



Minutes
REGULAR MEETING
QUEEN CREEK PLANNING & ZONING COMMISSION
November 10, 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.

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|-----------------|--------------|---------|
| Troy Young | Chair | Present |
| David Gillette | Vice Chair | Present |
| Matt McWilliams | Commissioner | Present |
| Alex Matheson | Commissioner | Present |
| Bill Smith | Commissioner | Present |
| Jeff Nielsen | Commissioner | Present |
| 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 by 5:30 p.m. on August 11, 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.

Dianna McCallen, 43809 N Jackrabbit Road, San Tan Valley resides adjacent to the State Land. She is not opposed to the acquisition of the State Land but is requesting frontage roads to minimize additional traffic and preserve the integrity of existing neighborhoods

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 September 8, 2021 Planning Commission Meeting Minutes.

MOTION: To approve the Consent Agenda

1st: Spall

2nd: Matheson

AYES: Young, Gillette, Smith, Spall, Matheson, Nielsen, McWilliams

RESULT: Approved (7-0)

5. Public Hearing:

- A. Public Hearing and Possible Action on P21-0192 Arizona State Land Department Specific Plan Supplement 2.** Request for Rezoning for an Amendment (P21-00192) of approximately 600+/- acres to the State Land Specific Plan by creating a new zoning designation of Urban Employment (Erik Swanson, Planning Administrator)

Mr. Swanson provided a brief history of the Arizona State Land Department Specific Plan and he outlined the two previous zoning designations that were approved (Neighborhood and Urban category). He said shortly thereafter a third zoning category called Urban Employment was requested.

He said there has been a lot of interest for employment type uses and developers had concerns with mixing residential and employment uses. This request tonight is for a rezone of approximately 600 acres to Urban Employment. Mr. Swanson added that due to the size and scope of the State Land that it was expected that modifications would be sought as market demands change and this was accounted for in the original development plan.

Mr. Swanson said that neighborhood meetings were held and comments relating to transportation and overall traffic for the community to south were received. The Town recognized the large lot agrarian uses and the State agreed to 300' residential compatibility buffer zone. Mr. Swanson said there are two phases to the rezone and if a user comes in a site plan will be required.

Commissioner Spall asked if the request received during Public Comment for the frontage road would be for the residents. Mr. Swanson said he understood the request to be a frontage road for the employment property so their traffic would not mingle with the neighborhood.

Commissioner Smith asked about the gap in the buffer zone depicted on the map for the subject property. Mr. Swanson said the compatibility buffer would carry through for all employment districts.

Carolyn Oberholtzer, land use attorney with Bergin, Frakes, Smalley & Oberholtzer summarized the history and purpose of the State Trust land. She said there is a constitutional mandate to manage land to maximize revenue for the trustees. She said State Trust land is not public land and it is held in the State Trust for the sole purpose of generating revenue to benefit its beneficiaries, such as Arizona K-12 public schools and more.

Ms. Oberholtzer outlined the subject property and addressed buffers, the residential compatibility area and permitted uses. She reviewed what is allowed to occur in the 300' buffer so residential can coexist with commercial.

Chair Young opened the Public Hearing. There were no public comments and the Public Hearing was closed.

Vice Chair Gillette said it is important maintain the small town feel as the Town residential and commercial development grows.

MOTION: To approve P21-0192 Arizona State Land Department Specific Plan Supplement 2, subject to the Conditions of Approval.

1st: Spall

2nd: Matheson

AYES: Young, Gillette, Smith, Spall, Matheson, Nielsen, McWilliams

RESULT: Approved (7-0)

- B. Discussion and Possible Action on P21-0071 Durham Queen Creek Rezone.** Request for Rezoning on an approximate 20-acre site from R1-43 (Rural Estate District) upon annexation from Maricopa County to C-2 (General Commercial District) (Erik Swanson, Planning Administrator).

Planning Administrator Erik Swanson presented a request to rezone a 20-acre site from Rural Estate District (R1-43) upon annexation to General Commercial District(C-2). He outlined the the site location located on the southeast corner of Ellsworth and Cloud roads. The request conforms with the General Plan designation and is currently going through the annexation process.

