



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
June 6, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:10pm.

2. Roll Call

Council Members present: Barney; Hildebrandt; Wootten (telephonically); Mayor Sanders. Council Member Mortensen arrived at 8:53pm. Council Member Coletto-Cohen and Vice Mayor Valenzuela were absent.

3. Pledge of Allegiance

Led by Mayor Sanders.

4. Ceremonial Matters: Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Presentation to Paul Schweitzer, former Chairman of Planning and Zoning Commission – Mayor Sanders presented Paul Schweitzer with a plaque in recognition of serving on the Planning and Zoning Commission from 1998 to April 2007, serving as Chairman for 7 years. Chairman Steve Ingram and Vice Chair Kathy Trapp-Jackson were also present.

B. Neighborhoods in Bloom Awards – presented to the following: Residential under ½ acre: Godfrey & Lorraine Ebright; Residential over ½ acre: Denise Quigg; Business Category: Ewing Irrigation; and Make-Over: Tom Bidlack.

C. Citizen Leadership Graduation – the following were presented with certificates for completing the Citizen Leadership Institute: Karen Angel, Wayne Balmer, Ron Bartlow, Melinda Bidlack, Tom Bidlack, Keith Bigelow, Michael Bonewitz, Barb Brennan, Silvia Centoz, Pam Chadwell, Kim Clark, Jim Deddo, Monica Faure, Laurie Grounds, Heidi Harlow, Norma Hernandez, Susan Hockley, Kaja-Anne Jezycki, Janet Kawczynski, Joy Maglione, Sam McPike, Craig Moss, Jim Nelson, Milos Pavicevich, Joshua Porter, Angela Roberts, John Schroeder, Erik Snyder, Carlota Thorne, Jennifer Todd, Richard Turman, Tina Walton, Gary Wilson, Dean Wise and Sheryl Yancey.

D. CERT (Citizen Emergency Response Team) Graduation – the following were presented certificates for completing the CERT program: Michelle Bennett; Vonnie Duncan; Bill Lehman; James McLees; Dee Anne Thomas; David Thorvaldsen; Rand Olson; Ruben Acuna; Dave Behrendt and Nancy Neilson.

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E. Student of the Month – May 2007 – Mayor Sanders and Council Member Barney presented the following students with the Student of the Month Award:

Molly Benson – Ben Franklin Power Campus

Chad Jefferies – Ben Franklin Crismon Campus

Danielle Hodges – Queen Creek High School

Yizeth Martin – Queen Creek Middle School (not in attendance)

Katrina Sabin – Frances Brandon Pickett Elementary School

Francisco Alejandro Garcia – Cortina Elementary School (not in attendance)

Gustavo Ochoa – Queen Creek Elementary School (not in attendance)

Sean Almazan – Desert Mountain Elementary School

Dylan Small – Canyon State Academy (not in attendance)

The meeting was recessed from 7:45 – 8:05pm.

5. Committee Reports

A. Queen Creek Youth Commission – May 16, 2007 – The Commission discussed the retreat, Town Hall Forum report, continued planning Monsoon Madness activities and recruiting new members.

B. Economic Development Commission – May 23, 2007 – The Commission continued discussing Queen Creek’s SWOT (Strengths, Weaknesses, Opportunities and Threats) and types of employment and industry. The next meeting is scheduled for June 13, 2007.

6. 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.

7. 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 purchases over \$10,000.

B. Consideration and possible approval of line item budget reallocations.

C. Consideration and possible approval of the Final Plat for “Victoria PAD Parcel 10” a request by Dale Willis of Willis Properties. The project is located east of Hawes Road and north of Ocotillo Road.

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D. Consideration and possible approval of the Final Plat for “Villagio” a request by Jim Carlson of U.S. Land Development LLC. The project is located east of Sossaman Road and south of Queen Creek Road.

E. Consideration and possible approval of **SD07-013** “Pegasus Airpark, Phase 5, Amended Preliminary Plat” a request by Greg Davis of IPlan Consulting, on behalf of Circle G Pegasus LLC, to re-plot Pegasus Airpark Phase Two Hangar of Pegasus Airpark. The proposal will eliminate three hangar buildings, add six aviation lots and relocate one hangar building. The project is located approximately ¼ mile east of Ellsworth Road, north of Empire Road.

F. Consideration and possible approval of **SD07-049** “Villages Office Suites Condominium Plat” a request by M. Joe Bayer of Main Spring Capital V, LLC, for approval of condominium suites for an office complex of approximately 29,500 sq. feet on approximately 2.07 acres currently zoned C-2 (General Commercial). The proposed site is located on the east side of Ellsworth Road at Sierra Park Boulevard.

G. Consideration and possible approval of **Resolution 655-07** authorizing a Development Agreement with Highland Homes Construction Company LLC providing for the partial reimbursement by the Town to the Developer for costs associated with the construction of the Ocotillo Road culvert.

H. Consideration and possible approval of a proposal in the amount of \$39,417 from G & G Construction to repave the intersection of Ellsworth and Empire Roads.

