



**MINUTES
REGULAR MEETING
QUEEN CREEK PLANNING & ZONING COMMISSION
QUEEN CREEK COMMUNITY CHAMBERS
20727 E. CIVIC PARKWAY
April 8, 2020
6:00 PM**

Following the recommendations from the Center for Diseases Control and Prevention (CDC) to avoid gatherings of 10 or more people, as well as federal and state emergency declarations related to COVID-19, the April 8 Queen Creek Planning Commission meeting physical attendance in the Council Chambers will be limited to members of the Planning Commission and necessary staff only.

Some members of the Planning Commission and Staff may attend electronically. Others may attend, including the public and media, by accessing and listening to the Town Council meeting online at QueenCreek.org and following the instructions on that webpage.

1. Call to Order

The meeting was called to order at 6:10PM

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

Commissioners in attendance: Matheson, Sossaman, Spall, Gillette, McWilliams, Smith.

Vice Chairman Young was absent for the role call, but later the joined the meeting electronically.

Prior to item 3, Chairman Matheson thanked the IT department employees for their efforts to ensure a successful virtual meeting. Chairman Matheson then briefly outlined the steps regarding how to participate or comment during the meeting.

Erik Swanson, Interim Planning Administrator, introduced a new Commissioner, Bill Smith. Upon announcing his position, Commissioner Smith provided a short summary of his background and previous roles to the Planning Commission.

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 March 11, 2020 Planning Commission Meeting Minutes.

B. Discussion and Possible Approval of P20-0014 Orchard Cove Preliminary Plat, a request by Ralph Pew (Pew and Lake, PLC) for approval of a new 12-lot subdivision zoned R1-5 on approximately 3.44 acres, located north of the northwest corner of Signal Butte Road and Via Del Jardin. (Steven Ester, Planner I)

Motion to approve the Consent Agenda:

1st: Sossaman

2nd: Spall

Vote: 6-0 (Young was absent)

PUBLIC HEARING:

5. Public Hearing and Possible Action on Cases P19-0242 and P20-0040, The Academy PAD Rezone and Site Plan, request for a PAD rezone from R1-43 to Medium Density Residential (MDR)/PAD and Site Plan approval for 220 units on approximately 21.73 acres, located east of the northeast corner of Meridian and Combs Roads (Kyle Barichello, Senior Planner)

Kyle Barichello, Senior Planner, introduced the project and the aerial showing the site's location. Mr. Barichello walked through the existing general plan designation and zoning of the property, while also touching on surrounding zoning districts. Mr. Barichello stated the proposed Rezoning request from R1-43 to MDR/PAD, with the accompanying Site Plan application. Kyle briefly showed the landscape plan and site plan, while addressing the open space, buffers, and general site orientation.

Mr. Barichello explained that a neighborhood meeting was held for the zoning request with 13 residents in attendance. The residents had general questions on traffic, street improvements, open space, and several other aspects of the project. Kyle reported that no letters have been received, and Staff reached out to the 13 attendees with information regarding participation in tonight's meeting. Mr. Barichello then concluded his presentation and opened for questions from the Commissioners.

Commissioner Sossaman asked how many parking spaces are allotted per unit? Mr. Barichello explained that Hancock Communities relies on its own previous experience and model for parking, but that Staff has confirmed the Town's parking requirements have been met.

Commissioner Smith asked if the Town could encourage a cross access easement for maintenance on the east side? Sean Lake stated he would address the question in his presentation

Sean Lake, Pew and Lake PLC, introduced himself and the proposal to the Planning Commission. Mr. Lake stated the development has 408 parking spaces, which exceeds the Town's requirement for 330 parking spaces at th. Mr. Lake addressed that the developer will be installing the 5' of landscaping on the east side in accordance with ALA's existing 5' strip, and outlined that ALA has agreed to maintain the landscaping, after removing their existing chainlink fence. Mr. Lake said there will be a written agreement, so a cross access easement will not be necessary.

Mr. Lake thanked Staff for the presentation, and quickly walked through the site location, General Plan designation, and current zoning. He noted the product is all single-story, and the site is distinguished through its open space and sense of entry. Mr. Lake described the amenity features, landscaping, and backyard dimensions. He presented architectural renderings to help visualize the open space, models, and clubhouse. Mr. Lake explained the uniqueness of the single-family feel of the proposed development, and presented additional conceptual renderings to further illustrate the character of the site. Sean referenced there is a 20' access easement along the west side for neighbors to use for

access to Combs Road, as requested at the neighborhood meeting. Mr. Lake concluded by thanking the Planning Commission.

