



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

Wednesday, March 11, 2009 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 7:10 p.m.

2. **ROLL CALL**

Present

Chairman Ingram
Vice-Chairman Trapp-Jackson
Commissioner Perry
Commissioner Atkinson
Commissioner Fehlan
Commissioner Sossaman
Commissioner Moore

Absent

Staff

Present

Community Development Director Tom Condit
Planning Manager Balmer
Principal Planner Brittingham
Principal Planner McCauley
Community Development Assistant Moats

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.

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.

a. **Consideration and Possible Approval of January 14, 2009 Work Study and Regular Session Minutes;**

b. ***Public Hearing, Consideration and Possible Approval of SP080-176/CU08-117, "Desert Horizon Nursery".** A request by Bill Stevenson for approval to extend the

previously approved time limit to operate a retail plant nursery in conjunction with a wholesale plant nursery. The property is located at 19250 S. Ellsworth Road.

- c. ***Public Hearing, Consideration and Possible approval of SP08-165/RZ09-004, “Ellsworth Office Building”**. A request by Ron Ravenscroft for approval of a rezoning, site plan, landscape plan and building elevations for an office use. The property is located at 22043 S. Ellsworth Road.
- d. **Consideration and Possible Approval of SP09-010, “In-N-Out Burger”**. A request by Doug Couper of Greenberg Farrow, on behalf of In-N-Out Burger, for Site Plan, Landscape Plan and Building Elevation Plan approval for an In-N-Out Burger restaurant. The proposal consists of 3,350 square feet of commercial use on a site with existing C-2 PAD zoning. The project is located in the vicinity of the southwest corner of Ellsworth Loop and Rittenhouse roads on Pad 1 in the Queen Creek Marketplace

Commissioner Sossaman requested item d. be pulled from the Consent Agenda for further consideration.

Motion: Commissioner Sossaman

To approve Items a., b., and c. of the Consent Agenda.

2nd : Commissioner Atkinson

Vote: All ayes. Motion carried 7-0.

- d. **Consideration and Possible Approval of SP09-010, “In-N-Out Burger”**. Principal Planner McCauley presented a brief overview, stating the architecture demonstrates the design standards recognized in the Queen Creek Marketplace design guidelines, however, Town Staff has concerns over the applicant’s proposed PVC material for the window canopies. Staff is not in support of this material and recommended the applicant use an alternative such as standing seam metal, canvas, or a trellis. Mr. McCauley illustrated examples of various materials at In-N-Out restaurants in California and Arizona. Mr. McCauley informed the Commission that between tonight’s Work Study and Regular Session Meetings the applicant discussed the canopy material and is now in agreement to using standing seam metal in red, with the traditional red and white logo at the bottom of the canopy. Therefore, staff is recommending approval of this request.

Motion: Commissioner Sossaman

To approve SP09-010, “In-N-Out Burger”, adding the stipulation that the canopy material be standing seam metal.

2nd: Commissioner Moore

Vote: All ayes. Motion carried 7-0.

PUBLIC HEARINGS

5. Public Hearing, Discussion and Possible Action on GPA09-015, Minor General Plan Amendment to Circulation/Transportation Element of the General Plan concerning the Signal Butte and Meridian roads corridor.

Community Development Director Condit presented the staff report and Power Point, explaining the proposal which is to connect Signal Butte Road to Meridian Road via a principal arterial running north and south bound by Meridian on the east, Ocotillo on the south, Signal Butte on the west and Queen Creek Road on the north. This proposed amendment would fulfill Council goal, KRA #7: *Land Use and Economic Development: to complete a corridor study for Signal Butte Road and address connectivity to the Gateway Freeway, and south to Meridian/Riggs and the County Line.*

Mr. Condit illustrated the current Transportation Element of the General Plan, and the map showing the proposed revision. He noted the County is currently working on the Signal Butte Road corridor study, which runs from Crismon Road to Meridian, and from Rittenhouse Road north to the US 60. The Town of Queen Creek is an active participant in this study. Mr. Condit stated the proposed realignment helps to solve several constructability problems with the current Signal Butte and Meridian Road alignments as presently defined in the Town's General Plan.

Mr. Condit briefly illustrated the realignment and principal arterials created by connecting Signal Butte with Meridian, specifically noting there are no plans for a Union Pacific Railroad crossing at Signal Butte Road, and that an existing platted subdivision south of Rittenhouse makes extension of Signal Butte south of Rittenhouse extremely challenging. Mr. Condit also pointed out that the Mesa Gateway Strategic Plan does not address Meridian Road to the freeway. Mr. Condit outlined the challenges of constructing Meridian Road north of Germann, including: multiple jurisdictions; unique property impacts in both Maricopa and Pinal County, including a wildcat subdivision north of Germann Road on Meridian that would be impacted by the development of Meridian Road; prior development approvals; lack of right-of-way; and lack of funding. However, it is important that the Town make its intentions with the Meridian and Signal Butte corridor known to MCDOT as soon as possible, to ensure accuracy of their current Signal Butte corridor study.