Mr. Swanson said the request tonight is for a rezone for *any* C-2 use. He said the applicant has been forthcoming and the intent for the property is anticipated to be an auto dealership and a conceptual plan was provided by the designer. Mr. Swanson reviewed elements of the conceptual plan including buffers, access points, future commercial uses and retention areas. Mr. Swanson said this is a concept plan at this time and there may be some minor changes but the general intent is consistent with the plan being shown tonight. He noted that if approved, a formal Site Plan application will be submitted for review.

Mr. Swanson reported that a neighborhood meeting was held with approximately 20 residents. Concerns included increased traffic, safety, and the use of Cloud Road for test drives. Mr. Swanson said there were seven emails in opposition and one email with three people in support of the project.

Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer, PLLC presented on behalf of the applicant. She said the land was recently purchased by the Earnhardts and said the property is predominately located in a commercial corridor. She outlined the surrounding area properties which border residential, a church, the Fry's commercial plaza and the recently approved residential development QC Commons. She said the design is intentional in order to fit the surrounding area and the buildings will be located in the center of the property. Ms. Oberholtzer

said the dealership is a low-intensity user with predominately daytime use and quiet evening hours. Ms. Oberholtzer discussed access points, traffic flow, landscape buffers, trails and sidewalks. She said they would be back with more details during the Site Plan process.

Mr. Oberholtzer said the Earnhardts take neighborhood concerns very seriously and said it is not an auto-mall and the project will be an appropriately scaled development adhering to Queen Creek standards. She discussed community benefits such as sales tax dollars, traffic improvements, and Queen Creek quality development standards once annexed. She pointed out the uses that would most likely be seen if it were not annexed, such as schools or churches, and explained the differences between County and Town standards.

Commissioner McWilliams asked what the differences in traffic would be for uses that are permitted today (such as a high school) versus the proposed dealership.

Ms. Oberholtzer said that high schools present a significant traffic event during peak hours, whereas a dealership traffic is segmented and spread out throughout the day.

Commissioner Smith asked if other sites near highway access were considered, rather than a site near residential neighborhoods.

Ms. Oberholtzer explained state limitations on where franchises can locate and pointed out that the service departments in dealerships provide many high salary jobs that prefer to be closer to the community. She said other sites were considered but this was the best fit.

Commissioner Gillette asked about the volume of sales for the Rodeo Chrysler Dodge Queen Creek dealership in comparison to the Gilbert dealerships that are located off the freeway and also how it compares in revenue to other businesses in Queen Creek.

Kirby Earnhardt responded that Queen Creek did approximately \$72M in 2020 and it is growing fast. He said the Gilbert dealerships are in a prime spot, have more population, do very well, and see double the volume.

Development Services Director Brett Burningham said he will check with the Finance Department to see how revenue from dealerships compare with other local businesses.

Vice Chair Young opened the Public Hearing. There was one caller signed on to speak via phone on WebEx but the caller dropped off. Mr. Swanson will reach out to the caller so they can comment at the upcoming Council meeting on this request if desired. There were no other comments and the Public Hearing was closed.

Commissioner Matheson commented that the project is a good economic opportunity for the Town and he is in support of the rezone.

MOTION: To approve P21-0071 Durham Queen Creek Rezone subject to the Conditions of Approval.

1st: Matheson

2nd: Gillette

AYES: Young, Gillette, Spall, Matheson, Nielsen, McWilliams

NAYES: Smith

RESULT: Approved (6-1)

- C. Discussion and Possible Action on P21-0125 The Bungalows Phase II PAD Rezone and P21-0126 Site Plan.** Request for a PAD Rezone from C-2 (General Commercial) to MDR/PAD (Medium Density Residential) and Site Plan approval for an 85 unit, single-story multi-family development on approximately 7.3 acres (Steven Ester, Planner II).