Commissioner Smith stated Mr. Lake had answered his question, and had no further comment.

Commissioner Spall asked why the multi-family separation was reduced from 15' to 10' along the north? Mr. Lake explained the total 30' buffer is still provided, and how the fence's location splits 10' of landscaping outside of the wall and 20' inside of the wall for private backyards. Sean stated if this were a single-family development, there would be no required buffer along the northern perimeter.

Commissioner Spall asked if there had been any communication with the land owner to the north. Mr. Lake stated the property owner was notified based on the county assessor information listed, but he had not directly met with the owner.

One (1) speaker card was provided from Amy Faulkner at 920 W. Combs Road, stating "in favor" of the proposal.

Chairman Matheson closed the public hearing, and brought the item back for discussion.

Chairman Sossaman asked if there could be an assurance made regarding ALA's maintenance of the 5' landscape buffer per the written agreement prior to Final Plat approval. Kyle Barichello explained that if ALA was not included in this discussion, Hancock Communities would be responsible to improve and maintain the 5' area. Mr. Barichello stated a condition of approval could be an option, and that Staff would work to create it with the applicant if needed. Sean Lake agreed to provide evidence of the agreements with ALA, and clarified it would be provided before building permit approval.

Chairman Matheson asked Commissioner Sossaman if he wanted to add a condition of approval as discussed to the motion. Commissioner Sossaman did not propose a condition, but stated that if Council or Staff felt it was needed later, it could still be added.

Motion to recommend approval of P19-0242 and P20-0040, The Academy PAD Rezone and Site Plan, request for a PAD rezone from R1-43 to Medium Density Residential (MDR)/PAD and Site Plan approval for 220 units on approximately 21.73 acres, located east of the northeast corner of Meridian and Combs Roads.

1st: Sossaman

2nd: Gillette

Vote: 7-0

FINAL ACTION:

- 6. Discussion and Possible Approval of P19-0106 Fat Cats Comprehensive Sign Plan**, a request from Rob Friend of Fat Cat Entertainment, for approval of a Comprehensive Sign Plan at the Fat Cats entertainment venue located approximately 575-feet west of the northwest corner of Ellsworth and Riggs roads. (Sarah Clark, Senior Planner/Project Manager)

Sarah Clark, Senior Planner/Project Manager, introduced herself and welcomed Commissioner Smith to the Planning Commission. Sarah stated that Rob Friend, of Fat Cats, was also present on the line and had a presentation prepared. Mrs. Clark began her presentation by detailing the project site and features, also noting that the Site Plan and Rezone were approved by Council on February 5, 2020.

Mrs. Clark outlined the request and its deviations being requested through the Comprehensive Sign Plan. Mrs. Clark stated that the Zoning Ordinance requires electronic signage to go through the

approval process from the Planning Commission, in addition to the proposed increased aggregate and wall sign area deviations. Sarah highlighted the Zoning Ordinance standards in comparison to the first deviation for an LED animated monument sign. Mrs. Clark showed elevations of the proposed monument sign and noted the materials are consistent with the Toll Brothers development to the south. Sarah continued on to explain the requested building signage deviations, and detailed the specific linear foot allowances for the proposed sign areas on each elevation and their aggregate, in comparison to their respective Zoning Ordinance standards.. Mrs. Clark detailed the request to exceed the Zoning Ordinance's standard for an aggregate sign area of 250 square feet with a total of 1,429 square feet of sign area proposed. She explained how the standard does not take building height or length into account for scaling. Sarah showed building elevations with the signage proposed, and referenced that the front LED signs do not include a dimmer.

Rob Friend began his presentation by thanking the Planning Commission and Staff. Mr. Friend clarified the previous rendering and the definition of animation, stating that the Fat Cats proposal uses more of a static picture that holds for 8-10 seconds per image. Mr. Friend described the nature of Fat Cats activities, citing that they are a family establishment with special seasonal activities and events. Rob explained this is part of the justification behind why the sign needs to be able to feature images past typical movie posters. Mr. Friend stated that the Gilbert Fat Cats location contains a similar monument sign animation for comparison, and that Fat Cats has worked in other locations to dim their lights up to 50% according to the surrounding context.

Mr. Friend described the wall signage and logos proposed as apart of the sign package. Rob explained each piece of building signage and its corresponding materials, before stopping to ask if the Commissioners had any questions.

Commissioner Spall asked if the monument sign was illuminated on both sides? Mr. Friend replied that it is illuminated on both sides.

Commissioner Gillette asked if the same monument sign faced north and south? Mr. Friend replied that the monument sign faces east and west along Riggs Road.

