



**MINUTES
REGULAR MEETING
QUEEN CREEK PLANNING & ZONING COMMISSION
QUEEN CREEK COMMUNITY CHAMBERS
20727 E. CIVIC PARKWAY
NOVEMBER 14, 2018
6:00PM**

1. Call to Order

The meeting was called to order at 6:00PM.

2. Roll Call: One or more members of the Commission may participate by telephone.

Commissioners in attendance: Chairman Alleman, Commissioner Ehmke, Commissioner Young, Commissioner Spall, Commissioner Benson, Commissioner Sossaman, and Commissioner Matheson.

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 October 10, 2018 Planning Commission Meeting Minutes.

B. Discussion and Possible Action on P18-0148 “Richmond American Homes at Gateway Quarter Parcel 1 Residential Design Review”. Richmond American Homes is requesting approval of six (6) new standard plans with three (3) elevations each to be constructed on 138 lots of 532 lots in the Gateway Quarter subdivision located at the southeast corner of Germann Road and Ellsworth Road. (Sarah Clark, Senior Planner)

C. Discussion and Possible Action on P18-0212 “Shea Homes Gateway Quarter Parcel 5 Residential Design Review”. Shea Homes is requesting approval of four (4) new standard plans with three (3) elevations each to be constructed on 74 lots of 532 lots in the Gateway Quarter subdivision located at the southeast corner of Germann Road and Ellsworth Road. (Sarah Clark, Senior Planner)

Motion to approve Consent Agenda:

1st: Sossaman

2nd: Matheson

Vote: 7-0

PUBLIC HEARING:

- 5. Public Hearing and Possible Action on “Wienerschnitzel” Conditional Use Permit (P18-0052) and Site Plan (P18-0075)**, a request by Joseph Cross (Select Engineering Services) for a Conditional Use Permit and Site Plan to allow construction of a new 831 square foot Wienerschnitzel restaurant with a drive-thru on Lot 7 within the Heritage Town Square Center. This project is located approximately 750 feet south of the southeast corner of Old Ellsworth Road and Rittenhouse Road. (Steven Ester, Planner I)

Steven Ester, Planner I, summarized the proposed request for a Wienerschnitzel Conditional Use Permit (Case P18-0052) and Site Plan (Case P18-0075).

Mr. Ester described the project site location, presented the General Plan Land Use Designation Exhibit, and a Zoning Exhibit.

Mr. Ester presented the proposed Site Plan, and noted that the restaurant does not propose indoor seating. Mr. Ester then presented the proposed Landscape Plan.

Mr. Ester presented the proposed building elevations, noting their conformance to the Heritage Square Design Guidelines.

Mr. Ester stated that a Neighborhood Meeting was held on September 6, 2018 with no members of the public in attendance.

Commissioner Sossaman inquired: what are the proposed dashed lines on the building? Mr. Ester noted that the dashed lines reference proposed signage to be reviewed and approved at a later time.

Commissioner Spall inquired: is the walkup window shown on the east elevation? Mr. Ester responded, stating yes, the walk up window is located along the east elevation.

Public Comment: None.

Move to recommend approval of “Wienerschnitzel” Conditional Use Permit (P18-0052) and Site Plan (P18-0075), a request by Joseph Cross (Select Engineering Services) for a Conditional Use Permit and Site Plan to allow construction of a new 831 square foot Wienerschnitzel restaurant with a drive-thru on Lot 7 within the Heritage Town Square Center. This project is located approximately 750 feet south of the southeast corner of Old Ellsworth Road and Rittenhouse Road.

1st: Ehmke

2nd: Young

Vote: 7-0

- 6. Public Hearing and Possible Action on “Rock Point Church Phase II” Conditional Use Permit (P18-0022) and Site Plan (P18-0023)**, a request by Craig Goldstone (Todd & Associates, Inc.) for a Conditional Use Permit and Site Plan for expansion of the existing Rock Point Church consisting of a new 46,547 square foot worship center with future seating capacity greater than 1,500 seats on approximately 20.25 acres, located at the northeast corner of Power Road and Ivy Lane. (Steven Ester, Planner I)

Steven Ester, Planner I, presented an aerial exhibit of the project location, the General Plan Land Use Designation Map Exhibit and the Zoning Exhibit. Mr. Ester summarized the proposed request for the Rock Point Church Phase 2 Conditional Use Permit (Case P18-0022) and Site Plan (Case P18-0023), noting the Conditional Use Permit is required for churches with seating capacity over 1500 seats.

