



**MINUTES OF THE WORK STUDY MEETING OF THE QUEEN CREEK  
PLANNING AND ZONING COMMISSION**

**Wednesday, November 10, 2010 6:00 P.M.**

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

1. **CALL TO ORDER** The meeting was called to order at 6:01 p.m. by Chairman Sossaman

2. **ROLL CALL**

**Present**

Chairman Steve Sossaman  
Vice-Chairman Ingram  
Commissioner Gad  
Commissioner Matheson  
Commissioner Nichols (arrived after roll call)  
Commissioner Reyes (arrived after roll call)  
Commissioner Robinson

**Absent**

**Staff Present**

Director of Development Services Condit  
Community Development Manager Balmer  
Principal Planner McCauley  
Community Development Assistant Moats

**Absent**

Senior Planner Dave Williams

3. **Discussion on CU10-072/SP10-071 "AT&T Cell Site"**, A request for Conditional Use Permit and Site Plan for a Cell Site located at 20061 S. Rittenhouse Road at Project Challenge. Principal Planner McCauley provided background information on this request on behalf of Senior Planner Williams who was absent. Mr. McCauley stated the wireless communications antennae would be placed on an existing light pole at the Rite of Passage football field, located at the southeast corner of Rittenhouse and Hawes roads. This application supports Council's goal for Economic Development, Objective 5: *Support plans for the improvement of telecommunications, as well as other key infrastructure, in existing and planned economic corridors*". There were no questions from the Commission.

4. **Discussion on RZ10-078/SP10-079, “Sunwest Dental”**, a request by Adam Cosman for approval of a rezoning, site plan, landscape plan and building elevations for a dental office, located at 22211 S. Ellsworth Road. Principal Planner McCauley presented the request, noting this is a proposal for an adaptive reuse which would rezone the property from R1-6 to C-1, following the transitional land uses in the Town Center area, which is consistent with other Council-approved C-1 zoning requests in the immediate vicinity. Mr. McCauley noted the applicant will refurbish the existing stucco, and the asphalt shingles will be replaced with concrete slates. The roof-mounted A/C unit will be removed and relocated to the ground. The front roof line will be modified.

Commissioner Gad questioned if sign plans had been submitted for review and approval. Mr. McCauley responded there are no sign plans yet; they will be submitted with the sign permit package/application. He stated one sign will be allowed in the front of the building, and one monument sign will be allowed. Mr. McCauley noted the amount of signage permitted is one and a half times the total linear footage.

Commissioner Nichols noted that the Site Plan shows five parking spaces, and asked where the additional parking space would be. Mr. McCauley responded the sixth space will be on-street parking, on Ellsworth Road.

Commissioner Nichols then asked for clarification on the proposed roof shingles, since Mr. McCauley had stated they will be concrete slate, but the elevations call out new asphalt shingles. Mr. McCauley responded the elevations are incorrect, and the roof will be concrete slate.

Commissioner Reyes questioned how many properties in this vicinity are currently zoned C-1. Mr. McCauley responded 20 to 25% of the existing structures located on the east side of Ellsworth Road are zoned C-1.

Chairman Sossaman explained this area currently has an overlay district. Commissioner Gad asked about the zoning on vacant lots. Mr. McCauley responded all vacant lots are still zoned residential. Community Development Manager Balmer explained the Town encourages adaptive reuses in this area, and therefore, provides relief to property owners. Mr. Balmer noted all adaptive reuse requests are presented to the Town’s Economic Development Department for comment; he pointed out the October 26, 2010 letter from Economic Development staff providing comments in support of this application.

There were no further questions from the Commission.

5. **Discussion on GP10-039, Major General Plan Amendment, Town Center Land Use Designation**

Community Development Manager Balmer stated Council approved the update to the Town Center Plan in May, 2010; however, it is still in ‘draft’ form until formally adopted as part of

the General Plan. Mr. Balmer provided background information to the Commission. He explained once the Town Center Plan is approved as part of the General Plan, a Mixed Use Rezoning will be processed as a Text Amendment to the Zoning Ordinance for the Victoria parcel owned by Bill Lund.

Commissioner Robinson questioned the Taylor Morrison parcel. Mr. Balmer explained this had been processed as a major General Plan Amendment, and approved by Council last year; however, the project has not yet been started.

There were no further questions from the Commission.

6. **Discussion on GP10-040, Minor General Plan Amendment, Realignment of Signal Butte and Meridian roads.** This is a Town-initiated minor General Plan Amendment to the Transportation Element of the General Plan. Mr. Balmer provided background information, noting the Town desires to realign Signal Butte and Meridian roads, however, some ownership issues have arisen. Commissioner Gad questioned if the amendment for road realignment concerns zoning. Development Services Director Condit noted the amendment is to the Transportation Element of the General Plan, and is therefore, a minor General Plan Amendment.

Mr. Condit and Mr. Balmer provided further information on the SR802 public hearing, which was held last week, and the Town's desired connection from Signal Butte to Meridian Road.