Commissioner Smith asked if it was correct that the monument sign is dimmed 50% by dusk and the main entrance building logo is not? Commissioner Smith also asked what the hours of operation are? Mr. Friend stated Commissioner Smith was correct, and Fat Cats is open weekdays till 12PM and weekends till 1AM.

Commissioner Smith voiced concern over the proposed main LED wall sign and monument sign with the incoming residential to the south. Commissioner Smith asked how far the building logo is from the residential?

Sarah Clark stated the building signage is approximately 580 feet from the rear walls of Ranchos Legante/Bridle Ranch to the south.

Commissioner Smith asked if Fat Cats has considered putting a dimmer on the main building signage for off-hours? Mr. Friend stated that Fat Cats has not for this location, but they do have the capability to add the dimmer if needed. Rob explained how the building lighting effects the proposed signage around it.

Commissioner Sossaman asked Staff what options the Town has to enforce complaints, if they are received over the signage from residents in the future? Sarah Clark responded there are a few methods the Town uses to compare light measurement according to the Zoning Ordinance. Mrs. Clark explained that LED light emitted from signage is not measurable from a property line, and the issue has come up previously with Code Enforcement.

Commissioner Sossaman reiterated his question regarding what the Town can do after the approval? Mrs. Clark responded that once the CSP is approved, there is no stipulation for Code Enforcement to go out and dim a business's signage. Commissioner Sossaman voiced he was concerned the signage would be seen from far away by residents.

Commissioner Gillette asked if the monument sign LED screens were facing north and south? Rob Friend stated the screens were facing east and west, as you drive Riggs Road.

Commissioner Gillette indicated the east and west facing aspect offered him some peace of mind. Commissioner Gillette stated because Fat Cats has the dimmer capability, he would prefer if there was a condition added to ensure all signs are dimmable.

Chairman Matheson asked if Commissioner Gillette was making a motion, and allowed him to wait for any other comments or questions.

Commissioner Spall discussed the excitement she hears that comes with Fat Cats, and mentioned how the lights fit within that similar expectation. Commissioner Spall felt it was not necessary to add a condition to the signs right as Fat Cats is getting going.

Commissioner Smith asked how much light protrudes from the LED screens, and if the screens were inset to the stone monument? Mr. Friend explained the LED screens are in a casing that protrudes slightly, with the screens flush at the end. Mr. Friend stated there are no pixels on any of the black material.

Commissioner Gillette stated he felt that future residents would not have complaints with dimmable lights, and further emphasized the Commission's role to consider the best interest for Town residents as a whole.

Commissioner Spall asked Staff if it was possible to have a trial period for the lighting to see if any complaints are received? Sarah Clark replied that one option could be to add a condition of approval stating the applicant shall work with Staff to ensure a nuisance is not created and light levels may be reduced by a certain percentage in the event that a code complaint is submitted. Mr. Friend said Fat Cats would be willing to work with Staff as a good neighbor.

Chairman Matheson asked Staff if there have been any complaints on the horse park equestrian center electronic sign or the digital sign not within the Town's limits at Sossman Road and Santan Boulevard? Sarah Clark stated she was not aware of complaints on those specific signs, and explained how the dimmer effect reduces the intensity of the light emitted.

Commissioner Gillette asked if there are future complaints received and a condition was not added for all lights to feature a dimmer, is it more of a hassle to have to go back and add them later in time? Sarah Clark replied that if dimmers were not included as a part of the initial CSP approval, the Town could not require Fat Cats to add them after the fact, unless the condition of approval was attached. Mr. Friend stated Fat Cats will add the dimmer capability to all of the signs from the start, and they are open to adding the condition of approval.

Commissioner Sossaman voiced he felt more comfortable with the condition of approval being added.

Sarah Clark recited the proposed condition of approval language to the Commission as follows: "The applicant shall work with Staff to ensure that light levels from the sign be reduced to a level so as not to create a nuisance to the surrounding community." The Commissioners and Mr. Friend acknowledged the additional condition as stated.

Motion to approve P19-0106 Fat Cats Comprehensive Sign Plan, a request from Rob Friend of Fat Cat Entertainment, for approval of a Comprehensive Sign Plan at the Fat Cats entertainment venue located approximately 575-feet west of the northwest corner of Ellsworth and Riggs roads, with the added Condition of Approval.

1st: Spall
2nd: McWilliams
Vote: 7-0

ITEMS FOR DISCUSSION:

None.

ADMINISTRATIVE ITEMS

7. Recent activity update.

None.

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.

None.

9. Adjournment

Motion to adjourn at 7:31PM:

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