



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
October 3, 2012
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:25pm.

2. Roll Call (one or more members of the Council may participate by telephone)

Council Members present: Barnes; Gad; Oliphant; Wheatley; Vice Mayor Benning and Mayor Barney. Council Member Brown was absent.

3. Pledge of Allegiance: Led by Mayor Barney

4. Invocation: Pastor Ben Lee, Living Waters Bible Church

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

- Proclamation – Operation Wounded Warrior Weekend October 4-7, 2012

6. Committee Reports

A. Council summary reports on meetings and/or conferences attended. This may include but is not limited to Phoenix-Mesa Gateway Airport; MAG; East Valley Partnership; CAAG. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

Vice Mayor Benning:

Arizona Planning Association Conference September 20-21, 2012: Vice Mayor Benning reported on the conference held in Flagstaff and the sessions he attended.

Maricopa Association of Governments Executive Board - September 26, 2012.

Central Arizona Governments Regional Council – September 26, 2012.

Maricopa Association of Governments – trip to Salt Lake City, UT to discuss modes of public transportation and transit oriented development. Mayor Barney also participated.

Council Member Wheatley reported on her attendance at the National League of Cities Leadership Summit September 19-21, 2012 in Boston, MA.

**Minutes for the Regular Session
Queen Creek Town Council
October 3, 2012
Page 2**

Mayor Barney attended the Maricopa Association of Governments Economic Development Committee on October 2, 2012. Two reports were presented and discussed: Freight Transportation Framework Study and Economic Development Roundtable with the U.S. Department of Commerce.

B. Partner agencies quarterly or periodic updates to Council. This may include but is not limited to Queen Creek Chamber of Commerce; Queen Creek Performing Arts Center; Boys & Girls Club of East Valley; and Maricopa or Pinal County Board of Supervisors or other governmental agencies. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

None.

7. 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.

8. Consent Calendar: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the August 24-25, 2012 Council Retreat Minutes.

B. Consideration and possible approval of the September 19, 2012 Work Study and Regular Session Minutes.

C. Consideration and possible approval of the 3rd Amendment to the Services Contract with In-Pipe Technology Company in the amount not to exceed \$38,800 for sewer odor and corrosion control services.

D. Consideration and possible approval of Work Order No. 002 to CPC Construction, Inc. (Contract 2011-081) in the amount not to exceed \$31,055.60 for the construction of the Ocotillo Sidewalk Project.

E. Consideration and possible approval of Work Order No. 003 to CPC Construction, Inc. (Contract 2011-081) in the amount not to exceed \$52,250 for construction of the Town Center Sidewalk Gap Improvements Phase 1.

**Minutes for the Regular Session
Queen Creek Town Council
October 3, 2012
Page 3**

F. Consideration and possible approval of **DR12-067 “Maracay Homes at Villagio”**, a request by Alex Holmquist of Maracay Homes for approval of six (6) new floor plans with three (3) elevations each to be constructed on 135 lots in the Villagio Subdivision located at the southeast corner of Queen Creek and Sossaman Roads.

G. Consideration and possible approval of the Notice of Intention setting the time (7pm) and the date (December 5, 2012) for the Public Hearing to modify water account service fees and construction water rates. *The Notice of Intent does not include adjustments to residential and commercial utility rates.*

*H. Public Hearing and possible *continuance* of **RZ12-057/SD12-058 Ocotillo Heights, Phase 2**. A continuance to the November 7, 2012 Council Meeting has been requested.

Motion to approve the Consent Calendar as presented
(Wheatley/Barnes/Unanimous)

PUBLIC HEARINGS: If you wish to speak to the Council on an item listed as a Public Hearing, 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.

9. Public Hearing and possible action on **RZ12-061/SD12-062/DR12-066, “Cielo Noche” – Ordinance 519-12** a request submitted by Greg Davis of iPlan Consulting on behalf of K Hovnanian Homes for a request for rezoning from R1-8 PAD to R1-7 PAD, a preliminary plat for 164 lots on 63 acres in addition to a request for Design Review approval of 7 (seven) floor plans with 3 (three) elevations each. The property is located at the southwest corner of Hawes Road and Queen Creek Road.

