



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

WHEN: WEDNESDAY, FEBRUARY 13, 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, FEBRUARY 13, 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 7:04 p.m.
2. **Roll Call** (one or more members of the Commission may participate by telephone)
PRESENT: Chairman Stephen Sossaman Vice-Chairman Steve Ingram Kyle Robinson
Dr. Alex Matheson Gregory Arrington Ryan Nichols
TOWN Chris Anaradian, Development Services Director Dave Williams, Senior Planner
STAFF Ryan Wozniak, Planning Intern Laura Catanese, Senior Administrative Assistant

1. **Public Comment:** There were no public comments.
2. **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 January 9, 2013 Minutes** (Work Study & Regular)

MOTION: Commissioner Robinson

To approve the Consent Agenda, as presented.

2nd MOTION: Vice-Chairman Ingram

VOTE: All Ayes. **Motion carried 6-0.**

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.

3. **Public Hearing, Discussion and Possible Action on RZ12-077/SD12-078, Bello a request by Greg Davis of iPlan Consulting on behalf of Arcus Queen Creek Holdings, LLC to rezone approximately 122 acres at the northeast corner of Ellsworth and Empire Roads from R1-35 PAD to R1-35 and R1-9 PAD and approval of the preliminary plat of Bello subdivision containing 178 lots.**

Brief presentations of case RZ12-077/SD12-078 Bello were given by Dave Williams and Greg Davis (on behalf of applicant ARCUS Private Capital Solutions), as follow.

WILLIAMS PRESENTATION SUMMARY: The existing Pegasus Estates subdivision was approved in 2004 as an R1-35 PAD. Last June the applicant submitted a request for a Major General

Plan Amendment (GPA12-048) to modify the land use plan to reflect a density range for this property of up to 2 units per acre. Town Council approved this modification in December 2012. The revised Bellerio plan submitted with this request reflects 178 lots, with lot sizes ranging from 11,743 to 45,986 square feet, with an average lot size of 15,985 square feet. As part of the PAD request, the applicant is proposing to reduce the front, side, and rear yard setbacks to reflect those typically found on smaller lots in the R1-7 and R1-5 zoning districts. Given the depth of the proposed lots, staff does not support the proposed reductions in the front and rear yard setbacks. Adequate depth exists in all lots to meet the standard setbacks. Staff is also not supportive of the proposed reductions in side yard setbacks that allow narrow (10') setbacks between homes. Staff recommends approval of this case subject to the Conditions of Approval as outlined in the staff report.

APPLICANT PRESENTATION SUMMARY: The requested rear setbacks help move the subdivision away from the center line, thereby enlarging the excursion area between it and Pegasus Airpark estates. The requested reduction in side yard setbacks create a more diverse and livable streetscape. The entry monument to the subdivision will benefit and enhance the Queen Creek community. The new design offers greater open space landscape, hardscaping, increased safety, and more amenities.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Robinson: Wouldn't a design that matched livable space to livable space be more advantageous? So that residents don't have to look out a window at someone's RV? No, developers will not put a bedroom of one home overlooking a garage next door.

Commissioner Arrington: Does the requested 5' deviation to the side yard setback change the variation in livable space width? No, 90' is the typical standard for home width that a developer uses in design.

Commissioner Matheson: The community to the north (Orchard Ranch) of the proposed subdivision is worried about having small homes next to their properties. What is the transition between the two subdivisions like? Current plans show an easement from the north to Orchard Ranch with a 6' theme wall.

Vice-Chairman Ingram: No development of R1-35 homes is planned? No, only single story homes are proposed.

PUBLIC HEARING

Chairman Sossaman opened the public hearing at 8:12 p.m.

Frank Merlo, 21081 E. Orchard Lane, Queen Creek, AZ 85142

Opposed: Concerned about proposed block wall fence obstructing view. Thinks rod iron fencing would better suit the community and promote open space. Against permitting parking of overly large vehicles that will obstruct view. No Town standard exists regarding allowable vehicle size; depends on HOA requirements and enforcement.

Maureen MacDonald, 20939 E. Orchard Lane, Queen Creek, AZ 85142

Opposed: Objects to 1 acre lot reduction as was originally planned for the area. There was supposed to be a 20' buffer zone (developer followed existing plat). Objects to rezoning request for R1-35. Concerned that her property value will be reduced because of neighboring subdivision proposal. No continuous equestrian trail is being proposed.

