



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
December 19, 2012  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:01pm.

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

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

**3. Pledge of Allegiance:** Led by Ethan Wills, Scout Troop #982

**4. Invocation:** Pastor Ron Nelson – Life Link Church

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

A. Recognition of the Queen Creek High School Football Team for leadership and winning the State Division III Championship

Mayor Barney commended the Queen Creek High School Football Team for helping other students and physical and social leadership at Queen Creek High School. Mayor Barney read a proclamation naming December 19-25, 2012 as Bulldog Week in Queen Creek.

B. National League of Cities – Diamond Level of Leadership: Council Member Barnes; Bronze Level of Leadership: Council Member Wheatley and Wendy Kaserman. In addition, the Town was recognized for 15-year membership.

Council Member Barnes was recognized for achieving the Diamond Level in the National League of Cities Leadership Training Institute and Council Member Wheatley and Wendy Kaserman were each recognized for achieving the Bronze Level. In addition, the Town was recognized for maintaining membership with NLC for 15 years.

**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; CAG. 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.

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Central Arizona Association of Governments (CAG) 12-12-12: Vice Mayor Benning reported that a quorum was not present and reviewed the agenda items.

Phoenix-Mesa Gateway Airport (PMGA) Authority 12-17-12: Vice Mayor Benning reported on the approval of a design contract for baggage handling equipment; approval of a contract for way-finding signage and a contract for on-site/terminal advertising. The recruitment process for a new Executive Director was also discussed. The next meeting is January 22, 2013.

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.*

C. Parks & Recreation Advisory Committee – December 11, 2012: Council Member Oliphant reported on the information items including: updates on wash improvements and development; growth trends; Boys & Girls Club 1<sup>st</sup> quarter report and recreation services. Vacancies on the Committee were also discussed. The next meeting is March 12, 2013.

D. Town Center Committee – December 12, 2012: Council Member Oliphant reported on the General Plan Amendment recommendations; ADOT Passenger Rail Study recommendation; amendment approval to the Town Center Committee by-laws regarding Council Members as voting members and discussion on reconsidering a façade improvement application regarding signage. The next meeting is January 9, 2013.

The Mayor introduced State Representatives Warren Petersen and Doug Coleman. Representative Coleman provided some background history on his experience and said he understands the impacts the Legislature can have cities & towns.

**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.

Silvia Centoz, 26226 S. Hawes Rd., said she was concerned that the new Council Members don't know about the geotechnical issues on the north side of the San Tan Mountains and would like the Council to have a discussion at a Work Study Session.

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**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 December 5, 2012 Work Study and Regular Session Minutes.

B. Consideration and possible approval of Expenditures over \$25,000.

a. Brown & Associates: On-Call building plan review and inspection services - \$115,000.

b. Southwest Traffic Engineering LLC: On-Call traffic engineering services - \$67,000.

C. Consideration and possible approval of the 2<sup>nd</sup> Amendment to the Service Contract 2011-74 with Romo Irrigation in the amount not to exceed \$85,000 annually for irrigation services.

D. Consideration and possible approval of a Professional Services Contract with Kutak Rock in the amount not to exceed \$45,000 for state lobbying services.

E. Consideration and possible approval of the 2013 State Legislative Agenda.

F. Consideration and possible approval of a Marketing Partnership Agreement with the Old Town Queen Creek Alliance.

G. Consideration and possible approval of a Professional Services Contract with Sunrise Engineering in the amount not to exceed \$80,000 annually for as needed engineering plan review and inspections.

H. Consideration and possible approval of the purchase terms for acquiring the H2O Inc. Water Utility.

I. Consideration and possible approval of a request to serve distilled alcoholic beverages at the 2013 Roots N' Boots Rodeo at Horseshoe Park and Equestrian Centre.

J. Consideration and possible approval of a Special Event Liquor License for the 2013 Roots N' Boots Rodeo at Horseshoe Park and Equestrian Centre.

\*K. Public Hearing and possible approval on **Resolution 925-12 Major General Plan Amendment GPA12-050**, 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.