Planner Steven Ester presented a request for a PAD rezone for an 85-unit single story multi-family development from (C-2) General Commercial to (MDR/PAD) Medium Density Residential. Mr. Ester said the site is located northwest of the northwest corner of Combs and Gantzel roads and outlined the surrounding area properties. He said the project will tie into the existing Phase I that was approved back in 2020. This project consists of a gated community with a mix of detached and attached homes with private backyards. Mr. Ester outlined landscape buffers, access points and the different elevations. He said there is one requested deviation to reduce the required building separation from 15' to 10' and he noted that this deviation was already approved for Phase I.

Mr. Ester said a neighborhood meeting was held with zero residents in attendance and staff has not received any calls or letters regarding this proposal at this time. The next step is the Town Council meeting on December 1, 2021.

Sean Lake, presented on behalf of the applicant and the developer. He said that Phase I had extensive neighborhood involvement and Phase II will be a seamless continuation.

Mr. Lake provided background on the 7-acre site, which is located behind the future commercial center. After the commercial developer laid out their site plan, they were left with the 7-acre corner piece and they asked us to annex it to include in our project. Mr. Lake said this piece will be the second phase. Mr. Lake said there were no concerns from the neighbors. He outlined the amenities and access points and said it is quality gated project with substantial open space.

Commissioners had questions on the dirt road behind the original parcel and area road improvements. Mr. Lake said that the temporary road will be a full access road and discussed the traffic signals in the area. He said all previous agreements for road improvements would take place. He also clarified the alignment of the internal roads that connect Phase I and Phase II.

Commissioners discussed the existing amenities and asked if they will accommodate the addition of Phase II. Mr. Lake said there will be one pool and clubhouse that will be shared by both phases and said that will be sufficient for the community. He said the trails and parks are found to be utilized more often than pools and fitness rooms. He also pointed out that the units have their own backyard and doggie doors are available.

Vice Chair Young opened the Public Hearing. There were no comments and the Public Hearing was closed.

MOTION: To approve P21-0125 The Bungalows Phase II PAD Rezone and P21-0126 Site Plan, subject to the Conditions of Approval.

1st: Gillette

2nd: Smith

AYES: Young, Gillette, Smith, Spall, Matheson, Nielsen, McWilliams

RESULT: Approved (7-0)

- D. Discussion and Possible Action on P21-0100 Pegasus Airpark PAD Amendment.** Request to amend the approved PAD at Pegasus Airpark to allow for helicopters to operate out of the airpark (Mallory Ress, Planner I).

Planner Mallory Ress presented a request to amend the approved PAD at Pegasus Airpark to allow for operation of helicopters. She outlined the project site including the airstrip and hangars. Ms. Ress said that this is not a rezone; it is a request to amend two conditions to allow rotary aircraft.

A neighborhood meeting was held and 14 residents attended from Belleroy and Pegasus subdivisions. The main concerns were about noise from helicopter air traffic. Ms. Ress said the applicant would still be in compliance with FAA regulations regarding noise levels. Ms. Ress gave a brief history of Pegasus Airport from 1994 to the current operation.

Vanessa McDonald, Pew & Lake, presented on behalf of the applicant. Ms. McDonald provided history on the airpark and said it is very rare that they receive a complaint. She said the four rows of homes above the airstrip are all located in Pegasus and they are all plane owners. Currently homeowners in Pegasus that own helicopters must operate them out of other airports and with this amendment there will be no more than 10 helicopter flights per month. She said that only four residents own helicopters at this time. She provided information on airparks vs airports and said Pegasus will always be for the residential homeowners and guests only. Ms. McDonald provided information on average flights per day, with Pegasus being minimal and low-use in comparison to other airparks.

She said noise readings were conducted in Pegasus and ambient levels were very low in comparison to noise such as road traffic and other common noise. Ms. McDonald explained the other layers of regulation that Pegasus Airpark must abide by and said they voluntarily follow the FAA "Fly Neighborly" Program. She said there was outreach to Belleroy and Orchard Ranch subdivisions and no problems were reported.

Commissioners asked for clarification on Condition #2, which outlined the total number of aircraft on the entire Airpark Development (not to exceed 225) and maximum quantity of aircraft (92).

Ms. McDonald explained that 92 is for hangar operations and airstrip and the aggregate limit is 225.