Planner Williams reviewed the rezoning request, preliminary plat and design review for Cielo Noche, a portion of the Emperor Estates masterplan. Mr. Williams discussed the applicant’s request for R1-7 PAD zoning; gated community; minimum lot size of 65’x125’ and increased lot coverage to 48% for one plan only and an increase to the the garage face plane to 43%. Mr. Williams stated that the preliminary plat and landscape plans are consistent with the original approvals.

Mr. Williams provided additional information on the gated community request, showing the original three interconnections to other parcels and reviewed the gate and wall designs as well as open space amenities that include tot-lots, firepit and armadas.

Mr. Williams presented the building elevations and noted that Plan 5003 is the largest single-story home in the series and the applicant is requesting a lot coverage increase to 48% for this plan only.

Mr. Williams reviewed the public comment at the Planning and Zoning Commission meeting regarding park size, access to open space, concerns with two-story homes adjacent to the open space and the remnant roadway that would not be used. He stated that the Planning and Zoning Commission recommended approval and supports

Minutes for the Regular Session
Queen Creek Town Council
October 3, 2012
Page 4

the increased garage face plane but believes the Council should address the issue further. Commission's additional recommendation was to improve the appearance of the former interconnections (pavement), which Mr. Williams stated a stipulation was added to address that issue.

Greg Davis, of iPlan, representing the applicant, provided a presentation also. He stated that the project would provide 2.76/dua and 24.8% open space which meets and exceeds the General Plan requirements. He added that the rezoning request wasn't to reduce lot sizes. Mr. Davis highlighted some of the unique features of the proposal:

- Gated community –
- Enhanced entrance features and streetscapes
- Larger buffer landscape tract with shade trees on the southern boundary
- Single-story homes on lots closest to the adjoining neighborhood
- Park amenities

Mr. Davis also addressed the request to increase the garage face plane to 43% which would allow 2x6 construction, architectural elements and more interior garage space. He added the request applies only to certain elevations.

The Public Hearing was opened.

Karen Fabritiis, Queen Creek, (Roman Estates) spoke in support of the development. She stated that she believes the dumping of dirt and debris will stop. She also stated that the developer held several meetings with Roman Estates and feels that a gated community will also benefit Roman Estates by having less traffic through the neighborhood.

The Public Hearing was closed.

Council discussed at length the request for the increase to 43% garage face-plane, asking if not approved whether the product would be redesigned and what the estimated number of floorplan 5003 would be built. Mr. Davis responded that if not approved, the construction would most likely be 2x4 rather than 2x6 and that approximately 30% of the homes in the one parcel plan 5003 is offered would be that plan. Council asked for additional information on how 2x6 construction affects the garage face plane.

Kristin Howe, representing KHovnanian Homes, explained that with 2x6 construction, garage recess & reveal and accommodating the additional architectural features, it doesn't all fit within the 40% requirement.

There was additional discussion on gated communities, lot coverage and architectural design elements. The possibility of a continuance to allow further discussion on policies & issues was discussed. Additional discussion on gated communities was in regard to traffic calming.

**Minutes for the Regular Session
Queen Creek Town Council
October 3, 2012
Page 5**

Mr. Davis commented that policies go beyond the proposed project and apply community-wide. He said he would prefer to withdraw the two requests of 43% garage face-plane and 48% lot coverage in order to have the project approved. Council asked for clarification on what would happen to the Plan 5003 if those deviations were removed.

Mr. Davis responded that while a discussion needs to continue on addressing the design standards, the applicant would like a decision on the proposed Cielo Noche.

Council asked if the applicant would be agreeable to removing the gated community request. Mr. Davis requested time to speak with the applicant.

The meeting was recessed from 8:45pm – 8:50pm.

Mr. Davis responded that the gate is a crucial element of the development and requested a two-week continuance to address the other concerns.

Council further discussed prior approvals of gated communities and how the gates were operated.

