



THESE ARE DRAFT MINUTES AND HAVE NOT YET BEEN APPROVED

**MINUTES OF THE SPECIAL REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION**

Monday, November 10, 2008 7:00 p.m.

Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242

1. **CALL TO ORDER** The meeting was called to order at 7:03 p.m.

2. **ROLL CALL**

Present

Chairman Steve Ingram
Vice-Chairman Kathy Trapp-Jackson
Commissioner Mike Perry
Commissioner Don Atkinson
Commissioner Karen Fehlan

Absent

Commissioner Steve Sossaman
Commissioner Mike Moore

Staff

Present

Community Development Director Tom Condit
Planning Manager Wayne Balmer
Principal Planner Fred Brittingham
Principal Planner Mike McCauley
Community Development Sr. Admin Assistant Sherry Perez

Absent

3. **PUBLIC COMMENT**

Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to staff prior to the commencement of the meeting.

There was no public comment.

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Chairman will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Commission and/or staff may remove any item for separate consideration.

1. Public Hearing, Discussion and Possible Action on GP08-117 Major General Plan

Amendment A request by Rom Schemitsch on behalf of Victoria Lund Investment Group LLC to amend the Land Use Map designation for 51 acres (Victoria Parcels 5 and 9) at the north west corner of Ocotillo and Ellsworth Loop roads from Medium Density Residential (MDR), 2 to 3 homes per acre, to Town Center (TC).

Principal Planner Brittingham made the staff presentation noting the original request was for 51 acres but has been modified to 33.5 acres and would allow multiple uses. He also stated the General Plan and Town Center Plan do not match in this area because of existing development plans which had been presented and approved for Victoria Parcels 5 and 9. The applicant's narratives describe projects that may not be in compliance with Town Center goals and the existing Town Center land use map. The Phoenix Mesa Gateway Airport is concerned about additional residential density that could be affected by over flights. The update to the Town Center Plan is starting, thus it may be premature to amend the Town Center boundaries. The Town has received letters both in favor of and in opposition to the request, which were included with the Staff Report. He concluded by stating staff recommends the revised request be continued indefinitely until the Town Center Plan update is complete

QUESTIONS FROM THE COMMISSION

Commissioner Perry questioned the requirements for a Minor Amendment versus a Major General Plan Amendment and what the cut off in acreage is for the two. Mr. Brittingham responded when going from residential to commercial, it is 10 acres; if going from commercial to residential, it is 20 acres.

Chairman Ingram questioned why the property is not already on the Town Center Map if it is within the Town Center? Mr. Brittingham responded that the General Plan Map is correct. Chairman Ingram inquired if the Commission will be voting on 51 acres or 33.5 acres. Mr. Brittingham responded that Commission can act on either. The applicant has to state they now prefer the smaller request, but the Town had advertised the 51 acres.

Ms. Jordon Rose spoke in behalf of the applicant and clarified they are asking to amend the application to 33.5 acres. She explained Mr. Lund is well known in the development industry and wants to bring a family quality project to this site. She also noted this was the only piece of undeveloped property within the Town Center that is not designated Town Center. She stated the reason why it was not designated Town Center was because Mr. Lund already had zoning for a previously requested project. She said this change would be consistent with the current Town Center plan and that Westcor supports having this project included in the Town Center. They want to encourage residents to spend money within the Town rather than going to surrounding commercial sites not in the Town. The future use of the property is yet to be determined. She noted that that question can only be answered by a vote in favor today and approval by Council. She concluded by stating her client believes the quality and character of the Ellsworth Loop Road project will be enhanced by this project.

QUESTIONS FROM THE COMMISSION

There were no questions for the applicant from the Commission.

Chairman Ingram opened the Public Hearing 7:35 p.m.

Debbie Richards- In Favor: (20740 E Ocotillo Rd., Queen Creek) She and her neighbor support this request as it seems reasonable and this area should be zoned as Town Center. She also stated it does not seem appropriate to have additional apartments. The traffic on Victoria Road and the speed of the traffic on the Ellsworth Loop Road is not appropriate for residential use. It needs to be commercial. She supports having commercial behind her house and would support an urgent-care and more commercial property there.

