



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

**Wednesday, November 10, 2010 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 7:15 p.m. by Chairman Sossaman.
2. **ROLL CALL** (one or more members of the Commission may participate by telephone).

**Present**

Chairman Steve Sossaman  
Vice-Chairman Ingram  
Commissioner Jason Gad  
Commissioner Alex Matheson  
Commissioner Ryan Nichols  
Commissioner Debbie Reyes  
Commissioner Kyle Robinson

**Absent**

**Staff**

**Present**

Director of Development Services Condit  
Community Development Manager Balmer  
Principal Planner Mike McCauley  
Community Dev. Assistant Laura Moats

**Absent**

Senior Planner Dave Williams

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 were no public comments.**

Chairman Sossaman announced the 2010 Distinguished Planning Pioneer Award given to Wayne Balmer at the Arizona Planning Association's annual conference last week. Mr. Balmer responded by thanking the Commission. Chairman Sossaman asked that a news release be prepared.

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 October 13, 2010 Work Study and Regular Session Minutes;**
- b. **Public Hearing, Consideration and Possible Approval of CU10-072/SP10-071, "AT&T Cell Site",** A request for a Conditional Use Permit and Site Plan for a Cell Site to be located at 20061 S. Rittenhouse Road.
- c. **Public Hearing, Consideration and Possible Approval of 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.

**Motion by :** Commissioner Gad  
**To approve the Consent Agenda as presented.**  
**Seconded by:** Vice-Chairman Ingram  
**Vote:** All ayes. Motion carried 7-0

**5. Public Hearing, Discussion and Possible Action on GP10-039, Major General Plan Amendment, Update to Include Revised Town Center Plan in General Plan**

Community Development Manager Balmer presented the staff report and power point. He illustrated the Town Center Land Use Map, noting the area shown in red. He stated this typically is confusing because it is misconstrued as being Commercial; this area is not necessarily all commercial; it includes some residential. The proposed Town Center Plan includes a new land use map, identifying multi-family, single-family, commercial areas, and a new mixed-use area. The Mixed Use definition encourages re-use of existing areas. Mr. Balmer stated the Town Center Plan will not be official until adopted through the General Plan Amendment process and approved by Town Council.

He noted very little public comment has been received; most comment received focuses on general questions more than opposition.

**Motion:** Vice-Chairman Ingram  
**To recommend approval of GP10-039, Major General Plan Amendment on Town Center Land Use Map and Town Center Plan, as presented.**  
**2<sup>nd</sup>:** Commissioner Gad  
**Vote:** All ayes. Motion carried 7-0.

**6. Public Hearing, Discussion and Possible Action on GP10-040, Minor General Plan Amendment, Modification of the Transportation Element of the General Plan to reflect the realignment of Signal Butte and Meridian roads.**

Mr. Balmer informed the Commission this item will be continued indefinitely, as some ownership issues have arisen. He showed a map of the proposed realignment, and pointed

out the future connection to SR802 and Superstition freeways. He noted Proposition 400 funding only allows for connection to Meridian Road. He explained the issues connected with this, and the importance of the Town focusing efforts on connecting Signal Butte to Meridian Road. Mr. Balmer illustrated the conceptual plan that was brought before Council last year.

Commissioner Gad questioned the timeline for decision making related to SR802, and asked if the Commission needs to be date-specific in the motion to continue this item. Mr. Balmer responded staff will monitor this and bring it back so that the Town does not miss any deadlines associated with SR802. There is no urgency at this time.

As this item was advertised as a public hearing at tonight's meeting, Chairman Sossaman opened the Public Hearing. There were no public comments, and the Public Hearing was closed.

**Motion:**        Commissioner Reyes

**To continue GP10-040, Minor General Plan Amendment to Transportation Element of General Plan, Realignment of the Signal Butte and Meridian roads corridor, indefinitely.**

**2<sup>nd</sup>:**            Commissioner Robinson

**Vote:**           **All ayes. Motion carried. 7-0.**

**7. Public Hearing, Discussion and Possible Action on TA10-088, Text Amendment of Sections 6.19.B and Table 4.6-2 related to fireworks and uses allowed in non-residential districts.**

Principal Planner McCauley presented the staff report.

Vice-Chairman Ingram asked if someone had a roadside stand, would they need a sign stating sales are prohibited to people under the age of 16. Mr. McCauley responded, 'yes', they would need a sign. This text amendment regulates temporary use sales by temporary use permits. It will not regulate permanent structures such as sales inside a Wal-mart or Target-type store.

Commissioner Nichols asked if this text amendment would allow sale in residential districts. Mr. McCauley responded sales in residential districts would be allowed by temporary use permit only, and only as approved by the Zoning Administrator.

