



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

Wednesday, September 9, 2009 7:00 P.M.

Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242

These are draft minutes, which have not yet been approved.

1. **CALL TO ORDER** The meeting was called to order at 7:00 p.m.

2. **ROLL CALL**

Present

Chairman Trapp-Jackson
Commissioner Ingram
Commissioner Sossaman
Commissioner Moore
Commissioner Perry

Absent

Commissioner Atkinson

Staff

Present

Community Development Director Condit
Planning Manager Balmer
Principal Planner McCauley
Community Development Assistant Moats

Absent

Others in attendance

Chairman Trapp-Jackson stated Vice-Chairman Fehlan had submitted a letter of resignation.

3. **PUBLIC COMMENT**

Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to staff prior to the commencement of the meeting. **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 August 12, 2009 Work Study and Regular Session Minutes;**

- b. ***Public Hearing, Consideration and Possible Approval of Text Amendment to Zoning Ordinance for Establishing New Zoning Districts and Standards, TA09-074;**
- c. ***Public Hearing, Consideration and Possible Approval of Text Amendment to the Zoning Ordinance, Article 6.16, Sign Regulations, TA09-075**
- d. **Consideration and Possible Approval of Barney Park Estates Phasing Amendment, SD09-012**

Chairman Trapp-Jackson noted she had received Request to Speak cards on items #4b and 4c; therefore, those items are being removed from the Consent agenda.

Motion: Commissioner Sossaman

To approve the Consent Agenda, as presented, with the removal of items 4b and 4c.

2nd: Commissioner Ingram

Vote: All ayes. Motion carried 5-0 (Atkinson absent).

4b. Public Hearing, Consideration and Possible Approval of Text Amendment to Zoning Ordinance for Establishing New Zoning Districts and standards, TA09-074

Principal Planner McCauley presented a Power Point outlining the town-initiated request for new zoning districts and standards. Mr. McCauley noted the General Plan Update approved by voters in September, 2008 included new land use designations. Due to those new designations, it is necessary to implement new zoning districts for: R1-4, R1-5, Mixed Use, and C-3, in order to remain consistent with the General Plan.

In addition to adding language implementing the four new land use designations, the following tables of the Zoning Ordinance will also be updated: Table 4.6-1 and 4.6-2 – Principal Uses Allowance; Table 4.7-1 Density Allowance; and Table 4.7-2 Dimensional Standards.

Changes to these tables include: R1-4 and R1-5 columns for residential dwelling units (DU) which were inadvertently omitted an allowance for Single Family Attached. The current table erroneously shows this use is not allowed by right; therefore “P” will be added to show Permitted by right. Secondly, relating to R1-4 and R1-5, the floor area ratio on Table 4.7-1 does not comply the with maximum lot coverage on Table 4.7-2 under R1-4 and R1-5. The numbers should be 55% and 60% allowed respectively. Staff will be reviewing these areas in order to make them more consistent.

Commissioner Sossaman questioned the Mixed Use category, stating it seems to be something that is to be used in Town Center. He asked if staff foresees areas outside the Town Center for which applicants would request Mixed Use zoning and if staff has any preconceived ideas on a balance of densities, or if retail could be expected within a Mixed Use category. Mr. McCauley responded a mixture of uses could be requested, and would

be reviewed. The code is presently written to tie in residential with commercial/office type uses. Staff's expectation would be to have a development proposal greater than just residential use, and depending on the scale of the project and location, the use may be more residential than retail.

There were no further questions or comments from the Commission.

Chairman Trapp-Jackson opened the Public Hearing.

Robin Benning of 20521E. Ocotillo Road, Queen Creek, addressed the Commission to say: 1) one of the traditional problems with assisted living is visitors' vehicles and visitor on-street parking interfering with adjacent residential uses. It's his opinion to allow the assisted living, but be sure to include some kind of offset or compensation for the resultant parking situation. 2) In his opinion Mixed Use zoning is a classic solution to fixing the downtown area and specifically regarding vertical zoning where commercial may be located on the ground floor with residential on the upper floors.

Commissioner Sossaman asked for clarification on "Assisted Living" being classified as a Group Care Home. Robin Benning responded the State of Arizona has two categories, and within a residential setting, parking can become a problem.

