



DRAFT MINUTES
REGULAR MEETING
QUEEN CREEK PLANNING & ZONING COMMISSION
Virtual Meeting
October 14, 2020
6:00 PM

1. Call to Order

The meeting was called to order at 6:05 p.m.

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

Alex Matheson	Chair	Present via WebEx
Troy Young	Vice Chair	Present via WebEx
Steve Sossaman	Commissioner	Present via WebEx
Lea Spall	Commissioner	Present via WebEx
Matt McWilliams	Commissioner	Present via WebEx
David Gillette	Commissioner	Present via WebEx
Bill Smith	Commissioner	Present via WebEx

3. Public Comment: Members of the public may address the Planning Commission on items not on the printed agenda and during Public Hearings. Request to Speak Cards are available at the door, and may be delivered to staff prior to the commencement of the meeting. Please observe the time limit of (3) minutes. Comments may also be sent to via email to PublicComment@queencreek.org by 6:30 p.m. on August 12, 2020 (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record). 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 August 12, 2020 Planning Commission Meeting Minutes.
- B. Discussion and Possible Action on P20-0103 American Homes 4 Rent at Malone Place Parke Residential Design Review. American Homes 4Rent is requesting approval of four (4) new standard plans with four (4) elevations each to be constructed on 97 lots on Parcel I 2 of Malone Place Parke subdivision, located north of the northwest corner of Ocotillo and Meridian Roads. (Sarah Clark, Senior Planner)

- C. Discussion and Possible Approval of P20-0060 Harvest Station Commercial Preliminary Plat, a request by Sean Lake (Pew & Lake) for approval of a 4-lot commercial plat on approximately 12.33 acres zoned C-2 (General Commercial) located at the southwest corner of Riggs and Gary Roads. (Christine Sheehy, Principal Planner)

Motion: To approve the Consent Agenda

1st: Sossaman

2nd: Young

Result: Approved unanimously (7-0)

5. Public Hearings:

- A. Public Hearing and Possible Action on P20-0062 and P20-0063 QC Station South Phase II Rezone and Site Plan, a request by Seth Keeler (W Holdings) to rezone approximately 12.6 acres from R1-43 (Rural Estate) to C-2 (General Commercial) for a phased retail and office development, located at the southeast corner of Ellsworth Loop and Walnut roads. (Steven Ester, Planner II)

Steven Ester, Planner II, introduced the QC Station South Phase II project located at the southeast corner of Ellsworth Loop and Walnut roads and summarized the surrounding properties. He said the applicant is requesting to rezone approximately 12.6 acres from Rural Estate (R1-43) to General Commercial (C-2) to allow for a mix of retail and future office uses. The General Plan Designation is Neighborhood and to the west the area is designated as Urban and the proposed zoning is consistent with the General Plan.

Mr. Ester reviewed the Site Plan which will have two phases. Phase I consists of a 15,140 square foot inline retail building with a drive-thru restaurant to the south with two existing access points on Walnut and Old Ellsworth roads. Future Phase II for office space will include another access point and the applicant will return with a separate Site Plan at a later date.

Mr. Ester summarized the parking, drive-thru queueing, landscaping, elevations and open space requirements. He noted that they meet the required buffers and the drive-thru will have screen walls with decorative elements and a canopy over the pick-up window to visually aid in buffering. The building elevations and the overall project are all coordinated for consistency and complement existing commercial to the north.

Mr. Ester discussed public participation and the notification methods use to reach property owners during the pandemic. Staff received one inquiry from a resident regarding notification and how to view documents online. No other public input has been received to date. He said the project is scheduled to be heard at the November 4 Town Council Meeting and project representative Seth Keeler is available online for questions.

There were no public comment cards and Chair Matheson closed the Public Hearing.

Commissioner Young asked if this is the same group who constructed Black Rock Coffee. Mr. Ester responded yes.

Commissioner Sossaman asked if the retention basins are also being phased in. Seth Keeler responded that the existing retention is already there and future phases would continue with the basins.

Commissioner Spall asked where the third entrance will be. Mr. Ester said access will be on the east side from Old Ellsworth Road.

Commissioner Smith commented that the north entrance to the drive-thru access looks tight and asked if there are Town requirements on how sharp the turn can be. Mr. Ester said the 12-ft curve standard is met on both sides.

Motion to recommend approval of P20-0062 and P20-0063 QC Station South Phase II Rezone and Site Plan, to rezone approximately 12.6 acres from R1-43 (Rural Estate) to C-2 (General Commercial) for a phased retail and office development, subject to the Conditions of Approval as outlined.

