



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

**WHEN: WEDNESDAY, NOVEMBER 14, 2012**

**WHERE: TOWN HALL COUNCIL CHAMBERS**

**TIME: 6:00 p.m.**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Queen Creek Planning and Zoning Commission and to the general public that the Queen Creek Planning and Zoning Commission will hold its Work Study Meeting open to the general public on **WEDNESDAY, NOVEMBER 14, 2012 AT 6:00 P.M.** in the Town Hall Council Chambers located at 22350 South Ellsworth Road, Queen Creek, Arizona.

**AGENDA**

**1. Call to Order**

**2. Roll Call** (one or more members of the Commission may participate by telephone)

<b>PRESENT</b>		<b>ABSENT</b>
Vice-Chairman Steve Ingram	Commissioner Alex Matheson	Chairman Steve Sossaman
Commissioner Kyle Robinson	Commissioner Ryan Nichols	Commissioner Debbie Reyes
Commissioner Gregory Arrington		

<b>TOWN STAFF</b>		
Wayne Balmer Planning Administrator	Dave Williams Senior Planner	Laura Catanese Senior Administrative Assistant

**3. Discussion on RZ12-057/SD12-058, Ocotillo Heights, Phase II, a request for rezoning and subdivision plat approval of an approximate 64-acre residential subdivision to contain 174 lots. The property is currently zoned R1-43, and includes a request for R1-7 PAD zoning, design review approval of 11 floor plans with 3 elevations each. The property is located at the northwest corner of Signal Butte and Rittenhouse roads.**

**Zoning**

The applicant is requesting rezoning of 63 acres from R1-43 to R1-7 PAD, approval of a preliminary plat for 172 lots and design review approval for 11 floor plans with 3 elevations each. The subdivision is proposed to be an open community with 3 access points (one connecting to Ash Creek to the west, one to Ocotillo Heights Phase 1 to the north and the remaining access point onto Signal Butte Road to the east).

The proposed density for the subdivision is 2.7 DU/AC, which is consistent with the General Plan Land Use Map which shows Medium Density Residential with a range of 0-3 DU/AC. The applicant is proposing a decrease from the R1-7 standard lot width from 70' to 65', and an increase in the lot depth from the standard 100' to 115' which provides for a minimum lot size of 7,475 square feet. They are proposing that no more than 28% of the lots will be less than 70' in width. They are also proposing to maintain the standard 20' setback to a front facing garage, however are proposing a 15' setback to the

covered porch, living area and/or a side entry garage. Staff is supportive of these deviations, with the exception of the deviation of 15' to livable space.

The standard lot coverage is 40% with a 5% increase in lot coverage for qualifying front porches. The applicant is proposing no deviations to this requirement.

The applicant is also requesting approval of a landscape plan for the subdivision. The plant palette, wall plan and amenities package appear to meet the standards set forth in the Zoning Ordinance. During the review period, Fulton Homes expressed concerns over the lots buffering Ocotillo Heights Phase 2 and Ash Creek Estates. Fulton recommended the deletion of 2 lots to create larger lots with the remaining. The applicant complied, and staff is supportive of this change.

### **Design Review**

The applicant is proposing 11 floor plans with 3 elevations each ranging in size from 2,292 to 4,238 square feet. The plans incorporate 360 degree architecture and appear to meet the 40% garage face requirement in addition to the 5' offset behind livable where applicable. One interesting plan to note is the 5609 which incorporates a car court which is not a traditional design seen on production homes. All plans have decorative garage doors including windows as standard options.

Staff recommends approval of RZ12-057/SD12-058/DR12-096, "Ocotillo Heights Phase II", for Rezoning, Preliminary Plat, Landscape Plan and Design Review, subject to the following conditions of approval.

- A. The Rezoning approved in case number RZ12-057 is effective upon signature by the property owner of the Prop 207 waiver and filing of the waiver with the Town of Queen Creek Planning Division. Failure to sign and return the waiver to the Planning Division within five (5) working days of the date of approval shall render this conditional approval null and void.
- B. The Subdivision shall be developed in accordance with the exhibits attached to this case.
- C. Developer shall create a Home Owners Association for the maintenance of all landscaping within all open spaces, tracts, trails and collector and arterial rights-of-way as shown on the Open Space Plan for this project.

### **QUESTIONS/COMMENTS FROM THE COMMISSION**

#### **Commissioner Robinson: Is there a sufficient buffer between the UPRR and the subdivision?**

The applicant proposes open space on the north and south ends of the subdivision. The south section of the subdivision does not directly back to the railroad and there are a minimum number of homes adjacent to the railroad. Union Pacific Rail Road does not want any more active spurs in the area.

#### **Commissioner Nichols: There used to be a track on the east side of the proposed subdivision. Was it removed? There also does not appear to be a track on the west side of the proposed subdivision.**

The track on the east side of the subdivision that created a buffer is no longer in place. The pedestrian trail picks up along Signal Butte Road. The proposed subdivision will back up on the west side to Ash Creek Estates. There is some landscaping on the Ash Creek side, including a 20' corridor between the proposed subdivision and school.

#### **4. Discussion on TA12-087, Home Based Occupations, a request by Staff to modify Article 6.8 of the Zoning Ordinance regulating home based occupations.**

The Town's zoning ordinance defines a home based occupation as "a business activity conducted as an accessory use to a dwelling unit." Article 6.8 of the Zoning Ordinance describes the type of activities that can be conducted as home based occupations and provides standards for determining their level of activity. One of the goals of zoning is to establish and protect the character of the Town's residential

subdivisions. Home based occupations that would adversely affect the neighborhood or an adjacent property owner is not permitted. For that reason almost every zoning ordinance for every community establishes standards for home based occupations.

