



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
March 6, 2013
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:05pm.

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 Vice Mayor Benning

4. Invocation: A moment of silence was observed for loved ones.

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

Representative Eddie Farnsworth was recognized.

Mayor Barney moved Item #17 – Legislative Update to be heard before Item #6.

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.

Council Member Wheatley reported on a meeting with District 12 State Legislators (Senate President Andy Biggs, Rep. Eddie Farnsworth and Rep. Warren Petersen) that she and Mayor Barney and Council Member Barnes held on February 22, 2013. The discussion was focused primarily on HB2657 and construction sales tax. They also discussed consolidated elections and allowing Home Rule to continue without a penalty until a fall election and allowing public notices to be posted electronically rather than strictly in newspapers.

Council Member Barnes reported on the Greater Phoenix Economic Council (GPEC) Aerospace and Defense Market Intelligence Report event on February 26, 2013. Findings from GPEC's report were discussed and effects on the industry in Arizona if federal funding cuts occur. Recommendations from the report were also discussed.

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Council Member Brown reported on his attendance at American Leadership Academy's "Leadership Day" event on March 6, 2013.

Mayor Barney reported on several meetings and events:

Central Arizona Governments (CAG) Annual Legislative Day – February 21, 2013
Maricopa Association of Governments (MAG) Regional Council Meeting – February 27, 2013 – issues discussed included the expansion of MAG's boundaries to include certain parts of Pinal County; FY14 Work Program and impacts of sequestration. The next meeting is March 27, 2013.

Invest Queen Creek – Economic Development Summit and QC Inc., re-grand opening – February 28, 2013: economic development activities were highlighted; an overview of the southeast valley industrial market was given along with an overview of residential growth and economic development projects.

Sun Corridor Retreat – March 6, 2013: Topic was implementation of the Freight Transportation Framework Study.

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. Transportation Advisory Committee – February 27, 2013: Vice Chair Chris Clark provided a report on the Committee's discussion on presentations on the Capital Improvement Program and Notice of Solicitation for Air Quality Projects from Maricopa County. The next meeting is April 11, 2013.

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.

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A. Consideration and possible approval of the February 6, 2013 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the February 20, 2013 Work Study and Regular Session Minutes.

C. Consideration and possible approval of a Work Order to Horine Electrical Service (Contract 2011-059) in an amount not to exceed \$42,012.00 for the installation of streetlight and ITS conduit along the north right-of-way of Ocotillo Road. (authorized budget item)

D. Consideration and possible approval of a multi-year contract with Pavement Restoration, Inc., in an amount not to exceed \$257,000.00 in the first year, for surface rejuvenation of various Town roadways. (authorized budget item)

E. Consideration and possible approval of a grant of Power Distribution Easement to Salt River Project Agricultural Improvement and Power District to construct and maintain facilities for transmission and distribution of power to the Community at Queen Creek.

F. Consideration and possible approval of **Ordinance 531-13** annexing roadway alignments into the Town of Queen Creek pursuant the Intergovernmental Agreement #C-64-06-292-00 between Maricopa County and the Town of Queen Creek and repealing Ordinance 517-12.

G. Consideration and possible approval of the appointment of Vice Mayor Robin Benning to the Budget Committee.

Motion to approve the Consent Calendar as presented

1st Brown

2nd Barnes

VOTE: 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 RZ12-099/SD12-101/DR12-102 – Ordinance 529-13 and GPA12-100 – Resolution 934-13, “Queen Creek Station”, a request by the Rose Law Group on behalf of Fulton Homes to rezone approximately 248 acres on the west side of Ellsworth Road, north of Queen Creek Road from R1-43 Residential to R-15 PAD and preliminary plat approval of Fulton Homes at Queen Creek Station subdivision for 677 lots. Design review approval is also requested for 24 floor plans with three (3) elevations each in addition to a Minor General Plan Amendment from Employment Type A to Medium Density Residential (up to three (3) dwellings per acre).