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\*L. Public Hearing and possible approval on **Resolution 927-12 Major General Plan Amendment GPA12-052**, 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.

\*M. Public Hearing and possible approval of **RZ12-057/SD12-058/DR12-096 – ORDINANCE 524-12 Ocotillo Heights, Phase 2**, a request to rezone from R1-43 to R1-7 PAD and approval of a preliminary plat for 172 lots on 63.5 acres located west of Signal Butte Road, ½ mile south of Ocotillo Road. In addition design review approval of 11 floor plans with 3 elevations each is requested.

Council requested Items H, I & J be pulled for discussion.

**Motion to approve the remainder of the Consent Calendar (A-G & K-M) as presented** (Barnes/Benning/Unanimous)

**Item H:** Assistant Town Manager Patrick Flynn reviewed the Council's authorization to staff to negotiate the purchase terms with H2O Water Utility. Mr. Flynn said there would be additional steps in the purchasing process that would require Council approval. Mr. Flynn also stated that general funds would not be required for the purchase.

**Motion to approve Item H as presented** (Barnes/Wheatley/Unanimous)

**Item I & Item J (addressed together):** Economic Development Director Doreen Cott reviewed the request from Friends of Horseshoe Park to serve distilled alcohol with a special event liquor license at the Roots N' Boots Rodeo at Horseshoe Park & Equestrian Centre. Ms. Cott also explained that the Town's liquor license would be suspended for the event and 25% of the proceeds would go to the Friends of Horseshoe Park (a non-profit organization).

**Item I: Motion to approve as presented** (Brown/Benning) 6-1 (Wheatley) Motion Passed.

**Item J: Motion to approve as presented** (Brown/Benning) 6-1 (Wheatley) Motion Passed.

**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 **Resolution 922-12 Major General Plan Amendment GPA12-047** (Box Canyon area), a staff initiated request to amend the text of the Land Use Element of the Queen Creek General Plan and add a new Goal 6 to the San Tan Foothills Element of the Queen Creek General Plan, increasing the permitted

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residential density to 1.8 du/ac in Master Planned Communities and providing environmental guidelines for Master Planned Communities.

Town Attorney Fredda Bisman provided some clarification of the Zoning Ordinance requirements regarding any changes to the General Plan Amendment applications by the Town Council. The Town Council may do the following: remand the application back to Planning & Zoning Commission; approve the application as submitted; approve a part of the application as submitted; continue to a future meeting any action on the application, or; deny the application.

Planning Administrator Wayne Balmer reviewed the proposed amendment initiated by staff that would provide additional detail in the San Tan Foothills Element regarding density for future development and environmental guidelines for master planned communities.

Mr. Balmer showed a conceptual plan submitted by the 10 property owners, showing what could be developed and how the environmental issues could be addressed. Mr. Balmer further discussed the two proposals of adding a definition of master planned communities and density of 0 - 1.8 (max) dwelling units/acre and a new Goal 6 for the San Tan Foothills Element. The Planning and Zoning Commission and staff recommended approval of the general plan amendment.

Council asked for further information on how the infrastructure for the area would be built, including sewer, water and roads. Mr. Balmer responded that the developer is required to connect to existing water & sewer at the developer's expense and roadway improvements are unknown at the time since no development application has been submitted. He added that infrastructure improvements and costs can be addressed in development agreements.

Council discussed density calculation; open space; and access.

The Public Hearing was opened.

Gordon Brown, Pinal County, spoke in opposition.

Troy Peterson, representing the property owners, stated the General Plan Amendment case is a result of the unique area of San Tan Foothills. He said that many other developments have been looked at and a lot of issues have to be worked out before any development occurs and the proposed new Goal 6 would provide additional guidelines.

Silvia Centoz, 22626 S. Hawes Rd., Maricopa County, spoke in opposition citing environmental concerns.

Kristen Guerra, Pinal County, written comment opposed.

Ed Guerra, Pinal County, written comment opposed.

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Arline Studley, representing the Friends of San Tan Regional Mountain Park, spoke in opposition due to environmental and natural desert concerns.

