



**Minutes**  
**REGULAR MEETING**  
**QUEEN CREEK PLANNING & ZONING COMMISSION**  
**July 14, 2021**  
**6:00 PM**

**1. Call to Order**

The meeting was called to order at 6:02 p.m.

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

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

**3. Public Comment:** Members of the public may address the Planning Commission on items not on the printed agenda and during Public Hearings. Please observe the time limit of (3) minutes. Comments may also be sent to via email to [PublicComment@queencreek.org](mailto:PublicComment@queencreek.org) by 5:30 p.m. on July 14, 2021 (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.

Joan Etzenhouser, 8488 W. Sun Dance Drive, Queen Creek commented on the geological hazards in the area south of Hunt Highway due to fissures and subsiding water. She said she has fissures on her land and it has devalued her property. She wants awareness for this issue for new development being proposed in this area.

Tom Lang, 6875 W. Hunt Highway commented on the dangerous and very large fissures holes in the area of San Tan Mountains, which are getting wider due to rain. He also commented on landfills and junk that is buried in the area where new homes are being built.

Bobby West, 8082 W. Sundance Drive, was opposed to the new project proposed by Toll Brothers and the increase in people and traffic that it will bring to that area.

Katrina West submitted a publiccomment card in opposition to the Toll Brothers project but did not speak.

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 June 9, 2021 Planning Commission Meeting Minutes.**
- B. Discussion and Possible Action on P21-0079 Jorde Farms North Residential Design Review.** Shea Homes is requesting approval of ten (10) new standard plans with three (3) elevations per plan to be constructed on lots 1-225 in the Jorde Farms North subdivision, generally located at the west of the southwest corner of Germann and Crismon roads. (Laney Corey, Planning Intern)
- C. Discussion and Possible Action on P21-0027, P21-0028 and P21-0029 Woodside Homes at North Creek Residential Design Review.** Woodside Homes is requesting approval of 26 new standard plans with 3 to 4 elevations per plan to be constructed on 363 lots within Parcels 2, 3, 5, 6, 7, and 8 in Phase 1 of the North Creek subdivision, located at the southeast corner of Germann and Meridian roads. (Sarah Clark, Senior Planner/Project Manager)
- D. Discussion and Possible Action on P21-0086 Legado Phases 2 and 3 Preliminary Plat,** a request by Stefanie Cerie of Taylor Morrison for a Preliminary Plat consisting of 405 lots as the second and third phases of the Legado subdivision. The 174-acre project site is generally located at the northwest corner of Sossaman and Ocotillo roads. (Steven Ester, Planner II)
- E. Discussion and Possible Action on Case P21-0112 Power 14 Preliminary Plat,** a request from Bowman Consulting for Preliminary Plat approval of an approximately 18.53-acre, fourteen (14) lot single-family residential subdivision located north of the northeast corner of Power and Chandler Heights roads. (Mallory Ress, Planner I)

Commissioner Smith asked if multiple elevations are offered are there any diversification requirements in regards to percentage of different elevations that can be built.

Planning Administrator Erik Swanson said we have a Condition of Approval that restricts the same elevation from being built across the street or next to each other, but we do not have any limitations on how many of a certain plan they can build. Mr. Swanson added that based on market trends homebuilders want to ensure sufficient diversity. He said, for example, Jorde Farms will limit the amount of a particular plan being built.

Commissioner Smith commented that Case P21-0112 Power 14 shows a gated community and asked if there is an ordinance concerning gated communities in Queen Creek town limits.

Mr. Swanson said no there is not, but through the design review process we make sure that if a vehicle goes to the gated area and finds they are at the wrong location that there is sufficient turn around space. Mr. Swanson said in this case they went through the process and everything is fine.

**Motion: To approve the Consent Agenda**

**1<sup>st</sup>: Smith**

**2<sup>nd</sup>: Spall**

**RESULT: Approved unanimously (5-0)**

5. **Public Hearing:**

- A. WITHDRAWN – Public Hearing and Possible Action on Case P21-0040 Encanto Vista Major General Plan Amendment**, a request from Sean Lake, of Pew and Lake PLC, to amend the existing 2018 General Plan Land Use Designation for 105 acres from Rural to Neighborhood use to allow for future single-family residential development. - **The applicant has requested the item be withdrawn from consideration.**

Planner Stephen Ester reported that the applicant has formerly withdrawn this item.