I. Consideration and possible approval of contracts with SRP in the amount of \$984,847 for electrical service related to the Ellsworth Road and Rittenhouse Road Improvement District (ID001).

J. Consideration and possible approval of Council Committee assignments.

K. Consideration and possible approval of **Resolution 652-07** implementing nine air quality measures involved in the MAG 2007 Five Percent Plan for PM-10 Particulate Matter.

L. Consideration and possible approval **Resolution 654-07** authorizing the execution and delivery of a Purchase Agreement, a Trust Agreement, a Continuing Disclosure Undertaking and an Obligation Purchase Contract; approving an official statement; approving the sale and execution and delivery of not to exceed \$28,000,000 excise tax and state shared revenue obligations, Series 2007, evidencing a proportionate interest of the owners thereof in the purchase agreement; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency.

M. Consideration and possible approval of an Intergovernmental Agreement for FY2008-2010 between Maricopa County and the Town of Queen Creek for Animal Care and Control Services.

N. Consideration and possible approval of contract in the amount not to exceed \$12,850 with Government Outreach (G.O.) for implementation of customer relations management (CRM) software, a one-year subscription to G.O. GOCity CRM hosting services and reallocation of funds.

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O. Consideration and possible approval of a contract in the amount not to exceed \$70,000 for implementation of web site content management software, web site redesign services, one-year subscription for Vision Internet web site hosting services and reallocation of funds.

*P. Public Hearing, discussion and possible action on **TA07-029 (Ordinance 388-07)** “Text Amendment to Establish Open Space Requirements for R-2, R-3 and R-4 Zoning Districts” a request by the Town of Queen Creek for a text amendment to the Town of Queen Creek Zoning Ordinance, Article 5, Section 5.5 to establish a standard percentage of open space requirements.

Council requested Item O to be pulled.

Motion to approve remainder of Consent Calendar (Wootten/Barney/Unanimous)

Item O: Council expressed appreciation to staff for providing the additional information that was requested regarding the website redesign.

Motion to approve Item O (Wootten/Barney/Unanimous)

PUBLIC HEARINGS AND FINAL ACTION: If you wish to speak to the Council on an item listed as a Public Hearing or 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.

8. Discussion and possible action on the appointment of a new Vice Mayor.

Mayor Sanders thanked Vice Mayor Valenzuela for serving the past year as the Vice Mayor. He then nominated Council Member Barney to serve as Vice Mayor for the next year.

Motion to appoint Council Member Barney as Vice Mayor (Sanders/Hildebrandt/Unanimous)

9. Discussion and possible action on **SP06-101** “Walgreens at Cornerstone” a request by Maneesh Dwivedi of K and I Architects and Interiors LLC, for Site Plan, Elevation and Landscape Plan approval. The project site is Pad 12 of the Cornerstone PAD and is a 2.52 acre parcel located at the northeast corner of the realigned Rittenhouse Road and Ocotillo Road. *(Continued from the May 16, 2007 meeting)*

Planner David Williams presented the revised building elevations, providing a compare & contrast to the previous elevations. Some of the revisions included increased stonework, brickwork, variation of roof line and an added terminus at the rear of the building on the northwest elevation with the southwest elevation being similar. The northeast elevation now has a raised parapet, off-set roof line and gable style roof. The southeast elevation has faux windows and additional stucco. The tower element has increased brickwork. Mr. Williams reviewed the conditions of approval from the Planning and Zoning Commission: #13 regarding gable roof and #14 regarding rafter tails at the drive-thru.

Ralph Pew, 1930 E. Brown Rd., Mesa, representing the applicant, stated that Stipulation #13 requiring a gable roof isn't in proportion to the building and proposed an alternate location for a

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gable roof element at the “tote room” location. Mr. Pew added that the design presented is consistent with all design guidelines for the WDP Project (Westcor) and requiring a different design may be in conflict with the PAD and approved design guidelines. He stated that if the store was at stand alone location, the elevation could be entirely different.

Planning Manager Fred Brittingham stated that staff could work with the applicant in amending Stipulation #13.

Motion to approve with stipulations recommended and working with applicant regarding gable roof element (Barney/Hildebrandt/Unanimous)

10. Discussion and possible direction on options for implementing the Revised Fence Standards including the possibility of revising the fence standards for the R1-43 and larger Zoning Districts.

Planner Mike McCauley reviewed Ordinance 382-07/TA06-130 in April 2007 which revised fence standards for R1-35 and smaller lots and requested Council direction on what requirements should be incorporated into revised standards. Initial discussion was in regard to requiring fence amendments be for the entire perimeter and requiring additional landscaping if the builder/developer chooses to install a 6-ft. solid wall. Council also asked if the applicant for TA06-130, Mario Mangiamele/IPlan, had participated in preparing the fence standard proposal. Mr. McCauley stated that staff’s proposals had been provided but there had been no response.

Council discussed transitional landscape buffers; possible affects on overall project density if additional landscaping were required and possibility of double landscaping requirements.