Kevin Petersen, Queen Creek, spoke in support.

Mark Reeb, Mesa, property owner of 658 acres in Box Canyon, spoke in support. He stated that he previously worked on a project but was encouraged to work with adjacent property owners. He said the General Plan Amendment would give additional guidelines for development.

Stu Seatling, submitted written comments in opposition.

Regina Whitman, Queen Creek, spoke in opposition and in regard to the unique desert environment being ruined.

Inge Volkman, submitted written comments in opposition.

Melanie Rettler, Queen Creek spoke in opposition and in regard to fissures, property devaluation and disclosures.

Kent Musgrave, Chandler Heights, spoke in opposition.

The Public Hearing was closed.

Council discussed the general plan amendment procedures/guidelines, individual property and development rights, environmental studies and annexation. Town Manager John Kross explained that state law allows development of property unless identified or mapped as open space and that the annexation of the Box Canyon area was to ensure responsible development.

**Motion to approve Resolution 922-12 Major General Plan Amendment GPA12-047 (Box Canyon area), a staff initiated request to amend the text of the Land Use Element of the Queen Creek General Plan 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 (Gad/Brown) 6-1 (Benning) Motion Passed.**

The meeting was recessed from 8:55pm – 9:05pm.

**10. Public Hearing and possible action on Resolution 923-12 Major General Plan Amendment 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).**

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Mr. Balmer reviewed the General Plan Amendment request for a currently approved subdivision. Mr. Balmer stated that a rezoning application had been submitted but is being held pending the outcome of the General Plan Amendment.

Mr. Balmer discussed issues of density; transition to other lower density neighborhoods; and location adjacent to Pegasus Airpark runway. Mr. Balmer reviewed the concept plan showing possible lot layout and transportation/circulation plan. The Planning and Zoning Commission and staff recommended approval.

Greg Davis, representing the applicant, gave a presentation on the request to increase density and explained that demand for large lots has decreased; buyers desire less financial commitment and lenders are reluctant to make loans for larger custom homes. Mr. Davis said the request is for  $\frac{1}{4}$ ,  $\frac{1}{2}$  &  $\frac{3}{4}$  acre lots with a production home builder product. He further reviewed the conceptual plan showing larger lots on the perimeter with smaller lots interior providing for the transition.

Council asked Mr. Davis to clarify the size of lots proposed. Mr. Davis responded that the homes will be production homes, not custom.

Council discussed how safety concerns regarding the airpark had been addressed, off-site infrastructure was complete and accommodating the changing economy/lifestyle.

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

**Motion to approve Resolution 923-12 Major General Plan Amendment 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 as recommended by the Planning and Zoning Commission (Wheatley/Gad) 6-1 (Oliphant) Motion Passed.**

**11.** Public Hearing and possible action on **Resolution 924-12 Major General Plan Amendment GPA12-049** (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 A to Medium High Density Residential – A (up to 5 du/ac); Mixed Use to Medium High Density Residential – A (up to 5 du/ac); Very Low Density Residential (up to 1 du/ac) to Medium High Density Residential – A (up to 5 du/ac); Medium High Density Residential – B (up to 8 du/ac) to Medium Density Residential – A (up to 5 du/ac). An amendment to the Transportation and Circulation Element of the General Plan is also requested to reflect that Ellsworth and Queen Creek Roads will retain their current alignments.

Mr. Balmer reviewed the current General Plan Map approved in 2007 and the conceptual plan for the 1139 acres known as Queen Creek Station. Mr. Balmer stated at that time there was one property owner but now there are seven (7) and Fulton Homes is acting as the applicant, representing the owners.

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Mr. Balmer then reviewed the proposed changes that include: keeping Ellsworth and Queen Creek Roads on their current alignment; reduced commercial and mixed-use areas; reduced density for most residential areas and residential buffers to lower density residential reduced or eliminated. The applicant submitted the general plan amendment application with a conceptual plan for 503 acres west of Ellsworth Road (Fulton Home project) and a conceptual plan for San Tan Settings east of Ellsworth Road.

