2006 Work Study and Regular Session Minutes; and the February 16, 2006 Special Commission Outline and Highlights, with the additional note that Commissioner Trapp-Jackson provided comments for the record prior to the February 16th meeting.

2nd: **Commissioner Trapp-Jackson**

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

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 A TEXT AMENDMENT FOR NEIGHBORHOOD MEETING NOTIFICATION (TA02-05)** 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 Lumpkin presented the staff report, noting that this text amendment will add language to Article 3 of the Zoning Ordinance, as well as revise Article 4 & 5 of the Subdivision Ordinance to be more specific and detailed about where, when, how and who is notified for neighborhood meetings, and which cases qualify for neighborhood meetings. It is proposed to expand the types of cases that require a Neighborhood Meeting to include General Plan Amendments, zoning changes, site plans, plats, conditional use permits and PADs.

Commissioner Perry questioned how names and addresses are obtained, and asked if there's any language in the ordinance that states where the addresses should be obtained. Ms. Lumpkin responded, there is no specific language in the proposed ordinance; however, staff has made recommendations to developers and applicants to use the Maricopa County Assessor's records. Staff can amend the ordinance to include this language.

Commissioner Perry suggested this be included in order to alleviate the possibility of gaps in notification occurring.

There were no further questions or concerns from the Commission.

Chairman Schweitzer directed staff to draft language to include information on how to obtain addresses for the mailing notices. Chairman Schweitzer noted that he is proud of the Town of Queen Creek's meeting notification standards.

Chairman Schweitzer opened the Public Hearing was at 7:10 p.m. There were no public comments. The Public Hearing was closed.

Planning Manager Brittingham suggested the following language: add in two places on the Subdivision Ordinance under second page distributed during the break between Work Study and Regular Session: Mailing of the Notice: "The above noted property owners, neighborhood association and management association names shall be obtained from Maricopa County or Pinal County Assessor's office, as appropriate." This wording can be repeated in both sections, and added before forwarding to Council.

Planner Lumpkin clarified this will be included in both sections of the Subdivision Ordinance and Zoning Ordinance.

Motion: **Commissioner Perry**

To recommend approval of the proposed Text Amendment, TA 02-05, to the Zoning Ordinance and Subdivision Ordinance, with the addition of item D: "THE ABOVE NOTED PROPERTY OWNERS, NEIGHBORHOOD ASSOCIATION AND MANAGEMENT ASSOCIATION NAMES SHALL BE OBTAINED FROM MARICOPA COUNTY OR PINAL COUNTY ASSESSOR'S OFFICE, AS APPROPRIATE."; and that this additional language be applied to both the Subdivision Ordinance and Zoning Ordinance.

2nd: **Commissioner Ingram**

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

6. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON A TEXT AMENDMENT FOR LOT COVERAGE (TA01-06)** 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 presented the staff report, illustrating two components to the proposed text amendment, as follows:

- 1) Revision to lot coverage definition: clarifying the elements included in lot coverage calculation for residential purposes.
- 2) Revision to lot coverage standards from 15% to 20%.

The proposed addition to the definition for lot coverage is: "FOR ALL RESIDENTIAL PURPOSES, THIS SHALL INCLUDE COVERED PORCHES AND PATIOS, DETACHED GARAGES, ACCESSORY DWELLING UNITS, AND ALL OTHER ACCESSORY BUILDINGS OR STRUCTURES THAT REQUIRE A BUILDING PERMIT AND/OR IS LARGER THAN 120 SQUARE FEET."

Ms. Chambers stated the proposed text amendment is not out of context from other community standards and helps accomplish the Town's goals for unique development opportunities.

There were no questions from the Commission.

Chairman Schweitzer opened the Public Hearing at 7:15 p.m.

- 1) Dennis Ryerson, Pegasus Airpark: stated he is concerned about whether the building is a living quarter, hangar, dog house? What kind of living quarter. Too broad a term. Still thinks larger lot coverage is a good thing, but concerned with what type of buildings will be built.

