



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

**WHEN: THURSDAY DECEMBER 13, 2012**

**WHERE: ZANE GREY ROOM, QUEEN CREEK LIBRARY**

**TIME: 7:00 p.m.**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Queen Creek Planning and Zoning Commission and to the general public that the Queen Creek Planning and Zoning Commission will hold its Regular Session Meeting open to the general public on **THURSDAY DECEMBER 13, 2012 AT 7:00 P.M.** in the Zane Grey Room at Queen Creek Library located at 21802 South Ellsworth Road, Queen Creek, Arizona.

**AGENDA**

1. **Call to Order:** Chairman Sossaman called the meeting to order at 7:03 p.m.

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

**PRESENT**

Chairman Steve Sossaman	Vice-Chairman Steve Ingram
Commissioner Debbie Reyes	Commissioner Dr. Alex Matheson
Commissioner Ryan Nichols	Commissioner Gregory Arrington

**ABSENT**

Commissioner Kyle Robinson

**TOWN STAFF**

Wayne Balmer	Dave Williams	Ryan Wozniak	Laura Catanese
Planning Administrator	Senior Planner	Planning Technician	Senior Administrative Assistant

3. **Public Comment:** There were no public comments.

4. **Consent Agenda:** Matters listed under the Consent Agenda 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 Chairman will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Commission and/or staff may remove any item for separate consideration.

- Consideration and Possible Approval** of the November 14, 2012 Work Study and Regular Session Minutes.
- Consideration and Possible Approval of DR12-107**, Ocotillo Heights, Phase I (Richmond American Homes), a request for design approval of 5 floor plans with 3 elevations each. The property is located at the southwest corner of Signal Butte and Ocotillo roads.
- Consideration and Possible Approval of DR12-081**, Charleston Estates, (Standard Pacific Homes), a request for design approval of 6 floor plans with 3 elevations each. The property is located at the northwest corner of Signal Butte and Ocotillo roads.

\*Commissioner Nichols pulled Item A because of an error in the meeting minutes.

\*\*Chairman Sossaman pulled Item B because specific lots backing Ocotillo Road were not identified for Conditions of Approval #4 in staff's recommendation (see staff report).

**MOTION: Commissioner Matheson**

To approve Item C on the Consent Agenda, as presented.

**2<sup>nd</sup> MOTION: Commissioner Arrington**

**VOTE:** All Ayes. **Motion carried 6-0.**

**MOTION: Commissioner Reyes**

To approve Item B on the Consent Agenda, with the following stipulations:

Lots 1-6 and lots 146-151 shall adhere to the Conditions of Approval, #4, which states:

*“No more than 1 in 3 homes backing Ocotillo Road shall be 2-story with no more than two 2- story homes side by side.”*

**2<sup>nd</sup> MOTION: Commissioner Matheson**

**VOTE:** All Ayes. **Motion carried 6-0.**

**MOTION: Commissioner Nichols**

To approve Item A on the Consent Agenda, as presented (no error in the minutes was found).

**2<sup>nd</sup> MOTION: Commissioner Arrington**

**VOTE:** All Ayes. **Motion carried 6-0.**

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

\* *All General Plan Amendment presentations were given by Wayne Balmer, Planning Administrator.*

\*\**Chairman Sossaman informed the Public that the Commission would be discussing Items 5-10 ONLY and that no action would be taken on them.*

5. **Public Hearing and Discussion on GPA12-047, Box Canyon, a staff initiated request to amend the text and add a new Goal 6 to the San Tan Foothills Element of the Queen Creek General Plan, increasing the permitted residential density to 1.8 du/ac in Master Planned Communities, and providing environmental guidelines for Master Planned Communities.**

Under this proposal, overall density of 1 dwelling per acre is being proposed for increase to 1.8 dwellings per acre in recognition of the exceptional infrastructure and development constraints that will affect the future use of the property. There is not a specific development proposal available for review in conjunction with this request. In the future, additional information would be provided on how the proposed “Master Planned Community” would be developed, including the proposed uses, and the planned infrastructure system. The intent of this amendment is to provide an additional General Plan Goal to provide guidance for the future development process.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

There were no questions/comments from the Commission.

**PUBLIC HEARING**

Chair Sossaman opened the Public Hearing at 7:19 p.m.

**Gordon Brown, 1894 W. Judd Road, Queen Creek, AZ 85142**

**Opposed:** The citizen guided vision for the Town’s General Plan is lost. Although the Town needs revenue, this amendment change is bad business and an arrogant disregard of the will of the Box Canyon area residents.