Mr. Condit outlined the benefits to proceeding with the Minor General Plan Amendment, including: improved/accelerated access to the 802 Freeway; improved traffic circulation; improved private development potential; achievement of Town goals.. Currently, the Town has received both support and opposition to this project. He stated it is staff's intention to bring this request and a resolution to the Council for consideration to officially amend the Transportation and Circulation Element of the General Plan. If the change is approved, the General Plan will effectively be revised to include this corridor.

QUESTIONS FROM THE COMMISSION:

Commissioner Moore asked if all potentially affected property owners had been notified. Mr. Condit responded all property owners (according to the County Assessor's Web site) within a 1,200-foot radius had been mailed letters.

Commissioner Moore stated his major concern is the affect on property owners where the alignment changes. Mr. Condit noted the map illustrated in the presentation is a general concept and not a specific alignment. It is premature to know the specific alignment. Mr. Condit stated the Town has been open to meeting with property owners to allow them the opportunity to discuss and offer input on the proposed realignment. If different development proposals are presented by the property owners, the Town is open to revising the plan. Mr. Condit reiterated the Town expects to work with property owners and their development proposals, whether through a single master plan or individual proposals.

Commissioner Moore asked Town Staff if the Planning & Zoning Commission recommends this proposal proceed, would language be included to ensure this recommendation and proposed revision is just a reference tool/concept at this point.

Mr. Condit responded the General Plan is conceptual. He expects that because of this change, a major General Plan Amendment for this area will come forward in the future. If the alignment ends up deviating 100-300 feet from proposal, the Town will do whatever it can to make it work.

Mr. Balmer added Town Staff has prepared a resolution to present to Council if this goes forward. One of the items on this resolution would state that it is the Town's intent to realign the corridor, however, the Town is open to changes in design to make this work for all involved.

Commissioner Perry asked what impact the Commission's action tonight would have on the corridor study currently being prepared.

Mr. Condit responded that related to the corridor study, Queen Creek has been asked to provide traffic volumes on Signal Butte Road, south of Ocotillo Road. This created discussion on the challenges regarding the existing railroad crossing. The Town does not have funds for a crossing at this location. In addition, there is a residential subdivision in this vicinity, which presents additional land use challenges.

Mr. Condit added that if Signal Butte connects to Meridian and becomes a regional arterial possibly connecting to Pinal County, the County could then use realistic traffic counts in their study. In addition, the types of planned roads and intersections to the north could change. This will change what type of road or intersection is planned for Meridian to the north. MCDOT wants to know exactly what should be included in the Signal Butte corridor.

There being no further questions from the Commission, Chairman Ingram opened the Public Hearing at 7:30 p.m.

Not speaking:

Chairman Ingram read a written statement submitted by Larry Busha of Queen Creek, as follows: "Very much in favor of the new road design sponsored by Queen Creek."

Speaking:

- 1) Seth Keeler of W Holdings, 1121 W. Warner, Suite 109, Tempe. Mr. Keeler stated he is representing the property owner of Section 13 on the map, where the road crosses through this property. He is opposed to the realignment. He stated there are alarming issues with this proposal, including: it reduces developable acreage, divides property in half and creates triangular parcels that will be difficult to develop. The proposed realignment will also add significant infrastructure costs.
- 2) Ralph Pew, Mesa, on behalf of Wm. Lyon Homes and Charlie Caldwell. Mr. Pew stated William Lyon Homes owns most of the property south of Ocotillo, and currently has a development proposal filed for the Circle G at Church Farms development. Mr. Pew agrees that north/south traffic is a vital issue; however, his client prefers the alignment stay as is since this proposal affects Circle G at Church Farm. If the Town proceeds with this amendment, it should work hand-in-hand with the affected property owners to agree upon the realignment and method for dedicating and improving rights-of-way in addition to providing development incentives for the irregular parcels that would be created by the realignment. Mr. Pew stated when Circle G at the Church Farm was approved, a 45-acre commercial corner was approved as well. This proposed amendment would greatly diminish development potential at the southeast corner of the Circle G subdivision.
- 3) Todd Sergi: 10450 N. 74th Street, Scottsdale. Mr. Sergi is one of the owners of property located at the northwest corner of Ocotillo and Signal Butte roads known as the commercial component of Charleston Estates. He stated he received notice of this public hearing a month ago. Realizing the goal is to improve traffic flow, he feels there needs to be more time for public input and discussion for adjacent property owners due to the complexity of issues related to this. He stated it is difficult to support this issue going forward without the substantiation of a traffic study. He stated MCDOT's first stakeholders' meeting was last month, with another meeting taking place on March 12. In addition, SRP is holding public meetings about siting 230kV lines. In light of the number of issues still needing consideration, proposing a new circulation element without proper dialogue with adjacent owners and other jurisdictions is not in the best interest. Lastly, the proposed realignment creates irregular parcels. It is uncertain how access will be obtained to the parcels located north of the Charleston Estates subdivision, on Signal Butte Road. Dealing with this issue later is not the best solution. Dialogue should be conducted with adjacent owners, dovetailed with the MCDOT study to come up with a long-term solution for the Town of Queen Creek.

