



**MINUTES
SPECIAL SESSION
QUEEN CREEK PLANNING & ZONING COMMISSION
QUEEN CREEK TOWN HALL, 22350 S. ELLSWORTH ROAD
COUNCIL CHAMBERS
December 5, 2013
7:00 PM**

1. **Call to Order:** The meeting was called to order at 7:06 p.m.
2. **Roll Call** (one or more members of the Commission may participate by telephone)

Commissioners present: Chair Ingram, Vice-Chair Arrington, Nichols, Robinson, Matheson, Sossaman
Commissioners absent: Turley
3. **Public Comment:** Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of (3) three minutes. Request to Speak Cards are available at the door, and may be delivered to staff prior to the commencement of the meeting. Members of the Commission may not discuss, consider, or act on any matter raised during public comment.

None
4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote.

A. Discussion and Possible Action on the November 13, 2013 Minutes

Motion to approve the Consent Agenda as presented

**1st: Sossaman
2nd: Arrington
VOTE: Unanimous**

ITEM FOR DISCUSSION:

Mr. Anaradian stated the Proposed 2013 General Plan Cases that are being considered at this meeting will go before Council for their consideration on December 18, 2013. They are legally required by State Statute to have a hearing by December 31, 2013. If the Planning Commission chooses to take more time for their deliberations; The Town Manager and the Council have already laid out a contingency plan in which they could possibly take a final action on these cases February 5, 2014. If the Planning Commission chooses to make a recommendation during tonight's meeting, Council could consider their recommendation on December 18, 2013. Mr. Anaradian stated that the contingency plan is being discussed in case it is decided that more time is needed to consider the Financial Impact Analysis that was submitted.

Mr. Balmer stated that the Town is required by law to update their General Plan at least once every 10-years. He provided background on how the Town plans for future uses and what factors influence the Town's decisions.

- 1989 Town was incorporated
- 1990 first General Plan was created
- 1996 Plan was amended
- 2002 Plan included a hotel development and an employment area near Meridian and Gary
- 2008 State Land was included in the Plan; plans for proposed freeways; included rail lined access areas; transition from the Sonoqui Wash

The Town's Planning Area is 70 square miles, and Incorporated Town's limits are less than 40 square miles. Areas outside the Town's limits are in Pinal and Maricopa Counties; in order for the Town to have jurisdiction over the areas outside the Town, the Town would need to annex those areas.

Mr. Balmer stated that General Plans start with goals, missions and the community's vision. Those elements are then all combined in order to create a plan to determine where the land uses, roads, and public facilities should be. The results are then shown on a Land Use Map that is adopted by the citizens as part of the General Plan. All Amendments are proposed changes to the Land Use Map that are reflected in the Town's goals.

In order for an applicant to make changes to the General Plan, they must show that the proposed changes are consistent with intent of the General Plan, and the goals that were set by the citizens and Council when the plan was established.

Mr. Balmer stated that by State Law, Council has to take an action by the end of the year. The action does not have to be to approve or deny the case; the action can also be to continue the case. All the Proposed General Plan Amendments are scheduled to go before the Council on December 18, 2013.

- A. Discussion on GP13-025, La Jara Farms.** The applicant is Lindsay Schube; on behalf of VIP Homes. Request to modify the General Plan for 140.76 acres at the SWC of Hawes Road & Germann Road, from Employment Type A to Very Low Density Residential (up to 1 du/ac). Current Zoning is R1-43, Single Family Residential.

Mr. Balmer stated that Mr. Burningham will provide an overview of the proposed project and that the applicant has also filed a zoning case that will be processed apart from this application.

Mr. Burningham stated the property is located at the southwest corner of Hawes Road and Germann Road and is 140 acres. The property is currently designated Employment Type A. When the prior General Plans were adopted in 2002 and 2008, the property was designated for "Employment" use given its proximity to the Union Pacific Railroad. Since then, the subdivision has been developed for residential use. The applicant is requesting the Employment Type A land use designation be replaced with Very Low Density Residential (up to 1 dwelling unit per acre) to reflect the current use of the property.

Mr. Burningham stated in 2005 the Council approved the La Jara Farms subdivision which approved 96 1-acre lots. Adding that it is important to note this property had existing R1-43 (single-family residential) zoning.