Jack Razor- In Favor: (11411 N Tatum Blvd., Phoenix) Westcor is very familiar with the development in Queen Creek, as they have been working here for years. They have met with the applicant and agree with all of the statements the applicant has made. He was surprised that this property was not designated Town Center in the first place. Westcor does not support residential development at high density and really are not in favor of the current 2-3 per acre. He stated the Town needs more different and exciting uses within the Town Center to complement what is already happening.

Karen McPherson- In Opposition: (23455 S 199th Pl., Queen Creek) She stated she was in opposition to the high density residential areas. She also expressed concern that apartments may lead to an increase in crime in the area. For that reason she was strongly opposed to high density residential uses in the area.

There being no further public comment, Chairman Ingram closed the Public Hearing at 7:46 p.m.

QUESTIONS FROM COMMISSION:

Commissioner Perry inquired on the exact wording of the Minor General Plan Amendment versus the Major General Plan Amendment. Mr. Brittingham stated that for a Major Amendment if the proposed use is a higher density it is 20 acres and for a lower density it is 40 acres. This change would qualify for a major amendment. Commissioner Perry inquired if the proposed year to update the Town Center Plan includes the preparation and the adoption of the plan. Mr. Brittingham stated it is proposed to include adoption. Chairman Ingram asked if it does get designated as Town Center does it need to come back for a General Plan Amendment. Planning Manager Wayne Balmer responded that if it is approved for Town Center it would carry that designation. If not, it would come back as a General Plan amendment. Any future zoning would come back to the Commission for review. Chairman Ingram asked if they could recommend approval to Town Council upon approval of the Committee including it in the Town Center.

Commissioner Atkinson stated he believes the property belongs in the Town Center. He does not support high density residential, but would like to see what the Town Center Committee has to say.

Commissioner Perry asked to clarify that if, regardless of what the Commission does tonight, the Town Center Committee that will be meeting for the next year, decides to change the land use designation to Town Center, and then that plan goes to Council and is adopted, it is Town Center. Does it need to come back for another General Plan Amendment. Mr. Balmer responded that it would need to be clarified with Council if they would like to have it included in Town Center as part of the concept or part of the process. It would be easier to have Council pass a new resolution to approve the Town Center Plan. They could also adopt a resolution to update the General Plan.

Commissioner Atkinson inquired if this will come back as a General Plan Amendment if it is designated as Town Center? Mr. Balmer responded that this is a question that will have an answer in a few months from now. The proposal, should the request be recommend it would be included in the Town Center Plan. The case would then come back to the Commission for future zoning.

Motion: Commissioner Perry

To recommend Council approval of GP08-117

Commissioner Perry recommends approving for the 33.5 acres to be designated as Town Center exception of the school site.

2nd: Commissioner Fehlan

Modification to the Motion : Vice-Chairman Trapp-Jackson

To Amend the Motion for GP08-117 Vice-Chairman Trapp-Jackson proposed a modification recommendation to recommend approval of GP08-117 for the 33.5 acres to be designated Town Center the pending concurrence by Town Center Committee.

Motion to Amend the Modification of the Motion: Vice-Chairman Trapp-Jackson

2nd: Commissioner Atkinson

Vote: All nays: Amendment to the Motion Failed (0-5)

2nd: Original Motion Commissioner Atkinson

Vote: All ayes: Original Motion Carried (5-0)

5. **Public Hearing, Discussion and Possible Action on GP08-118 Major General Plan Amendment**

Principal Planner Brittingham presented the staff report noting this project has a currently approved plan and has started to be developed. This project is closely related to GP08-117, both cases are part of the Victoria master plan and were zoned and platted at the same time, and this request can be effected by the outcome of GP08-117. The applicant would like to change the current land use plan, which would create concern for possible future changes in the current density, which has been provided to the Commission. The current proposal has a targeted age group in which the applicant will explain and which will require a density of up to 5 homes per acre to allow.

Staff recommends an indefinite continuance.

QUESTIONS FROM THE COMMISSION

Commissioner Atkinson questioned on what will become of the 17 ½ acres that was left out of the previous amendment? Principal Planner Brittingham stated that the school site will still need to be addressed if this and the prior case are both approved. Staff is not sure on how this will work.

