



**Minutes**  
**Regular Session Meeting & Work Study Session**  
**Queen Creek Planning & Zoning Commission**  
**Community Chambers, 20727 E. Civic Parkway**  
**January 11, 2023**  
**6:00 PM**

**REGULAR SESSION**

**1. Call to Order:**

The meeting was called to order at 6:00 p.m.

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

David Gillette	Chair	Present
Leah Gumm	Commissioner	Present
Alex Matheson	Commissioner	Absent
Matt McWilliams	Commissioner	Present via Webex
Jeff Nielsen	Commissioner	Present
Lea Spall	Commissioner	Present
Troy Young	Commissioner	Absent

**3. Public Comment:** *Members of the public may address the Planning Commission on items not on the printed agenda and during Public Hearings. Comments may also be sent to via email to [PublicComment@queencreek.org](mailto:PublicComment@queencreek.org) by 5:30 p.m. the day of the meeting (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 December 14, 2022 Planning Commission Meeting Minutes.
- B. Public hearing and possible action on P22-0263 Permitted Use Table, a staff initiated text amendment to Table 4.6-1 Permitted Uses of the Zoning Ordinance

**MOTION: To approve the Consent Agenda**

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

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

**AYES: Gillette, Spall, Gumm, Nielsen, McWilliams**

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

**5. Public Hearing:**

A. Publichearing and possible action on case P22-0237 Rili B's Taco Shop Conditional Use Permit, a request from Bryan Ledbetter, Triple B6, LLC, for a Conditional Use Permit (CUP) to allow for the operation of a 24-hour drive-thru restaurant located within 300ft of a residential zoning district, located within Heritage Square commercial center, east of the northeast corner of Ellsworth Heritage Loop roads.

Planner Mallory Ress presented the conditional use permit request for Rili B's Taco Shop located in Heritage Square Center for a 24-hour drive-thru restaurant located within 300 feet of a residential zoning district. Ms. Ress outlined the project location, zoning designation and surrounding properties. She noted that the Site Plan was approved administratively under P21-0183 in February 2022.

Ms. Ress reviewed the recent Text Amendment pertaining to drive-thrus and the criteria to evaluate a CUP. The criteria was established to make sure the drive-thru does not negatively impact the surrounding community. She noted that if a drive-thru is separated by an arterial roadway the CUP is not required, however in this case Heritage Loop Road is a collector road and because it is a 24 hour drive-thru the CUP is needed.

Ms. Ress reviewed the site layout and pointed out the drive thru lanes, location of speaker box, pick up window and wall separation in relation to the Encantada Apartments (Medium Density Residential) which are approximately 185 ft. from the south building entrance of the drive-thru restaurant.

Ms. Ress said that a neighborhood meeting on the CUP portion of the project was held on December 13, 2022 with no members of the public in attendance and no public comments received to date. She said the applicant is here tonight to answer any questions.

Architect Samir Slatewala, representing Rili B's Taco Shop, presented the design items of the project including the position of the building, drive-thru, buffers, setbacks, landscaping and screening. He said even before the CUP was required they took steps to ensure the project would not create any noise or nuisance and impact surrounding properties.

Bryan Ledbetter, owner of RiliB's Taco Shop outlined the timeline for this project, which started over two years ago when it was a vacant pad. He said when he bought the property the CUP requirement was not in place and he requested that the stipulation for a twelve-month trial period be waived. Mr. Ledbetter gave the following reasons to support his request:

- When the project started the CUP requirement was not in place and they chose Queen Creek because of the drive-thru option

- There have been no problems or complaints with any of his other drive-thru locations or his business model
- There is no alcohol being sold and the restaurant is not a “hang-out”
- The 24-hour drive-thru services shift workers (late night and early morning)
- They are spending a lot of money and are not comfortable with a 12-month trial
- The nearest single family homes are very far away and there is ample screening and landscaping

Questions from the Commission:

Q: Does Sodalicious have the same orientation for the pick-up window?

A: Ms. Ress replied yes.

Q: Is Heritage Loop an arterial road and what is the difference from an arterial and a collector road?

A: Administrator Swanson said Heritage Loop is a collector road. He said average trip length and travel speeds are less for collector roads than for arterial roads.

Q: Are the lobby and drive-thru both open 24 hours? How much business is typically seen after midnight?