1st: Spall

2nd: Gillette

Vote: Approved unanimously (7-0)

- B. Public Hearing and Possible Action on cases P19-0191 and P19-0192 U-Haul Conditional Use Permit and Site Plan, a request from Joe Krueger (U-Haul) for a Conditional Use Permit (CUP) for exterior vehicle storage and Site Plan approval on approximately 4.96 acres located south of the southeast corner of Pecos and Power roads. (Christine Sheehy, Principal Planner)

Christine Sheehy, Principal Planner, summarized the project location south of the southeast corner of Pecos and Power and the surrounding properties. The General Plan Designation is Commercial and the existing zoning is Employment A, which is consistent zoning with the surrounding properties.

Ms. Sheehy said the applicant is requesting approval for a Conditional Use Permit and Site Plan for a self-storage building and outdoor vehicle storage, which is an expansion of the existing U-Haul facility to the north. She said the CUP requirements are satisfied and the applicant meets all the regulations of zoning district EMP-A and the Zoning Ordinance. The site is on approximately 4.96 acres and the project consists of a three-story climate controlled building with 938 lockers and a showroom. The CUP is for the exterior RV Storage located behind the building.

Ms. Sheehy said the lot is a triangular shape and the applicant will try to keep loading dock activities and outdoor storage screened from public view with the use of walls and landscape buffers. She reviewed parking requirements, driveway access, design concepts, elevations and landscaping. She noted that they are using a desert landscape theme and will provide 7% more landscaping than required. The building material will be consistent with the existing U-Haul facility but will have a more contemporary flair.

Ms. Sheehy discussed neighborhood outreach and said in-person neighborhood meetings have been temporarily suspended due to the pandemic, but project contact information was provided via letters, website links and signage. She reported that only two calls were received regarding general information and screening of vehicles. No other public input to date was received.

No public comment cards were received and Chair Matheson closed the Public Hearing.

Commissioner Smith inquired about parapet height and screening of the mechanical equipment. Ms. Sheehy responded that all mechanical equipment is screened in and none

are located on top of the building. She said the parapet is 44-feet at the tallest point which is below the allowed height in that area of 48-feet.

Commissioner Spall asked if the existing U-Haul property to the south will remain. Ms. Sheehy said she understood that this is an expansion and the existing facility will remain.

Motion to recommend approval of cases P19-0191 and P19-0192 for a U-Haul Conditional Use Permit (CUP) for exterior vehicle storage and Site Plan, subject to Conditions of Approval as outlined.

1st: Young

2nd: Spall

Vote: Approved unanimously (7-0)

- C. Public Hearing and Possible Action on P20-0109 Zimmerman Dairy/ North Creek PAD Rezone, a request from Drew Huseh of Woodside Homes, for a PAD Rezone of approximately 195.1 acres from Agritainment (AT) to 142 acres of R1-5/PAD, 38-acres of MDR/PAD and 15.1 acres of C-2/PAD to allow for a future residential and commercial development located at the southeast corner of Meridian and German roads. (Sarah Clark, Senior Planner)

Senior Planner Sarah Clark summarized the project location and surrounding properties. The 195.1 acres site is located at the SEC of Germann and Meridian roads and is currently an active dairy farm. Ms. Clark said the area was subject to a Major General Plan Amendment in 2019 which amended the General Plan Use Designation from Industrial to what it is today (14 acres of Commercial and 177 acres of Neighborhood).

The existing zoning of the project site is Agritainment and the applicant is requesting a rezone to R1-5 PAD, MDR/PAD and C-2/PAD. The rezone is consistent with the surround areas in regards to density and character.

Ms. Clark outlined the proposed Development Plan which includes 738 lots in total with five different lots sizes consisting of traditional homes and an alley loaded single-family home housing product. The primary access point will be a collector road from Germann to Meridian and the development will have many community parks and amenities.

Ms. Clark reviewed the proposed deviations as follows:

- Reduction of the R1-5 Minimum lot width from 50 ft. to 46 feet. She noted that similar deviations to lot width were allowed in other recent developments (Barney Farms and Harvest Developments).
- Modification to the Medium Density Residential (MDR) Dimensional Standards – At the time when the MDR standards were created it did not account for the use of a single-family home detached alley loaded product. The developer proposed its own standards to staff that meet the intent of the MDR zoning category and it is the first of its kind in Queen Creek.

Ms. Clark provided an in-depth description of the alley loaded product which features front doors that face streets, open space tracks, and internal courtyards. She said the rear of the homes are accessed through private 26-foot driveways. Parking is not permitted in these alleyways to maintain access. Ms. Clark said the garages of the homes include a 3-foot apron to provide vehicles enough space when backing out to be visible to oncoming traffic.