Mr. Ralph Pew of Pew and Lake, PLC addressed the Commission on behalf of Taylor Morrison Homes. He stated they are requesting a change from the 2-3 dwellings units per acre to the new Medium High Density A of up to 5 dwelling units per acre. This will take place on the 140 acre parcel that is located on the northeast corner of Hawes and Ocotillo Road. Mr. Pew stated that the applicant wants to build a targeted adult community. The adult community is targeted to empty nesters, would include a heavy amenity package, would be built with lots that are slightly smaller and the density would be increased from 1 dwelling unit to 1 ½ dwelling units per acre. This will bring a demographic close to the Town Center to complement the use there. Mr. Pew would like to have it noted that they are going to build an adult community. The other item that Mr. Pew asked for is to not continue this item. He stated this type of density will promote the Town Center, would be good for the Town, and will not have an affect on the utility system. It might possibly have an increase on traffic, however, Taylor Morrison has already paid for the road improvements. Mr. Pew asked to open the door and grant this opportunity.

QUESTIONS FOR THE COMMISSION

Commissioner Atkinson questioned what will be the age restrictions on this development? Mr. Pew responded that it is not intended to be an age restricted community. It will be designed for adults however other families can move into this area.

Chairman Ingram asked how this would impact the schools in the area. Mr. Pew stated that with this type of community, there will be property taxes on the residences that go to the school district but it reduces the burden on the school due to the fewer amount of children that would come from this type of project.

PUBLIC HEARING

Chairman Ingram asked those wishing to speak to complete a Request to Speak and asked that comments not be duplicated as previous comments have been noted.

Chairman Ingram opened the Public Hearing at 8:20 p.m.

Bill Lund: - In Favor: (6632 N 66th Place, Paradise Valley) Mr. Lund stated that allowing an adult community into Queen Creek would increase spending and would be compatible to the Town Center.

Corey Littleton- In Opposition: (22447 S. 199th Circle, Queen Creek) Ms. Littleton is strongly against increasing the density. The schools within the area can not handle any additional students.

Patty Campbell-In Opposition: (19475 E Silver Creek Lane, Queen Creek) Is not for high density housing in this area and does not support the possible increase of having more students in the area without a school. She moved here from Gilbert to have a better student teacher ratio.

Andy Fritz- In Opposition: (20305 E Bronco Dr., Queen Creek) He and his wife have been an active part of the General Plan Amendment. The impact on the schools needs to be considered and it should stay Medium Density housing.

Chairman Ingram asked Mr. Pew if he would like to respond to any of the Public Comments. Mr. Pew asked to clarify that the targeted adult community is the trend today. This will not be a burden on to the school system.

There being no further public comment, Chairman Ingram closed the Public Hearing at 8:35 p.m.

Commissioner Atkinson stated that he is opposed to age restrictions, does not support this and does not want to change the density.

Commissioner Perry stated that he is also not in favor of adult communities, noting, however, the design of a community with adult amenities is the current trend.

Motion **Commissioner Don Atkinson**

To recommend Council denial of GP08-118

2nd: **Commissioner Karen Fehlan**

Vote on the amendment: All Ayes: Motion Carried (5-0)

5. Public Hearing, Discussion and Possible Action on GP08-119 Major General Plan

Amendment, A request by Ralph Pew on behalf of the Barney Farms to amend the General Plan Land Use Map designation for 257 acres at the northwest corner of Queen Creek and Meridian roads from Employment Type B to Employment Type A (20 acres), Community Commercial (20 acres), to Medium High Density Residential –A, (0-5 dwellings per acre) (138 acres), and Medium High Density Residential B (0-8 dwellings per acre) (79 acres).

Principal Planner Brittingham presented the staff report noting there is currently Employment Type A to the east and Employment Type B to the north. North of Germann Road are TRW and CMC Steel both of which have signed a letter in opposition to this request. The Phoenix-Mesa Gateway Airport is also located near this area and have provided a letter opposing the residential portion of this request. Staff has consistently discouraged residential in areas that are affected by the over flight patterns of the airport. Approval would cause a loss of approximately 22% of Employment Type B land. Having the zoning continue to be Employment Type A could offer a broader scope of employment potential for the residences of Queen Creek. Staff has initiated a Zoning Ordinance update that would include a proposal to expand the allowed uses in Industrial 2 zoning. Mr. Brittingham stated this area would create a residential island surrounded by nothing but industrial. The current regional sports complex to the west is not a community park and will have long hours of operation, lighted fields, and increased traffic.