- The La Jara Farms subdivision was recorded in 2 phases.
- Phase 1 is currently under construction with 49 lots.
- Phase 2 has been approved for 47 lots.

- Applicant recently filed an additional request for rezoning of 75 acres of this property (Phase 2) from R1-43 to R1-18 (in order to allow 83 lots).

Staff is recommending approval of this General Plan Amendment case, as described in the staff report.

Ms. Lindsay Schube, from the Law Firm of Whitney Morris; on behalf of VIP Homes stated this case is fairly simple based on the land use designation for employment with an approved final plat. Currently construction is underway in Phase I: The streets, utilities, and landscaping are being installed, a school has been constructed, and a monument sign has been installed. The applicant stated that staff is in support of this case and has asked that this case be approved.

No public comment.

Motion to approve GP13-025, La Jara Farms

1st: Matheson

2nd: Sossaman

VOTE: Unanimous

- B. Discussion on GP13-026, Estates at Queen Creek Station.** The applicant is Ralph Pew on behalf of RSF Property, L.L.C and RSF Queen Creek Property, L.L.C. The request is to modify the General Plan for 156 acres at the Southeast corner of Ellsworth and Germann Rd., from Employment Type A to Low Density Residential (up to 2 du/ac). Current Zoning: R1-43, Single Family Residential.

Mr. Balmer provided a brief overview of the project and stated that staff has found this case is not consistent with the General Plan Goals. Issues associated with the project are: The property is designated Employment Type A; and the reduction of available employment area within the community.

Mr. Balmer stated staff does not support this project. Staff has encouraged all the applicants to be a part of the Town's 2014 General Plan update process in order to evaluate the changes more comprehensively instead of case by case; and to retain or change as commercial and employment in these areas.

Staff recommends denial of this project.

Mr. Ralph Pew, on behalf of RSF Property, L.L.C and RSF Queen Creek Property, L.L.C., gave a brief presentation and requested that this case be continued to a meeting in January 2014. Mr. Pew stated that a continuance will allow time to:

- Reflect and review the TischlerBise study to determine how the findings in the report impact this project.
- Additional time to consider staff's recommendation included in the staff report and the suggestion to include this project as part of the Town's Update to the General Plan.
- Allow further discussions to take place with the neighbors of the Ellsworth Mini-Farms.

Mr. Pew stated that if a continuance is given to a Special Planning & Zoning Meeting in January that will allow everyone involved more time to review all of the details for this case and how it impacts this area.

No public comment.

Commissioner Nichols does acknowledge the issues for this project and agrees more time is needed to address the outstanding issues. Commissioner Robinson stated he was in support of staff's recommendation to deny this case. He agrees there are significant reasons why this area should remain designated as employment, stating there is currently a 10-year inventory of one acre lots available for residential and cautioned that careful consideration should be given when making decisions to switch land uses from employment to residential.

Motion to continue GP13-027, Estates at Queen Station to a Special Planning & Zoning Commission Meeting on January 22, 2014 at 7:00 p.m.

1st: Sossaman

2nd: Ingram

VOTE: 5-1

Aye- Ingram, Arrington, Nichols, Matheson, Sossaman

Nay- Robinson

MOTION PASSED

- C. **Discussion on GP13-027, Meridian Crossings Applicant.** The applicant is Mario Mangiamele on behalf of Westcor/Queen Creek L.L.C. Request: The request is to rezone 466 acres west of the Railroad Tracks on the South Side of Riggs Rd., from Regional Commercial to Medium Density Residential (up to 3 units to the acre). Current Zoning: The land is not located within Town Limits.

Mr. Balmer stated the current General Plan Land Use is for a regional employment center with more of a commercial use. This property is not located in the Town; it is under the jurisdiction of Maricopa County. Staff does not support this project based on the following issues:

- Lack of infrastructure available in this area. How will streets and utilities be extended to reach these properties?
- The need to construct Riggs Road and reconstruct the intersection on the northeast corner of this site where Riggs, Combs, Rittenhouse, Meridian and Gary Roads will meet in the future.
- Initial design of the intersection has been completed as shown on the Alternative D design; however, final design and funding for the project are still years away.
- The design and eventual construction of both Riggs and the intersection are complicated by the multiple issues involved and the multiple agencies involved in the design and eventual construction of the project.
- This property is currently under the jurisdiction of Maricopa County, but will need to be annexed in order to obtain access to the Town's water and wastewater systems prior to development of the property.
- Streets and intersections need to be designed and constructed to provide access to these areas. The Town needs to work with Pinal County, Maricopa County and the Railroad in order to design where the roads will be and how they will link up the private roads with the new interchange, and determine how they will be funded.
- The concept plan submitted by applicant is over the density allowed for this area.