**Motion: To withdraw Case P21-0040 Encanto Vista Major General Plan Amendment**

**1<sup>st</sup>: Spall**

**2<sup>nd</sup>: Smith**

**RESULT: Approved unanimously (5-0)**

- B. Public Hearing and Possible Action on P21-0134 Drive-Thru Conditional Use Permit Zoning Ordinance Text Amendment**, a staff initiated text amendment to the Zoning Ordinance recommending a Conditional Use Permit for drive-thru restaurants that are located within 1,200-foot of a residential zoning district. (Mallory Ress, Planner I)

Planner I, Mallory Ress introduced a town initiated text amendment that would require drive-thrus within 1200 feet of a residential zone to get a Conditional Use Permit (CUP). Ms. Ress provided a summary of the text amendment redline changes and gave brief background history on the topic. Back in 2019, Town Council sought direction from staff for ways to streamline the review processes and reduce zoning and building approval times. One of the staff recommendations eliminated the CUP for restaurants with drive-thrus, with the understanding that most of these uses would be in commercial centers. Ms. Ress explained that with rapid residential and commercial growth along with pandemic related issues (telecommuting, increased take-out) this needed a closer look. She said staff is recommending a 1200-foot distance to capture smaller commercial centers that might be closer to residential areas. She clarified that if a restaurant drive-thru is outside of 1200 feet then no CUP will be required; but within 1200 feet, the CUP would be needed. Ms. Ress said the 1200-foot separation would allow planning staff to review any impacts to residential neighborhoods and also allow neighborhood participation during the review process.

Commissioner Smith asked if the original ordinance had the 1200 foot requirement. Ms. Ress said no, prior to the change, any use with a drive-thru required a CUP. Mr. Smith asked if it was retroactive. Ms. Ress said no.

Commissioner Spall asked for clarification on the telecommuting aspect. Ms. Ress explained that since the pandemic, more people are working from home and the noise impact from drive-thrus that are close to residential areas can be more noticeable.

Commissioner Smith asked if the distance is from the property line or from the business window. Ms. Ress said the 1200 feet is measured from the business drive-thru restaurant property line to the residential property line.

Commissioner McWilliams asked if there are any current drive thru applicants that this would effect and when it will be effective. Ms. Ressa said there is one project in the works but based on the location relative to residential this would not apply and Ms. Ressa said the current applicant was informed of the proposed amendment. She said that any projects coming in that have not been approved would be subject to this amendment if passed.

**Motion: To approve P21-0134 Drive-Thru Conditional Use Permit Zoning Ordinance Text Amendment.**

**1<sup>st</sup>: McWilliams**

**2<sup>nd</sup>: Smith**

**RESULT: Approved unanimously (5-0)**

- C. Public Hearing Public Hearing on Case P21-0133 Town Initiated Text Amendment to 2018 the General Plan Update**, a staff initiated text amendment to provide a brief list of updates to the document's maps to reflect changes since its approval and provide minor text amendments to provide additional clarification. (Sarah Clark, Senior Planner/Project Manager)

Senior Planner Sarah Clark introduced the town initiated text amendment to the 2018 General Plan Update and said it includes a small series of updates and minor text amendments to ensure that the document is easy to understand and up-to-date. She said that staff reviews the plan annually and the next large scale update to the General Plan would begin in 2025 for a 2028 adoption.

Ms. Clark summarized the updates as follows:

- Clarification to the public notice requirements
- Map updates to reflect new growth and planning areas
- Zoning updates and Land Use Category Table updates
- Clarification on the Special District boundaries expansion process

Ms. Clark concluded with a timeline schedule that includes Council introduction on August 4, 2021; a second P&Z Public Hearing on August 11, 2021; and a Council Hearing on September 15, 2021. Ms. Clark said no motion is required tonight and a second hearing will be scheduled for the August meeting where a vote will be taken.

There were no questions or comments from the Commission.

## **6. Final Action:**

**A. Discussion and Possible Action on P21-0035 Encanterra Resort Casitas**, a request from Curtis Briggs, Shea Homes for Preliminary Plat approval of an approximately 5.52-acre, 45 unit condominium subdivision located internal to the gated Encanterra Master Planned Community at

northeast corner of Encanterra Boulevard and Encanterra Drive, adjacent to the La Casa Club House. (Erik Swanson, Planning Administrator)

Mr. Swanson introduced the request for a preliminary plat approval located in the Encanterra community for Encanterra Resort Casitas. The proposed project request is for 45 condominium units in 16 different three-story buildings surrounding the clubhouse area.