7. **Discussion on TA10-088, Text Amendment to Zoning Ordinance, Article 6.19 and Table 4.6-2, to allow the display and sale of consumer fireworks**  
Mr. McCauley provided background information on HB2246, which was signed by the Governor on May 10 and will become effective December 1, 2010. The Town's proposed text amendment would correspond with the passing of this bill, and allow the display and sale of consumer fireworks in non-residential zoning districts as a temporary use out of a tent, pavilion, or similar temporary display area. Mr. McCauley noted if Council approves this proposed text amendment, there will be an emergency clause which makes the amendment effective immediately upon adoption by Council.

Commissioner Robinson questioned the intent of the proposed language to regulate the sale of fireworks, but not the use of fireworks. Mr. McCauley explained the sale of specific fireworks would require a temporary use permit; however, the use of the fireworks is not allowed by right. Currently, the use is allowed with the written permission of the Chief of Police. Staff is proposing this be changed to the Fire Marshal. Further discussion followed on the *use* of fireworks. Mr. Balmer clarified that the State law changed in regards to being able to *sell* fireworks, but the *use* issue has not changed. Commissioner Robinson stated his main concern is giving people the ability to sell fireworks, but not allowing consumers to use them. He added he would rather see the use allowed, but not the sale of fireworks in Town.

Staff further explained that retail establishments, such as Wal-Mart and Target, already are permitted to sell fireworks. This text amendment would make the Town's ordinance consistent with the new State law governing roadside vendors, by allowing them to sell

fireworks, but only with a temporary use permit. Commissioner Robinson then stated he more fully understood the amendment as presented by staff.

There were no further questions from the Commission.

**8. Discussion on TA10-089, Text Amendment to Zoning Ordinance, Article 6.21 to allow Medical Marijuana Dispensaries and offsite cultivation locations**

Mr. Balmer presented the staff report, and provided background information. The November 4 election results are still unofficial, and currently show a very slight margin between “yes” and “no” votes. There are still many thousands of provisional ballots left to be counted. Mr. Balmer stated staff is requesting a recommendation from the Commission tonight, to present to Council at its December 1 meeting, should the ballot measure pass. Staff is recommending the creation of a new Section 6.21, and changes to Table 4.6-2 of the Zoning Ordinance, regulating the location of nonprofit medical marijuana dispensaries and nonprofit medical marijuana off-site cultivation locations be approved as presented, with any additional changes requested by the Town Attorney prior to adoption by Town Council. Mr. Balmer informed the Commission that all Arizona communities/municipalities have shared their proposed ordinances so that they are standardized and consistent with one another throughout the state.

If the ballot measure passes, the State of Arizona will have 120-124 dispensaries total. Mr. Balmer reviewed the proposed stipulations for the Commission. Commissioner Gad asked how staff arrived at the proposed 1,320 feet distance requirement between dispensaries. Mr. Balmer responded 1,320 feet is a known standard measurement for one-quarter of a mile. He added Flagstaff will be proposing a 1,500-foot distance requirement, however 1,500 feet is not a standard for anything. Commissioner Gad stated he favors staff’s recommendation, but does not think the distance requirement is clear. Mr. Balmer explained the available options, cautioning that if the Town is too exclusionary, it could risk litigation.

There were no further questions from the Commission.

**9. Discussion on TA10-090, Text Amendment to Zoning Ordinance, Article 6.16.B.20, to allow Temporary Use Signs for Special Events**

This is a Town-initiated text amendment. Mr. Balmer provided background information, stating Council expressed interest at its July 21 meeting about the possible modification of the Town’s sign standards to allow a greater number of those who hold large, temporary events to promote these special events. Mr. Balmer referred to the Special Event Permit Application packet, and explained the differences among the Tier I, Tier II and Tier III special events. He noted that currently, even with a Special Event permit, signs cannot be placed in the rights-of-way. In addition, if signs are placed on private property, it is necessary to get written permission from the property owner to place the signs on their property. The Zoning Ordinance currently permits the use of temporary signs for temporary events, such as Christmas tree and pumpkin patch sales, farmer’s markets, art, cultural and charity events, and other similar activities subject to certain criteria. The proposed text amendment would expand this provision to include increased signage for Tier III events which require a Special Use Permit. Included in this proposed change is allowing the Zoning Administrator to authorize

promotional event signage for Tier III events to be placed in rights-of-way as part of the sign package approved for the Special Use Permit.

Commissioner Gad asked about A-frame signs for retail businesses, and stated he is aware of the perceptions from the business community and the possible perceived inequities of what some are allowed and what others are allowed. Mr. Balmer responded this item has been discussed at the Council level in the past, and there may be additional interest in revisiting this issue; however, this proposed text amendment would only address Tier III Special Events.

There were no further questions from the Commission.

### **ADMINISTRATIVE ITEMS**

All Administrative Items were deferred to the Regular Session Meeting.

10. **Review** of next month's agenda items.
11. **Report** on Town Council Action
12. **Summary of Current Events** from members of the Commission.
13. **Adjournment**  
    **Motion by:**                   **Vice-Chairman Ingram**  
    **To adjourn.**  
    **Seconded by:**               **Commissioner Gad**  
    **Vote:**                         **All ayes. Motion carried 7-0.**

The meeting adjourned at 7:08 p.m.

### **PLANNING AND ZONING COMMISSION**

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Chairman Sossaman

### **ATTEST:**

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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 November 10, 2010 Work Study 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 of November, 2010

Passed and Approved this 8th day of December , 2010.