Staff recommends that this project not be approved at this time, and that the applicant consider revisiting this project at a later time as part of the Town's 2014 General Plan update process.

Mr. Greg Davis on behalf of Jason Barney and Westcor/Queen Creek L.L.C., requested that this case be continued to the January Planning & Zoning Commission Meeting.

Commissioner Sossaman asked if any decisions have been made regarding the alignment of the roadways. Mr. Jason Barney responded that he has been in recent discussions with the MCDOT and expressed some certainty that the alignment will occur, no specific dates were given for this project.

Commissioner Nichols asked how much of the previous concept for this site was associated with the previously proposed hospital project. Mr. Barney responded that this site was never envisioned by the developer as an employment center, it was envisioned as a retail employment center with high density housing, with a hospital and related uses. This is not a good site for employment, it is too far away from the freeway system, and an employment center is not feasible in this area. Commissioner Nichols asked how many acres were previously designated as employment areas. Mr. Barney stated a very small amount, less than 10 acres.

No public comment.

Motion to continue GP13-027, Meridian Crossings to a Special Planning & Zoning Commission Meeting on January 22, 2014 at 7:00 p.m.

1st: Sossaman

2nd: Nichols

VOTE: Unanimous

- D. Discussion on GP13-028, Barney Farms.** The applicant is Mario Mangiamele; on behalf of Dane Chaffee, Ken Barney, Newell Barney, Gail Barney, and Pamela Barney. The request is to rezone 241 acres at the NEC of Signal Butte and Queen Creek Rd., from Employment Type B and Recreation/Conservation to Mixed Use and Medium High Density Residential (up to 8 du/ac). Current Zoning: I-1, Heavy Industrial.

Mr. Balmer stated the Town is located on the south side of the Phoenix-Mesa Gateway Airport and is affected by the aircraft approaching and departing the airport; adding that the Town's exposure to the noise generated by the airport is greater than what Mesa or Gilbert experience. That has resulted in a significant amount of acreage being designated for future employment (non-single family residential use) by the Town.

Mr. Balmer stated as the area surrounding the airport continues to grow, alternative compatible land uses will enter the area, and that the total amount of area designated for employment uses will be modified over time as the area continues to grow and the economy matures. The applicant had sold the Town a park site (the former East Park), then traded the property for an alternative location when it became clear that it was in mutual best interests to relocate the park. The park is currently designated Recreation/Open Space in the General Plan, but now that the property is in private hands, it needs to be given an alternative designation. The applicant has proposed the new designation be High Density Residential (up to 8 du/ac).

Mr. Balmer stated the AOZ II is a key issue in this request, as all the property proposed to change in this request is located within the AOZ II, and has been defined in the Part 150 Study. Adding that there are some residential areas in Gilbert that have been approved prior to the Part 150 Study being completed in 2000, that have since

been developed. Mr. Balmer asked whether a significant amount of residential developments should be approved within the AOZ II, even with noise attenuation measures being taken.

Mr. Barney stated that he is prepared to give a full presentation if needed, and requested that this case be continued to the January Planning & Zoning Commission Meeting.

Public Comment.

Jane Morris, the Executive Director of the Phoenix-Mesa Gateway Airport, stated that the airport is opposed to all forms of residential development within the AOZ II, and strongly recommending the case be denied. The Airport Authority has submitted an application to the FAA for grant money to update the Part 150 Study. Ms. Morris clarified that possible completion of the update would be April 2016, as it is a public process.

Commissioner Arrington inquired when last Part 150 Study was performed, and what the difference is on the types of aircrafts that currently utilize the airport since the last study was completed. Ms. Morris answered the last study was completed in 2000, and the specific types of aircrafts that utilize the airport were based on the assumptions and forecasts at that time.

