



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 21, 2010
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00pm.

2. Roll Call (one or more members of the Council may participate by telephone)

Council Members present: Barnes; Benning; Brown; Hildebrandt; Wootten and Mayor Sanders.
Vice Mayor Mortensen was absent.

3. Pledge of Allegiance: Led by Mayor Sanders.

4. Invocation: Pastor Luke Simmons, Second Mile Church

5. Ceremonial Matters: Presentations, Proclamations, Awards, Guest Introductions and Announcements. *None*

6. Committee Reports

A. Council summary reports on meetings and/or conferences attended. This may include but is not limited to Phoenix-Mesa Gateway Airport; MAG; East Valley Partnership; CAAG. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

Council Member Benning reported on the APA Conference held April 10-13. Council Member Brown, Town Manager John Kross and Planning Manager Wayne Balmer also attended.

7. Public Comment: Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a "Request to Speak Card", located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments. *None*

8. Consent Calendar: Matters listed under the Consent Calendar 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 Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of expenditures over \$25,000.

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B. Consideration and possible approval of **Resolution 835-10** adopting the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan 2009.

C. Consideration and possible approval of **Ordinance 478-10** amending Town Code Chapter 7, Section 7.1.4 “Permits” by exempting Solar Photovoltaic and Solar Hot Water Heating Systems from permit requirements in the applicable Residential Building Codes and setting an effective date.

D. Consideration and possible approval of **DR10-015** “Standard Pacific Homes at Sossaman Estates Parcels H, I and K”; a request from Susann Mozer of Standard Pacific Homes for design review approval of five standard floor plans with three elevations each on a total of 35 infill lots in Sossaman Estates Parcels H, I and K, zoned R1-12 PAD and located at the northeast corner of Ocotillo Road and 186th Place.

E. Consideration and possible approval of a lease agreement with SW General, Inc. (DBA Southwest Ambulance) for a two-year renewable lease of premises located at 22488 S. Ellsworth Road.

F. Consideration and possible approval of **Resolution 837-10** approving the submittal of a funding application by the Parks and Recreation Department to the Arizona Department of Transportation for Round 18 (2010) Transportation Enhancement Funding.

G. Consideration and possible approval of **Resolution 839-10** authorizing the purchase agreement in the amount not to exceed \$13,000 for the acquisition of real property from Rudolph S. and Antonia A. Valenzuela Trustees of the Valenzuela Family Trust dated January 9, 1996 for the Ellsworth Road Improvement – Rittenhouse to Ocotillo Project (Parcel #304-66-037).

***H.** Public Hearing and possible continuance to May 19, 2010 of **GP10-014 “Church Farm Minor General Plan Amendment”** a request by Greg Davis of Iplan Consulting on behalf of William Lyon Homes, to amend the General Plan Land Use Map designation for 20 acres located at the southeast corner of Ocotillo and Signal Butte Roads from Community Commercial to Medium Density Residential (2-3 DU/AC). (*Applicant has requested continuance*)

***I.** Public Hearing and possible continuance to May 5, 2010 on **Barney 20, RZ07-099/SD07-100, and Ordinance 477-10.** (*Applicant has requested continuance*)

Items C & D were pulled for discussion.

Motion to approve remainder of Consent Calendar as presented (Brown/Benning/Unanimous)

Item C: Council stated their support of solar and green building but felt some type of permit (without a structural engineering analysis) and inspection was needed to ensure the safety of the community. Council asked for additional information on the current costs for a permit and whether the Town’s costs were covered. Staff responded that permit fees are based on the project valuation so vary and the Town’s inspections and plan review were just covered with the permit fees (break-even) but staff could average permit fees to arrive at some sort of fixed fee.

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**Motion to continue Item C to the May 5, 2010 Council Meeting
(Benning/Wootten/Unanimous)**

Item D: Council commended Standard Pacific Homes and staff for the outstanding design proposals.

Motion to approve Item C (DR10-015 “Standard Pacific Homes at Sossaman Estates Parcels H, I and K”) (Benning/Barnes/Unanimous)

PUBLIC HEARINGS: If you wish to speak to the Council on an item listed as a Public Hearing, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

9. Public Hearing and possible approval of **Resolution 814-09 Major General Plan Amendment GP09-58** a request by Ralph Pew on behalf of 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); and Medium High Density Residential – A (0-5 dwellings per acre) (217 acres).

Planning Manager Wayne Balmer reviewed the General Plan application and included information on the following:

- Future 802 Freeway alignment and connections with Signal Butte and Meridian Road alignments;
- Impact of road realignments on the future Queen Creek Sports Complex
- History of the applicants Signal Butte Road design through the proposed development and future Sports Complex;
- Re-configured park scenarios
- Continuance at Planning and Zoning Commission for additional work on the transportation plan, park options and evaluation of density
- Applicants withdrawal of companion rezoning request
- Additional meetings with the Transportation Advisory Committee, Parks and Recreation Advisory Committee, Economic Development Commission and Planning and Zoning Commission in addition to open houses
- Planning and Zoning Commission’s recommendation for approval with stipulations

Council discussed concerns with proposed land uses specific to the Airport Overflight Area 2 and incompatibility of aircraft and homes. It was noted the Phoenix-Mesa Gateway Airport opposes residential development in the “AO2”. Council discussion included additional costs to the Town for additional infrastructure improvements; mixed support & concerns of the Town’s committees and staff’s proposed alignment alternative that would slightly shift Signal Butte and Meridian Roads providing less impact on the future park site and the Town’s Public Works Yard.

