



**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION
Wednesday, November 8, 2006 7:00 P.M.
Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242**

7

1. **CALL TO ORDER**

2. **ROLL CALL**

Present

Chairman Schweitzer
Vice-Chairman Shifman
Commissioner Atkinson
Commissioner Ingram
Commissioner Perry
Commissioner Sossaman
Commissioner Trapp-Jackson

Absent

Staff

Present

Community Development Director Condit
Planning Manager Brittingham
Planner Chambers
Planning Assistant Moats

Absent

3. **CONSIDERATION OF MINUTES**

- Consideration of the October 11, 2006 Regular Session Minutes.

Motion: **Commissioner Sossaman**

To approve the October 11, 2006 Regular Session Minutes, as presented.

2nd: **Commissioner Trapp-Jackson**

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

4. **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.

PUBLIC HEARINGS

5. **PUBLIC HEARING, DISCUSSION, ON RZ06-033/SD06-033 "CIRCLE G AT THE CHURCH FARM"** submitted by Greg Davis, iPlan Consulting for PAD Rezoning, Preliminary Plat, and Landscape Plan approval for a master planned single-family subdivision with 1,745 units on approximately 885 acres, located at the southeast corner of Signal Butte and Ocotillo Roads. The site is currently zoned Rural-43 and requests a Planned Area Development (PAD) with underlying zoning districts of R1-43, R1-18, R1-12, R1-7, R-2, and C-2. *The applicant has requested a continuance to the December 13, 2006 Meeting.*

Chairman Schweitzer opened the Public Hearing at 7:03 p.m. There were no public comments. The Public Hearing was closed.

Motion: **Vice-Chairman Shifman**

To continue RZ06-033/SD06-033, "Circle G at the Church Farm", to the December 13, 2006 Planning & Zoning Commission Meeting.

2nd: **Commissioner Ingram**

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

6. **DISCUSSION ON RZ06-001/SD06-020 “BELLE ESTATES”** submitted by Matt Everling of PlanRight Consulting, LLC. The project requests a rezoning from R1-54 to R1-35 PAD, Preliminary Plat and Landscape Plan approval for an eight (8) lot single-family subdivision on approximately 9.61 acres. The property is located approximately a quarter mile south of the southwest corner of Hunt Highway and Bell Road. **This was continued at the 10/11 Planning Commission Meeting.**

Planner Chambers presented the staff report. She described the topography of the area, stating that three washes traverse the property. In addition, the applicant has been advised that plans with lots that are less than one acre in size will not be supported.

Planner Chambers noted that the applicant's proposal is not consistent with the Land Use and Growth Area elements of the General Plan. The proposal does not provide the required landscaped tracts along the northern and southern borders of the project. In addition, there is continued concern over the suitability of developing lots 4 and 6. Written and verbal comments have been received in opposition to the request. Staff is recommending denial. Should the Commission wish to recommend approval, Ms. Chambers suggested the stipulations set forth in the staff report be included in the motion.

Engineering Manager Jim Leubner clarified the setback measurements are taken from wash. In reviewing the plan, the square root of the flow rate (cfs) is taken from top of bank. The alignment of the channel and width of easement may need to be 30-60 feet, but no buildable structure or fence can be built within that. Mr. Leubner restated that the easement width is almost to 30-60 feet, but no fence or building structure can be within the easement.

Sean Lake of Pew and Lake, 1930 E. Brown Road, Mesa, addressed the Commission on behalf of the Shepherds, Slade, Stewart, and Sargent Families, applicants. He noted the areas of disagreement with some of staff's conclusions to the issues:

- Property designated as VLD Residential (0-1) in General Plan. The typical lot size is one acre.
- The proposed Zoning Districts of R1-35 and R1-43 are consistent with the Town's Zoning Ordinance .
- Belle Estates is R1-35 PAD, consistent with the General Plan.
- In the past, Staff has discussed the General Plan policy to encourage compatible low density development adjacent to rural neighborhoods to maintain and establish character
- VLD : 0-1 du/ac; LDR : 1-2 du/acre
- Rural Preservation Tier: Goal #7: to provide opportunities for rural development with appropriate land uses and services. Mr. Lake referred to the General Plan chart: Residential Density: 01-2/du/acre: minim lot size of 35,000 square foot larger lots 1 acre and greater.

Mr. Lake stated that all of the Belle Estates lots are one acre lots.

Referring to #7b of Growth Area Element, Mr. Lake stated that the design of Belle Estates is sensitive to the design around the arroyo, and it takes advantage of the arroyo view.

Mr. Lake stated that the applicant ultimately arrived at Plan A which includes 8 lots on approximately 9.6 acres, a landscape buffer on east and west, and no landscape buffer on the north and south. If the buffer is included on the north and south, then the lots will be decreased in size to 42,000 square feet, which eliminates animal privileges. Mr. Lake stated that the current plan gives the greatest amount of flexibility for the Commission.