Commissioner Arrington inquired how close the information included in the Part 150 Study come to the actual operations that take place at the airport. Ms. Morris responded that the airport is currently at the tail end of an economic downturn from 300,000 take-offs and landings to 150,000 annually.

Commissioner Sossaman stated that there is no guarantee that in two-years when the study is updated that it will be in compliance with the proposed uses surrounding the airport, and that is why he is in support of a continuance at this time

Motion to continue GP13-028, Barney Farms to a Special Planning & Zoning Commission Meeting on January 22, 2014 at 7:00 p.m.

1st Robinson

2nd Nichols

Vote: Unanimous

- E. **Discussion on GP13-029, The Vineyards.** The applicant is Ralph Pew for Healy Faulkner LLC. The request is to rezone 55 acres west of Ironwood Road at the north side of Combs Rd., from Commercial and Mixed Use to Medium Density Residential (up to 3 du/ac). Current Zoning: R1-43, Single Family Residential.

Mr. Balmer stated this project area designated as commercial/mixed use. The Concept Plan submitted by the applicant shows residential with the retention of some commercial. Adding that any outstanding issues that have been expressed by the Homeowners Association would not involve the Town; and those types of issues would need to be addressed separately on a civil matter, not by the Town.

Mr. Balmer stated staff does not believe the applicant has met the Finding of Fact requirement demonstrating this proposed change is consistent with the intent of the General Plan or sufficiently demonstrated that the proposed change is in the best interest of the community. Based on that reason staff has recommended this case be denied.

Ralph Pew, on behalf of Healy Faulkner LLC., and the Hatch Family is requesting that this case be continued to January 22, 2014 Planning & Zoning Commission Meeting. Stated that this case is very important to the Town and it is important how this project is viewed. Mr. Pew added that this corner is significant to the Town, and that additional time should be given to consider the issues that affect this property. Mr. Pew stated that neighbors from Pinal County that own land to the north of this project are present. Mr. Pew stated that they are aware of the Deed Restriction issue brought up by the homeowners association, and have started ongoing dialogue to address those issues as a civil matter.

Public Comment

Roxanne Taylor, resident of San Tan Valley stated that she does not have anything to add to what has already been presented and marked down that she is opposed to this case.

Commissioner Nichols asked what annexed portion of this area is limited as to what the Town has control over, asking staff to clarify if it was the north half of Combs Road. Mr. Balmer stated that the road itself is not within the Town's jurisdiction, adding that the Town has made an agreement with Pinal County to maintain the road until such time when it is annexed. Commissioner Nichols asked which portions of this project are located in Pinal County and whether or not the County has provided any feedback to the Town. Mr. Balmer answered that the only portion of this project located within the Town is on the west side near Meridian, the portions of the project area located in Pinal County are: the north side, the south side, and across Vineyard. Mr. Balmer stated to date no comments or feedback had been received from Pinal County.

Motion to continue GP13-029, The Vineyards to a Special Planning & Zoning Commission Meeting on January 22, 2014 at 7:00 p.m.

1st Sossaman

2nd Arrington

Vote: Unanimous

- F. **Discussion on GP13-030, Sonoqui Creek Village.** Applicant is Ralph Pew; on behalf of KEMF Hawes & Riggs, L.L.C. The request is to rezone 107 acres at the Northwest corner of Hawes and Riggs Roads, from Very Low Density Residential (up to 1 du/ac) to Low Density Residential (up to 2 du/ac). Current Zoning: R1-35, Single Family Residential.

Mr. Balmer provided an overview of the proposed project. He stated that the existing Concept Plan was approved in 2006. To date three neighborhood meetings have been held and many neighbors have expressed opposition and are present at the meeting. The Sonoqui Wash has been used as the dividing line in this area between Very Low Density Residential (up to 1 du/ac) to the south and Low Density Residential (up to 2 du/ac) to the north since the General Plan was first approved in 1990. This was done in order to recognize the equestrian areas and large lot developments located south of the Wash and provide a clear demarcation for future growth.

Mr. Balmer stated the property proposed for change in this request is the last larger vacant properties in this area south of the Sonoqui Wash. The zoning was changed in 2006 at the request of the property owner to allow a subdivision of R1-35 lots (35,000 s.f. +), consistent with other projects to the west, the overall density for the project would remain within the Very Low Density Residential (up to 1 du/ac) classification when the open space

areas are included. This property is the last large undeveloped property in the area southwest of Sonoqui Wash in this area.