Nelson Garrison, President of Pegasus Airpark Flight Association, said there are less than 100 aircraft at Pegasus today and approximately 30 planes operate regularly with a significant number that have not moved for some time. Mr. Garrison said there are 71 hangers that are completed with no room for additional hangars, and 50 % of runway lots have been built on. He said the odds of reaching the capacity of 225 are very small.

Commissioners had questions regarding flight paths for helicopters and safety of helicopters.

Mr. Garrison explained the FAA regulations for air paths for helicopters, which are lower than fixed wing planes and said the flight paths will be routed over areas with higher noise levels. He said the proposed incoming helicopter routes were shared with the residents in the flight path area.

Mr. Garrison discussed safety features. He said the ability for helicopters to land safely in an emergency is easier than it is for a fixed-wing aircraft. He said that most helicopter flights from Pegasus are away from our controlled airspace and into other less populated areas.

Chair Young opened the Public Hearing.

Erick Polaski, 43856 N Jackrabbit Road, San Tan Valley, spoke on the safety of rotary aircraft.

There were no other comments and the Public Hearing was closed.

MOTION: To approve P21-0100 Pegasus Airpark PAD Amendment subject to the Conditions of Approval.

1st: McWilliams

2nd: Matheson

AYES: Young, Gillette, Smith, Spall, Matheson, Nielsen, McWilliams

RESULT: Approved (7-0)

- E. Discussion and Possible Action on P21-0044 Evergreen on Germann PAD Rezone and P21-0132 Site Plan.** Request for a PAD Rezone from R1-43 (Rural Estate District) to MDR/PAD (Medium Density Residential) and Site Plan approval for a 65 unit multi-family development on approximately 10 acres (Steven Ester, Planner II).

Planner Steven Ester presented the request for a PAD rezone from Rural Estate District to MDR/PAD for Evergreen on Germann for a 65 unit multi-family development. He outlined the surrounding areas which include Union Pacific Rail Road, Cortina subdivision, City of Mesa Industrial land and a vacant lot. The project will consist of a total of 65 one-story and two-story units on approximately 5.51 acres. The applicant is requesting one deviation to reduce the required building separation of 15 feet to eight feet. Mr. Ester noted that this deviation only applies to the internal two-story units adjacent to the railroad at the rear property line.

Mr. Ester reviewed the two access points, the SRP easement, open space, parking, landscaping and buffers. He said the design includes four different product types much like single-family homes with front porches and rear yards with an Arizona ranch theme.

A neighborhood meeting was held with 10 residents in attendance. Questions regarding parking, railroad noise and easements were raised. They asked if the units are for rent (yes). Mr. Ester said there have been no further calls or letters at this time.

Sean Lake, Pew & Lake, presented on behalf of the applicant. He said this is a challenging site bound by the dirt road, railroad tracks on the east and the SRP easement. He said the easements will be landscaped for trails and the proposal is consistent with the General Plan and the surrounding area. He noted that it is the same zoning as the Cortina neighborhood to the south. Mr. Lake said the two-story units will be in the triangle internal to the site with single stories on the perimeter. The main access will be on the south side and all other requirements have been met in regards to parking, open space and amenities.

Commissioner Smith asked how we ensure that the 8' foot deviation for the internal units does not spread to other areas. Mr. Ester said because it is a PAD, the applicant is bound to what they provided.

Commissioner Matheson inquired about the status of the Germann/Sossaman Railroad intersection. Mr. Ester said there is no set design yet and there is a condition included with this project that allows for the Town and the developer to address the improvements as it gets closer. At a minimum, it will be improved up to their access on Germann Road and the Town will have the flexibility to make decisions in the future.

Chair Young opened the Public Hearing. There were no comments from the public and the Public Hearing is closed.

Commissioner McWilliams commented that the project fits the area but suggested that the elevation for Building #6 looks a little flat and could use some enhancements.

Commissioner Nielsen said it is a good use of the site and asked if there could be enhancements to what the public sees on the side elevations on the units along Rittenhouse Road.

Mr. Lake said that they could work with the developer on side elevations on Rittenhouse and on Building #6.