Mr. Swanson explained that tonight's item is simply for the preliminary plat and said that all land use issues were done when Encanterra was annexed into Town as required by State law. Mr. Swanson said the Town has been made aware of resident's concerns and said that Mr. Ralph Pew, the attorney representing the applicant, is here to give further background information on the project.

Mr. Swanson repeated that tonight's meeting is for a preliminary plat and to see if it meets the town standards from an engineering and design point. Mr. Swanson stated that it does meet the standards and the Town staff is recommending approval for the preliminary plat.

Mr. Pew said he is representing Shea Homes who is the original developer of Encanterra. He provided a presentation outlining the history of the Encanterra Resort Casitas project. Mr. Pew said the Encanterra master plan was approved in Pinal County in May 2006. The resort was zoned Transitional (TR) in Pinal County which bridges the gap between commercial and residential in Pinal County. He said between 2006 – 2018 there were various amendments to Encanterra PAD in Pinal County.

Mr. Pew said in 2019 the Town of Queen Creek annexed Encanterra and with annexation, all of the uses and development standards that were approved in Pinal County were applied to Queen Creek. Mr. Pew said that State law requires comparable zoning and the Queen Creek comparable zoning of Mixed Use was applied to the Resort Core parcel where the proposed casitas are located.

Mr. Pew provide information on the 5.52 acre portion of the Resort Core parcel and said that the 45 units proposed will not cause stress on the amenities of Encanterra and it does not exceed the maximum lot count in the community.

Mr. Pew said that the preliminary plat process shows the layout of the subdivision and it must be submitted to the Planning Commission for approval. He said there are two questions that staff has to review: 1) does the proposed plan meet the Town's zoning requirements and 2) does the proposed plan meet the Town's engineering standards. Mr. Pew said the plan complies with both and he stressed that preliminary plats do not involve land use questions.

Mr. Pew provided information on the resort casitas and addressed the following concerns:

- It is unknown exactly why the word "casistas" was chosen for the project, but it reflects the size and style of the homes being built (1300 – 2700 square feet, Mediterranean styled units)

- The 40 foot height has always been in existence (approved) since 2006
- The units will be owned (not rentals) and will have parking garages and the Encanterra amenities will be available to the unit owners
- The project is within the allowed density and will comprise of only 1.8% of the allowed dwelling units in Encanterra
- Short-term rentals will fall within the same guidelines as the rest of Encanterra

Planning Commission Chair Troy Young said that preliminary plats do not normally require a public hearing but the Town is allowing for public comments based on questions received from the community.

The following Encanterra residents spoke at the meeting in opposition to P21-0035 Encanterra Resort Casitas:

- Robert Cohen, 37062 N Stoneware Drive said that the definition and size of a casita do not apply to condominiums. He was concerned about speeding, safety and police enforcement inside Encanterra.
- Virga Wallace, 777 E Garden Basket Drive, had concerns with fire safety, water shortages, and the environmental impact with the increased population and the size of the casistas. She was concerned with the gates and traffic signals with an increase of residents.
- Chris Felicetti, 1326 E Verde Blvd had concerns about sinkholes. She spoke about weddings and corporate events in relation to safety. She felt residents were misled about the casistas.
- Jerry DeYoung, 1607 E Atole Place said they were misled by Shea Homes concerning the casistas on the plat map when they bought. Casistas are small usually one-story homes and not 40' high condominiums. He said the condominiums do not reflect the style of the Encanterra community.
- Dan Muhlfelder, 1535 E. Sweet Citrus Drive was concerned about the noise level that will come from the facility. He said the original plan was misleading and said a casistas is a small home not a 39-foot triplex.

Rebecca Potter, 130 E Alcatara Ave submitted an email comment in opposition to the project and it was read into the record. (See attached).

Mr. Pew thanked the neighbors for their responses and said that many of the issues relate to the governance of the community and lie with the HOA.

He addressed the capacity questions and said that Encanterra has adequate capacity and public facilities and has always been planned for 2,399 units and it meets water and service needs. Mr.

Pew said it was always designed to handle this and the roadways are designed to handle it as well.

Mr. Pew addressed the noise issue and said it is governed by the HOA guidelines. He added that there are sound laws and standards in Queen Creek and if violated it can be enforced where applicable.

Chair Young explained the role of the Planning & Zoning Commission in regards to consideration of preliminary plats. Chair Young asked if it was planned for 3-story in the initial set up in 2006. Mr. Pew said yes, it was zoned Transitional (TR) in Pinal County and the height in that zone is 40 feet. He said that is what we are complying with in the County and with the Town comparable zoning.