Mario Mangiamele, of IPlan, stated that he didn’t believe that additional landscaping was a requirement of the approved text amendment and that the stakeholders had not had sufficient time to review or meet with staff regarding the proposed standards and other options.

There was some discussion on design guidelines for 6-ft solid fences. Mr. Brittingham stated that the current zoning ordinance doesn’t have standards but provides schematics for reference, allowing some flexibility.

Kurt Nelson, Queen Creek, President of the San Tan Vistas HOA, stated his concerns regarding the absence of materials standards; supported uniform fencing for entire development and that the same rules should apply to non-HOA developments/subdivisions. Mr. Nelson also supported a standard offset for fence height and landscape requirements.

Council discussed further the options provided by staff and supported the following: (1) existing subdivisions with an approved fence plan and active HOA shall submit a fencing proposal and fee to amend the existing fence plan through the HOA and shall be for the entire subdivision perimeter; (2) The HOA submitted revised fence plan would be reviewed and approved by staff with the ability to appeal to the Town Council staff’s decision; (3) existing subdivisions without an approved fence plan or active HOA shall submit a fence revision request through property owners adjoining a section (e.g. between two street intersections).

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Material standards and fees were discussed; staff clarified that the fee is for review and permit. Council asked if the fence standards would apply to the R1-43 and larger lots. Staff replied that the text amendment didn't apply to R1-43 and larger lots but if the Council requested, a text amendment could be initiated. Council declined. Council did concur that landscape requirements could be dependent on the fencing materials used.

11. Discussion and possible approval of a Notice of Intention to enter into a retail development tax incentive agreement with Vestar Arizona, LLC for the Vineyard Town Center located at the northwest corner of Gantzel and Combs Roads.

Assistant Town Manager Patrick Flynn explained the requirement by state statute of approving a Notice of Intent prior to approving a development tax incentive agreement. Council discussed how the developer would provide the public infrastructure up-front and be reimbursed by the Town with sales tax generated from the project. Mr. Flynn added that the development agreement would be a pre-annexation development agreement as the property isn't within the Town limits at this time.

Motion to approve: (Mortensen/Hildebrandt/Unanimous)

12. Discussion and possible action on a request by Pinal County for comments on "Ocotillo Crossings" (PZ-PD-009-07, PZ009-07 and PZ-PD-006-94C) for a proposed shopping center at the southeast corner of Ocotillo and Gantzel Roads.

Planning Consultant Wayne Balmer presented the approved site plan for a strip mall along with the request for a PAD Amendment, rezoning and new PAD request. Mr. Balmer reviewed the new proposed site plan which shows four driveways; major tenant space and elevations similar to those in the Town of Queen Creek. Mr. Balmer stated that staff supports as it is an improvement over the approved plans, however, it doesn't conform to the Town's General Plan. Council asked if there were any plans for annexation. Mr. Balmer stated that the property was non-contiguous to Town boundaries.

Council directed staff to send comments as presented to Pinal County.

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

13. Discussion on **RZ06-115/SP06-114/CU07-023** "Broadstone at Queen Creek" a request by Ralph Pew of Pew and Lake, PLC, for approval of a rezoning from R-4 Multi-Family to Town Center (TC), a Planned Area Development (PAD) amendment, Conditional Use Permit, Site Plan Landscape Plan and Building Elevations for a 264-unit multi-family residential development on approximately 15 acres. The project is located in the vicinity of the northeast corner of Ellsworth and Ocotillo Roads.

Planner Mike McCauley reviewed the application for rezoning from R1-4 to "Town Center" in order to allow 40' – three-story buildings and modification of the parking stall size along with the proposed building elevations.

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Council asked for additional explanation on the request for a 40' height allowance. Mr. McCauley responded that a 40' height is allowed in the Town Center. Council also asked if there was adequate parking and whether the project was gated. Mr. McCauley responded that the parking provided exceeds requirements and gated drives for apartment complexes are fairly standard.

14. Discussion on **SD06-068** "Queen Creek Fiesta" a request from Withey Anderson and Morris, PLC, on behalf of De Rito Partners for approval of a Preliminary Plat to create 13 lots on 15.5 acres. The property is zoned C-2 General Commercial and located approximately 1,000 feet south of the intersection of Rittenhouse and Ellsworth Roads, on the west side of Ellsworth Road.

Planner David Williams gave a brief review of the proposed plat for "Queen Creek Fiesta". Council asked if staff was aware of any proposed tenants.

Tom Alfred, representing De Rito Partners, responded that several were in escrow including Arbys, IHOP, Discount Tire and AmTrust Bank.

15. Presentation on Transit options and update.

No discussion.

16. ADJOURNMENT

Motion to adjourn at 9:32pm (Barney/Mortensen/Unanimous)

TOWN OF QUEEN CREEK

Gail Barney, Vice Mayor

Attest:

Jennifer F. Robinson, CMC

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 June 6, 2007 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, CMC

Passed and approved on June 20, 2007.