MOTION: P21-0044 Evergreen on Germann PAD Rezone and P21-0132 Site Plan subject to the Conditions of Approval.

1st: Spall

2nd: Nielsen

AYES: Young, Gillette, Smith, Spall, Matheson, Nielsen, McWilliams

RESULT: Approved (7-0)

- F. Discussion and Possible Action on P21-0121 Rittenhouse Commons I PAD Rezone and P21-0122 Preliminary Plat.** Request for a PAD Rezone from R1-43 (Rural Estate District) to MDR/PAD (Medium Density Residential) and Preliminary Plat approval for an 81 lot single-family development on approximately 10 acres (Steven Ester, Planner II).

Mr. Ester presented on the Rittenhouse Commons I PAD rezone from Rural Estate District to MDR/PAD for a preliminary plat approval for an 81-lot single-family development. Mr. Ester said this is located next to the proposed Evergreen project and outlined the surrounding properties. Mr. Ester said this project is gated residential community with cluster homes that share a common driveway.

He pointed out that this is not a site plan, rather it is a preliminary plat to lay out individually platted lots that are *for sale*; not for rent. He explained that MDR is a zoning designation that sets the density. He said the housing product will be reviewed under a future Residential Design Review application.

Mr. Ester presented the site plan and addressed landscape buffers with tree-lined trails along the north; access points; and open space which will have a BBQ area (no pool). He explained the concept of a cluster pack design and how the homes are orientated along the loop road.

Mr. Ester said the applicant is requesting three deviations. There are two (2) related to the front and rear building setbacks to reduce the setbacks from 10' to 8' and one (1) reduction of the landscape buffer on the west side of the site from 15' to 10'. Each deviation contributes to the layout of the clustered lot development.

Mr. Ester said a neighborhood meeting was held with one resident in attendance. There were concerns regarding additional traffic signals for the safety of students crossing Germann Road to Benjamin Franklin School. Mr. Ester said there is a signal at that intersection for students to use.

Commissioners asked about the driveway length and reasons for the deviations. Mr. Ester said the driveways are shorter by design due to the cluster development. He said the homes are closer to the street to accommodate larger house and more backyard space.

Greg Davis of Iplan Consulting presented on behalf of the applicant. He explained the cluster product and said it provides a "for sale" product where there are a lot of multifamily rentals on the market lately. Mr. Davis said the product trades individual front yard space and some rear yard space for density to offer an affordable ownership option in Queen Creek. The project featuring 81- detached single family homes with two car private garages, private backyards, excess open space and attractive safe streetscapes.

He briefly outlined the site, access points, open space, elevations and amenities and explained the justification for the deviation requests in regards to the private drive and rear yards. He said it is a unique project that is compatible with the adjacent neighborhood and a good use for the parcel.

Commissioner Nielsen had questions on visitor parking and trash can storage.

Mr. Davis said there is on-street parking on the loop street for visitors. He said there are demarcated areas out front for trash and trash cans can be stored in the side yard behind the gate.

Chair Young opened the Public Hearing. There were no comments from the public and the Public Hearing is closed.

MOTION: P21-0121 Rittenhouse Commons I PAD Rezone and P21-0122 Preliminary Plat. subject to the Conditions of Approval.

1st: Matheson

2nd: McWilliams

AYES: Young, Gillette, Smith, Matheson, Nielsen, McWilliams

NAYES: Spall

RESULT: Approved (6-1)

6. Final Action:

None.

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.

Development Service Director Brett Burningham provided information to the Commission on building access at meetings and issuing new entry cards if needed.

Planning Intern Laney Corey reported on permit activity. There were 199 single-family home permits issued in October 2021. This reflects a 3.6% increase from last year. Year to date there were 1805 single family permits issued.

New Sr. Planner, Evan Balmer introduced himself and provided a brief history of his background working as a planner in the City of Mesa and Pinal County.

Mr. Swanson invited the Commission to attend an upcoming Boards & Commission training. More details will be provided via email.

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 8:38 p.m.

TOWN OF QUEEN CREEK

Troy Young, 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 November 10, 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: December 8, 2021