Mr. Ester presented the proposed Site Plan, and stated the site design has been oriented to align with the existing church. Mr. Ester then presented the proposed Landscape Plan, noting the landscape materials are primarily desert themed. Mr. Ester presented the proposed Building Elevations, which incorporate metal panels, brick veneer, and standing seam metal roof features.

Mr. Ester noted that a Neighborhood Meeting was held on October 16, 2018 with 7 members of the public in attendance. Generally, residents were supportive of the expansion and proposed architecture. However, a few residents were concerned with increased traffic.

Chairman Alleman expressed his congratulations to the church on their expansion.

Public Comment: None.

Move to recommend approval of “Rock Point Church Phase II” Conditional Use Permit (P18-0022) and Site Plan (P18-0023), a request by Craig Goldstone (Todd & Associates, Inc.) for a Conditional Use Permit and Site Plan for expansion of the existing Rock Point Church consisting of a new 46,547 square foot worship center with future seating capacity greater than 1,500 seats on approximately 20.25 acres, located at the northeast corner of Power Road and Ivy Lane.

1st: Matheson

2nd: Benson

Vote: 7-0

7. Public Hearing and Possible Action on “Orangewood Planned Area Development (PAD)” Case P18-0125, a request from Sean Lake, Pew and Lake PLC, to rezone from R1-43 to R1-7/PAD and R1-12/PAD for 93 lots on approximately 44.3 acres located at the northwest corner of 220th Street and Cloud Road. (Steven Ester, Planner I)

Steven Ester, Planner I, introduced the PAD Rezone (Case P18-0125) for the proposed Orangewood development. Mr. Ester presented an aerial exhibit of the project location. Mr. Ester presented the General Plan Land Use Exhibit. Mr. Ester presented the current zoning map for the property. Mr. Ester stated that the applicant is requesting to rezone the property to R1-7 and R1-12 with a Planned Area Development Overlay. Mr. Ester reviewed the proposed Development Plan, summarizing the lot composition proposed for the development. Mr. Ester stated the minimum lot sizes in both the proposed R1-7 and R1-12 zoning areas exceed the standards set by the Zoning Ordinance. Mr. Ester noted that the properties along the Queen Creek Wash and eastern boundary will be limited to single-story. Mr. Ester summarized the proposed deviation to the Zoning Ordinance:

- Increase the R1-12 maximum lot coverage from 35% (40% with a front porch) to 40% (45% with a front porch)

Mr. Ester presented a table identifying the proposed lot composition for the development, and noted the deviation applies to 13 of the 93 total lots.

Mr. Ester noted that a Neighborhood Meeting was held on July 17, 2018 with 14 members of the public in attendance. Questions raised at the meeting included lot sizes, density, home product, traffic, and single-story restrictions. Mr. Ester stated the applicant had been working with residents around the proposal to address concerns, and that most people were generally supportive.

Commissioner Young inquired: what was the home product item listed that people had questions on at the neighborhood meeting?

Mr. Ester responded by stating residents were curious as to who the home builder was, home pricing, and the style of housing product proposed.

Sean Lake, of Pew and Lake PLC, spoke on behalf of the applicant. Mr. Lake presented an aerial map of the site. Mr. Lake expressed the applicant’s desire to provide an “empty nester” type of community. Mr. Lake presented and summarized the proposed development plan, discussing the central park, the provision of wide, shallow lots, and proposed buffering. Mr. Lake illustrated the proposed buffering plan. Mr. Lake presented photo examples of the proposed home product. Mr. Lake summarized the neighborhood outreach conducted by the applicant, which included:

- Formal neighborhood meeting on July 27, 2018
- Meeting with Cloud Creek Ranch HOA on September 12, 2018

Commissioner Sossaman inquired: are 2 story products proposed? Mr. Lake stated that currently, all products are anticipated as single-story, but 2-story homes are not being ruled out.

Commissioner Sossaman asked Mr. Lake to review the proposed single-story home restrictions. Mr. Lake summarized the proposed single-story restriction along the Queen Creek Wash and eastern perimeter.

Commissioner Ehmke asked: what is the reason behind the lot coverage deviation being requested?

Mr. Lake responded, stating that the applicant anticipates the potential for casitas, which the additional lot coverage would allow.

Chairman Alleman noted that the 5% maximum lot coverage is associated with the R1-12 lots only.

Commissioner Young inquired: are the lots proposed to be equestrian? Mr. Lake stated that the equestrian discussion is related to the proposed trail along the eastern boundary, as residents wanted the existing access trail to be maintained to pull and park trailers.