Commissioner Gad asked that the minutes reflect that the issue at hand is a recommendation for the sale of fireworks, but not the use of fireworks. The temporary use permit does not affect the use; it pertains only to the sale of fireworks in Town limits.

**Motion:**        Commissioner Robinson

**To recommend approval of TA10-088, "Text Amendment to Zoning Ordinance to allow the Display and Sale of Consumer Fireworks", as presented.**

**2<sup>nd</sup>:**            **Commissioner Nichols**  
**Vote:**           **All ayes. Motion carried 7-0.**

**8. Public Hearing, Discussion and Possible Action on TA10-089, Text Amendment to Section 4.6-2 and the addition of a new Section 6.21 to the Zoning Ordinance related to the location of nonprofit medical marijuana dispensaries and offsite cultivation locations**

Mr. Balmer requested the order of the agenda be changed so that he could do Special Events presentation before Medical Marijuana.

Community Development Manager Balmer made this presentation after the special events signs presentation. He illustrated slides shown at the October 6 Town Council meeting in anticipation of the ballot measure passing.

Commissioner Robinson asked if the same limitations that are on dispensaries would be placed on cultivation locations. Mr. Balmer responded, 'yes'.

Commissioner Nichols asked why a dispensary and cultivation location couldn't be in the same location. Mr. Balmer responded there is no reason for this. One location could be used for both cultivation and dispensary location.

Chairman Sossaman noted "private schools" was not listed under the distance requirements on the Power Point, and requested it be included. He asked if county islands will be adopting a standard. Mr. Balmer replied the proposed ordinance does include the distance separation requirement from private schools; and, the County is developing a standard, however, the Town has no jurisdiction over County islands. Maricopa and Pima counties have taken a lead in these regulations, which will be very similar to the surrounding communities.

Commissioner Gad asked about the distance requirement, noting Staff's proposal is 1,320 feet or one-quarter mile. He questioned staff's analysis of 1,320 feet from all of the areas listed in distance requirements. Mr. Balmer noted four general areas where dispensaries would be allowed using the 1,320 feet requirement:

- Power Marketplace – Cunningham's shooting range
- Barney Family Sports Complex area/Barney Farms
- Schnepf's Farm
- Queen Creek Marketplace – next to Paradise Bakery

Mr. Balmer stated staff has consulted with the Town Attorney as to how restrictive the Town can be without being exclusionary. He added it is more likely there will be more dispensaries in Gilbert and Mesa since those areas are more populated.

Commissioner Gad pointed out his concern is the loophole in the Town Center area, with a new elementary school going in on the west end of that in a couple of years.

Vice-Chairman Ingram noted Vestar stated they would not lease space to a medical marijuana dispensary. Mr. Balmer responded, yes, staff had contacted Vestar regarding fireworks sales (temporarily in parking lots) and medical marijuana dispensaries. Vestar responded they would not lease space for either medical marijuana dispensaries or fireworks sales.

Vice-Chairman Ingram thanked Mr. Balmer and the Planning staff for the time put into this.

Chairman Sossaman opened the Public Hearing. There were no public comments, and the Public Hearing was closed.

**Motion:**        **Commissioner Gad**

**To recommend approval of TA10-089, Text Amendment to the Zoning Ordinance modifying Table 4.6-2 and creating a new Section 6.21, Regulating the location of nonprofit medical marijuana dispensaries and nonprofit medical marijuana off-site cultivation locations, the with an amendment increasing the distance requirement from 1,320 feet to 1,500 feet, to block out the Town Center area.**

**2<sup>nd</sup>:**            **Commissioner Matheson**

**Discussion:** Commissioner Robinson asked what other communities are at 1,500 feet, if any. Mr. Balmer responded almost every other community is in the same situation as Queen Creek in that their ordinances are in the development stage, but not finalized. He noted Flagstaff is considering 1,500 feet, and clarified that staff chose 1,320 feet because it is an understood standard. He stated staff did not look at where the specific number of allowable locations would be using 1,500 feet, but it would close the loophole with Queen Creek Marketplace location.

**Chairman Sossaman restated motion.**

**Vote on the motion:**

**All ayes. Motion carried 7-0.**

**9. Public Hearing, Discussion and Possible Action on TA10-090, Text Amendment of Section 6.16.B.20 of the Zoning Ordinance to allow Temporary Use signs for Special Events**

Mr. Balmer presented the power point. He explained the differences among Tier I, Tier II, and Tier III Special Events, noting the proposed amendment focuses on Tier III events. Chairman Sossaman stated he thought the second bullet point under “Tier III” events, which lists “multi-day event”, seems too open-ended, and asked if a specific ‘not to exceed’ number of days could be added. Mr. Balmer responded for a one-day event, five days would be adequate. But for a one-month event like the chili festival, it would be more appropriate to allow closer to 30 days.