The Planning and Zoning Commission’s recommendation of the applicant’s proposal with an additional four stipulations was discussed:

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- Maximum dwelling units of 975 or 4.5 dwelling units per acre
- Location of Mixed Use parcels
- Cooperation with Town on future General Plan Amendment relative to the transportation plan and Signal Butte/Meridian alignments
- Cooperation with CMC Steele on creating notification procedures for residential property in the area of CMC Steele

Council asked if any land swap would be necessary and staff responded no.

Newel Barney, Queen Creek, the applicant, spoke of the desire to develop the property.

Ralph Pew, representing the applicant, asked for comments and questions from Council and requested that the public hearing be held and the case be continued to the May 19 Council meeting.

Council briefly discussed holding the public hearing when a full Council was in attendance.

Mr. Pew stated that the applicant agrees with the Planning and Zoning Commission's recommendations and supports the protection of Phoenix-Mesa Gateway Airport, however, the applicant doesn't agree with staff's recommendation to remove the 39 acres of mixed-use and submit as a future General Plan Amendment.

Council asked the applicant what the future involvement of the Barney family would be with the development. Jason Barney stated that the Barney name will be used and a variety of homebuilders will be involved.

Council discussed the need for transportation corridor improvements and addressing densities during the rezoning process.

The Public Hearing was opened.

Walter Fix, representing Phoenix-Mesa Gateway Airport, stated the airport opposes the residential component of the General Plan Amendment. He also provided information on the Part 150 Study and program that resulted in the enlarging and squaring off of boundaries in anticipation of additional airport uses and growth.

Scott McCoy, representing CMC Steel, stated opposition to the General Plan amendments that would change employment areas to residential. Mr. McCoy said that one of the considerations CMC Steel used in locating to the area was Queen Creek's General Plan. He said residential uses is not compatible with industrial or other intense uses and requested at least a ½ mile buffer south of Germann Rd.

The Public Hearing was closed.

Council and staff discussed the mixed-use designation and what types of development would be allowed. Mr. Balmer said some examples include offices, retail and higher density projects that aren't allowed in straight residential zoning areas.

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Council discussed whether the increased residential population would impact the level of service for parks. Mr. Balmer explained the formula used to calculate level of service and said that when the Queen Creek Sports Complex was designed, there were no residential areas, but that an additional 16 acres of park land would be needed somewhere in the Town.

Council noted the absence of documented support or opposition to the General Plan Amendment application from surrounding municipalities and requested staff to secure such documentation. Mr. Balmer stated that the application was sent to the surrounding municipalities with no response back.

There was some discussion on the history of the previous land use designation of the Barney property and the 1996 general plan amendment to industrial and subsequent rezoning application to comply with the general plan.

Motion to continue GP09-58 to the May 19, 2010 Council Meeting (Brown/Hildebrandt/Unanimous)

Meeting was recessed from 9:00pm – 9:13pm

10. Public Hearing to hear objections by the owners, contractor and all other persons directly interested in the work or in the assessment with regard to (Ellsworth Loop Road) Improvement District No. 001 as to the legality of the assessment and to any of the previous proceeding connected therewith or that the work has not been performed according to the contract.

Withdrawn

Town Attorney Fredda Bisman stated that Items 10 & 11 was being withdrawn at this time. She Explained that additional technical information needed to be prepared and staff was advised by the Town's Bond Counsel that Resolution 830-10 should be revoked and public hearings will be noticed at a later date.

11. Consideration and possible adoption of **Resolution 838-10** approving the assessment for (Ellsworth Loop Road) Improvement District No. 001; overruling objections, if any; determining that the work described in Resolution 573-06 have been completed and confirming and approving the Recapitulated Assessment for District No. 001.

Withdrawn

12. Consideration and possible approval of **Resolution 841-10** revoking Resolution 830-10 Notice of Hearing on Improvement District #001 assessments pursuant to state statutes for recapitulation of costs and expenses of the construction of improvements adopted on March 3, 2010.

Motion to approve Resolution 841-10 (Brown/Wootten/Unanimous)

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FINAL ACTION: If you wish to speak to the Council on an item listed under Final Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

13. Discussion and possible approval of a contract with Cactus Asphalt in the amount not to exceed \$988,046 for the application of asphalt seals for the 2010 Pavement Maintenance Project.

Environmental Manager Jan Martin reviewed the proposed FY10 road maintenance plan that is part of the 5-Year CIP. Council asked for annual expense information. Ms. Martin explained that the Pavement Maintenance Project is on-going and each year different streets would be included. Council also asked about tracking the performance of the selected contractor. Ms. Martin said that Cactus Asphalt is a prime contractor but slurry seal is a specialized application and a different contractor would provide that service. She added that an inspector would be out in the field at time of work. Town Manager Kross said that staff can work on a performance measure for roadway improvements.

Motion to approve a contract with Cactus Asphalt in the amount not to exceed \$988,046 for the application of asphalt seals for the 2010 Pavement Maintenance Project (Brown/Wootten/Unanimous)

ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

None.

14. Motion to adjourn to Executive Session: The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

None.

15. Adjournment

The Regular Session was adjourned at 9:28pm.

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, MMC

I, Jennifer F. Robinson, 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 April 21, 2010 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Jennifer F. Robinson, MMC

Passed and approved on May 5, 2010