Commissioner Benson inquired: how wide is the multi-use path?

Mr. Lake responded, stating the multi-use path is 12 feet wide and will be abutted by a pipe rail fence with shrubs.

Commissioner Young asked: will there be gates? Mr. Lake stated yes, there will be gates to the neighbor's properties, and neighbors will have a key to use the gate.

Commissioner Benson expressed concern that sufficient turn around space for a trailer turn-around may not be provided. Mr. Lake responded by saying the 12 foot access trail is existing and currently used by neighbors to the east. Neighbors wanted the 12 foot access trail to remain.

Commissioner Spall expressed her support for the ability to have larger homes on lots with smaller yards for maintenance purposes.

Public Comment:

Kathy Harvil, resident of Cloud Creek Ranch (2401 S. Cloud Creek Tr), expressed her support of the proposed development. Ms. Harvil stated although she has enjoyed the view of the empty field for quite some time, she was pleased with the quality of product that Toll Brothers provided. Ms. Harvil also expressed the need to keep the 12 foot access trail to allow for the continued use from neighbors to the east.

Commissioner Sossaman inquired: why are the lots along the Cloud Road arterial not restricted to single-story? Mr. Burningham responded, stating that while this requirement was used previously, this is not a Zoning Ordinance requirement. Mr. Burningham also referenced the provision of an enhanced open space buffer and landscaping along Cloud Road.

Move to recommend approval of "Orangewood Planned Area Development (PAD)" Case P18-0125, a request from Sean Lake, Pew and Lake PLC, to rezone from R1-43 to R1-7/PAD and R1-12/PAD for 93 lots on approximately 44.3 acres located at the northwest corner of 220th Street and Cloud Road.

1st: Young

2nd: Benson

Vote: 7-0

FINAL ACTION:

None.

ITEMS FOR DISCUSSION:

None.

ADMINISTRATIVE ITEMS

- 8. 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.

Brett Burningham, Interim Development Services Director, summarized the results of the November 7, 2018 Town Council Meeting. He stated the Anglin Dairy project was continued to the December 5, 2018 Town Council meeting. Mr. Burningham discussed the recent Town Center Rezone approval, and thanked Commissioner Sossaman for his support as a Commissioner and as a member of the Economic Development Commission. Mr. Burningham thanked Kyle Barichello, Planner I, for his hard work and effort on the project. Mr. Burningham stated the Complete Fire Protection Rezone case was also approved at the November 7, 2018 Town Council meeting. Mr. Burningham concluded with the single-family building permit data for October, stating 97 new single-family homes permits were issued for a year-to-date total of 1,112 permits.

Erik Swanson, Principal Planner, introduced himself to the Commission and provided the Commission with a brief summary of his background and experience. Mr. Burningham noted that the December Planning Commission could be cancelled.

- 9. Adjournment**
Motion to adjourn at 6:46PM

1st: Ehmke
2nd: Young
Vote: 7-0

Shaine Alleman, Chairman

ATTEST: _____

Sarah Mertins, Senior Planner

I, Sarah Mertins, do hereby certify that, to the best of my knowledge and belief, the forgoing Minutes are a true and correct copy of the Minutes of the November 14, 2018 Regular Session of the Queen Creek Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Sarah Mertins, Senior Planner

Passed and approved on January 9, 2019.



**MINUTES
WORK STUDY SESSION
QUEEN CREEK PLANNING & ZONING COMMISSION
QUEEN CREEK COMMUNITY CHAMBERS
20727 E. CIVIC PARKWAY
NOVEMBER 14, 2018
IMMEDIATELY FOLLOWING THE 6:00PM REGULAR SESSION**

1. Call to Order

The meeting was called to order at 6:47PM.

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

Commissioners in attendance: Chairman Alleman, Commissioner Ehmke, Commissioner Young, Commissioner Spall, Commissioner Benson, Commissioner Sossaman, and Commissioner Matheson.

ITEMS FOR DISCUSSION

These items are for Commission discussion only and no action will be taken. In general, no public comment will be taken.

3. Conflict of Interest and Open Meeting Law (Mitesh Patel, Town Attorney)

Mitesh Patel, Town Attorney from Dickinson-Wright, introduced himself and outlined the topic of Open Meeting Law. Mr. Patel thanked the Commission for their willingness to have him, and began his presentation.