Planning Manager Brittingham responded that staff has included a caption in the proposed language that states buildings greater than 120 square feet will require a building permit. The intent is for those structures that are large and have a roof area, require a building permit; and/or are greater than 120 square feet that will have an impact on the site: these types of structures will be counted towards 20%. The idea is to provide a more flexible use of property on larger lots.

- 2) Ronald In favor as a developer of Pegasus Airpark. In favor of increasing R1-43 to 20% which will benefit the entire Town.

The Public Hearing was closed at 7:16 p.m.

Motion by : **Vice-Chairman Shifman**

To recommend approval of TA01-06, as presented by staff.

2nd: **Commissioner Atkinson.**

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

7. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON A REZONING, PLANNED AREA DEVELOPMENT (PAD) AMENDMENT, AND SITE PLAN, LANDSCAPE PLAN AND BUILDING ELEVATIONS APPROVAL FOR CORNERSTONE AT QUEEN CREEK (RZ 17-05 AND SP 19-05).** A request from Ralph Pew of Pew & Lake, PLC, on behalf of Westcor Corporation, for the Cornerstone at Queen Creek, a 74 acre mixed-use development consisting of a 57 acre shopping center (approximately 389,000 square feet of building area) and a 17 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 in the vicinity of the northeast corner of Ocotillo and Ellsworth Roads and adjoining the southern right-of-way of Rittenhouse Road. **This case will be continued to the next scheduled Planning and Zoning Commission Meeting.**

Chairman Schweitzer brought the issue back to the Commission and asked for concerns.

Commissioner Perry and Vice-Chairman Shifman voiced the following comments which apply to the latest plans for both projects: The pedestrian areas fall short; the elevations lack uniqueness. Some aspects seem acceptable, while other areas are lacking.

Senior Planner McCauley noted the applicant has been working with staff in all aspects of moving this project forward and has been receptive, and will respond accordingly to comments made by the Commission.

Chairman Schweitzer opened the Public Hearing at 7:21 p.m. There were no public comments. The Public Hearing was closed.

Planning Manager Brittingham suggested a separate meeting be dedicated to these two cases, given the scale, intensity, and impact to the community. Staff is suggesting these projects be continued to April 11, 2006 (the night before the regular meeting on April 12, 2006). Staff also welcomed alternate suggestions from the Commission.

Motion: Commissioner Atkinson

To continue RZ17-05/SP19-05 Cornerstone at Queen Creek (Westcor) to the April 11, 2006 special meeting of the Planning and Zoning Commission.

2nd: Vice-Chairman Shifman

Discussion: Commissioner Ingram requested, since this is such a large application, the agenda packet and staff reports for the April 11th meeting be provided to the Commission earlier than the Friday before the Tuesday meeting, in order to ensure questions get answered between Commission, staff and applicant in a timely manner.

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Mr. Brittingham noted that given the scale of these projects, staff will provide the agenda information to the Commission in advance of the regular agenda packet. In addition, full-sized drawings will be provided in the packet.

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

8. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON A PLANNED AREA DEVELOPMENT (PAD) AMENDMENT, PRELIMINARY PLAT, SITE PLAN, LANDSCAPE PLAN AND BUILDING ELEVATIONS APPROVAL FOR QUEEN CREEK MARKETPLACE (RZ 18-05, SP 20-05 AND S 05-06).** 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 square feet of building area). The rezoning is to amend the current PAD with existing C-2 General Commercial underlying zoning and approval of a preliminary plat, site plan, landscape plan and building elevations. The project is located in the vicinity of the southeast and southwest corners of Rittenhouse Road and the proposed Ellsworth Loop Road. **This case will be continued to the next scheduled Planning and Zoning Commission Meeting.**

Vice-Chairman Shifman commented on the revised elevations that were presented to the Commission last month. She asked that the original elevations be brought back to the Commission, with staff's recommendations.

Chairman Schweitzer asked for any specific issues that need to be addressed by the Commission.

Commissioner Atkinson reiterated that the applicant should provide the elevations included with the original proposal before last month's elevations were brought forward.

Principal Planner Cady addressed the Commission, and stated staff and the applicant are working to come up with adequate designs and a site plan.

Commissioner Atkinson listed some of the concerns and suggestions made by the Commission, and asked for assurance that they have been addressed. Principal Planner Cady responded that staff and the applicant are aware of all comments given from the Commission.