**Stu Searing, 33682 N. Bell Road, Queen Creek, AZ 85142**

**Opposed:** There are 48 property owners near the site and only 2 are represented in the group that wants to develop Box Canyon. This amendment lacks any specificity as to what the development will be. What is going to be built on this site? How will residents nearest to this site be protected?

**Regina Whitman, 34462 N. Lazy Loop Queen Creek, AZ 85142**

**Opposed:** In 1989 the Town listened to the (area) land owners. Now we are being betrayed in the name of profit. Those that will be affected most by this amendment are not being consulted. Building on this land will destroy open space. The people voted that this should remain a low density area. Please, do not betray the residents of this Town by voting for this amendment change.

**Sylvia Centoz, 26226 S. Hawes Road, Queen Creek, AZ 85142**

**Opposed:** Brought forth a “no development for Box Canyon” petition in 1989. Referenced an aerial shot of the area that shows 5 dump sites. The Commissioners that were not a part of the Planning and Zoning Commission in 1998 do not know about the early petition or that the residents were opposed to development in 1998. Why build on top of dump sites? Concerned for public safety.

**Troy Peterson, Representing Box Canyon Property Owners**

**In Favor:** Passing this General Plan Amendment is just the next step in a long, deliberate (development) process. This is a special piece of property and one of the best land areas in the southwest. Other communities have achieved this land use. Forty percent (40%) of the land will be preserved as “natural” and 1.8 density is conservative designation.

*\*The following individuals were not present at the meeting but asked that their comments become a part of the official record.*

**Thomas Lang & Valerie Reed, 6875 W. Hunt Highway, Queen Creek, AZ 85142**

**Opposed:** Please reject this amendment to change the density of the Box Canyon area. There are other locations with Town limits to place a resort. The Box Canyon area does not have the necessary infrastructure to handle an increase in traffic a resort would bring. Nor are the proper utilities in place. Development of this type would be a detriment to area residents and disturb the natural environment.

Chairman Sossaman closed the Public Hearing for GPS12-047, Box Canyon at 7:39 p.m.

**6. Public Hearing and Discussion on GPA12-048, Bello, a request by Greg Davis on behalf of Arcus Private Capital Solutions to amend the General Plan Land Use Map for 122 +/- acres at the northeast corner of Ellsworth and Empire roads from Very Low density Residential (0-1 dwellings per acre) to Low Density Residential (0-2 dwellings per acre).**

The applicant is proposing to modify the approved plan to develop a subdivision of 182 lots which will require both an amendment to the General Plan to authorize a change to Low Density Residential (0-2 dwellings per acre) and later rezoning of the property. During 2007-8 General Plan discussions, there was significant discourse about the Town’s retention of one acre lots, particularly in areas with an equestrian presence. This resulted in most of the Town southwest of the Sonoqui Wash being designated Very Low Density Residential (0-1 du/ac). As a result of the changing economic conditions since 2004, the applicant is requesting reconsideration of both the existing General Plan designation and the R1-35 zoning through submittal of this case and rezoning case RZ12-077 (dependent upon approval of this General Plan amendment).

Staff is recommending the increase in density be limited to 1.5 dwellings per gross acre, or 178 units. The intent is to allow a somewhat increased density, while still allowing an appropriate transition to Pegasus Airpark to the east and retaining the “low density residential” character the Town Council intended when the General Plan was originally approved. The existing project is no longer viable, and a project with smaller lots can still provide a distinct character consistent with the goals of the General Plan, compatible with the character of the surrounding area.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

**Commissioner Nichols:**

**Approval of this General Plan Amendment would revise the density recommendation for land use but the rezoning case will actually set a specific density allowance for the subdivision, correct?**

Yes, that is correct.

**APPLICANT PRESENTATION**

**Jason Barney, Arcus Capital Solutions, 1459 E. Baseline Road, Mesa, AZ 85204**

**In Favor:** After researching the flight patterns at Pegasus Airpark, we refocused our plan to increase public safety and there are now only a few lots near the excursion area. This will be a high end housing product with improved landscaping. We will present the full list of improvements at Monday's meeting.

**PUBLIC HEARING**

Chair Sossaman opened the Public Hearing at 7:46 p.m.

**Sylvia Centoz, 26226 S. Hawes Road, Queen Creek, AZ 85142**

**Neutral:** I am not in opposition to this General Plan Amendment (GPA12-048). Expressed concern over Indian ruins found on the corner property. Human remains were found in the north parcel. Advised the Commission that more archeological research was needed before construction.