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Wayne Balmer, Planning Administrator, reviewed the rezoning request, preliminary plat, Minor General Plan Amendment and the floor plans/elevations. He said the overall density would be 2.72 dwelling units per acre with lot sizes distributed equally among the parcels. The amenities include 23% open space, including the Abel-Moody power line easement and focus on outdoor trails and parks. Mr. Balmer presented the Ellsworth Road entry monument and parkway theme wall and landscaping.

Mr. Balmer reviewed the elevations and floor plans. He said that some models don't meet the 40% front plane for front load garages, however, the open space exceeds the minimum and PAD optional standards have been met. The Planning and Zoning Commission recommended approval.

Mr. Balmer also discussed the Ellsworth Road & Queen Creek Road intersection improvements and that additional right-of-way south of Fulton Homes and north of Queen Creek Road was needed and as well as an easement along the ML Properties on the east side of Ellsworth Road.

Council asked what options are included in the PAD. Mr. Balmer responded the enhanced design features and additional open space. Council also asked for more detail on the landscape plan for Ellsworth Road.

Jordan Rose, representing the applicant, gave a brief presentation on the development.

Norm Nichols, representing Fulton Homes, reviewed the elevations, floor plans, and pre-determination of driveway and elevation for each lot that ensures a pleasing streetscape.

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

Council discussed possibly adding more architectural features to the homes in Parcel 1 that back up to Ryan Road. Mr. Nichols responded that no two-story homes in a row are allowed and showed the varying layout of home clusters and open space that provides a buffer from Ryan Road. Ms. Rose added that the neighbors in the mini-farms had been involved in the site plan.

There was further discussion on Ellsworth Road traffic and improvements. Mr. Balmer provided additional information on the improvements including a signal at the new road into the subdivision; center turn lane; temporary lanes that will be installed in conjunction with the Fulton homes improvements. Traffic volumes were briefly discussed also.

Council asked the applicant when work on the project would begin. Mr. Nichols responded possibly July but that infrastructure needs to be in place first.

Motion to approve Ordinance 529-13 and Resolution 935-13 approving rezoning case RZ12-009, SD12-101, DR12-102 and GPA12-100

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**1st Wheatley
2nd Brown
VOTE: Unanimous**

Mayor Barney declared a conflict of interest and stepped down from the dais. Vice Mayor Benning conducted the next hearing.

10. Public Hearing and possible action on RZ13-001 – Ordinance 530-13 and GPA13-002 – Resolution 935-13, “Ben Franklin Charter School”, a request to rezone 8.3 acres from I-2 Industrial to R1-43 Residential in addition to a Minor General Plan Amendment from Employment Type B to Public Quasi-Public (PQP). The property is located on the north side of Queen Creek Road, ¼ mile west of Signal Butte Road.

Planner Dave Williams discussed the purpose for the rezoning request and Minor General Plan amendment, in that schools are not allowed in the Industrial zoning districts per Queen Creek’s Zoning Ordinance and the minor general plan amendment will change the land use designation to public/quasi-public that also provides additional protection to Phoenix-Mesa Gateway Airport. Mr. Williams also explained the state law that allows administrative approval of the minor general plan amendment.

Council asked why the school purchased property that was zoned Industrial. Mr. Williams explained that the property is between the Barney Sports Complex and the future East Park. Other questions from Council were in regard to the overflight area and parking and queuing area for drop-off/pick-up. Mr. Williams responded that the parking requirements were either met/exceeded. A shared parking agreement with Barney Sports Complex was briefly discussed.

The Public Hearing was opened.

Jason Barney, Gilbert, submitted written comment in favor.

The Public Hearing was closed.

Motion to approve Ordinance 530-13, Resolution 935-13, RZ13-001 and GP13-002 for rezoning and Minor General Plan Amendment for Ben Franklin Elementary Charter School subject to the Conditions of Approval as recommended.