Ralph Pew addressed the Commission on behalf of the Barney Family and Taylor Morrison homes regarding this text amendment. He stated he appreciates staff's work in matching the zoning districts with the General Plan Land Use categories. He urged the Commission to recommend to Council the technical changes proposed on the two tables which were pointed out by Principal Planner McCauley.

He stated it is important to show attached residential living as a permitted use in this zoning district. In addition, it is also important to revise Table 4.6-1 so the floor area ratio and lot coverages are consistent.

Secondly, Mr. Pew spoke about the concept of adding the assisted living facility as a permitted use in the low density residential categories. He stated in this regard, he is speaking on behalf of Magellan, LLC and its principals to request this change.

Mr. Pew stated the Queen Creek Zoning Ordinance does define a continuum of adult care facilities. He offered definitions for each:

Assisted Living Home: a resident home for 6 or fewer residents;

Assisted Living Center: similar to the Assisted Living Home; however, it allows 7 or more residents.

Assisted Living Facility: a residential care institution, including adult foster care, that contracts to provide supervisory care on a continuing basis.

Group Care Homes: a residential facility for no more than six (6) unrelated persons providing living facilities, sleeping rooms, and meals, and which shall have a permit issued by the Arizona Department of Health Services or Maricopa County Health Department.

This definition shall include assisted living homes for the elderly and the handicapped, adult foster care homes, and group care homes for the developmentally disabled.

Mr. Pew illustrated Table 4.6-1 of the existing code which shows a list of uses in residential categories. Under **Group Living**, Assisted Living Centers (7 or more residents) is shown as not permitted in any residential district. He is requesting this be allowed by "Conditional Use" in low density districts (R1-35, S1-43, R1-54, A-1, R1-10-, R1-145), as well as requesting the word "Center" be changed to "Facility" under Group Living which would allow institutional care of more than 7 people, because this includes **homes** and **centers**. Mr. Pew stated deciding where to locate assisted living facilities must be done with the reality and concept of how it impacts the vicinity as far as traffic patterns, vehicles, pedestrian traffic, etc. If this is done by Conditional Use Permit, then the Town has the discretion of deciding if the facility is compatible with surrounding uses and "fits in" with its location.

Mr. Pew stated since it is not now known exactly what the timeframe is for updating the Zoning Ordinance as a whole; he is requesting this change be processed now. If need be, definitions can be revised later.

Chairman Trapp-Jackson clarified that under Department of Health Services regulations, Assisted Living Homes and Facilities are required to be licensed by the State.

Commissioner Ingram asked why this use is being requested as a Permitted use in the R-2, R-3 and R-4 districts on Table 4.6-1. Mr. Pew responded these are typical multiple family districts where you would expect to see these assisted living uses and where this use would be compatible with surrounding uses.

Commissioner Sossaman asked Mr. Pew to provide an example of an **Assisted Living Facility** as defined by Mr. Pew.

Mr. Pew referred to five acres consisting of approximately 118 residential uses within Agritopia. He stated parking is important; however, in these types of uses, the number of parking spaces needed is dependent upon the nature of care. Some facilities are ambulatory, others are not.

Commissioner Sossaman asked if the example would be more of a master plan "holding parcel" for this type of use within a community, rather than modifying an existing home. Mr. Pew said that is correct. The thinking is that in Queen Creek there are most likely still a number of low density parcels that have either not yet been platted, or which may have been platted but are undeveloped or abandoned, which would provide an opportunity for this type of project.

Commissioner Moore asked why Medium density was not included. Mr. Pew replied the applicant is assuming most of the Medium density lots are already platted and partially built. In that case, it may be possible to do a “home”, but not as easy to do a “facility”. In response to a follow-up question by Commissioner Moore, Mr. Pew stated this use could be added as a CUP on other medium-density areas; however his client is interested in the use being allowed in low density since he owns property in this district.

Commissioner Sossaman asked what the response has been for similar cases Mr. Pew has processed in Gilbert. Mr. Pew responded the community meetings were well-attended with strong support for this proposed use.

Commissioner Moore stated his opinion that it makes sense to encourage something like this in Queen Creek and to do in a timely manner.

There were no further public comments, or questions from the Commission to the applicant. The Public Hearing was closed at 7:40 p.m.