Chairman Sossaman stated this could be an issue at a for-profit event, where 30 days could be seen as an advertisement. Mr. Balmer responded the temporary use permits will be monitored for that reason. He added Council will monitor this and look at how to regulate different uses for different types of events.

Commissioner Reyes asked how many Tier III special events are held in Town limits in a year. Mr. Balmer responded four or five (Schnepf's Farm, London's Run, and Horseshoe Park Equestrian Centre events, such as the Bar-be-que contest). He noted there is a "We Make History" three-day event.

Commissioner Gad asked for clarification on the types of allowed signs, and the allowed setback in the rights-of-way. He asked if the stipulations would address not interfering with sidewalks, bike paths, and pedestrian areas. Mr. Balmer responded the amendment proposes no line of sight or bike or pedestrian paths be blocked, in addition to utility lines, etc. Staff would review and be very specific as to where these can and cannot be.

Commissioner Gad asked what is considered freestanding. Mr. Balmer stated anything that is not hanging, such as a sign put in the ground with a stake, and not hooked, tied, or connected to anything.

Chairman Sossaman opened the Public Hearing. There were no public comments, and the Public Hearing was closed.

**Motion:**        Commissioner Gad  
**To recommend approval of TA10-090, Text Amendment to Zoning Ordinance modifying Section 6.16.B.20 regarding Special Event Signs, as presented by staff.**  
**2<sup>nd</sup>:**            Commissioner Matheson  
**Vote:**            **All ayes. Motion carried 7-0.**

## **ADMINISTRATIVE ITEMS**

### **10. Review** of next month's agenda items

Community Development Manager Balmer reviewed the cases planned for next month.

- Tire Works, CU10-083/SP10-084, located at the southeast corner of Power and Rittenhouse roads;
- Zoning Ordinance Update – this will be first phase of a multi-phase project, which will include a Design Standards Manual.
- Applications for Scalloped Streets projects

### **11. Report** on Town Council Action

Development Services Director Condit reported on the following:

October 20 Town Council Meeting: Maracay Homes at Lucia, Council approved the Design Review application.

Mr. Condit stated Director of Economic Development Doreen Cott is working on a contract with a vendor to do directional signs for home vendors. Pinal County currently has signs similar to this. Mr. Balmer added in other communities (Goodyear, Litchfield Park) these signs are erected in the right-of-way, and are very architecturally designed. The new signs would use the Town's branding colors. The vendor will work with the Town to select permanent locations for these signs, on which homebuilders can rent space. These signs will also have the Town logo on them. These advertising signs will be installed at the homebuilder's cost. Chairman Sossaman asked if other groups (schools or post office) could also rent space on the signs. Mr. Balmer did not know of any prohibition of these. Chairman Sossaman asked if other signs would slowly be eliminated. Mr. Balmer responded the sign code may be revised eventually to eliminate directional signs or remove them.

November 3 Town Council Meeting: Council approved a contract for \$500K to proceed with shedrow barns at Horseshoe Park Equestrian Centre. The cost-benefit analysis shows break-even in as little as three to four years.

Staff from Maricopa Department of Transportation (MCDOT) gave a presentation on the Ocotillo Bridge at the Queen Creek Wash (next to Desert Mountain Park). This bridge was constructed 15 years ago. The Town now owns it. Mr. Condit stated structural problems were identified two years after the Town took ownership. There are stress cracks. The bridge is not unsafe, but will be a continuing maintenance issue. MCDOT has agreed to take the lead to help the Town resolve this. There will be significant work in the next three to five years.

**12. Communication** from members of the Commission and Staff

Chairman Sossaman asked for input and comments from Commissioners who attended the annual Arizona Planning Association Conference. The Commissioners offered comments and discussed sessions they attended.

Chairman Sossaman spoke about ASU's sustainability college and a seminar he attended about algae farms; these farms are at ASU Polytechnic.

Director Condit reported on an ASCE conference he had attended in Las Vegas at the end of October. The ASCE, APWA and ACEC are teaming up to develop LEED standards for Public Works construction. This will be out in the next four to six months. The next phase of green building codes is turning to green infrastructure codes, which need to be socially acceptable and financially feasible.

**13. Adjournment**

**Motion:** Vice-Chairman Ingram  
**To adjourn.**  
**2<sup>nd</sup>:** Commissioner Matheson  
**Vote:** All ayes. Motion carried 7-0.

The meeting adjourned at 8:32 p.m.

**PLANNING AND ZONING COMMISSION**

By: \_\_\_\_\_  
Chairman Sossaman

ATTEST:

\_\_\_\_\_  
Laura Moats, Community Development Assistant

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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 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 of November, 2010.

Passed and Approved this 8<sup>th</sup> day of December, 2010