Mr. Patel presented some history behind the Open Meeting Law issue, stating the Council recommended the Commissions revisit the topic for training. Mr. Patel presented the Arizona Open Meeting Law A.R.S. 38-431 as defined, and briefly explained its utility. He discussed what the public is able to access in terms of their rights to hear all discussion in the public body realm. Mr. Patel continued further to define what a "meeting" truly constitutes, as a gathering either in person or through technological devices with a quorum of public body members.

Mr. Patel discussed how the Open Meeting Law applies to meetings. He stated a quorum must be held in order for the hearing to be officially recognized as a meeting, but that quorums can be "splintered" through the use of email, phone calls, and other technological means that ultimately allow the members to not all be present in the same location. Mr. Patel presented several scenarios to show how a violation could potentially occur.

Mr. Patel presented how emails are a common pitfall when considering violations of the Open Meeting Law, and again gave several scenarios for examples. He stated how the word "email" can be thought of as "evidence made available in litigation."

Mr. Patel continued to outline how litigation can occur through a variety of mediums, and how public record requests can access staff contact, emails, and texts on public devices. Mr. Patel also

discussed how sending messages on a personal device is subject to the same analysis that any records on the public device would be subject to.

Mr. Patel stated only items listed on an agenda should be discussed at a meeting, and in the case where an investigation into a violation does begin, the process commences by means of a complaint sent to the Town Attorney. Mr. Patel discussed the disciplinary actions that can be taken as a result of an investigation.

Mr. Patel presented the definition of relatives, and how they relate to potential conflict of interests. Mr. Patel stated if there is a suspicion of a conflict of interest, the proper method is to check with the Town Attorney and refrain from any public participation involving the possible conflict.

Mr. Patel then concluded his presentation, and opened to questions from the Commission.

Commissioner Sossaman asked a question regarding a rezoning scenario where the issue of proximity might draw the Town's interest into question with other property owners. Mr. Patel responded, stating the Rule of Ten would still apply, so long as there are more than ten owners involved in the scenario.

Mr. Patel thanked the Commission for their time, and concluded his presentation.

4. Code Enforcement Overview (Victor Martinez, Code Compliance Supervisor)

Victor Martinez, Code Compliance Supervisor, introduced himself and provided an overview of the activities Code Compliance currently manages. Mr. Martinez discussed the amount of cases Code Compliance responds to daily and the types of complaints they respond to, stating an average of 3400 cases are created annually. Mr. Martinez stated among the common complaints are weeds, dogs, noise, and landscaping issues within subdivisions or site plans. Mr. Martinez provided several photographs showing typical landscaping violations with overgrown weeds.

Mr. Martinez presented the process of notification following the citation that Code Compliance may issue after initially responding to a complaint. Mr. Martinez stated that a criminal complaint has never been given since his time with the Town. Mr. Martinez then briefly outlined how a criminal complaint comes about, discussing how the complaint must escalate for such a complaint to be considered. Mr. Martinez stated Code Compliance attempts to resolve every issue the best they can to avoid additional complaints. Mr. Martinez further stated that out of the average 3400 cases Code Compliance receives per year, usually only around 7 complaints are formally issued.

Mr. Martinez presented how the fee scheduling works in a case where a hearing officer may impose an accruing fine, and how additional complaints can lead to a criminal citation. Mr. Martinez stated once the complaint is resolved, the case is closed.

Mr. Martinez finished his presentation and opened for any questions from the Commission.

Commissioner Young asked: how many current Code Officers there are in the Code Compliance department? Mr. Martinez responded, stating aside from himself there is one other full-time employee and one employee who works on Saturdays.

Commissioner Benson thanked Code Compliance for their work on the last Board of Adjustment case he was present at.

Commissioner Spall asked: how Code Compliance responds to people who are building or have built without the proper building permit? Mr. Martinez responded, stating there is a provision in the Zoning Ordinance and Building Code that allows for the Code Officers to pursue the issue as a civil matter.

Mr. Martinez thanked the Commission for their time and concluded his presentation.

ADMINISTRATIVE ITEMS

5. Recent activity update.

None.

6. 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.

None.

7. Adjournment

Motion to adjourn at 7:24PM.

1st: Sossaman

2nd: Matheson

Vote: 7-0

Shaine Alleman, Chairman

ATTEST: _____
Sarah Mertins, Senior Planner

I, Sarah Mertins, do hereby certify that, to the best of my knowledge and belief, the forgoing Minutes are a true and correct copy of the Minutes of the November 14, 2018 Work Study Session of the Queen Creek Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Sarah Mertins, Senior Planner

Passed and approved on January 9, 2019.