Robert Bailey, 20923 E. Orchard Lane, Queen Creek, AZ 85142

Opposed: Also objects to reduction of 1 acre lots that were planned for community. Concern for public safety (proximity to Pegasus Airpark).

Chairman Sossaman closed the public hearing at 8:24 p.m.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Nichols: Regarding the property lines that back the equestrian trails – is the trail dedicated for Public Use? Yes. In 2009 the fencing code was changed and view fencing was removed and concrete fencing was allowed for resident privacy and to deter crime.

Chairman Sossaman: The proposed subdivision allows for diverse land use with varied lifestyle components.

Vice-Chairman Ingram: The “reduction in property value” argument is not really a valid one; in fact, property values may increase with such a quality design in the community rather than vacant land.

Commissioner Robinson: This is not a low end design concept.

MOTION:Commissioner Matheson

To approve RZ12-077/SD12-078, Bellerio, as recommended by staff.

2nd MOTION: Commissioner Robinson

VOTE: All Ayes, . Motion carried 6-0.

AMENDMENT: Commissioner Robinson

To stipulate approval of the applicant’s request to encroach 5’ into the front setback for a covered porch element or side entry garage; 5’ into the rear setback for a covered patio, and retain the 15’ separation between buildings but with offset 5’ and 10’ side setbacks rather than the 7’ and 8’ setbacks as indicated in the Zoning Ordinance.

2nd MOTION: Vice-Chairman Ingram

VOTE: 5 Ayes, 1 Nay (SOSSAMAN). Motion carried 5-1.

4. **Public Hearing, Discussion and Possible Action on RZ12-099/SD12-101/DR12-102/GPA12-100, Queen Creek Station, a request by the Rose Law Group on behalf of Fulton Homes for rezoning from R1-43 to R1-5 PAD in addition to a Preliminary Plat for 677 lots on 248 +/- acres on the west side of Ellsworth Road, north of Queen Creek Road. Design review approval is also requested on 24 model homes, with three elevations for each and a minor General Plan Amendment from Employment Type A to Medium Density Residential (up to 3 dwellings per acre).**

Chris Anaradian, Development Services Director, briefly introduced this case to the Commission saying that staff has analyzed the proposed plan from many perspectives, with significant consideration given for the concerns of neighbors to the north of the property. Council is due to render a decision on GPA12-049, Queen Creek Station at next week’s meeting (Feb. 20 at 7 p.m.) Brief presentations and case updates given by Dave Williams and Jordan Rose of Rose Law Group (on behalf of Fulton Homes), as follow:

WILLIAMS PRESENTATION SUMMARY: In June 2012 Fulton Homes filed a Major General Plan Amendment (GPA12-049) for the Queen Creek Station project. The entire project contained over 1,100 acres, of which Fulton Homes owned 248. In conjunction with the General Plan amendment Fulton Homes also filed a request to rezone their property to R1-5 Single Family Residential. They also requested approval of a preliminary plat containing 677 lots, for an overall density of 2.72 dwellings per acre.

During the time that the General Plan amendment was being processed, Fulton acquired an additional 13.87 acres at the northwest corner of their property. That property has been incorporated into the current request, but requires a minor General Plan amendment in order to have a consistent land use designation as the larger property. In addition to the rezoning and subdivision plat approval, Fulton has also requested Design Review of the three housing product lines proposed for construction at this location. Each home series corresponds with one of the three lot size groups. Each housing series has eight floor plans, with three elevations for each floor plan. Each elevation would also have two

options for roof tiles and four color schemes to choose from. Home sizes range from 1,594 to 4,404 square feet and include both front entry and side entry models, as well as single and two story floor plans. The proposed lots are grouped in three lot sizes, as follows, with two subdivisions of each size within the project.