Chairman Schweitzer opened the Public Hearing at 7:26 p.m.

1) Jose Galundo – 20937 E. Nightingale in Queensland Manor. Mr. Galundo owns a two-story house; the back yard backs to Mr. Barnes' runway. He has a clear view of both Vestar and Westcor. He stated Queensland Manor is the only subdivision affected by these projects. He is concerned for the kids who walk across the railroad tracks to go to the Circle K. These projects will present pedestrian traffic issues; light pollution; traffic; deliveries; asked Commission to consider all issues. Light pollution is a big issue. Neon lights are visible from liquor store.

Chairman Schweitzer thanked Mr. Galundo for his comments.

2) Aaron (last name unknown) - 20960 E. Saddleway, Queensland Manor; He is concerned with multi-family use of the property. As a resident of Queen Creek and close resident to this development, he is appealing that the developer stay away from apartment complexes in downtown Queen Creek. "Crime increases around these types of developments. Please try to consider what a multiple family development brings into a single family type community." He asked the Commission to discuss where resources will be spent in regards to law enforcement, etc.

The Public Hearing was closed at 7:33 P.M.

Motion: **Commissioner Ingram**

To continue RZ18-05/SP20-05/S05-06 to the Specially scheduled P&Z Meeting on April 11th.

2nd: **Vice-Chairman Shifman**

Discussion: **Commissioner Perry requested the start time of the Special Meeting. Mr. Brittingham clarified the Work Study will begin at 6:00 pm, and the Regular Session will begin at 7:00 p.m.**

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

ADMINISTRATIVE ITEMS

9. **DISCUSSION AND POSSIBLE ACTION ON A CONDOMINIUM PLAT APPROVAL FOR POWER MARKETPLACE PROFESSIONAL PLAZA (S 15-05)**. A request by Rahib Sarela of Emc2 Group Architects & Planners on behalf of Desert Shadows Holdings, LLC, for a Condominium Plat for Power Marketplace Professional Plaza. The project site has a zoning designation of C-2 General Commercial and is located in the Power Marketplace II Commercial Center located at the northeast corner of Power and realigned Rittenhouse Roads.

Senior Planner McCauley presented the staff report, stating the Town Council approved the Site Plan in November of last year. Mr. McCauley illustrated the conceptual layout plan for Lot 7 of the Power Marketplace Professional Plaza. Building A is 22,000 square feet, providing six condominiums. Building B is approximately 15,000 square feet, providing eight condominiums. There are 199 shared parking spaces. Staff's evaluation shows this proposal conforms to the Zoning Ordinance and Subdivision Ordinance; staff has not received any public comments, and is recommending approval of the project, subject to the conditions outlined in the staff report.

QUESTIONS FROM THE COMMISSION

Commissioner Atkinson asked for clarification on if this is a plat approval only (footprint of the buildings), as it includes a fairly detailed description.

Mr. McCauley responded that this is a plat approval only, since the Site Plan has already been approved.

There were no further questions from the Commission.

The applicant, Rahib Sarela of Emc2, addressed the Commission. There were no questions from the Commission. Mr. Sarela requested approval from the Commission.

Motion: **Vice Chairman Shifman**

To approve condominium plat for Power Marketplace Professional Plaza

2nd: **Commissioner Ingram**

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

10. **DISCUSSION AND POSSIBLE ACTION ON A SITE PLAN, PRELIMINARY PLAT, BUILDING ELEVATIONS AND LANDSCAPE PLAN FOR RETAIL CENTER, PHASE II (SP18-05/S04-06):** A request by Kurt Gibbs of Park/Gibbs Company for Bashas' Retail Center, Phase II, consisting of 41,322 square feet on 6.22 acres. The site is zoned C-2 and is located south of the southeast corner of Power and Chandler Heights Roads.

Plans Examiner Ramos presented the staff report. He pointed out the minor changes that staff feels do not necessitate reopening the PAD.