Ms. Clark explained the Use and Benefit Easement which is included in the alley loaded home product to provide a private 10-foot side courtyard in addition to the front porches. Ms. Clark said a Use and Benefit Easement is an easement provided to another entity for their use and benefit. In this example, the UBE is established to provide an expanded side yard for the adjacent property owner for their use and benefit of a larger side/backyard.

Ms. Clark discussed neighborhood outreach and said an in-person neighborhood meeting was conducted by the applicant with no members of the public in attendance. She reported that one email in opposition to the project was received due to the proximity to Mesa industrial uses. No other public input to date was received. She said the project is scheduled to be heard at the November 4 Town Council Meeting and project representative Drew Huseh is available online tonight for a presentation from the applicant.

Drew Huseh, Planner with Woodside Homes introduced himself and said he has been developing homes in the Phoenix area since 1984. He said Woodside Homes has been collaborating with staff for months on this plan and they are very excited about the outcome. Mr. Huseh provided general information on the project and reviewed lot sizes, setbacks and elevations. He displayed conceptual drawings of the development and highlighted the following:

- All 738 lots are single family residential homes and are all detached units, providing a diverse housing choice for residents.
- The active open space on this project is 54% which exceeds the 30% requirement.
- The Proposed PAD Deviations concerning reduction in minimum lot width are consistent with other areas in Town of Queen Creek.
- The alley product meets the spirit and intent of the MDR Zoning category.
- The Village Series will have eight floor plans ranging from 1400 square feet up to 4000 square feet and will have something for buyers at all levels (Queen Creek requires four different floor plans and Woodside Homes is doubling that).
- Quality amenities are provided for all ages and abilities including outdoor kitchens and living rooms; pet areas; connected pedestrian trails; robust neighborhood parks; collector roads designed with a strong sense of arrival; entry monuments and secondary monuments.

Mr. Huseh provided detailed information on parking for the Village Series (alley product) and how to ensure adequate guest parking. He said the Town does not have a specific requirement for guest parking. He said Woodside Homes provided unrestricted guest parking allocated throughout the Village Series Plan and are proposing 307 guest spaces for 256 Village Series lots. This is 51 more spaces than is typical. They dedicated and designed parallel parking spaces for guest parking and they are increasing street widths. He said they worked with town staff on this and the

result is unique and will set a precedent. Mr. Huseth said the interior garage dimensions also exceed the Queen Creek requirements.

Mr. Huseth proposed an addition to Condition of Approval # 24 regarding parking which states that owners must always park in their garages. He said that this condition will also be in the owner's Covenants, Conditions & Restrictions (CC&R's).

Condition of Approval #24: (existing)

Guest parking for the Village Parcel shall be provided at a rate of 1.2 per unit.

Condition of Approval #24: (proposed by Developer)

Guest parking for the Village Parcel shall be provided at a rate of 1.2 per unit. Village Lot Owners shall be required to park at all times in their garages. No garage shall be converted to living space or altered or used for storage of material or other purposes which would prevent the use of the garage for the parking of the number of vehicles for which it was designed, except that Declarant and Designated Builders may use a garage in one or more model homes for a sales office and/or a construction office.

There were no public comment cards and Chair Matheson closed the Public Hearing.

The Commissioners discussed the proposed amendment to Condition #24. They discussed whether regulations concerning garage parking were necessary if they will be included in the CC&R's and if it is governed by the Homeowner's Association (HOA) and not governed by the Town.

Mr. Huseth confirmed that it will be in the CC&R's and that it is an HOA issue. The Commission appreciated the additional parking provided by the Developer but agreed that they would rather see the HOA govern this and did not see the need to amend Condition of Approval #24.

Commissioner Smith asked if the Town could be certain that the statement that owners must park in their garages will actually be included in the CC&Rs and be enforced by the HOA and if there was a way that we could stipulate this. Planner Ester said we could be overstepping our boundaries to dictate language in CC&R's.

Motion to recommend approval of P20-0109 Zimmerman Dairy/North Creek PAD Rezone subject to the Conditions of Approval without any modifications to Condition of Approval #24.

1st: Smith

2nd: Gillette

Vote: Approved unanimously (7-0)

- D. Public Hearing and Possible Action on P20-0153 Zoning Ordinance Text Amendment, Recreational Marijuana, a request for Zoning Ordinance Text Amendment to Article 6 Supplemental Use Regulations. (Erik Swanson, Planning Administrator, Mitesh Patel, Town Attorney)

Planning Administrator Erik Swanson gave a brief introduction to the Recreational Marijuana Text Amendment and said the proposed ordinance is a joint effort from the Planning Department and the Town Attorney's Office.

