



**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION – TECHNICAL ADVISORY COMMITTEE**

Wednesday, April 23, 2008 7:00 P.M.

Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242

NOTE: These are draft minutes, which have not yet been approved.

1. **CALL TO ORDER** The meeting was called to order at 7:0 p.m.

2. **ROLL CALL**

Present

Chairman Ingram
Vice-Chairman Trapp-Jackson
Commissioner Atkinson
Commissioner Brown
Commissioner Moore
Commissioner Perry
Commissioner Sossaman (arrived at 6:49 pm)

Absent

Staff

Present

Director of Community Development Condit
Planning Manager Balmer
Principal Planner Brittingham
Principal Planner McCauley
Planning Assistant Moats

Absent

3. **PUBLIC COMMENT**

There was no public comment.

PUBLIC HEARING ITEMS

4. PUBLIC HEARING AND POSSIBLE ACTION ON PROPOSED GENERAL PLAN UPDATE AND DATA & ANALYSIS DOCUMENTS

Planning Manager Balmer presented the staff report and Power Point slides, which compared the current Land Use Plan with the proposed Land Use Plan. The proposed plan addresses changes that have occurred since 2002 and current growth issues facing the Town, such as transportation (pass-through traffic), establishing a stable economic base, and how to keep Queen Creek unique while preparing for the future.

Mr. Balmer explained the General Plan is a State requirement, the purpose of which is to provide direction, establish a community vision, and establish, implement and maintain goals that are consistent with the Plan.

Mr. Balmer displayed the proposed Land Use Map, which is a graphic representation of what the Town would like to have. Mr. Balmer reviewed publicity undertaken in the last 13 months, which includes the following:

- 4 Open Houses
- 4 focus groups
- 7 P&Z Comm.
- 25 Presentations
- 27 Press release
- 477 Internet
- 75,000 postcard mailers

Mr. Balmer reviewed each area of the proposed General Plan Update, including: Background; Community vision; Elements required by law; Goals and Policies; Land Use Plan; and Administration.

The updated Plan also includes:

- Town Center Plan
- San Tan Foothills Specific Area Plan
- Economic Development Commission Strategy
- Capital Improvement Plan
- Transportation Study
- Development Impact fee studies

QUESTIONS FROM COMMISSION:

There were no questions.

PUBLIC HEARING

Chairman Ingram opened the Public Hearing at 7:43 PM.

- 1) Court Rich of Rose Law Group – Mr. Rich distributed booklet outlining the request by Mainspring Capital IV, LLC pertaining to a Request for General Plan Category for Parcel 23 of The Villages at Queen Creek. This booklet contains the First Amended and Restated Development Agreement; Chuparosa Master Plan; Exhibit G-1, stating “Developer shall be entitled to construct duplex-type dwellings on the lots...”; the Lot Use Exhibit; excerpt from ARS, 8-462.01; and suggested options for resolution. Mr. Rich stated that the Open Space designation on this parcel is not correct. This is an open dispute as to property rights. The property is zoned R-3 and no other condition applies to it. Tab 3- Exhibit to Exhibit G includes a highlighted portion explaining the developer shall be entitled to construct duplex-type lots. Exhibit 4 shows what the duplex dwellings would look like on the lots with R-3 zoning. Mr. Rich referred to Planning Manager Balmer’s statement during the Work Study Session that the file does not show anything indicating multi-family. Mr. Rich responded to this by stating the Zoning Ordinance R-3 designation is clearly for multi-family use. He is requesting the new General Plan match the rights already given on this property. He referenced State Statute, stating any lot zoned the same as another piece of land must be treated the same. There is no PAD – just straight zoning. Number 6 of the hand-out lists three options the applicant is open to in rectifying the situation: designate this as Town Center which complies with the current language; or make it MHDR and change the text to allow up to 14 units per acre; or take MDR designation and add text currently shown

DISCUSSION:

Commissioner Moore asked how staff’s proposal would adversely affect the applicant’s request. Mr. Rich responded staff’s recommendation only allows up to 8 units/acre.

Lengthy discussion took place on the issues surrounding this request, such as consistency of the zoning with the General Plan and the potential impacts of recommending approval of this request relating to future text amendments or General Plan amendments, as well as the implications this request would have on future projects.

The Commission discussed the fact that this issue has already been turned over to the Town Attorney for review, and the option of making a decision consistent with Staff’s recommendation, subject to the Town Attorney’s decision.

- 2) Michelle Green of the Arizona State Land Department addressed the Commission to voice opposition to the Town's inclusion of State Trust lands in its planning area. She referred to a letter distributed to the Commission during its Work Study Session. She informed the Commission the State Land Department is collaborating on a process to do a planning effort for 275 square miles east of Mesa and south of Apache Junction, now known as Superstition Vistas. She stated her feeling that this is pre-mature to expand planning area boundaries and asked the Commission to recommend postponing this decision until all affected entities have had a chance to work with everyone involved. The cities of Apache Junction and Mesa also want to expand to this area. The State Land Department is asking the decisions that are made be made collaboratively. They have asked Mesa to hold off on their actions, as well as Florence and Apache Junction. The State Land Dept. understands the Town's interest at this time.

DISCUSSION:

In response to a question by Commissioner Atkinson, Planning Manager Balmer provided background on the joint meeting that was held at the Town of Queen Creek with Mesa, Florence, and Apache Junction. Mr. Balmer stated at this meeting the State Land Department requested all interested entities withdraw their planning areas from this land, and allow it to become Superstition Vistas. All sides went back to their respective Council's for further direction.

Mr. Balmer pointed out that the Queen Creek Town Council was most concerned with the fact that Queen Creek is the only jurisdiction in the East Valley without freeway frontage. If this area were in the Town's planning boundary, it would lend itself to being a major employment center not only for the Town, but the State.

Commissioner Brown stated that this area was identified during the General Plan Update public involvement process. He feels this decision is a political one, not for the Planning & Zoning Commission to make. This should go forward as is to Town Council and the decision should be left up to that public body.

Chairman Ingram asked for confirmation from Ms. Green that the State Land Department is aware of the Town's interest in this area, to which Ms. Green responded yes.

There were no further public comments. Chairman Ingram closed the Public Hearing at 8:08 P.M.

The Commission discussed the wording of the proposed motion and the issue of whether or not tonight's Commission recommendation on Parcel 23 of The Villages at Queen Creek would set precedent, or if future requests would be analyzed on a case-by-case basis.

Mr. Balmer pointed out that the applicant is not submitting a site plan at this time. The Site Plan application would go through the Planning and Zoning and Town Council process regardless. Commissioner Atkinson voiced his opinion that the applicant was given the R-3 designation by both the County and Town, and this issue should be left up to the Council's discretion.

Motion: **Commissioner Sossaman**

To recommend approval of G08-070, the General Plan Update and Data & Analysis documents, including the requested General Plan Land Use changes described in Attachment 3 of the Staff Report and the individual request by Court Rich/Rose Law Group on Parcel 23 of The Villages at Queen Creek to change the General Plan designation from Open Space to an alternative land use designation which would permit development of the property with the current R-3 zoning., and making text changes proposed by Vice-Chairman Trapp-Jackson during Work Study Session, as follow:

In the General Plan document:

Consider adding text identifying Exhibits 4, 5, and 6.

In the Data and Analysis document:

Page 57: Change Exhibit 8 to read “Exhibit 9”
Page 77: Change Exhibit 12 to read “Exhibit 11”
Page 85: Change text to read “Exhibit 13”, instead of Exhibit 14
Page 87: Change text to read “Exhibit 14”, instead of Exhibit 15

2nd: **Commissioner Brown**

Discussion on the motion:

Commissioner Perry stated the Commission would like to make known its intention to keep the State Land within the Town’s Planning Area, and forward this to the Town Council for its discussion and decision regarding this parcel.

Commissioner Sossaman included the above in his motion.

Vote: All ayes. Motion carried 7-0.

5. **ADJOURNMENT**

There was no further business to come before the Commission,

Motion: **Commissioner Sossaman**

To adjourn.

2nd: **Commissioner Atkinson**

The meeting adjourned at 8:27 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Ingram, Chairman

ATTEST:

Laura Moats, Planning Assistant

I, Laura Moats, 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 April 23, 2008 Regular Session Meeting of the Planning and Zoning Commission-Technical Advisory Committee. I further certify that the meeting was duly called and that a quorum was present.

Dated this 24th day of April, 2008.

Passed and Approved this ___ day of ____, 2008.

DRAFT