Chairman Ingram closed the Public Hearing at 7:37 p.m.

COMMISSION DISCUSSION

Commissioner Sossaman stated he agrees to the concept that the proposed alignment be from Signal Butte to Meridian, because the Town needs this corridor of north/south traffic flow, as well as the fact that another railroad crossing will most likely not happen. He added he also wants to send a message to ADOT, MCDOT, Mesa and other communities that Queen Creek wants to continue the dialogue of getting north/south access through the Town; however, time should be allowed for landowners to participate, which is more important at this time. The Commission has not heard about any date-specifics related to this proposal. If a recommendation is to come from the Commission, he feels the Commission should recommend the creation of a committee of landowners and Town staff to create a proposal and present that to the Commission. He cautioned to be careful using converging red lines in the conceptual map, because the goal is to show a route in the direction of north and south; however, people will view the red lines as roads in specific locations, and it will be hard to get away from that idea. Commissioner Sossaman opened this recommendation up for discussion.

Commissioner Atkinson responded to Commissioner Sossaman's comments, saying he agrees with everything Commissioner Sossaman said, but he would like to have Staff re-state the problem issues associated with Meridian being extended north to the 802 freeway.

Director Condit summarized the challenges, which include:

- CMC Steel (located north of Queen Creek, on Germann) (approved by the city of Mesa) is required to do road improvements; Mesa waived any requirement for half-street improvements until such time as Mesa deems necessary.
- Mesa has not identified Meridian Road as an important issue;
- There is a wildcat subdivision in Pinal County, consisting of lots located along Meridian Road, which go to the center line of the street, presenting land use issues;

Mr. Condit stressed if Queen Creek is not able to provide valuable information to the corridor study being conducted by MCDOT, then Queen Creek may have to wait until another corridor study is done, and Queen Creek may not have a funding partnership at that time. He added that Town staff has met with some of the landowners. During these meetings, the Town has stressed how the Town works on funding issues with developers, i.e. development agreements, sales tax rebates, improvement districts, and the possibility of a Community Facilities District. Since this is a regional corridor, once it's established, Queen Creek stands a better chance of capturing some of the funding available at the regional, state, or even national level.

Commissioner Moore asked what the disadvantage is to delaying the Commission recommendation on this issue.

Mr. Condit responded the Town's intergovernmental liaison has asked staff to comment on budgets coming through from the State. The Town has a very tight timeframe in which to respond, since the State will be making budget decisions based on projects coming forth now that are requesting funding. So, there is an opportunity that the Town may miss.

Commissioner Perry stated his agreement with Commissioner Sossaman. Commissioner Perry stated it's very important to come up with creative ideas and incentives, and to look at new land use ideas to facilitate this happening. However, part of the problem is that when things like this get approved to move forward, some motivation for incentives decreases. It is obvious there needs to be a north/south traffic solution for the Town; but the Commission is looking for a better way to get the message across while still creating incentives and opportunities.

Commissioner Sossaman summarized that the Commission endorses the idea of a north/south corridor going from Signal Butte Road and the freeway to Meridian that crosses the railroad tracks, but is hesitant to ratify an exact location until the Town can work out issues with affected landowners. Sending this message forward to the regional Planning group states this without leaving the Town open to being committed to a specific design.

Director Condit reiterated this is a concept plan. He identified surrounding sites, stating there isn't much room to play with. Whatever develops within this square mile needs to have an internal street network created, whether it is a regional corridor or collector streets. The Town has been very cooperative in working with developers through development agreements, improvement districts, etc. to spur economic development. The Town is now at a critical juncture to provide direction to MCDOT and also to capture any available funding.