Commissioner Sossaman pointed out according to the staff report, the Town’s table shows Assisted Living “Centers” being permitted in R1-4 and R1-5 districts, to which Mr. McCauley responded, “That is correct.” Mr. McCauley confirmed if the Commission’s motion recommended allowing the verbiage to be changed from “center” to “facility” showing *Conditional Use* and *Permitted* according to Mr. Pew’s request, this change would automatically replace Town’s chart. Commissioner Sossaman then stated he would not want a conflict to occur as a result of making these changes.

The Commission responded they would not have concerns with this since they could address issues later.

Motion: Commissioner Sossaman

To approve TA09-074 revising the language on Tables 4.6-1 and 4.6-2 regarding lot coverages in R1-4 and R1-5 districts, according to the applicant’s request; and to replace language under Group Living (Residential) with the word “facility”; inserting “Permitted” in R-2, R-3, and R-4, with CUP across all remaining districts, including: R1-54, R1-43, R1-35, R1-5, R1-4, R1-15 and R1-18.

Second: Commissioner Ingram

Discussion: Commissioner Moore asked what benefit leaving “Permitted” in higher density districts would be. Commissioner Sossaman replied those districts are already configured for this type of use since they are high density.

Vote: All ayes. Motion carried 5-0 (Atkinson absent).

4c: Text Amendment to Zoning Ordinance, Article 6.16 – Signs

Mike McCauley presented the Power Point explaining the town-initiated proposed changes to the Sign Ordinance. Staff has been reviewing changes to the sign ordinance at the request of local business owners, through the Chamber of Commerce.

Mr. McCauley pointed out the issue of being able to help out businesses while controlling clutter, stating the challenge is to be able to have a balance between the two. According to the Staff Report, too many signs will not have the desired effect for businesses. They will be ineffective, ugly and costly to enforce. Staff reviewed sign ordinances for surrounding municipalities, including Chandler, Gilbert and Mesa, in an attempt to balance both areas.

The proposed changes to the sign regulations include:

- Revising the sign locations;
- Revising length of time for display of banner signs from 60 to 90 days;
- Allowing A-frames by permit, one per business and in permitted locations only (i.e. not in rights-of-way); and only during operating hours or office hours;
- Specifics on construction and maintenance of signs;
- Allowing sign walkers in approved locations only;

In addition, definitions for these types of signs are included in the proposed sign ordinance revisions.

Commissioner Sossaman asked of the portion on special event banners (being allowed 0-21 days up to 4 times/year) was a change. Mr. Balmer responded it is an entirely new category. Mr. Balmer expanded by stating the Chamber of Commerce requested special event/seasonal banners. He reiterated staff is not necessarily recommending these changes, but just bringing them forward as requests from Chamber of Commerce.

Commissioner Moore asked what the current ordinance is on temporary portable A-frame signs, and on banners. Mr. McCauley responded the A-frame signs are currently not allowed. Banners are allowed for special events and grand openings with a permit good for a specified time frame.

Commissioner Sossaman suggested one way to approach the issue would be for the Commission to continue the item and then provide additional feedback to staff because he would be in disagreement with most of the revisions as currently provided by staff

Chairman Trapp-Jackson opened the Public Hearing at 7:57 p.m.

Robin Benning, 20521 E. Ocotillo Road, Queen Creek, addressed the Commission. He stated he has spoken about this issue at Council Meetings and he is particularly concerned because Queen Creek is not Mesa, Gilbert or Chandler. In addition, Mr. Benning stated he is

concerned because Town staff has a shortened work-week, meaning less enforcement time, compared to other municipalities. Mr. Benning asked the Commission to not approve the request, and to recommend not making changes at this time due to concerns over clutter, etc.

Commissioner Ingram asked if there is part-time Code Enforcement on Fridays or Saturdays. Mr. Balmer responded there is enforcement on a regular basis; however there is only active weekend enforcement during special times of the year, such as Christmas.

Commissioner Perry asked if anyone from the Chamber of Commerce had attended the meeting tonight. It was noted no one from the Chamber was present. Commissioner Perry stated this item had been discussed at length during Work Study, and his opinion has not changed since then. He is not in favor of the suggested changes regarding A-frames. He does not have a problem with Grand Opening Banners; however, he does not necessarily favor a 90-day time frame for the banners.