**Fred Olson, 21903 E. Stacey Road, Queen Creek, AZ 85142**

**Opposed:** The homes in the proposed subdivision will be built too close to the Pegasus Airpark runway. Concerned for public safety and thought doubling the density in this area was unwise.

**Chairman Sossaman: How close will the homes be to the runway?**

**Mr. Olson:** The homes will be closer to the runway than the taxiway is to the hanger. This will make for a very noisy area.

Chairman Sossaman closed the Public Hearing for GPS12-048, Bellerio at 8:00 p.m.

- 7. Public Hearing and Discussion on GPA-12-049, Queen Creek Station, a request by the Rose Law Group on behalf of Fulton Homes to amend the General Plan Land Use Map for 503 +/- acres of the Queen Creek Station project's 1,139 acres located on both sides of Ellsworth Road between Germann and Queen Creek roads from Employment B to Medium High Density Residential –A (3-5 du/ac), Mixed Use to Medium High Density Residential –A (3-5 du/ac), Very Low Density Residential (0-1 du/ac) to Medium High Density Residential –A (3-5 du/ac), Medium High Density Residential B (3-8 du/ac) to Medium Density Residential –A (3-5 du/ac) and Medium High Density Residential –B (3-8 du/ac) to Mixed Use. Amendment of the Transportation and Circulation Element of the General Plan is also requested to reflect that Ellsworth and Queen Creek roads retain their current alignments.**

This request incorporates several significant changes to the General Plan that were approved as part of the Queen Creek Station project in 2007. The original design included substantial commercial and mixed use areas. Two new categories were developed for the original project:

- A. MHDR-A = Medium High Density Residential Type A (up to 5 dwellings per acre)
- B. MHDR-B = Medium High Density Residential Type B (up to 8 dwellings per acre)

Significant, multi-faceted public outreach efforts for this case have been made by the Town and Fulton Homes, including letters to property owners within 1200' of the project site, public hearing notices were placed in the newspaper, and public hearing notice signs were placed onsite. The net result of the

requested changes is that many of the elements that made the present Queen Creek Station project “unique” will be replaced by a new development concept that emphasizes *current* development trends and more typical types of land uses. The applicant proposes:

- Retention of Ellsworth and Queen Creek roads in their current alignments, rather than relocating them further north and east. By retaining Queen Creek Road on its' current alignment there will be a 1,400' offset between Queen Creek Road and the new road to the north. This offset will both increase traffic on Ellsworth Road, and reduce traffic on the new road further north.
- Reduce the amount of Mixed Use development proposed, and relocate the existing Neighborhood Commercial location to the northeast corner of Ellsworth and Queen Creek roads, across from Queen Creek Middle School.
- Reduce the amount of Very Low Density Residential (0-1 du/ac) adjacent to single family residential areas to the north and south of the project.
- Reduce the amount of Employment A and replace it with Medium High Density Residential A (up to 5 du/ac).
- Replace most of the Very Low Density Residential (up to 1 du/ac) and all the Medium High Density Residential B (up to 8 du/ac) with Medium Density Residential A (up to 5 du/ac).

Fulton Homes has acquired 230 acres on the west side of Ellsworth Road and would like to proceed quickly into development. The other land owners are not yet ready to proceed. In order to address these road alignment and land use questions which affect their property, Fulton Homes as applied for this General Plan amendment not only on their behalf, but on behalf of all owners within the entire original Queen Creek Station project; the only exception being the Juwi Solar facility.

Staff recommends the proposed modification of the Transportation and Circulation Element be **approved** as proposed. Staff recommends the proposed modifications to the Land Use Element be **approved, with the following exceptions:**

1. The proposed change from the proposed changes from Employment B, Mixed Use, Very Low Density Residential (up to 1 du/ac) and Medium High Density Residential B (up to 8 du/ac) to Medium High Density Residential –A (up to 5du/ac). Staff would recommend these proposed changes **be to the Medium Density Residential (up to 3 du/ac) land use classification** in lieu of the Medium-High Density Residential-A (up to 5 du/ac) classification requested.
2. The Employment A to be reconfigured to **retain 30 acres** at the northeast corner of the proposed Queen Creek Parkway and Ellsworth Road.

Fulton Homes has acquired 230 acres on the west side of Ellsworth Road and would like to proceed quickly into development. The other land owners are not yet ready to proceed. In order to address these road alignment and land use questions which affect their property, Fulton Homes as applied for this General Plan amendment not only on their behalf, but on behalf of all owners within the entire original Queen Creek Station project; the only exception being the Juwi Solar facility.