Mr. Lake referred to the Santo Vallarta development, which is currently under construction. He noted that Belle Estates is similar to Santo Vallarta, and compatible to the surrounding area, which also has washes running through the property. Mr. Lake illustrated the adjacent land uses. He pointed out the open space being provided in Belle Estates, which is 8.1%. He also noted that the arroyo in Belle Estates does not convey a large amount of water, compared to the wash that traverses Santo Vallarta, which conveys 2000 cfs, and is approximately 50 feet wide. The applicant has designed the lots to be incorporated into the design of the arroyo.

Mr. Lake also addressed the developability of Lots #4 and #6 and the environmental constraints. He stated the applicant feels there is plenty room to accommodate all Town standards. He illustrated the conceptual lot layouts with possible homes and a pool, including on-site retention, noting that Lot #6 will be a little more difficult, but the applicant would like to work this out with staff during the final platting process.

Applicant does not agree to stipulation #15 of staff report conditions of approval, but does agree to a building setback consistent to engineering standards.

Referring to Condition #18 (landscape buffer yards), the applicant is agreeable to either Plan A or Plan B; however, Option B will cause the smallest lot to decrease in size to 41,984 square feet.

QUESTIONS FROM COMMISSION

Commissioner Sossaman asked for clarification on the revised "Conditions of Approval" which were distributed after Work Study Session,.

Mr. Lake responded that the applicant is concerned about Stipulation#15. Assuming this project moves forward into final platting process, the location of the building setback depends on the engineering calculations. The applicant is concerned that the building setback would start at edge of the easement, totaling 20 feet. If a wall is installed, the applicant does not want the home right next to the wall. But if there is no wall or fence, and the engineering numbers say the setback only has to be 10 feet, then the applicant wants a 10- foot setback. The applicant will agree to put the home at whatever setback engineering institutes.

Additional discussion ensued regarding the setbacks, where structures can be built, and establishing a consistent guideline for the entire project.

There were no further questions from the Commission.

Chairman Schweitzer opened the Public Hearing at 7:30 P.M.

- 1) Name unknown, 660 E. Galveston Street, Gilbert 85296. This individual owns property directly southeast of this proposed development, and is in favor of this proposal, and would like to see development of nice custom homes in this area.

There being no further comments, Chairman Schweitzer closed the Public Hearing at 7:31 P.M.

Vice-Chairman Shifman voiced her concern about the Rural Tier, noting that the Town looked at Box Canyon and this area very carefully, planning for the future in order to not get subdivisions in this area. This is meant to be open, rural, and for animals. She is concerned that this does not quite fit the Town's intent, and is not so sure the Town did right by what they did the first time.

Chairman Schweitzer asked who the occupants will be. Mr. Lake responded it is four families that will occupy four lots, and then sell four other lots to four friends.

Commissioner Sossaman noted the job of the Planning & Zoning Commission is to make sure this is an appropriate use of the property, and that it conforms. Secondly, is there a PAD because of unique conditions to the property? Seeing that the geography is unique, then how do we accommodate the use of this property with these unique conditions? Is it possible to do this within the concerns the Town staff has about drainage and grading. The decisions are being weighed by the engineering issues. To this end, Lot #4 is the biggest concern. In the long term, what is the Town's liability if a 100-year event occurs? The subdivision to the east has even more drainage issues. Commissioner Sossaman would like to see this go forward, but the technical issues need to be handled, and stipulations addressing drainage and building envelopes agreed upon.

Commissioner Perry concurred with Commissioner Sossaman's statement.

Engineering Manager Leubner addressed the drainage issues in more detail, stating his firm belief that the site specific conditions are related to preliminary plat, and waiting until the final plat stage could present other problems. The equestrian trail/path is unknown; a final drainage report is necessary before this goes any further.

Mr. Leubner stated that good criteria has been established at this point. There still needs to be a determination on what needs to be resolved and finalized in order to avoid discharge problems along the channel point or discharge point of easement. The channel flow may be modified by making a more shallow slope; however, this could create a bigger chance of erosion, which would affect the building setback.

Commissioner Sossaman asked what type of channel would satisfy the engineering issues.

Engineering Manager Leubner noted his preference for a more natural look, but still man-made, with more protection on the bank, noting that landscape is nice until it is not taken care of. With a shallow bank, the wash migrates, scours, and results in lot loss. Mr. Leubner prefers a stable bank that is contained.

Commissioner Trapp-Jackson noted her concern about Lot #4 and the building envelope. The plan shows that a 4,000 or 5,000 square-foot home can be built on this lot; however, there is still a concern about the usability of this lot, especially with the arroyo which traverses the lot.

Chairman Schweitzer asked Planning Manager Brittingham for input regarding a larger outlook/vision on this issue in case it comes back with a different but similar project:

Mr. Brittingham responded by explaining the premise of the San Tan Foothills Specific Area Plan, and how it fits into the Town's General Plan update process. Some of the issues that are being brought to the forefront with Santo Vallarta and Belle Estates will be raised during the update/rewrite process. In the meantime, staff will take a stronger stand on allowing projects like this to proceed to Council. The major issue is that this subdivision is only 8 lots, and so to take out 2 lots is 1/4 of the property. But to guide this growth, staff thinks the most appropriate use is least intrusive, least problematic, least amount of administrative issues that are presented later. When these issues arise later, it will be very difficult to work through the case-by-case issues.