Commissioner Spall asked if the three-story is all one owner. Mr. Pew said it is a tri-plex with the ground floor all for parking; the second floor will have two units (the duplex level); and the third floor spans the whole building and will be one 3700 square feet unit with one owner.

Chair Young asked if they are rentals. Mr. Pew said these are for-sale condominium units and explained the legal definition of a condominium. He also addressed the word casistas and said he does not have an answer as to why the word casita was chosen years ago, but it has nothing to do with the subdivision plat on the agenda tonight.

Commissioner Spall asked what the HOA rules are for short-term rentals. Mr. Pew said that Encanterra allows short-term rentals for all units in Encanterra and that is an issue with the governing covenant of Encanterra. He also addressed a reference to Shea owning the units and operating corporate events or using them for wedding guest rentals. Mr. Pew said that issue and the use and occupancy of a building is strictly governed by the documents and covenant of Encanterra and the guidelines would apply to Shea as well.

Residents in the audience voiced concerns regarding wedding venues, stay vacations, the definition of casitas and design standards.

Mr. Swanson acknowledged their concerns but reiterated that this is not a land use discussion on condominiums, multi-family or rentals tonight and it is just on the agenda for a plat.

Commissioner Smith said he understands the resident's frustrations and said we cannot address land use issues or what you may have been told by the developers. He said what we are here for tonight is whether or not this project meets the zoning requirements. He said that their issues do matter but we can only vote on the preliminary plat.

Mr. Swanson explained the next step in the process and said that the final plat will go to Town Council for approval.

Commissioner Smith asked for clarification on Transitional (TR) use. Mr. Swanson explained the annexation process and said we had to give it comparable zoning as required by State statute. The closest zoning to TR in Queen Creek zoning was Mixed Use (MU). The old TR zoning and the MU zoning both allow different housing styles including single family, multiple family and

condominiums. Mr. Swanson explained that we could not annex it in and give it a different type of zoning; it has to be like for like.

The residents voiced additional concerns regarding their opposition to the project. Chair Young explained the process for tonight's agenda and said that this is a yes or no question that we have to vote on tonight. The Commission encouraged residents to educate themselves with the political process going forward and reach out to staff for more information on the process.

**Motion: To approve P21-0035 Encanterra Resort Casitas**

**1<sup>st</sup>: Smith**

**2<sup>nd</sup>: McWilliams**

**RESULT: Approved unanimously (5-0)**

- B. Discussion and Possible Approval of P21-0135 Heart Cry Church Comprehensive Sign Plan**, a request from Richard North, on behalf of Arizona Commercial Signs for Heart Cry Church, for approval of a Comprehensive Sign Plan at Heart Cry Church, located at the southeast corner of Hunt Highway and Sossaman Road. (Laney Corey, Planning Intern)

Planning Intern Laney Corey introduced the Heart Cry Church Comprehensive Sign Plan requested for the church and future classroom building located at the southeast corner of Hunt Highway and Sossaman Road. Ms. Corey said the site is 14.31 acres and outlined the surrounding areas.

One deviation is being requested by the applicant for maximum signage for institutional use in a residential zone. Ms. Corey said Zoning Ordinance requires no more than 48 feet and the applicant is proposing 120 square feet in total signage. The signage includes one 52 square foot monument sign and one 68 square foot wall-mounted sign both on the north side of the building adjacent to Hunt Highway.

Ms. Corey said the signs will have complimentary design to integrate with the worship center architectural theme and both signs are set on an automatic timer to turn off at 10 p.m.

Commissioner Smith asked for confirmation that there was no neon signage and that it was set on a timer. Ms. Corey said that is correct there is no neon and it is on a timer to turn off at 10 p.m.

**Motion: To approve P21-0135 Heart Cry Church Comprehensive Sign Plan**

**1<sup>st</sup>: Spall**

**2<sup>nd</sup>: McWilliams**

**RESULT: Approved unanimously (5-0)**

- 7. Items for Discussion:** *These items are for Commission discussion only and no action will be taken. In general, no public comment will be taken.*

None.



## **8. Administrative Items:**

### **A. Recent activity update**

Mr. Swanson reported 177 new residential home permits in June. He said we set a new record for residential permits issued for last fiscal year with 2,223. With Covid, we anticipated 700 permits and it was well exceeded. Mr. Swanson said it was our highest grossing year.