Commissioner Sossaman asked if this is predicated on getting funding, and what would happen if there were no funding available for the near future.

Mr. Condit responded that remains unknown, but the Town does know the City of Mesa is working to get the freeway included in the stimulus package.

Mr. Balmer stated the staff would like to have an official position by the Town on this issue. He stated this is just the transportation portion of the General Plan, and discussed how this change will affect the traffic circulation and the development potential for the surrounding properties.

Commissioner Moore clarified that Director Condit is asking for a recommendation so the Town can be included in who gets stimulus funds, as it is competing with other jurisdictions for these monies. If the Town does not have a plan to present to MCDOT, then it will not be considered for stimulus funds. Mr. Moore expressed there is obviously a deadline so that a resolution can be given to Mesa, and Queen Creek can complete its connection to the 802 Freeway. In addition, there is obviously a problem in moving Pinal County traffic through Queen Creek. This will be a big part of the solution.

Using the Ellsworth Loop Road and railroad underpass as an example, Mr. Condit stated that the Loop Road project was originally planned to be an at-grade railroad crossing in the General Plan. A similar change was made to the Transportation and Circulation Element of the General Plan in that case, and no one can argue with the benefits brought to adjacent properties by that realignment. The project ultimately was funded through an improvement district and specific details of that project were organized after the Transportation and Circulation Element revision was approved. This became an advantageous project for both the Town and the affected property owners. In addition, Mr. Condit stated the Town does not enter into Development Agreements until the exact use is known so that sales tax revenue can be estimated.

Commissioner Sossaman stated it's prudent to ensure verbiage related to the expectation that staff will work closely with developers on the specific alignment and funding opportunities be included on the draft resolution presented to Council, since future Town staff and landowners can easily change. He added the general concept is that the Commission endorses a north/south corridor between Signal Butte and Meridian roads.

Discussion followed on the possibility of adopting a resolution without amending the Transportation Element of the General Plan, and making the conceptual map more general instead of putting solid lines on it. One possibility would be to show dotted lines around the entire square mile between Queen Creek and Ocotillo and Signal Butte and Meridian roads, and that square could be shaded. The Commission further stated that at some point in the future, when funding is known, there can be more certainty as to routes and timeframes.

Vice-Chairman Trapp-Jackson requested the resolution include a stipulation that landowners and the Town work together to come to an agreement.

The Commission then discussed implications of continuing this to its April meeting, giving staff time to draft a resolution to be presented with a more general map.

Motion: **Commissioner Sossaman**

To continue GPA09-015, Minor General Plan Amendment on Transportation Element of General Plan to the April 8, 2009 Commission meeting, at which time staff is to present a resolution and more conceptual map. Specifically, the resolution should include the Commission's recommendation that an alignment running north and south, and connecting Signal Butte and Meridian roads be represented on a conceptual map showing a shaded area and dotted lines; and that time is allowed for additional public participation.

Second: **Commissioner Perry**

Commissioner Atkinson requested staff present several different maps at the April meeting.

Commissioner Sossaman amended his motion to include direction to staff to provide several maps to illustrate various route options for the realignment.

Vote: All ayes. Motion carried 7-0.

This item will come back to the Commission on April 8, 2009.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Staff Presentation/Discussion on Zoning Ordinance Update (If not finished during Work Study)

There was no discussion on this item during the Regular Session.

ADMINISTRATIVE ITEMS

7. Review of next month's agenda items.

- Barney 20, RZ07-099/SD07-100: will be on the May 13th Commission agenda;
- Queen Creek RV Storage, RZ08-138/SP08-139/CU09-008: scheduled for April 8.
- Zoning Ordinance update: the schedule is tentative depending on Town Council's action on signage.

Commissioner Sossaman requested a brief update on the Zoning Ordinance status be presented to the Commission in April.

8. Report on Town Council Action

Planning Manager Balmer reported the Schnepf Farms Conditional Use Permit request was unanimously approved by Town Council on March 4, 2009.

The applicants for all three Major General Plan Amendment applications have submitted requests for withdrawal of their respective cases: GP08-117, GP08-118, and GP08-119. The request for withdrawal will be heard at the Council's March 18th meeting.

9. Communication from members of the Commission and Staff.

There was nothing to report under this item.

10. Adjournment

Motion: Commissioner Sossaman

To adjourn.

2nd: Commissioner Fehlan

Vote: All ayes. Motion carried 7-0.

The meeting adjourned at 8:21 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Ingram, Chairman

ATTEST:

Laura Moats, Community Development Assistant

I, Laura Moats, 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 March 11, 2009 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 12th day of March, 2009.

Passed and Approved this 8th day of April, 2009.