**1st Wheatley
2nd Gad
VOTE: Unanimous**

The meeting was recessed from 9:03pm – 9:10pm.

Mayor Barney returned to the dais.

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11. Public Hearing and possible action on RZ12-077/SD12-078 – Ordinance 528-13 “Belloero”, a request by Greg Davis of iPlan Consulting on behalf of Arcus Queen Creek Holdings, LLC, to rezone approximately 122 acres at the northeast corner of Ellsworth Road and Empire Road from R1-35 PAD to R1-35 and R 1-9 PAD and approval of the preliminary plat for the Belloero subdivision for 178 lots.

Planning Administrator Wayne Balmer reviewed the rezoning request, concept plan and landscape plan. The Planning and Zoning Commission recommended approval. Mr. Balmer said a concern had come up regarding the north boundary fencing and the change in grade from Belloero and Orchard Ranchettes, and showed that the actual change in grade was only inches.

Greg Davis, representing the applicant, explained the land use principles incorporated into the project using lot size/density transitions internally and along the perimeter (Ellsworth Road, north boundary) with larger lots along the perimeter and smaller lots internally; incorporating open space into the excursion zone. Mr. Davis reviewed his request for deviations of the side yard setbacks for the R1-9 lots, explaining that the 5’ front setback would accommodate covered front porch or side entry garage and the 5’ rear setback would accommodate a covered patio. Also, the request for 5’ minimum side yard setback would allow more diversity and accommodate side yard gates for trailers, RV’s etc.

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

Council discussed concerns of allowing reduced setbacks to accommodate larger homes on smaller lots (R1-9) and solid fencing along the northern boundary. Mr. Davis stated that if the Council required, view fencing would be used instead. He also provided additional examples of how the smaller side yard setbacks could be staggered and still meet the 15’ minimum between homes.

1st Motion: to approve Ordinance 528-13 for rezoning RZ12-077 and SD12-078 with the additional stipulation that view fencing be required on the northern boundary of the project

1st Gad

2nd Brown

VOTE: 5 ayes (Brown, Gad, Oliphant, Wheatley, Barney)

2 nay (Barnes, Benning)

MOTION PASSED

2nd Motion: to approve Ordinance 528-13 for rezoning RZ12-077 and SD12-078 with view fencing along northern boundary and no variance to the front yard setback (Benning/Brown)

1st Benning

2nd Brown

VOTE: 3 ayes (Benning, Brown, Oliphant)

4 nay (Barnes, Gad, Wheatley, Barney)
MOTION FAILED

3rd Motion: to approve Ordinance 528-13 for rezoning RZ12-077 and SD12-078 with the additional stipulation that view fencing be required on the northern boundary of the project and to require a 15' side yard setback (7' & 8')

**1st Wheatley
2nd Barnes**

VOTE: 2 ayes (Barney, Wheatley)
5 nay (Barnes, Benning, Brown, Gad, Oliphant)

MOTION FAILED

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.

12. Discussion and possible action on the Notice of Solicitation/Invitation to Negotiate for Air Quality Projects in the Queen Creek area.

Public Works Manager Troy White provided background information on the Invitation to Negotiate and submittal requirements and presented staff's proposed projects:

- Horseshoe Park & Equestrian Centre – driveway pavement with Friends of Horseshoe Park as the non-profit applicant
- Queen Creek Library – solar panels – Town applicant

Two alternatives were also discussed but not recommended:

- Landfill trail design & construction – private citizen as applicant
- CNG fueling station in Queen Creek – Southwest Gas

Mr. White discussed the cost benefit of the Horseshoe Park project and solar panels.

Council asked whether Southwest Gas would help with the proposal. Mr. White responded yes, but a third party operator would still be needed (Southwest Gas would not be operator). Council also asked about safely unloading livestock if the driveways were paved at Horseshoe Park. Mr. White explained that the trucks/trailers don't unload on the driveway.