Commissioner Sossaman suggested a grand opening A-frame in place of a banner. Commissioner Perry responded he would be in favor of a 'temporary' A-frame sign, as well as a special event banner, but he is not in favor of either of those for extended period of times. Commissioner Perry stated he supports a continuance in order to have more time to review the overall sign ordinance related to issues such as sign designs and monument signs.

Motion: Commissioner Ingram
To continue TA09-075 indefinitely until staff has enough information to bring back to the Commission.

Discussion: Mr. Balmer stated "indefinitely" would constitute tabling the motion.

Commissioner Ingram changed his motion to continue the text amendment on the sign ordinance, Article 6.16, to the Commission's October 14, 2009 meeting.

2nd: Commissioner Sossaman

Discussion: Commissioner Perry asked staff how comments from the Commission should be directed to staff, whether by email, voicemail, etc. Mr. Balmer asked the Commission to provide their comments now so they could be included in the minutes.

COMMISSION FEEDBACK/COMMENTS:

Commissioner Ingram stated he is not in favor of A-frames for regular advertising. If there is not adequate space for a grand opening banner, a grand opening A-frame can be used for 60 days, not 90.

It was clarified that the suggested time frame for grand opening banners is 14 days not 21.

Mr. Balmer asked for thoughts on sign walkers, since this is a new section. Mr. Balmer stated signs cannot be prohibited, but reasonable regulations can be set. He asked if what is presented in the report is reasonable, specifically *Sign Walkers* on page 3.

Commissioner Moore stated he thinks there is a place for A-frames but he does not like the idea as presented because he does not think the A-frames would be temporary. A portable A-frame which is applied for by permit application with specific advertising should have a shortened time-frame, similar to Grand Opening or Special Events, and may be erected for 3 days at a time. He stated in a retail situation, it is not likely they would have a 21-day event. He noted everyone wants to achieve a result of helping businesses be more successful, but not with the unintended consequence of clutter. He is not opposed to A-frames, but they should be looked at in a different way. He feels enforcement will be a problem, but it's important to allow these for a shorter period of time to allow them to do this.

Chairman Trapp-Jackson stated she would like staff to look at the enforcement issue because if the Town is going to allow more flexibility, enforcement is important. On Page 2, b. "Number". Review the idea of one sign per business to see what would be reasonable so there is not sidewalk clutter. She agrees with all other comments made by the Commission, but the biggest issue is enforceability.

Mr. Balmer responded enforceability is a serious issue for the Town. The Code Enforcement officers have other duties and we have a limited number of staff for this. Staff has tried to pattern that on weekends in that it allows subdivision directional signs for religious institutions. If the signs are not placed in proper locations, the Town removes them, calls the owner and has the signs picked up. If the sign is correctly placed, Town leaves it alone. The challenge is there is potential for more signs on a shorter-term basis. The result is this becomes a question of is this a permanent sign or a temporary sign being placed on a permanent basis.

Mr. Balmer stated the business community would like to have annual permits. Staff would like to balance it better for only certain times of the year. He stated town does not have staff to devote to everything that needs to be addressed with this issue.

Commissioner Sossaman asked what type of enforcement could be done to prohibit a landlord from allowing A-frame signs in his center. Mr. Balmer responded enforcement would be the same and based on the use of portable signage by the individual business, rather than the center as a whole. He said this is being seen primarily in small businesses with limited frontage that do not have good visibility, and it is these types of businesses that are being represented by the Chamber in this particular request.

Voting on the motion: All ayes. Motion carried 5-0 (Atkinson absent).

The Text Amendment on Signs, Article 6.16, TA09-075, was continued to the October 14, 2009 Planning & Zoning Commission meeting.

ADMINISTRATIVE ITEMS

All Administrative Items were discussed during Work Study Session.

5. **Review** of next month's agenda items.
6. **Report** on Town Council Action.
7. **Summary of Current Events** from members of the Commission.
8. **Adjournment**

Motion: Commissioner Perry
To adjourn.
2nd: Commissioner Moore
Vote: **All ayes. Motion carried 5-0 (Atkinson absent)**

The meeting adjourned at 8:15 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Kathy Trapp-Jackson, Chairman

ATTEST:

Laura Moats, Community Development Assistant

I, Laura Moats, 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 September 9, 2009 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 10th day of September, 2009.

Passed and Approved this day of October, 2009.

These minutes have not yet been approved.

DRAFT