Motion: Commissioner Sossaman

To recommend approval with the proposed conditions, eliminating #19, including #18, and on #15: building setback lines on lots with drainage easements shall be measured from the drainage easement and not the property line; and that setback shall be 10 feet for any building or fence; and to add Stipulation #21 to require a final drainage report, and that if not substantially different (does not alter site plan significantly) the final plat does not have to come back to the Planning Commission.

Discussion on the Motion:

Commissioner Perry questioned stipulation #18, noting that if stipulation #18 is deleted, then there will be horse privileges; if this stipulation is included in the “Conditions of Approval”, then the horse privileges will go.

Planner Chambers responded that if this stipulation is retained, the applicant would need to reconfigure the lots, meaning the possible elimination of one lot.

Commissioner Sossaman clarified the motion would include deletion of both Stipulation #18 and #19.

Further discussion took place on Mr. Leubner’s recommendations regarding the wash. Commissioner Sossaman is in agreement that the more natural the better, but on the technical flow-side, there needs to be a delineated edge.

Vice Chairman Shifman questioned if a precedent is being set in not requiring a final drainage report, adding that it’s vital, considering the location of these lots, to have a final drainage report first.

Additional Language for the formal Motion:

A final drainage report shall be required and it shall be approved by the Engineering Manager prior to introduction to Town Council. Should the plat be revised due to the drainage report, this plat shall be returned to the Planning & Zoning Commission for further review and prior to Town Council introduction, providing that the preliminary plat layout does not substantially change based on any new findings from the drainage report.

Engineering Manager Leubner noted that based on how staff is proceeding in reviews and complications in various other projects, staff is leaning towards requirement of final drainage and traffic reports prior to Planning & Zoning Commission.

The revised motion was restated, as follows:

To recommend approval of RZ06-001/SD06-020, “Belle Estates”, subject to:

- **The conditions set forth in the staff report;**
- **The elimination of stipulations #18 and #19;**
- **The revision of stipulation #15 to state:** The building setback lines on the lots with drainage easements shall be measured from the drainage easement, and not the property line. The side and rear yard building setbacks shall be a minimum of 10 feet. These setback lines and building envelopes will be reflected on the plans prior to Final Plat approval. The “typical lot layout” shall not be included on the Final Plat as currently shown on the preliminary plat (dated 11-01-06). Each of the lots on the layout sheet will clearly delineate the building envelopes; (motion continues on next page).

(Motion continued)

- **And the addition of Stipulation #21:** The final drainage report shall be provided to the Town's Engineering Manager for review and approval as part of the Final Plat review. If the Engineering Manager determines that there is a significant change in the plat, the final plat will be brought back to the Planning & Zoning Commission for further consideration prior to Town Council action on the Final Plat.

Vote on the Motion: All ayes. No nays. Motion carried (7-0).

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

ADMINISTRATIVE ITEMS

13. **REVIEW** of the next month's agenda items.

Planning Manager Brittingham reviewed the upcoming projects:

- CircleG at Church Farms
- Walgreens at Cornerstone (NEC realigned Rittenhouse and Ocotillo)
- Shoppes at Indigo Trails Plat

14. **REPORT** on Town Council Action.

Community Development Director Condit reported on action taken at the following Town Council meetings:

10/18/06:

- Approval of final plats for cornerstone at QC; Hastings Farms D, E, I, and J
- Power Mini Storage phase III
- Office Warehouse Bldg. at Inverness Industrial park
- Amendment to contract with consultant for CAG 208 water quality amendment
- Contract with Executive Search Firm for Town Manager
- Text Amendment on Religious Institutions
- Cliffstone
- Barney Family Sports Complex

11/01/06

- Contract for wastewater reuse master plan
- Contract with Dibbel & Associates for concept of Town Center streets
- Final Plat for QC Marketplace (Vestar)
- Final Plat for QC Professional Villages (replat of parcel 20)
- Adopted procedural ordinance for implementation of new fire development fees
- Adopted new fire development fees

15. **COMMUNICATION** from members of the Commission and Staff.

Chairman Schweitzer voiced his appreciation of Planner Chambers' and Engineering Manager Jim Leubner's efforts, as well as the Planning staff.

16. **ADJOURNMENT**

Motion: **Vice-Chairman Shifman**

To adjourn the Meeting.

2nd: **Commissioner Ingram**

Vote: **All ayes. Motion carried**

The Meeting adjourned at 8:23 P.M.

PLANNING AND ZONING COMMISSION

By: _____
Paul Schweitzer, Chairman

Laura Moats, Planning Assistant

PLANNING AND ZONING COMMISSION

By: _____
Laura Moats, Planning 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 8, 2006 Regular Session of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 5th day of December, 2006.

Passed and Approved this 10th day of January, 2007.