



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

Wednesday, January 12, 2011 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 7:05 p.m. by Chairman Sossaman.
2. **ROLL CALL** (one or more members of the Commission may participate by telephone).

Present

Chairman Sossaman
Vice-Chairman Steve 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

Absent

Community Development Assistant Moats

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. Joe and Tammy Miller, 22433 E. Creekside Lane, Queen Creek were present to observe the meeting as part of the Citizen Leadership Institute requirements. Mr. Miller addressed the Commission to comment about the Town's fencing requirements, which he referred to as confusing to follow since there is not one set of consistent rules that applies to all situations. He cited the view fence requirements of four-foot solid/two-foot view fence, which he misunderstood when he moved in to be 50 percent solid and 50 percent view fence.

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.

Item 4b. was removed from the Consent Agenda for presentation and discussion.

a. Consideration and Possible Approval of December 8, 2010 Work Study and Regular Session Minutes;

Motion: Commissioner Gad

To approve Consent Agenda Item a., December 8, 2010 Work Study and Regular Session minutes, as presented.

2nd: Commissioner Reyes

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

4. b. Consideration and Possible Approval of Recommendation on Ellsworth Road (Rittenhouse to Ocotillo roads) Project for Town's Scalloped Street Assessment Program.

Director Condit described the process of the Scalloped Street Assessment program. He stated this item was being presented to the Commission for recommendation, according to Council direction when the original ordinance was passed in Spring, 2010. Mr. Condit noted the purpose of the Scalloped Streets program is to eliminate portions of roadway that have not been improved when projects are developed. The Scalloped Streets Program provides a method for the Town to complete roadway projects in full, and be able to assess the street improvement costs to adjacent developers after the construction of street improvements. In the past, without the ordinance in place, if the Town constructed half-street improvements for any roadway, adjacent developers would benefit, but would not be providing any money to the Town for that construction that's already been completed. Mr. Condit noted this item is on the Council's January 19 agenda, at which time Council will make a determination on whether or not the these specific improvements are needed prior to development of the adjacent parcels. He noted limitations, including the fact that for properties abutting these roadways, State Statutes limit the improvements to half-street improvements only in front of the properties, with a limit of 1,000 lineal feet maximum of the adjacent arterial feet. There is also a limit on the duration of time once the assessment is put in place after construction is complete, to 10 years, after which time the assessment is removed. Mr. Condit listed the types of construction on which the assessment can be placed, including residential rezoning to commercial, commercial or industrial buildings or major additions to existing businesses (25% or more increase in floor area), with exemptions for single-family residential adjacent to existing agricultural or residential zoning. He pointed out water and wastewater improvements will not be part of the assessment. He outlined the public hearing process and explained the procedures associated with this program, including: public notices, public hearings, cost estimates, the sealed bid process, and ending with assessments being recorded as liens against adjacent properties to be paid prior to or at the time of development of the assessed property.

Chairman Sossaman questioned the bid process, and how it is decided whether or not this specific project and assessment will proceed. He asked if one of the deciding factors for whether or not the project proceeds is whether or not the Council decides the land owners can be assessed for the improvements. Director Condit responded since these are future, *potential* reimbursements to the Town, it is possible if no development occurs within the next 10 years, the assessment would be abated. Secondly, the Council could vote to change the scope of the project by leaving out the adjacent properties, not doing the assessment, and leaving the scalloped streets in place.

In response to a question from Commissioner Robinson, Director Condit stated no costs are due from the property owner until the time of building permit application. He clarified instances where the assessment would be implemented. Property ownership can change, however, the property will not be assessed until the use/zoning changes and a building permit application is submitted.

Director Condit illustrated the map showing the assessment area for Assessment Program SS-2 and explained why some properties shown on the map are not included in the scope of the project, and others are. For example, the parcel abutting the small triangular parcel at the southwest corner of Rittenhouse and Ellsworth roads is not included because the property owner has already paid their half-street improvements. This is the Queen Creek Crossroads project. Director Condit pointed out the remaining parcels that are proposed to be in the Assessment.

Commissioner Reyes asked for clarification on when a specific residential parcel would be assessed for the project. Director Condit responded if that property was sold and the zoning was changed from residential to commercial, then the assessment would be posted. In response to a question, Director Condit stated the range of assessments based on the lineal feet frontage.

Director Condit pointed out the advantages and disadvantages to the Town and property owners for both sides of the issue: improving the road without the Scalloped Street Ordinance in place, and improving the roads with the Ordinance in place.

Chairman Sossaman explained, for the benefit of the new Commissioners, that one of the responsibilities of the Commission is to make recommendations to Council on land use. In rare instances, the Commission has input into funding methods. He stated this Scalloped Street project may encourage future development since the road improvements would be a benefit to future developers.

Motion: Commissioner Robinson
To recommend approval of the Scalloped Street Assessment Project, as presented by staff.
Second: Commissioner Nichols
Vote: All ayes. Motion carried 7-0.

Commissioner Robinson noted his opinion in voting in favor of this project, which is based on: 1) existing developers will not be at a disadvantage in comparison to new developers if this ordinance is not enacted; and 2) this would be a cost-avoidance opportunity for the Town's taxpayers in the future.

ADMINISTRATIVE ITEMS

5. **Review** of next month's agenda items:

Mr. Balmer reported on the following two cases, tentatively scheduled for the February 9, 2011 meeting:

- Big-O Tires, CU10-083/SP10-084, located at the southeast corner of Power and Rittenhouse roads;
- Queen Creek Crossroads, RZ10-107/SD10-106

6. **Report** on Town Council Action: The minutes from the December Town Council Meeting were included in the agenda binder. There was no Council meeting the first week of January.

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

Director Condit updated the Commission on the Emperor Estates drainage issues, which were discussed at the Commission's December meeting. He stated staff met with the engineer and developer since the last Commission meeting. The engineer has been able to grade the bottom foot around the retention basin to meet requirements without modifying the existing slopes. This item is scheduled on the Council's January 19 agenda.

Mr. Balmer provided a status update on the Medical Marijuana ordinance, which was approved by Council in December. He noted several communities in the area have been working on their ordinances. The Department of Health Services has developed a new publication, entitled *The Green Leaf*, which provides articles and resources related to the medical marijuana industry.

Vice-Chairman Ingram questioned if the Town has been issuing special use permits for fireworks sales. Mr. Balmer responded at its December meeting, the Town Council approved fireworks sales as a temporary use, which must be on existing, developed property. The Council will hold a public hearing within the next month regarding specific dates, proposed to be December 31, January 1, July 3, 4, and 5, on which fireworks will be legal.

8. **Adjournment**

Motion: Commissioner Gad
To adjourn.
2nd: Commissioner Robinson
Vote: **All ayes. Motion carried.**

The meeting adjourned at 7:40 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Sossaman, 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 January 12, 2011 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 January, 2011.

Passed and Approved this 9th day of February, 2011