Certain types of commercial activities can be conducted from a home and not affect the character of the area or change the appearance of the property. These are typically small scale operations dealing primarily with professional services or the sales of items that can be produced or distributed from the home, and are consistent with the character of the home. Internet sales/service growth or “home offices” have led to a significant rise in home based occupations in recent years.

Staff has prepared and recommends a proposed ordinance change that replaces the current detailed, prescriptive standards with a much shorter version focused on establishing performance measures for proposed home based occupations. If performance measures are met, then the home based occupation is approved. Should the home based occupation no longer meet standards, then the Town could revoke approval and commence zoning enforcement procedures to gain compliance. The intent of the text change is to provide greater flexibility when responding to home based business requests. The text change will allow existing home based businesses to obtain a business license while maintaining the residential character of the surrounding area.

### **QUESTIONS/COMMENTS FROM THE COMMISSION**

**Commissioner Nichols: Generally speaking, what is the basis of the complaints received?**

Complaints usually center on too many truck deliveries per day and excessive noise levels.

**Commissioner Nichols: How many truck deliveries per week are considered excessive?**

One UPS delivery per day is not considered excessive. Three or more UPS deliveries per day would be considered excessive. Large deliveries requiring a pallet(s) would be considered excessive.

**Commissioner Arrington:** The Town of Gilbert ordinances for Agritopia are designed for home businesses.

**Commissioner Nichols: What about a day care that meets twice weekly with 6-10 kids? Their noise level would be greater that a daycare that meets daily with only three kids.**

**Commissioner Robinson: Or church based group (youth) activities? A group of five could raise a lot of noise but still be within the parameters (number of children allowed).**

The language in this amendment is designed so that the home occupation/activity levels can be measured and monitored (by Town Code Enforcement staff). If deliveries are too frequent or too large the Town can revoke its’ approval of the home based occupation. The same applies for services that are not in character with the community.

### **5. Discussion on TA12-097, R1-43 & R1-35 Lot Coverage, a request by Staff to modify Article 4.7 of the Zoning Ordinance regulating Floor Area Ratios and lot coverage.**

The Town’s zoning ordinance employs a “progressive” system of lot coverage percentages in which the small the lot the larger the lot coverage. This system is designed to allow a larger home to be built on a larger lot, than would otherwise be possible under a “uniform” lot coverage system. It also allows for greater setbacks on larger lots in order to provide greater spacing between homes.

With the upturn in the economy what we are now seeing is an increasing interest in building larger custom homes on acre sized individual lots. Some of these proposed homes would have exceeded the 20% lot coverage, and have had to be redesigned to be smaller. We have also seen an increasing number of requests to construct larger accessory structures such as freestanding garages, RV garages and workshops on existing properties.

The Town currently has a significant inventory of larger vacant larger lots. We also have a significant inventory of existing homes on larger lots that future owners might be interested in remodeling and expanding. In order to help both encourage new home construction on vacant lots and expansion of existing homes, allowing additional lot coverage would seem to be a viable option.

The building setback areas would not be changed, so the minimum side yards possible between homes would remain the same. In addition, the lot shape, home design, storm water retention requirements, original building location, etc. may mean that the maximum percentage may not be achievable in every instance.

In custom home neighborhoods, however, these may not be significant issues in that all homes are designed differently and there isn't a "standard" streetscape. As a result, differences in lot coverage would not be as apparent as in a production home subdivision.

Staff is proposing to increase the permitted floor area ratio from .15 to .25 and the permitted lot coverage from 20% to 25% in the R1-35 and R1-43 zoning districts.

**QUESTIONS/COMMENTS FROM THE COMMISSION**

There were no questions/comments from the Commission.

**ITEMS FOR DISCUSSION**

- 6. Council Introduction to General Plan Amendments on November 21 in Council Chambers at 7 p.m.
- 7. ULI Boards and Commissions Conference, December 7 at Black Canyon Conference Center, Phoenix.

**ADMINISTRATIVE ITEMS**

- 8. **Review** of next month's agenda items.

	<b>PROJECT</b>	<b>CASE #</b>	<b>P&amp;Z</b>	<b>COUNCIL</b>
1.	<b>Ocotillo Heights, Phase I (Richmond American Homes)</b> SWC Signal Butte and Ocotillo roads Residential		12/05	1/02
2.	<b>Charleston Estates (Standard Pacific Homes)</b> NWC Ocotillo and Signal Butte Roads Residential		12/05	1/02

- 9. **Report** of Town Council Action.  
The Town Council is holding firm to the 40% garage frontage coverage standard (RZ12-061/DR12-066Cielo Noche, 9/12/12 P&Z). Vice-Mayor Benning is interested in chairing a committee to review the Town standards, which is due to commence in the spring.
- 10. **Summary of Events** from members of the Commission and Staff. *The Commission may not propose, discuss, deliberate or take action on any matter in the "summary" unless the specific matter is properly noticed on the Regular Session agenda.*
- 11. **Adjournment:** The meeting adjourned at 6:58 p.m.

**MOTION: Commissioner Nichols**

To adjourn.

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

**VOTE:** All Ayes. **Motion carried 5-0.**

**PLANNING AND ZONING COMMISSION**

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

ATTEST:

\_\_\_\_\_  
Laura Catanese, Senior Administrative Assistant

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I, Laura Catanese, 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 14 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 19<sup>th</sup> day of November 2012.

These are **DRAFT** minutes, which have not yet been approved.

Passed and Approved this day of \_\_/\_\_/\_\_