Motion to direct staff to submit the staff recommended proposals 1) Horseshoe Park & Equestrian Centre; 2) Queen Creek Library solar panels

**1st Gad
2nd Benning
VOTE: Unanimous**

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13. Discussion and possible approval of an Intergovernmental Agreement (IGA) between the Regional Public Transportation Authority (RPTA) and the Town of Queen Creek for the purpose of conducting a local transit study in the amount of \$143,140 utilizing local transportation assistance funds (LTAF). *This is a grant funded project.*

Parks Special Project Coordinator Debbie Gomez discussed the purpose of the study and the availability of grant funding through Local Transportation Assistance Funds (LTAF). She reviewed the proposed Scope for the study as reviewed and recommended by the Transportation Advisory Committee.

Wulf Grote, Director for Planning & Development for Valley Metro, reviewed scope of work, public & agency involvement during the study and developing service options for Queen Creek.

Motion to approve the Intergovernmental Agreement between the Regional Public Transportation Authority (RPTA) and the Town for the purpose of conducting a local transit study in the amount of \$143,140 utilizing Local Transportation Assistance Funds (LTAF)

**1st Brown
2nd Benning
VOTE: 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.

14. Discussion on frequently asked questions (FAQ) on the Town's Residential Architectural Design Standards.

Motion to continue to March 20, 2013

**1st Brown
2nd Barnes
VOTE: Unanimous**

15. Discussion on amendments to the Standard Form By-laws for Committees, Council Polices & Procedures and development of a Boards, Commissions and Committees handbook.

Motion to continue to March 20, 2013

**1st Brown
2nd Barnes
VOTE: Unanimous**

16. Discussion on school parking spaces and requirements.

Community Development Director Chris Anaradian explained that a recent applicant for a school had concerns with the required parking spaces for schools. Mr. Anaradian

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presented a comparison of surrounding municipalities' requirements and explained the purpose for parking standards for schools should be for minimum but adequate parking to accommodate school day parking and extra events. He added that charter schools are subject to the same requirements. Mr. Anaradian also referenced the Urban Land Institute (ULI) study that recommended that the Town reduce its' retail parking requirements.

Mr. Anaradian requested direction to staff to discuss this issue with the school districts and send a proposal to the Planning & Zoning Commission and Town Council for consideration.

There was discussion on schools located within neighborhoods and on arterials and parking provided for special events. Council requested that consideration be given to queuing and circulation also and directed staff to move forward with a review.

17. Legislative update.

Wendy Kaserman, Intergovernmental Liaison, briefly discussed the status of HB2657 regarding Transaction Privilege Tax (sales tax) reform that was sent out of Governor Brewer's committee.

Mark Osborn, Kutak Rock, the Town's lobbyist, discussed key issues of HB2657, highlighting the section focusing on construction sales tax. He said this bill was Governor Brewer's priority. Mr. Osborn discussed other parts of the bill that cities & towns are concerned with: consolidated audits – no longer would cities & towns be able to conduct their own audits, but the Department of Revenue would be responsible; point of sale TPT – collection of sales tax on finished product would no longer be available and the tax revenue would be redistributed to cities and towns. This would be approximately a \$2.5 million loss to Queen Creek. Mr. Osborn added that some legislators are somewhat receptive to some amendments including allowing cities & towns to have own tax rate. This bill is still waiting a hearing in the full House.

Council asked who would benefit from this bill if passed as submitted. Mr. Osborn responded that it is difficult to determine since no data is available. Town Manager John Kross added that the Queen Creek Chamber of Commerce is actively monitoring the bill and is supporting the Town's position.

18. 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.

19. Adjournment

Motion to adjourn the Regular Session at 10:45pm

1st Brown

2nd Barnes

VOTE: Unanimous

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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 March 6, 2013 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 April 3, 2013.