



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

**WHEN:** WEDNESDAY JANUARY 9, 2013

**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, JANUARY 9, 2013 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:** The meeting was called to order at 7:02 p.m.

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

**PRESENT**

Chairman Stephen Sossaman	Vice-Chairman Steve Ingram	Debbie Reyes	Ryan Nichols
Kyle Robinson	Dr. Alex Matheson	Gregory Arrington	

**TOWN STAFF**

Wayne Balmer	Dave Williams	Ryan Wozniak	Laura Catanese
Planning Administrator	Senior Planner	Planning Intern	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:**

- i. The December 13, 2012 Work Study and Regular Session Minutes.
- ii. The December 17, 2012 Work Study and Special Session Minutes.

b) **Consideration and Possible Approval of ORDINANCE 523-12/TA12-097, Zoning Ordinance Article 4.7 (Floor Area Ratios/Lot Coverage),** a staff initiated modification of Article 4.7 of the Zoning Ordinance regulating Floor Area Ratios and Lot Coverage.

c) **Consideration and Possible Approval of ORDINANCE 525-13, TA12-113, Zoning Ordinance Article 3.3 (General Plan Amendment),** a staff initiated modification of Article 3.3 of the Zoning Ordinance regulating the General Plan Amendment process.

**MOTION: Vice-Chairman Ingram**

To approve the Consent Agenda, as presented.

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

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

**PUBLIC HEARINGS:** 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. **Consideration and possible action on RZ12-073/SD12-074, Emperor Estates Parcel H, a request by DR Horton for a request for rezoning from R1-18 and R1-8 PAD to R1-7 PAD, a preliminary plat for 86 lots on 29 acres in addition to a request for Design Review approval of 7 floor plans with 3 elevations each. The property is located at the south of Rittenhouse Road, west of 198<sup>th</sup> Street.**

Dave Williams gave a brief presentation on RZ12-073-SD12-074, Emperor Estates, Parcel H. The applicant is requesting rezoning of 29 acres from R1-18 and R1-8 PAD to R1-7 PAD, approval of a preliminary plat for 86 lots and design review approval for seven (7) floor plan options with three (3) elevations each. The subdivision proposes public roadways with two connections onto Emperor Blvd at 197th Street and 195th Street respectively. There is a trail system included in the proposal that will come south on Emperor Blvd. The parcels to the north that keep horses will be able to access the trail but motorized vehicles (ATV's) will not be able to gain access to the trail (see staff report, "Conditions of Approval", #10). The proposed density for the subdivision is 2.94 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 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. Staff recommends approval of RZ12-073/SD12-074/DR12-106, "Emperor Estates Parcel H", for Rezoning, Preliminary Plat, Landscape Plan and Design Review, subject to the conditions of approval as outlined in the Commission staff report.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

**Commissioner Nichols: The floor plans have a side entry garage out front with an "optional living quarters" notation. Can this notation be removed from the plans?**

**Williams:** The notation is on the plans is to inform prospective buyers that they have the choice of choosing an additional "livable" room or, a side entry garage (non-livable space). To be considered "livable space", design standards must comply with the "Conditions for Approval" as outlined in the Commission staff report.

**PUBLIC HEARING**

Chair Sossaman opened the Public Hearing at 7:10 p.m.

**Brian Jaques, E. Timberline Road, Queen Creek, AZ 85142**

**Opposed: (Conditionally)**

The use of ATV's along trail to the north has increased significantly lately; their use creates both noise and dust pollution concerns for the residents and Town. The north parcel residents' (trail access) rights need protection, both now and for future generations. Residents in the north parcel currently have access to the trail, which can be used to ride their horses. Recommends a low wall around the trail to deter motorized vehicle access (ATV's), but designed so people and horses will be able to access/use the trail.

Chair Sossaman closed the Public Hearing at 7:13 p.m.

**MOTION: Vice-Chairman Ingram**

To approve RZ12-073/SD12-074, Emperor Estates Parcel H as recommended by staff.

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

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

6. **Consideration and possible action on RZ12-111, Town-Owned Town Center Property, a staff initiated rezoning of 20 acres from a Planned Area Development with underlying C-2 General Commercial Zoning to a Planned Area Development with underlying TC (Town Center Zoning)**

**and a request for an increase in allowable height. The property is located north of Maya Boulevard south of Rittenhouse Road, east of the Ellsworth Loop Road and west of Ellsworth Road.**

Dave Williams gave a brief presentation of RZ12-111, Town-Owned Town Center Property. The applicant is requesting rezoning of 20 acres from a Planned Area Development with underlying C-2 General Commercial Zoning to a Planned Area Development with underlying Town Center Zoning (TC) in addition to a request for an increase in allowable height. The Town Council has identified this parcel of land as a potential future entertainment site for many years. The entertainment concept was originally proposed by VESTAR Development as part of a Phase 2 of the Queen Creek Marketplace project, but never came to fruition.

Current site zoning of C-2 General Commercial does not allow certain entertainment uses such as a movie theater, whereas Town Center zoning would allow a broader range of future uses. Town Center zoning allows for up to a maximum of a 40' height limit for structures on site, whereas C-2 General Commercial is limited to a maximum of 30 feet. In order to modify the zoning to make the site more consistent with the vision of the Town Council and the Zoning Ordinance, staff is recommending a zoning change to Town Center zoning which would allow for a wider variety of entertainment uses, in addition to increasing the base height for buildings. Staff recommends an increase in the maximum height from 40' to 49' specific to this property. Additionally, to keep the buildings in scale with their surroundings, staff is also recommending an increase in the height of parking lot lights to 30'.

The proposal to increase the height to 49' is consistent with the vision of the Town Center Plan where higher density and more intense uses are desired, and is still within the scale of the buildings in close proximity. Staff recommends approval of RZ12-111, "Town Owned Property in Town Center", subject to the Conditions of Approval outlined in the Commission staff report.

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

**Commissioner Robinson: Is there a reason we do not set a higher height limitation? Will the 49' height limit allow for many types of businesses?**

**Williams:** Most movie theaters work in a 40' to 46' height range. Staff chose not to offer 50' or above unless a specific site plan warranted it (none such received at this date). If a specific product with a 50' height design is submitted, staff and the Commission can review it at the proper time.

**Commissioner Nichols: What other types of uses would be allowed with the 49' height designation?**

**Williams:** High use/commercial products such as bowling alleys, miniature golf, hotels (up to 3-story), and performing arts centers are examples of allowable uses with the 49' height limitation.

#### **PUBLIC HEARING**

No Request to Speak cards were received for this case.

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

To approve RZ12-111, Town-Owned Town Center Property, as recommended by staff.

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

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

#### **ADMINISTRATIVE ITEMS**

7. **Review** of February 13, 2013 agenda items.
8. **Report** of Town Council Action.

9. **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.*

10. **Adjournment:** The meeting adjourned at 7:21 p.m.

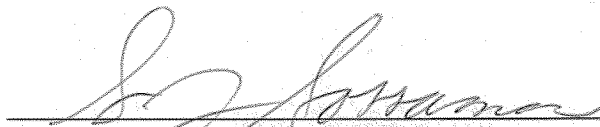
**MOTION: Commissioner Reyes**

To adjourn.

**2<sup>nd</sup> MOTION: Vice-Chairman Ingram**

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

**PLANNING AND ZONING COMMISSION**

By:   
Chairman Sossaman

ATTEST:   
Laura Catanese, Senior Administrative Assistant

\*\*\*\*\*

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 January 9 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 10<sup>th</sup> day of January 2013.

Passed and Approved this day of 2/13/13