Staff is recommending denial of the of the Medium High density A and B; Staff does support the Employment Type A and Community Commercial portions of the request.

QUESTIONS FROM THE COMMISSION

Commissioner Perry questioned the zoning of the southeast corner and the area behind the site. Principal Planner Brittingham responded that the area to the southeast is residential zoning within Pinal County. It is currently in the General Plan as 2-3 dwelling units per acre.

Mr. Ralph Pew of Pew and Lake, PLC addressed the Commission in behalf of the Newell Barney family. Mr. Pew asked the Commission to look at this project in a whole new way. He stated this request has been in front of the Commission and Council in one way or another since 2004 and has never had a final vote. The Barney family volunteered to withdraw this application a few years ago to work with former Mayor Feldman-Kerr to promote and advocate the freeway be extended to Queen Creek, which would open the land uses designated here. This did not happen and potential buyers have backed out due to finding better locations (closer access to freeways; better arterials etc). He asked the Commission to consider thinking a little bit different then the old concept of land use planning of large blocks of concepts of integrate land uses. Mr. Pew provided a PowerPoint presentation showing exhibits and provided a map (adjacent to the proposed) showing a 640 acre parcel owned by Fulton Homes that is platted, planned and currently under construction. There will be an entire square mile of residential development coming to the intersection of Queen Creek and Meridian roads. There is residential development to the west, and the property to the east, designated for light industrial, belongs to one owner which is the LDS Church. The applicant is asking to have the north part of the property Employment Type A, the center section be Medium High Density Residential Type B, and the lower section be Medium High Density Residential Type

A and Community Commercial on the corner of Meridian and Queen Creek roads. Please do not separate these uses as it would make no sense to deny our residential component and approve the strip of Employment A. This would be difficult to develop and the commercial corner would not be viable without the residential uses around it. The Barney family believes that if this area was to develop as a residential use with these densities, it would be a start to have new development occur in the remaining 400 acres. They are concerned about the burden placed on their family to realize the Town's economic development goals and no one wants the airport to be more successful than the Barneys. They believe residential development will help develop a core community and bring people to the area and broaden the range of future employment uses. One of the main reasons staff and the airport recommend denial is that this parcel is going to adversely affect the airport and people will move here and complain about air flight noise. Mr. Pew commented on the map of the airport over flight areas and that everything in red is within the 65 DNL and is not proposed for residential usage, and the area in yellow shows an arbitrary set of lines that follow a stair step parallel to the noise contour. In that area you can build residential if you employ mitigation factors in the housing and in fact the General Plan shows this property is outside the 60 DNL noise contour, outside the 65 DNL and in an area where housing can be built. Mr. Pew pointed to statements in the General Plan that support this proposition. The newly adopted General Plan states all development within areas 1 and 2 shall comply with the aviation regulations, and shows a list of about 4-5 requirements. New residential development within area 2 shall be subject to noise continuation and disclosure standards. That statement in the General Plan anticipates there would be residential development in area 2.

QUESTIONS FROM THE COMMISSION

There were no questions from the Commission.

PUBLIC HEARING

Chairman Ingram asked anyone who wishes to speak to please fill out a Request to Speak Card. He requested people not speak if they do not have something new to add to the record, as all previous comments have been recorded, reviewed, and read by town staff and the Commission. He also asked that the public please maintain courteous public hearing manners.

Chairman Ingram opened the Public Hearing at 8:55 p.m.

