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**MINUTES
REGULAR MEETING
QUEEN CREEK PLANNING & ZONING COMMISSION
QUEEN CREEK TOWN HALL, 22350 S. ELLSWORTH ROAD
COUNCIL CHAMBERS
December 11, 2013
7:00 PM**

1. **Call to Order** The meeting was called to order at 7:00 p.m.
2. **Roll Call:** (one or more members of the Commission may participate by telephone)

**Commissioners present: Chair Ingram, Vice-Chair Arrington; Robinson; Sossaman.
Commissioners absent: Nichols, Matheson, Turley**

3. **Public Comment:** Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of (3) three minutes. Request to Speak Cards are available at the door, and may be delivered to staff prior to the commencement of the meeting. Members of the Commission may not discuss, consider, or act on any matter raised during public comment.

None

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote.

None

ITEM FOR DISCUSSION:

5. **Public Hearing and Possible Action on RZ13-034/SD13-035 "Cloud Estates" (continued from the November 13, 2013 Planning & Zoning Commission Meeting).**

Mr. Burningham stated that the applicant is Troy Peterson (Bowman Consulting), on behalf of Cason Tyler Ventures, LLC. This request for approval to Rezone from R1-43 (Rural Estate District) to R1-35 Planned Area Development (Suburban Residential District) and approval of a Preliminary Subdivision Plat Approval to facilitate the development of a 16 lot residential development. The project is 16.5 acres, generally located on the south side of Cloud Road, approximately 1,400 feet east of Power Road.

Mr. Burningham reviewed the surrounding properties:

- To the North of the site, is Cloud Road, and the Ranchos Jardines residential neighborhood (zoned R1-43);
- South of the site there are 2 vacant parcels owned by the Chandler Unified School District
- West of the site there are 2 parcels owned by the Rock Point Church
- East of the site are 6 large lot single family residences (zoned R1-43)

Mr. Burningham stated the average size lot in this project is 31,569 square feet.

Mr. Burningham stated the applicant conducted a Neighborhood Meeting on October 28, 2013. Fifteen residents attended the meeting. Staff has spoken to four residents adjacent to the property who have expressed concerns regarding this project and are in opposition of the proposed density included in this rezoning request. They also expressed concerns about the possibility of losing their existing horse privileges. Staff has received five letters regarding this application, which have been included in the Commissioners staff reports.

Mr. Joe Brekan, Queen Creek resident who owns a 4.8 acre parcel to the east of project, has expressed concerns regarding access to his property, and the potential of being "land locked". The proposed development does not provide access for Mr. Brekan's property. Mr. Burningham stated in years past, staff has considered possible options to develop a roadway network that would provide access to "land locked" properties in this area. There continues to be parcels in this area that are "land locked" and do not have frontage on a dedicated roadway, and staff has worked with the owners to develop a street system as these properties have been developed.

Mr. Burningham stated the Rock Point Church will extend Ivy Lane which is located at the southern edge of their parcel from Power Road to eastern edge of Phase II of their project. He added that the parcels to the east of the Rock Point Church have been further split and the future roadway for Ivy Lane has not been appropriately dedicated, which makes the timing of continuing Ivy Lane difficult.

Staff stated that Mr. Brekan had previously met with the Town in 2005, in order to find a way to provide access to his property. Mr. Brekan presented a copy of a concept plan that shows a proposed street system that would provide access to his property. The Town's Legal Department is reviewing access issues for this property and does not recommend this case be postponed in order to resolve Mr. Brekan's access issues. The Town's Legal Department will provide a formal response prior to the upcoming Council Meeting.

Mr. Burningham stated staff would like to revise Condition of Approval #7 as an alternate to requiring full street improvements. Staff feels it would be more appropriate to ask for a cash in lieu payment that would be held and applied towards the infrastructure improvements at a future time, to cover the construction and project management costs of the full ½ street improvements on Cloud Road for all portions for the Right-of-Way adjacent to the project.