Lot Groups:

- 219 lots – 55'x115' = 6,235 s.f. (32% of lot total)
- 228 lots – 20'x125' = 7,500 s.f. (34% of lot total)
- 230 lots – 70'x130' = 9,100 s.f. (34% of lot total)

APPLICANT PRESENTATION SUMMARY: Fulton Homes is thankful to Town staff for all their hard work on behalf of their project. The standard railroad track setback is 100'. Queen Creek Station proposes a 300' setback with physical barriers designed to keep the public from encroaching into the railroad tracks. The proposed subdivision is highly amenitized and includes four miles of trails. Split rail fencing throughout the development brings an agrarian theme. The proposal exceeds architectural design standards for setbacks and offers a diverse streetscape. The three product models (Oasis, Reserve, and Peninsula) offer pre-determined elevations and driveway locations.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Nichols: What portion of the 23% open space is in the utility corridor? Why do the lot sizes vary so much? Why one zone classification instead of having multiple designations? The exact percentage of open space within the utility corridor is unknown at this time. Staff can make calculations and bring the answer back to the next Commission meeting. The 24 product designs complement one another and one zoning designation allows better for ease in design.

Commissioner Nichols: If Council should vote to realign Queen Creek Road, can a wider right-of-way be accommodated on Queen Creek Parkway? Southwest Traffic has done a study and outlined many alternatives for Queen Creek Road, including preserving some land for a larger right-of-way for future use.

Commissioner Nichols: Under "Conditions of Approval" (#18), water service requires a 2" pump purchased from the Utility Department. Is that standard for a subdivision? A 2" water meter is not intended for every home in the subdivision but the Town benefits from having them installed during construction for sewer flush outs.

Commissioner Nichols: Is a water pump station required? It is not shown in the site plans. The water pump station is currently under review with the Utilities Department; additional notation can be added on the final construction design plans.

Commissioner Nichols: Why segregate 8 floor plans per parcel?

Norm Nichols, Fulton Homes: Lot sizes limit builder's options and dictate where to put each lot size group. The design plan groups like minded (themed) homes together so that the styles complement one another and present a cohesive whole concept. Each lot group is a good mix of elevations that break up neighborhood "sameness".

Commissioner Nichols: I am concerned that the proposal does not account for the right-of-way recommendation made by the Town traffic consultant.

Vice-Chairman Ingram: Can you provide clarification to the Town's garage standards? The zoning ordinance does not list a specific guideline or standard; the Town's design ordinance does set a standard to be met. This project encompasses strong design practices, not just architectural embellishments.

Commissioner Robinson: Compared to the Cortina subdivision, the proposal offers much in the way of streetscape diversity.

PUBLIC HEARING

No Request to Speak cards were received for this case.

MOTION: Vice-Chairman Ingram

To approve RZ12-099/SD12-101/DR12-102/GPA12-100, Queen Creek Station, as recommended by staff.

2nd MOTION: Commissioner Arrington

VOTE: 5 Ayes, 1 Nay (NICHOLS). Motion carried 5-1.

AMENDMENT: Commissioner Robinson

To include a stipulation that Queen Creek Parkway final design shall meet the requirements of the Town Engineer.

2nd MOTION: Commissioner Arrington

VOTE: 5 Ayes, 1 Nay (NICHOLS). Motion carried 5-1.

5. **Public Hearing, Discussion, and Possible Action on RZ13-001/GPA13-002, Ben Franklin Charter School, a request for rezoning of 8.3 acres of land located on the north side of Queen Creek Road, ¼ mile west of Signal Butte Road from I-2 Industrial to R1-43, in addition to minor General Plan Amendment from Employment Type B to Public Quasi Public (PQP).** A brief presentation of the case was given by Dave Williams. The case includes a minor General Plan amendment change to the land use options for this site; should the school not build on this site, the land can only be used for public use (police/fire station, schools).

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Nichols: How large is the site? The project site is 8.3 acres.

Commissioner Robinson: The “Quasi Public” designation ensures that any proposed project for this site must comply with the Town’s General plan.

PUBLIC HEARING

No Request to Speak cards were received for this case.

MOTION:

To approve RZ12-099/SD12-101/DR12-102/GPA12-100, Ben Franklin Charter School, Queen Creek Station, as recommended by staff.

2nd MOTION: Commissioner

VOTE: All Ayes. Motion carried 6-0.

ADMINISTRATIVE ITEMS

6. **Review** of March 13, 2013 agenda items.
7. **Report** of Town Council Action.
8. **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.*
9. **Adjournment:** The meeting adjourned at 8:58 p.m.

MOTION: Vice-Chairman Ingram


To adjourn.

2nd MOTION: Commissioner Matheson

VOTE: All Ayes. Motion carried 6-0.

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 February 13, 2013 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 14th day of February 2013.

Passed and Approved this day of 3/13/13