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2. The Employment A to be reconfigured to **retain 30 acres** at the northeast corner of the proposed Queen Creek Parkway and Ellsworth Road.

**APPLICANT PRESENTATION:** Jordan Rose, Rose Law Group

Jordan Rose of the Rose Law Group spoke on behalf of the property owners. The applicant's proposal has changed since the November 5 presentation to the Commission. The revised proposal is now in agreement with staff recommendations, and no employment area will be lost. Fulton Homes has received 15 letters of support for their proposal. The Town's Economic Development and Town Center Commissions support the proposal and reduction of Mixed-Use area. Paul Basha; EPS Group Traffic Consultant, stated that it was no longer necessary to angle Queen Creek Road and that it would offer no regional benefit to do so.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

**Commissioner Nichols: Regarding the overall land use area for the Town, what is the percentage of land dedicated to Employment?** Fifteen percent (15%) of the incorporated Town planning area is dedicated to Employment, excluding 5 square miles of land to the far northeast that is part of the State Trust Land.

**PUBLIC HEARING**

Chair Sossaman opened the Public Hearing at 8:32 p.m.

**Sylvia Centoz, 26226 S. Hawes Road, Queen Creek, AZ 85142**

**Opposed:** The land on Sossaman Road (triangle shape on map) was used in the past for a pet cemetery. It was rumored that anthrax was used. Construction in this area may release poisonous spores into the air and create a public health hazard. MCSO has also recovered human remains on the property. There needs to be a larger buffer between the subdivision and Mini Farms. Necessary open space is threatened by a Mixed-Use density designation.

**Ray Epps, 20235 E. Superstition Drive, Queen Creek, AZ 85142**

**Opposed:** Town growth is expected; the issue is peaceful coexistence between neighbors. A larger buffer is needed between the subdivision and the Mini Farm residents. Please pressure Council to reject this amendment change.

**Aaron Kutchinsky, 24293 S. 197<sup>th</sup> Street, Queen Creek, AZ 85142**

**In Favor:** Supports GPA12-049. Fulton Homes builds a quality product that will enhance Queen Creek.

**Derek Neighbors, 21469 E. Lords Way, Queen Creek, AZ 85142**

**Opposed:** Lowering the density will cost Queen Creek thirty (30) million in lost revenue, something Queen Creek can ill afford. Why is there such a rush to pass this amendment change? The developer chose to purchase the property knowing its' current zoning designation. The original General Plan for the area had real vision and character.

**Craig Crowley, 21064 E. Avenida Del Valle, Queen Creek, AZ 85142**

**In Favor:** Looking forward to seeing the quality product Fulton Homes will bring to Queen Creek.

*\*The following individual was not present at the meeting but asked that his comment become a part of the official record.*

**Larry Motter, Owner of Julienne's Salon & Spa and President of the Old Town Queen Creek Alliance**

**In Favor:** Supports GPA12-049. This amendment change is a more compatible plan than the current General Plan. The reduction of Mixed-Use designated land will help support existing businesses in Town and allow them to grow. If the Town continues with the current General Plan, the economic

viability of Town Center businesses is likely to fail. Another large (box) retail commercial venture will shut down Old Town Center business establishments.

Chairman Sossaman closed the Public Hearing for GPS12-049, Queen Creek Station at 8:45 p.m.

**8. Public Hearing and Discussion on GPA12-050, Aggregate Resources, a staff initiated request to add a new Goal 6 to the Environmental Planning Element of the Queen Creek General Plan dealing with the identification and preservation of aggregate materials.**

Earlier this year the Legislature approved Senate Bill 1598 and it became effective on June 30, 2012 when Governor Brewer signed it into law. One of the provisions of SB 1598 required local communities to identify areas containing aggregate resources (sand, gravel, rock, decomposed granite, etc.) on their General Plan and to establish policies to protect these resources from encroachment by potentially incompatible land uses. Staff is proposing a new Goal 6 be added to the Environmental Planning Element of our General Plan to establish a process for identification, for use, and for preservation of aggregate resources within the Town's Planning Area.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

There were no questions/comments from the Commission regarding GPS12-050, Aggregate Resources. No Request to Speak cards were received for GPA12-050, Aggregate Resources.