Commissioner Robinson asked if horse property access will be included as part of the development in the future. Mr. Burningham responded that the Parks and Trails Master Plan does show a horse trail on Cloud Road. Adding that he will ask the applicant to revise the plans to show unpaved trails on: Cloud Road, Power Road, and Riggs Road.

Commissioner Robinson asked if the existing R1-43 Zoning is protected and if the residents continue to have horse privileges. Mr. Burningham responded that the residents will retain their horse privileges and they are protected.

Commissioner Sossaman would like to add an additional Condition of Approval #14, to have the landscape plans show where the horse trail is located.

The applicant, Mr. Troy Peterson stated that the density is less than one unit per acre; and that some of the parcels have been converted into open space to be used by the Community. Mr. Peterson stated that the property in mention has not been recently farmed, and had previously been subdivided; outlining that this project will combine (4) four properties that were previously split.

Mr. Peterson stated that this project complies with the current General Plan Goals Policy 3D.

Mr. Peterson stated they are working to address some of the neighborhood concerns such as, the potential negative impact the lined drives may have on the neighborhood by creating potential a “cut through” from the school to the church. In order to resolve that issue, the applicant has redesigned the streets to reduce the potential of a traffic “cut through”. A “knuckle” was created on Victoria Street; the applicant is also in current discussions with the church to provide a secondary emergency point of access. Mr. Peterson added that the neighbors have also raised concerns with the block walls that were originally proposed; in order to address that concern, partial wrought iron view walls have since been added to this project.

Public Comment

Mr. Ryan Young, Queen Creek resident, is in opposition of this case and expressed his concerns that future home buyers within this area may end up submitting complaints about horse properties within this area. He purchased a home here 3-months ago, with the intention of entering a rural area that could be used as horse property. He understands that further development in Queen Creek will occur, and is concerned that the Town may lose sense of a rural community.

Commissioner Sossaman appreciates the increase in lot coverage, as it allows for easier development of one-story homes; and understands that future buyers prefer to purchase larger lots. He asked that Condition of Approval #7 be modified as previously discussed and that the additional Condition #14 be added.

Commissioner Robinson recommended that a disclaimer be added by the home owners association stating that there is horse property nearby that may be associated with dust, smells and flies.

Motion to approve RZ13-034/SD13-035 “Cloud Estates” as presented subject to the conditions outlined in the staff report to include the revision of Condition #7, and the addition of Conditions #14 & #15

(REVISED CONDITION #7) The developer shall be responsible for a cash-in-lieu payment to cover the construction and project management costs of the full 1/2 street improvements on Cloud Road for all portions for the Right-of-Way adjacent to the project. The cash-in-lieu payment will be determined by an engineer’s estimate that will be submitted and reviewed by the Town during the Final Plat review phase of the project. Quantities on the engineers estimate will be based on Town Detail R-103 and shall include removal and replacement of asphalt to the center line (section line) of the roadway.

(NEW CONDITION #14) The Preliminary Plat and Landscape Plan shall include a Neighborhood Unpaved Trail (shared use: minimum 8 feet wide) on Cloud Road.

(NEW CONDITION #15) The Developer shall place a note on the final plat, State Real Estate Department Report, and the CC&Rs for the project that, “This subdivision is adjacent to properties zoned R1-43 (Rural Estate District) which may contain horse properties and this site may be subject to noise, dust and possibly odors normally associated with horse adjacent properties”.

1st: Sossaman

2nd: Robinson

VOTE: Unanimous

ADMINISTRATIVE ITEMS

6. **Summary of Events from members of the Commission and staff.** The Commission may not deliberate or take action on any matter in the “summary” unless the specific matter is properly noticed on the Regular Session agenda.

None

7. **Adjournment:** Motion to adjourn 7:38 pm

1st: Robinson

2nd: Arrington

VOTE: Unanimous

PLANNING AND ZONING COMMISSION

Steve Ingram, Chair

Attest:

Amy Morales-Olea, Planning Assistant

I, Amy Morales-Olea, 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 December 11, 2013, Regular Session of the Queen Creek Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Amy Morales-Olea

Passed and approved on January 8, 2013