Motion to approve RZ12-061/SD12-062/DR12-066, “Cielo Noche” – Ordinance 519-12 a request submitted by Greg Davis of iPlan Consulting on behalf of K Hovnanian Homes for a request for rezoning from R1-8 PAD to R1-7 PAD, a preliminary plat for 164 lots on 63 acres in addition to a request for Design Review approval of 7 (seven) floor plans with 3 (three) elevations each with the additional stipulation that Plan 5003 must be redesigned to not exceed 45% lot coverage (Gad) MOTION FAILED DUE TO LACK OF SECOND

Motion to approve RZ12-061/SD12-062/DR12-066, “Cielo Noche” – Ordinance 519-12 a request submitted by Greg Davis of iPlan Consulting on behalf of K Hovnanian Homes for a request for rezoning from R1-8 PAD to R1-7 PAD, a preliminary plat for 164 lots on 63 acres in addition to a request for Design Review approval of 7 (seven) floor plans with 3 (three) elevations with the stipulation that all floorplans comply with the 40% garage face plane and 45% lot coverage (Benning/Oliphant/6-1 (Barnes) MOTION PASSED.

As part of the motion, staff was directed to re-visit garage width and lot coverage definitions and standards. Town Manager Kross requested that staff be given time to bring back design standards for discussion.

FINAL ACTION: If you wish to speak to the Council on an item listed under Final 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.

10. Discussion and possible approval of **Resolution 910-12** adopting the revised Economic Development Strategic Plan.

**Minutes for the Regular Session
Queen Creek Town Council
October 3, 2012
Page 6**

Economic Development Director Doreen Cott reviewed the current strategic plan approved in 2007 and the successes, challenges, opportunities within the community and pilot programs that resulted from the plan. Ms. Cott explained that the proposed revised plan is a 3-year plan and aligns with the Council Strategic Plan and includes more diversification of the economic base and strengthens the Queen Creek brand. Ms. Cott also explained that the Economic Development staff develops action plan/work plan to implement the goals & objectives of the Strategic Plan.

Council discussed the targeted industry sectors and the possibility of adding a new sector that emphasized family/youth/children activity destinations and the type of businesses that typically cluster together in this area.

Motion to approve Resolution 910-12 adopting the revised Economic Development Strategic Plan as presented with the addition a new targeted industry sector “family/youth/children activity destinations”
(Gad/Oliphant/Unanimous)

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

11. Discussion on an intergovernmental agreement with the Town of Gilbert for household hazardous waste services.

Management Assistant Ramona Simpson discussed the dangers of improper disposal of household hazardous waste and the Town’s limited programs that include special events several times a year. Ms. Simpson reviewed programs that other cities use and presented a proposal for a pilot program for Queen Creek through an intergovernmental agreement with the Town of Gilbert. Ms. Simpson reviewed the requirements for the “voucher system” and fees charged to the Town, not the resident directly. The program would be available year round at Gilbert’s Southeast hazardous waste collection site at Greenfield and Queen Creek Roads.

Ms. Simpson said the pilot program has budget funds available in FY12-13 and will be monitored for use/demand in order to budget for the next fiscal year.

Council asked for clarification on whether the resident is required to pay for the voucher. Ms. Simpson responded no, and that the costs for the program are included in the overall solid waste trash program.

Further discussion was in regard to possible misuse of the program by contractors or businesses; the Town’s lack of holding facilities to collect larger amounts of household hazardous waste; and monitoring and reporting of materials dropped off at the collection site.

Town Manager Kross added that more detailed information on the program would be provided.

**Minutes for the Regular Session
Queen Creek Town Council
October 3, 2012
Page 7**

Council directed staff to move forward with the pilot program.

12. Motion to adjourn to Executive Session: The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

Council reconvened to Executive Session at 9:50pm.

13. Adjournment

**Motion to reconvene and adjourn the Regular Session at 10:40pm
(Barnes/Gad/Unanimous)**

TOWN OF QUEEN CREEK

Gail Barney, Mayor

Attest:

Jennifer F. Robinson, MMC

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 October 3, 2012 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, MMC

Passed and approved on November 7, 2012.