SPEAKING:

1. **Ken Barney- In Favor:** He stated the family has owned and farmed the property for years and will continue to do so. He commented that family property contains 65% of the Town's employment land use designation. He stated he was present to represent the Barney family and they want to do what is right for the Town.
2. **Will C. Rogers (TRW)- In Opposition:** (11202 E Germann Rd., Queen Creek) He stated the request is not congruent with the heavy industrial property in the area. TRW is zoned M2 in Mesa across Germann Road from the proposed site and manufactures airbags life safety device and stores explosives on the site. When TRW purchased the land the selection was made very carefully. It was important that TRW be in and around the flight path so we

would not have issues with encroachment from residential occupancies. TRW wanted to be remote and they felt the flight path in the southeast corner Mesa already zoned for heavy industrial would be an ideal place for them to go. Their concerns with residential encroachment is that the buyer beware clauses tend to be forgotten as the industrial zones continue to be built up and become more isolated. Noise and high traffic volumes will always be a part of their industrial use.

3. **Steve Henderson - In Opposition:** (11444 E Germann Rd., Queen Creek) CMC Steel is in the process of constructing CMC Steel and CC Rebar, a new micro steel mill and a rebar manufacturing plant on 28 acres purchased from TRW. To date they have invested 140 million dollars in construction and the new plant will open in less than a year. He stated the Town of Queen Creek will see the economic benefit from the construction on site and the future employment. He stated CMC is opposed to the amendment in that they did not think residential use would complement their use.
4. **Patty Campbell- In Opposition:** (19475 E Silver Creek Ln., Queen Creek) Her concern was how residential in the area would affect adjacent schools. She felt it would be best to leave the property as commercial.

Following the public comments, Mr. Balmer addressed the aircraft over flight areas and how they will affect the Town now and in the future. The runways for Phoenix-Mesa Gateway are oriented southeast to northwest while those for Sky Harbor are east to west. Traffic from Phoenix-Mesa Gateway turns to the east as quickly as possible, and the airport brings as much traffic as possible from the south to not cause conflict with Sky Harbor. As a result the aircraft areas for Queen Creek are about 3 times as long as the area in Mesa. As a result, the Town will experience more noise. In this area the Town will see more overflight by larger aircraft in the future and residents in this area will say "Why am I there? Why did I buy a house there?" The Town will need to focus much more on noise sensitivity in residential areas. Mr. Balmer reviewed the areas surrounding the airport in Mesa to illustrate the lack of residential use in the area.

Commissioner Perry asked that the locations of TRW Plant and the CMC Steel Mill Plant be identified on the map. Mr. Balmer pointed these out and clarified the buildings relative to the site.

Mr. Ralph Pew responded that he believed TRW and CMC have designed their projects with efficient buffering and they would not be a problem to the future residents. With respect to the comments from Mr. Balmer, he stated other non-residential uses are planned in the area and that most of the proposed non-residential development will develop first in other areas. He did not believe this proposed project would be a problem for the airport. Mr. Pew asked the Commission to consider how long the Barney family should expect to wait to develop their property. His position was that employment development will not occur for years and that an alternative land use should be considered.

There being no further public comment, Chairman Ingram closed the Public Hearing at 8:52 p.m.

Commissioner Perry stated he felt the potential is there for mixed uses but he was concerned if this was the right location. He thought if there was a plan developed on a larger scale it could create a focal point in this area to help balance the industrial area and create an area for people to live and work. His concern was that there are too many negatives without seeing too much of a positive benefit since such a plan did not exist. He stated he could not support the request.

Motion Commissioner Perry

To recommend Council denial of GP08-119 as recommended by staff.

Commissioner Perry provided an explanation for his motion, stating it does not make any sense to leave the commercial part and employment part intact as stated in the presentation.

2nd: Atkinson

Discussion on the motion: Chairman Ingram stated he is sensitive to the Barney's concern with this property and when it is going to develop for industrial no one knows. He also said he appreciated what the Barneys are doing to hold on to their property, and their interest in continuing to farm, so it is not a complete loss.

Vote: All ayes: Motion carried. (0-5).

10. ADJOURNMENT

Motion to adjourn: Commissioner Fehlan

2nd: Commissioner Perry

Vote: All ayes. Motion carried (5-0).

The meeting adjourned at 9:25 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Ingram, Chairman

ATTEST:

Sherry Perez, Community Development Sr. Administrative Assistant

I, Sherry Perez, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the November 10, 2008 Regular Session Meeting of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 10th day November, 2008.

Passed and Approved this __ day of _____, 2009.

DRAFT