Mr. Ramos noted the original site plan incorporates two drive-thru pads; the improved site plan shows that Shops C and D are still multi-tenant; however, Shop C has been pulled away from the Major B. One of the drive-thru areas has been reworked. The square footage has been increased to provide a single tent structure. Another aspect is that the orientation for the drive-thru for Pad D was shifted to eliminate traffic stacking, and eliminate the possibility of headlights being focused on residential units. The applicant is providing two trellises that were not on the original site plan. The parking that was fronting Power Road on the original site plan has been eliminated.

Mr. Ramos illustrated the elevations and presented the recommended language, as suggested by the Commission during the Work Study session, regarding the south elevation.

The staff report stipulates that the corrugated rust roof will not drip onto the sidewalk, as a gutter will be added wherever there is a corrugated awning.

The large planting pots will be added to the irrigation system to help alleviate these planters being used as ash trays.

Mr. Ramos stated that a representative from Park/Gibbs development and the architect are both present in the audience.

Discussion ensued on stipulations that were discussed during the Work Study Session.

There were no further questions from the Commission.

The applicant addressed the Commission, and requested approval of the proposed project.

Motion: Commissioner Perry

To recommend approval of SP18-05/S04-06/Landscape Plan and Building Elevations for Phase II of the Retail Center, subject to all conditions set forth in the staff report, and the additional stipulations as follows:

Item #9: “Applicant shall provide a reciprocal ingress-egress easement document BETWEEN THIS PARCEL AND THE PARCEL TO THE IMMEDIATE NORTH for the Town’s review and acceptance. This easement shall apply in full to this site and shall be recorded prior to issuance of any building permits.

Item #14: “RETENTION AREAS LOCATED ALONG ARTERIAL STREET FRONTAGES SHALL BE DESIGNED WITH SIX (6) HORIZONTAL TO ONE (1) VERTICAL SLOPE RATIO, AND SHALL NOT OCCUPY MORE THAN 50% OF ANY LANDSCAPED AREA.

Item #18 – change “planning” to “planting”.

Adjustments for south elevation: “#20: “Applicant shall revise south elevation of “Major B” to include additional architectural detail and/or relief, TO BE RESOLVED WITH STAFF PRIOR TO COUNCIL APPROVAL.

Item #21 screening material: “ THE SCREENING MATERIAL USED ON THE “OUTDOOR SALES” AREA OF “MAJOR B” SHALL NOT INCLUDE THE USE OF FABRIC MESH AND SHALL BE REVISED TO SHOW WROUGHT-IRON OR EQUIVALENT MATERIAL APPROVED BY STAFF PRIOR TO COUNCIL APPROVAL.”

2nd: Commissioner Trapp-Jackson

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

11. **DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR SITE PLAN, LANDSCAPE PLAN AND BUILDING ELEVATIONS APPROVAL FOR BURGER KING AT POWER MARKETPLACE (SP 01-06)**. A request from Mark Abel of Mark Abel Architects on behalf of Broatch Management for a Burger King restaurant. The project site is in the Power Marketplace I Commercial Center located at the northeast corner of Germann and Power Roads and has a zoning designation of C-2 General Commercial.

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Senior Planner McCauley presented the staff report. The site is approximately 1.17 acres. The building elevations were illustrated. The drive-thru lane is located on the northern perimeter of the site. Staff's evaluation shows this proposal is consistent with the Zoning Ordinance, General Plan, and Power Marketplace design guidelines. Staff has not received public comments, and recommends approval of the project as proposed, subject to the conditions set forth in the staff report.

Chairman Schweitzer noted the Commission's concerns pertaining to the decorative lighting at the drive-thru, which were addressed during the Work Study Session. Mr. McCauley noted the applicant has no concerns.

Chairman Schweitzer also stated the Commission's concern about the curb cut on the right-hand or left-hand turn onto Power Road. He requested a stipulation be added stating the exit area of the drive-thru shall be modified through either signage or modification of the landscape island to the north, or possibly shortening the drive-thru lane to make a bigger turning radius.

Commissioner Trapp-Jackson reiterated her concern for safety related to trying to exit from driveway of drive-thru and then to turn left or right. Large vehicles or trucks with trailers will have safety compromised. She suggested that either the landscaping area be shortened, or the berth of the drive-thru lane be widened to make the right-turn edge wider.

