



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

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

**WHERE: TOWN HALL COUNCIL CHAMBERS**

**TIME: 7:00 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 Regular Session Meeting open to the general public on **WEDNESDAY, NOVEMBER 14, 2012 AT 7:00 P.M.** in the Town Hall Council Chambers located at 22350 South Ellsworth Road, Queen Creek, Arizona.

**AGENDA**

- 1. Call to Order:** Chairman Sossaman called the meeting to order at 7:07 p.m.
- 2. Roll Call** (one or more members of the Commission may participate by telephone)

**PRESENT**

Vice-Chairman Steve Ingram  
Commissioner Kyle Robinson  
Commissioner Alex Matheson  
Commissioner Gregory Arrington  
Commissioner Ryan Nichols

**TOWN STAFF**

Wayne Balmer  
Planning Administrator

Dave Williams  
Senior Planner

**ABSENT**

Chairman Steve Sossaman  
Commissioner Debbie Reyes

Laura Catanese  
Senior Administrative Assistant

- 3. Public Comment:** There were no public comments.
- 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 the November 5, 2012 Work Study and Special Session Minutes.

**MOTION: Commissioner Nichols**

To approve the Consent Agenda, as presented.

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

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

**PUBLIC HEARING:** If you wish to speak to the Commission on an item listed as a Public Hearing, please complete a Request to Speak Card and turn it in to Town Staff. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

5. **Public Hearing and Possible Approval of 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 applicant proposes:

- Density of 2.7 DU/AC for the subdivision (consistent with the General Plan Land Use Map).
- To decrease lot width from the standard R1-7 (70') to 65'.
- An increase in the lot depth from the standard 100' to 115'.
- Minimum lot size of 7,475 square feet.
- No more than 28% of the lots will be less than 70' in width.
- Setbacks are to remain at the standard 20' with a front facing garage.
- Setback to the covered porch, living area, and/or a side entry garage at 15'.

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, and the applicant proposes 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.

**Design Review**

This proposal was submitted with:

- 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.
- Model 5609 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.

- 1) 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.

- 2) The Subdivision shall be developed in accordance with the exhibits attached to this case.
- 3) 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**

There were no questions/comments from the Commission.

#### **APPLICANT PRESENTATION**

The applicant did not make a presentation to the Commission.

#### **PUBLIC HEARING**

The Commission did not receive any Request to Speak cards from the Public.

#### **MOTION: Commissioner Matheson**

To approve RZ12-057/SD12-058, Ocotillo Height, Phase II, as presented

#### **2<sup>nd</sup> MOTION: Commissioner Arrington**

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

#### **6. Public Hearing and Possible Approval of 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. Approval of this text amendment will allow:

- Certain types of commercial activities to be conducted from a home, as long as the character of the area is not adversely affected.
- Permit small scale operations that deal with professional services or the sales of items that can be produced or distributed from the home (consistent with the character of the home).
- Opportunities for internet sales/service growth or "home offices".

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.

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

There were no questions or comments from the Commission.

#### **MOTION: Commissioner Arrington**

To approve TA12-087, Home Based Occupations, as presented.

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

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

**7. Public Hearing and Possible Approval of TA12-097, R1-43 & R1-35 Lot Coverage, a request by Staff to modify of Article 4.7 of the Zoning Ordinance regulating Floor Area Ratios & Lot Coverage.**

The Town's zoning ordinance employs a "progressive" system of lot coverage percentages in which the smaller the lot the larger the lot coverage. This system was 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 to provide greater spacing between homes. With the upturn in the economy, there has been an increased interest in building larger custom homes on acre sized individual lots. Some of these proposed homes exceeded the 20% lot coverage and had to be redesigned (smaller). Request to construct large accessory structures on existing properties; such as freestanding garages, RV garages, and workshops have been received.

The Town currently has a significant inventory of large vacant lots and existing homes on larger lots that future owners may be interested in remodeling and expanding. Building setback areas would not be changed; thus the minimum side yards between homes would also 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 these may not be significant issues as all the homes are designed differently and there is not a "standard" streetscape. 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.

**MOTION: Commissioner Matheson**

To approve TA12-097, R1-43 & R1-35 Floor Area Ratios & Lot Coverage, as presented.

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

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

**ITEMS FOR DISCUSSION**

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

**ADMINISTRATIVE ITEMS**

10. **Review** of next month's agenda items.
11. **Report** of Town Council Action.
12. **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.*
13. **Adjournment**

**MOTION: Commissioner Matheson**

To adjourn.

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

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

The meeting was adjourned at 7:16 p.m.

**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 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 15<sup>th</sup> day of November 2012.

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

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