Mr. Balmer stated all other properties to the south and west have already been developed and are consistent with the existing General Plan density of less than one dwelling unit per acre.

Staff is recommending denial, and does not believe the applicant has met the Finding of Fact requirement demonstrating this proposed change is consistent with the intent of the General Plan or sufficiently demonstrated that the proposed change is in the best interest of the community.

Staff recommends the applicant and the neighbors both participate in the Town's update to the entire General Plan scheduled to begin in 2014 and that this proposed land use change be evaluated as part of that larger discussion.

The applicant Ralph Pew; on behalf of KEMF Hawes & Riggs, L.L.C., and owner Jeff Garret requested that this case be continued to January 22, 2014 Planning & Zoning Commission meeting. By postponing this meeting it will provide additional time for the applicant to continue working with the neighbors and attempt to be responsive.

Commissioner Robinson asked what properties on the north side have been approved. Mr. Pew responded that the properties to the north have already been approved, and there is an existing subdivision.

Commissioner Robinson asked if they can they reach the 1-dwelling unit per acre requirement in the project design. Mr. Pew answered that they hope to slightly increase the lot size in the design, but until all the design issues are worked out, they are unable to confirm whether or not they will be able to meet all of the design criteria or not.

Public Comment

Chris Narancic, Queen Creek resident expressed opposition of this project. He would like to the Commission to understand where all of the neighborhood concerns are coming from. He stated that Sonoqui Creek Ranch, Phase III plan originally had included a Phase 4-A & 4-B. Since the design of Phase III, the developer has gone bankrupt. At the time when the residents moved in and purchased their properties the neighborhood bylaws indicated what the phased development for this area would be. When Garret came in and started outlining his new plan for the neighborhood development, a lot of concerns were raised as it proposed an increase in the density, proposing to break up the consistency in the neighborhood.

Mr. Narancic noted that everything south of the wash originally designed to be very low density, and the neighborhoods bylaws do outline what the properties are supposed to look like when they are developed. Adding that what is currently being presented is different from what was originally proposed.

Commissioner Sossaman asked if any of the original plans included 2-story homes. Mr. Narancic answered that none of the existing homes are 2-stories, as they are restricted.

Tammy Koon, Queen Creek resident expressed opposition of this project. She stated that Ralph Pew has been working with the residents, and feels that no resolution has been reached. She asked that the Commission not continue the case; she would like it to be denied.

Bill Smith, Queen Creek resident expressed opposition of this project. He stated that he is concerned with changing the General Plan. He feels that there is currently an abundant inventory available for development of smaller size lots in the community that are already properly zoned, outside of the Sonoqui Wash neighborhood.

Joyce Riggs, Queen Creek resident expressed opposition of this project. She stated that she is unable to attend the January meeting and would like the Commission to deny the case tonight.

Commissioner Nichols stated that he was in favor of continuing the case, but not for the same reasons as the previous cases. Commissioner Nichols would like the applicant to work closer with the residents to try and come closer to a compromise, not based on the Fiscal Study information.

Motion to continue GP13-030, Sonoqui Creek Village to a Special Planning & Zoning Commission Meeting on January 22, 2014 at 7:00 p.m.

1st Sossaman

2nd Robinson

Vote: 5-1

Aye- Ingram, Nichols, Matheson, Sossaman, Robinson

Nay- Arrington

MOTION PASSED

ADMINISTRATIVE ITEMS

5. **Summary of Events from members of the Commission and staff.** The Commission may not deliberate or take action on any matter in the "summary" unless the specific matter is properly noticed on the Regular Session agenda.

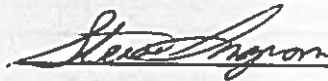
6. **Adjournment Motion to Adjourn 8:43p**

1st Ingram

2nd Sossaman

Vote: Unanimous

PLANNING AND ZONING COMMISSION



Steve Ingram, Chair

Attest:



Amy Morales-Olea, Planning Assistant

I, Amy Morales-Olea, 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 5, 2013, Special Session of the Queen Creek Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Amy Morales-Olea

Passed and approved on January 8, 2013