**9. Public Hearing and Discussion on GPA12-051, Realignment and Construction of Signal Butte & Meridian Roads, a staff initiated request to add a new Goal 8 to the Transportation and Circulation Element of the Queen Creek General Plan related to the realignment of Signal Butte Road.**

The Town in conjunction with Maricopa County and the City of Mesa undertook the Signal Butte Road Corridor Study in 2008. One of the results of the study determined that the future traffic capacity of Signal Butte Road; in Queen Creek, was insufficient to handle the anticipated traffic volume from Pinal County that would access the new SR 24 Freeway east of Ellsworth Road. As part of that study, the Town evaluated various options to realign Signal Butte Road east to merge with Meridian Road. Property owners in the area were contacted to determine interest level of participating in the realignment. Property owner Jason Barney expressed interest in accommodating the road realignment. Mr. Barney incorporated the proposed relocation in his Barney Farms project, which was approved by the Town Council in April 2010. Since then the Council has also approved a land exchange with Mr. Barney to transfer the 127 acres the Town owns as the East Park site to Mr. Barney in exchange for 127 acres on the west side of the relocated Signal Butte Road.

This proposed change would "officially" incorporate the realignment of Signal Butte and Meridian roads into the Transportation and Circulation Element of the General Plan as being a goal of the Town.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

There were no questions or comments from the Commission regarding GPS12-051, Realignment and Construction of Signal Butte & Meridian Roads.

No Request to Speak cards were received for GPA12-051, Realignment and Construction of Signal Butte & Meridian Roads.

**10. Public Hearing and Discussion on GPA12-052, Transit-Oriented Project, a staff initiated request to add a new Goal 7 to the Transportation and Circulation Element and new Goals 7 and 8 and other text modifications to the Town Center Element of the Queen Creek General Plan to encourage and promote the use of Transit Oriented Design.**

The Town adopted an updated Town Center Plan in March 2011. Significant discussion centered on the future character of the area and how the Town could create a more vibrant Town Center that

supported a variety of land uses that would attract activity and provide a “draw” for the community. One of the issues involved in the discussion was the concept of “walkability”. How can the Town create a more pedestrian friendly environment? The goal was to promote the use of transportation other than single occupant vehicles, including bicycles, commuter rail and a local bus system. The proposed change would include additional text in the General Plan to encourage “transit oriented design” for new projects in the Town Center. The intent is to make the area more accommodating of future transit related projects such as commuter rail and bus service

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

**Commissioner Matheson:**

**Reducing the travel lanes seems counter-intuitive to keeping north/south traffic flowing on Ellsworth Road** (see staff report “DISCUSSION”, Transportation & Circulation Element – New Goal Policy 7C, “a”). **Can this item be revised or deleted entirely?** Yes, staff can delete the new goal policy calling for a reduction in travel lanes.

**Commissioner Robinson:**

**Is there the potential for Phoenix-Mesa Gateway Airport to be the at grade light rail tie-in to the commuter rail instead of being the rail system tie in to two communities (Mesa and Queen Creek)?** If either the yellow or teal alignments are selected by ADOT for further study, the option of providing additional “feeder” routes will also be explored. One of these routes could provide access from the Gateway passenger terminal to the rail station in Queen Creek.

**Commissioner Nichols: Is there a way to incorporate the large area to the north of the railroad into this goal? Or, is it possible to expand the Town Center boundary so as to make a better location for a commuter rail transit center?** If ADOT selects the yellow or teal alignments, the rail station is planned for the area on the west side of Ellsworth Loop Road, north of the existing railroad track. Staff has already been looking at the option of expanding the Town Center to include the area by the railroad, Ellsworth Loop Road and the MCFCD channel (Queen Creek Road alignment west of Ellsworth Road) with the next update of the Town Center Plan.

**ADMINISTRATIVE ITEMS**

11. **Review** of December 17, 2012 Special Session agenda items.
12. **Report** of Town Council Action.
13. **Summary of Events** from members of the Commission and Staff. *The Commission may not propose, discuss, deliberate or take action on any matter in the “summary” unless the specific matter is properly noticed on the Regular Session agenda.*
14. **Adjournment:** The meeting adjourned at 8:58 p.m.

**MOTION: Commissioner Nichols**

To adjourn.

**2<sup>nd</sup> MOTION: Commissioner Matheson**

**VOTE:** All Ayes. **Motion carried 6-0.**



**PLANNING AND ZONING COMMISSION**

By: \_\_\_\_\_  
Chairman Sossaman

ATTEST:

\_\_\_\_\_  
Laura Catanese, Senior Administrative Assistant

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I, Laura Catanese, 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 December 13 Regular Session Meeting of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 17<sup>th</sup> day of December 2012.

These are **DRAFT** minutes, which have not yet been approved. Passed and Approved this day of \_\_/\_\_/\_\_

DRAFT