A: Mr. Ledbetter said the lobby is closed at midnight and only the drive-thru is open from midnight to 6AM. He said there are not a lot of cars in these hours (ranges from 7 cars; to 4 cars; or 2 cars based on the time of night), but our business model is to stay open so staff can prep.

Q: With the CUP requirement does the applicant have to reapply every year?

A. Ms. Ress said they will reapply at the 1-year mark only and the CUP would run with the use as long as it stays Rili B’s.

Q: How do we determine if they are being good neighbor? Is there a process to take away the CUP if needed?

A: Mr. Swanson said it is based on resident complaints and our goal is to work with the business to rectify the situation and be in compliance first. If needed a citation and a hearing will take place to find a solution. The last case scenario is Council could revoke a CUP (this has never been done).

There was additional discussion between staff and the Commission on the CUP process and the tiered approach.

The Commission discussed the buffers in place between the apartment complex and the drive-thru and thought it was adequate and said it is not in close proximity to single-family residential homes. They acknowledged that the applicant was somewhat caught in the middle of the change to the drive-thru amendment. They commented that it was not unreasonable to remove the 1-year trial given the circumstances and the procedures in place to rectify any problems if they were to occur.

**MOTION:** To approve P22-0237 Rili B's Taco Shop Conditional Use Permit striking Condition #2 *"The Conditional Use Permit shall be valid for a period of one year from issuance. After which time, the applicant or owner shall be required to apply for an extension of the Conditional Use Permit."*

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

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

**AYES:** Gillette, Spall, Gumm, Nielsen, McWilliams

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

6. **Final Action:** *Matters listed under the Public Hearing Consent Agenda are considered to be routine and will be enacted by one motion and one vote.*

A. Discussion and possible action on the Annual Organizational Meeting Notification (to set Chair and Vice-Chair appointments for the upcoming year)

Chair Gillette opened the floor for discussion on annual appointments. Commissioner Spall nominated Chair David Gillette to serve another term as Chair. Chair Gillette nominated Commissioner Nielsen for the position of Vice-Chair. There was no further discussion.

**MOTION:** To appoint David Gillette as Chair of the Planning & Zoning Commission

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

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

**AYES:** Gillette, Spall, Gumm, Nielsen, McWilliams

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

**MOTION:** To appoint Jeff Nielsen as Vice-Chair of the Planning & Zoning Commission

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

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

**AYES:** Gillette, Spall, Gumm, Nielsen, 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.

Planning Administrator Erik Swanson reported:

- 31 single family home permits were issued in December
- A Short Term Rental Ordinance was passed by Town Council and it impacts the Town Code only ( not the Zoning Ordinance)
- The new Town Council will be seated at the January 18, 2023 meeting

B. Discussion and possible action on setting the 2024 Planning Commission Meeting dates

Mr. Swanson presented a list of Planning & Zoning meeting dates for the 2023 calendar year for the second Wednesday of each month. He said they could change dates as needed, particularly during fall breaks if the Commission chooses.

There was no action on this item.

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 6:47 p.m.

**WORK STUDY SESSION.**

11. **Call to Order:**

The Work Study Session was called to order at 6:47 p.m.

12. **Roll Call:**

David Gillette	Chair	Present
Leah Gumm	Commissioner	Present
Alex Matheson	Commissioner	Absent
Matt McWilliams	Commissioner	Present via Webex
Jeff Nielsen	Commissioner	Present
Lea Spall	Commissioner	Present
Troy Young	Commissioner	Absent

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

A. Utilities Department update from Director Paul Gardner (presentation attached)

Director Paul Gardner provided the mission statement for the Water & Wastewater Divisions. He provided a brief history of Queen Creek Water and the water service history for the Town. Mr. Gardner said the department has 65 personnel and he outlined their operational responsibilities.

Mr. Gardner provided an overview of water quality testing, water conservation practices and the recharging process. He provided a summary of Arizona water usage by sector; water management; and Queen Creek water sources and acquisitions.

B. Presentation from Engineering Division: Chris Dovel, Town Engineer (presentation attached)

Town Engineer Chris Dovel presented information on the Engineering Division staffing and the four areas of focus for the department 1) construction document plan review; 2) Right-of way construction permits; 3) construction field inspections; 4) floodplain administration.

**14. Adjournment:**

The Work Study Session adjourned at 7:41 p.m.

TOWN OF QUEEN CREEK

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David Gillette, 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 January 11, 2023 Regular & 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 March 8, 2023