Commissioner Ingram stated he is concerned about lights protruding at drive-thru and compromising high-profile vehicles.

The applicant's addressed the Commission to respond to the stated concerns:

- 1) Turning out of drive-thru driveway : width is 14 feet wide.
- 2) A traffic study was completed with staff for cars entering and exiting the Burger King site. Analysis was a maximum of one car per minute exiting and making this turn. This should not be a point of congestion. The applicant agreed it would be a good idea to pull landscape island back a couple feet.
- 3) Lighting: the challenge for the applicant is that as far as they know, there's only one decorative lighting fixture that's been approved for Power Marketplace, which is the Gooseneck design. This style stems 2 ½ to 3 feet off the face of the building. Taller vehicles will hit these lights. If the fixtures were set higher for needed clearance, they'd be 14 or 15 feet in the air, and would look out of place. This is not a lighting issue. The decorative lighting was a recommendation made by staff. None of the lights protrude at the drive-thru location. They protrude at other locations.

Commissioner Atkinson asked if additional decorative lighting fixtures stipulated in #6 of the staff report are in addition to what's being shown on the presentation? Mr. McCauley responded yes, and pointed out the lighting fixtures shown on the plan.

Motion: Commissioner Trapp-Jackson

To recommend approval of SP01-06 Site Plan, Landscape Plan, and Elevations for Burger King at Power Marketplace, subject to stipulations #1-5, deleting current #6, and adding new #6 to read: APPLICANT WILL WORK WITH STAFF AND TRAFFIC ENGINEER TO RE-EVALUATE TRAFFIC INGRESS/EGRESS AT DRIVE-THRU. DETAILS OF DRIVE-THRU SHALL BE REVISED WITH STAFF APPROVAL PRIOR TO TOWN COUNCIL FINAL APPROVAL.

2nd: Commissioner Atkinson

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

12. **REVIEW** of the next agenda cases.

Planning Manager Brittingham noted the following cases for the April 11 and 12, 2006 Planning Commission Meetings:

1) April 11, 2006 Special Meeting for Vestar and Westcor Projects;

Regular Meeting on April 12, 2006:

- 1) Emperor Estates IV West, Design Review case;
- 2) William Lyons Homes Design Review case;
- 3) Holmes Homes - may not be on the agenda. Meeting with architect for further modifications.
- 4) Charleston Estates;
- 5) Mahoney Real Estate;
- 6) Village Shops at Queen Creek/Sierra Park;
- 7) VIP Homes at Emperor Estates (tentative)

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

Community Development Director Condit reported on action taken at the February 15th Town Council Meeting:

- 1) 10-year service award to Yolanda Bracamonte;
- 2) Consent Calendar: Sossaman Estates III A and B.; Emperor Estates, IV East; IGA with Pinal County for construction of roadway improvements at Ellsworth and Empire (J-curve); Final Plat for Villages at QC, II;
- 3) Development Fee Increases (ordinance approvals). Will be implemented on May 18, 2006;
- 4) Cottage at QC Boutique on Ellsworth Road;
- 5) PMP Business Park, 25 industrial lots.
- 6) Vaquero Estates (Recker and Ocotillo)
- 7) \$11.8 million loan for library project

March 1, 2006 TC Meeting.

- 1) Arizona State Parks Heritage Fund presented checks totaling \$1.5 million in grants for improvements.
- 2) Consent Calendar: Chamber of Commerce lease agreement moving into Town's old annex building;
- 3) Presentation on proposed round-about at Chandler Heights and Power Roads.
- 4) IGA Pinal County, Maricopa County and QC for Hawes/Hunt Roads intersection improvements;

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

Chairman Schweitzer noted the deadline for the Chamber of Commerce Fundraiser – golf tournament is March 14th.

Vice-Chairman Shifman thanked staff for the revised format of the Work Study Session.

15. **ADJOURNMENT**

Motion: Commissioner Perry

To Adjourn.

2nd: Commissioner Atkinson

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

The meeting adjourned at 8:15 p.m.

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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 March 8, 2006 Regular Session of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 9th day of March, 2006.