Mr. Balmer discussed several issues to be considered that include the proposed land use changes, transportation/circulation changes, reduction of mixed use and employment areas and the deletion of the master planned concept.

Mr. Balmer reviewed staff's recommendation, Committee recommendations/comments and the Planning and Zoning Commission's recommendation

Council discussed roadway improvements to Ellsworth Road and possible coordination with other property owners or the use of the scalloped street ordinance. Town Manager John Kross replied that the scalloped street process could be used but that it is a time intensive procedure and creates a separate taxing district. There was further discussion on the alignment of Ellsworth Road and Queen Creek Road and concern that there had been little comment from Queenland Manor.

Jordan Rose, Rose Law Group, representing the applicant, gave a presentation on the proposed general plan amendment.

Paul Basha, the applicant's traffic engineer, reviewed and discussed the proposed transportation/circulation element regarding Queen Creek and Ellsworth Road alignments and signalization.

The Public Hearing was opened.

Melanie Rettler, Queen Creek, spoke in opposition. She stated that eliminating the 400' bufferyard from Ryan Road breaks a prior agreement.

Norm Nichols, Fulton Homes, thanked the Council and staff for the time spent on the general plan amendment. He also thanked the neighbors for attending the many meetings to work out issues with conflicting lifestyles.

Al Weiss, Queen Creek, spoke in opposition regarding the transition of densities and didn't like that Ellsworth Road would stay on the current alignment.

Ruben Valenzuela, Queen Creek, spoke in opposition regarding traffic from higher density neighborhoods requiring Ellsworth Road to be widened.

Ray Epps, Queen Creek, spoke in opposition. He stated that he appreciated that Fulton Homes reduced density but was told that if the general plan amendment isn't approved that Fulton Homes would build according to the approved (current) plan.



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Bill Stevenson, Queen Creek, spoke in support.

The Public Hearing was closed.

Council further discussed the Transportation Advisory Committee recommendation for Queen Creek Road realignment and the additional signals and traffic around Queenland Manor. Discussion also included lack of comments from residents of Queenland Manor; and concerns regarding commercial uses, reduced densities and road alignments.

There was discussion on whether to continue consideration of the application to a future meeting or remanding back to the Planning and Zoning Commission with changes. Mr. Kross recommended a 60-day continuance so that a text amendment to the Zoning Ordinance regarding general plan amendments could be processed. Council did state concerns about the applicant having to wait and had further discussion on approving a part of the project.

Jordan Rose requested approval of the land use amendment for west of Ellsworth Road (Fulton Homes) and was agreeable to remanding the east half and the transportation/circulation element back to Planning and Zoning Commission.

**Motion to continue Resolution 924-12 Major General Plan Amendment GPA12-049 (Queen Creek Station) to the February 20, 2013 Council Meeting in order to resolve differences with the Planning and Zoning Commission recommendations (Benning/Brown)**

Discussion continued on amending the Zoning Ordinance to allow the Town Council to make changes to a general plan amendment application. Mr. Balmer stated that the applicant had filed a rezoning case and asked whether it could move forward during the sixty-day continuance "at risk".

**Vote:** 6-1 (Barney) Motion Passed.

Mayor Barney declared a conflict of interest and turned the gavel over to Vice Mayor Benning.

**12. Public Hearing and possible action on Resolution 926-12 Major General Plan Amendment GPA12-051**, 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.

Mr. Balmer reviewed the proposed amendment. The Public Hearing was opened, no one came forth and the Public Hearing was closed.

**Motion to approve Resolution 926-12 Major General Plan Amendment GPA12-051, 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 (Gad/Wheatley/6-0 Motion Passed)**

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**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.

*None.*

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

**13.** Quarterly Marketing update. *No further discussion.*

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

*None.*

**15. Adjournment**

The Regular Session adjourned at 12:05am.

TOWN OF QUEEN CREEK

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Gail Barney, Mayor

Attest:

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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 December 19, 2012 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

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Jennifer F. Robinson, MMC

Passed and approved on January 16, 2013.