Commissioner Smith asked if the Town tracks the type of homes from a size category, for example is there a lot of entry level homes or a good dispersion of types across the market. Mr. Swanson said we don't have a mechanism to break down square footage, but we do have a good mix of sizes. He said we also look at projections and market trends to try to predict future square footage trends to provide diversity.

Commissioner Smith said it feels like a lot of high density is coming through and fears we will be losing our identity. Mr. Swanson said a lot of it is a function of the market and land prices.

Commissioner McWilliams asked if there is an estimate of density and size of houses being built. He asked if we found that as prices go up the houses become smaller. Mr. Swanson said as we receive applications we do provide Finance with a square footage range in a community, but he does not have the data at this time.

Planner Sarah Clark added that the Finance Department has contracted with a consultant to do a study on growth population projections across a lot of different areas. She said when the study is complete that staff could present the findings to the Commission.

Mr. Swanson introduced the new planning intern Amanda Caparoso to the Commission. Ms. Caparoso thanked staff and the Commission for the opportunity. Ms. Caparoso said she is working on her Master's Degree from ASU and is excited to work in Queen Creek.

## **9. 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.

## **10. Adjournment**

The meeting adjourned at 7:27 p.m.

TOWN OF QUEEN CREEK

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Troy Young, Chair

ATTEST:

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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 July 14, 2021 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 August 11, 2021



Joy Maglione <joy.maglione@queencreekaz.gov>

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**Fwd: Discussion P21-0035. July 14th 2021**

1 message

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**Sarah Clark** <sarah.clark@queencreekaz.gov>  
To: Joy Maglione <joy.maglione@queencreekaz.gov>

Wed, Jul 14, 2021 at 9:19 AM

Can we read this email into the record at tonight's meeting?

Thank you!

**Sarah Clark, AICP**  
Senior Planner/Project Manager  
p: (480) 358-3020

e: sarah.clark@queencreekaz.gov  
22358 S Ellsworth Road, Queen Creek, AZ 85142  
Office hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Fridays



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----- Forwarded message -----

From: **just me** <rustic\_view@hotmail.com>

Date: Wed, Jul 14, 2021 at 8:44 AM

Subject: Discussion P21-0035. July 14th 2021

To: PublicComment@QueenCreek.org <PublicComment@queencreek.org>

Cc: troy.young@queencreekaz.gov <troy.young@queencreekaz.gov>, david.gillette@QueenCreekAZ.gov <david.gillette@queencreekaz.gov>, steven.sossaman@QueenCreekAZ.gov <steven.sossaman@queencreekaz.gov>, lea.spall@QueenCreekAZ.gov <lea.spall@queencreekaz.gov>, bill.smith@QueenCreekAZ.gov <bill.smith@queencreekaz.gov>, matt.mcwilliams@QueenCreekAZ.gov <matt.mcwilliams@queencreekaz.gov>, alex.matheson@QueenCreekAZ.gov <alex.matheson@queencreekaz.gov>

I am writing in reference to the July 14, 2021 planning commission meeting in Queen Creek AZ at 6:00pm.

The committee is to have a discussion on P21-0035 Encanterra Resort Casitas.

In the announcement of the aforementioned meeting the word Casitas is used. Further down they are referred to as condominiums.

I have obtained the current Encanterra community map displayed on our My Trilogy Life (MTL) website which shows the land in question **zoned for future casitas**. Attachment #1 shows this map.

Attachment #2 show's the same map of the area enlarged 300% . Attachment #3 is a picture of the same maps printed from our community website. Please note on attachment #3 the

date from the current website is **1.4.19**. This date has not been updated leading members and potential buyers to still believe these original plans are still in effect. Nowhere does a new map state a change of plans for the property to be **Zoned for Condos**. The website clearly says **Zoned for Casitas**.

If a legal documents refers to casitas, then it is logical to believe that is what would be built.

Attachment #4 are findings on the internet with the definition of a casita.

My hopes are the Planning committee recognizes the many changes of wording used by Levi Shill for these buildings in his e mails to the community. Duplexes and condos are not on the original zoning map to be built. Casitas are to be built per the community map.

I am suggesting the Commission do the right thing and decline these condos and approve the already zoned for casitas.

Thank you for your attention to this matter.

For call to the public.

Rebecca Potter

130 E Alcatara Ave.

Queen Creek AZ 85140

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**Sarah Clark, AICP**  
Senior Planner/Project Manager  
p: (480) 358-3020

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TOWN OF  
**QUEEN CREEK**  
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