Town Attorney Mitesh Patel outlined the Smart and Safe Arizona Act which is a ballot initiative that will be voted on at the November 3, 2020 Election. The initiative allows the legalization of

marijuana for recreational purposes for adults 21 and over. Mr. Patel outlined the language in the initiative regarding what cities and towns may or may not implement in regards to land use zoning regulations.

Mr. Patel also reviewed our current Ordinance 492-10 passed by Town Council in 2010 which governs medical marijuana and what is required to establish dispensaries; separation requirements and where they can be located in Queen Creek. He noted that we do not have any dispensaries yet and there are very few areas where they may operate in town limits.

Mr. Patel said the proposed Zoning Ordinance Text Amendment to Article 6 is in direct response to the proposed Proposition 207 on the November ballot. Council provided direction to prohibit marijuana establishments and testing facilities within the Town. Mr. Patel said that Town Attorneys worked with the League of Arizona Cities and Towns to draft a multi-faceted Model Ordinance.

The Draft Ordinance will prohibit the possession, use, sale, cultivation, manufacture, transport, production or distribution of marijuana or marijuana products on property that is occupied, owned, controlled or operated by Town; prohibit an individual to smoke marijuana in a public place or open space in Town; to the fullest extent allowable by law, the operation of a Marijuana Establishment is not permitted in Town; and the the operation of a Marijuana Establishment by a Dual Licensee is not permitted in Town. Also included is a section which address possible conflicts with State law. If the State were to change the initiative and towns were not able to prohibit facilities then the provisions of Article 6.11 regulating Medical Marijuana shall be applicable to govern Marijuana Establishments and Marijuana Testing Facilities.

Commissioners discussed potential loopholes in the law if passed, facilities outside of town limits and the increase of impaired driving in other states who have legalized recreational marijuana.

Motion to recommend approval of P20-0153 Zoning Ordinance Text Amendments, Article 6.12 Recreational Marijuana.

1st: Young

2nd: Gillette

Vote: Approved unanimously (7-0)

6. Final Action:

None.

7. Items for Discussion:

None.

8. Administrative Items:

A. Recent activity update.

Mr. Swanson provided the following updates:

- The Katsiris Rezoning; Harvest Station Commercial Rezone; and Harvest Station Multi-family Rezone were all approved at the September 2, 2020 Town Council Meeting.

- There were 186 single family home building permits issued in September and 173 issued in August. The year-to-date total is 1447. We are on track to exceed the 2019 total.

B. 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:

The meeting adjourned at 7:53 p.m.

TOWN OF QUEEN CREEK

Alex Matheson, Chair

ATTEST:

Joy Maglione, Deputy Town Clerk

I, Joy Maglione, do hereby certify that to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Regular Session Minutes of the October 14, 2020 Regular Session of the Queen Creek Planning Commission. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on:



DRAFT MINUTES
WORK STUDY SESSION
QUEEN CREEK PLANNING & ZONING COMMISSION
Virtual Meeting
October 14, 2020
Immediately Following the 6:00 PM Regular Session Meeting

1. Call to Order

The meeting was called to order at 8:01 p.m.

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

Alex Matheson	Chair	Present via WebEx
Troy Young	Vice Chair	Present via WebEx
Steve Sossaman	Commissioner	Present via WebEx
Lea Spall	Commissioner	Present via WebEx
Matt McWilliams	Commissioner	Present via WebEx
David Gillette	Commissioner	Present via WebEx
Bill Smith	Commissioner	Present via WebEx

3. Items for Discussion:

A. Open Meeting Law (Mitesh Patel, Town Attorney)

Town Attorney Mitesh Patel reviewed the Arizona Open Meeting Laws, including the definition of a public body; elements of a meeting; notices and agendas; and splintering the quorum in regards to email, texts and other electronic communication. He provided common pitfalls when a member can unintentionally communicate with others on an issue in violation of open meeting law and how to avoid such situations. He provided direction on meeting with staff members and said it is only allowed for educational purposes and staff should not repeat thoughts, inclinations, and opinions of other Commission members. Mr. Patel concluded with violations, investigation methods, and possible consequences and penalties.

4. Recent Activity Update:

None.

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.

Planning Administrator Erik Swanson thanked the Commission for their hours and service to the Town. He updated the Commission on the vacant position in the Planning Department and said a new planner will be starting next month and will be introduced at the next meeting.

6. Adjournment:

The meeting adjourned at 8:21 p.m.

TOWN OF QUEEN CREEK

Alex Matheson, Chair

ATTEST:

Joy Maglione, Deputy Town Clerk

I, Joy Maglione, do hereby certify that to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Work Study Session Minutes of the October 14, 2020 Work Study Session of the Queen Creek Planning Commission. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on: