



These are draft minutes, which have not been approved.

**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION
Wednesday, January 13, 2010 7:00 P.M.
Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242**

1. **CALL TO ORDER** The meeting was called to order at 7:07 p.m.

2. **ROLL CALL**

Present

Chairman Ingram
Commissioner Sossaman
Commissioner Moore
Commissioner Atkinson
Commissioner Reyes

Absent

Chairman Trapp-Jackson
Commissioner Perry

Staff

Present

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

Absent

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.

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 Minutes:** November 10, 2009 Regular Work Study and Regular Session Minutes;
- b. ***Public Hearing, Consideration and Possible Approval of Major General Plan Amendment Application: Victoria Estates Parcels 10, 11 and 11A, GP09-057, RZ09-059**
- c. ***Public Hearing, Consideration and Possible Approval of A Country Place Event Center, GP09-088/RZ09-086/SP09-087/CU09-085**
- d. ***Public Hearing, Consideration and Possible Approval of Cunningham's Indoor Shooting Facility, S09-103/CU09-102**
- e. ***Public Hearing, Consideration and Possible Approval of Decorative Trim Expansion, Phase II, RZ09-093/SP08-174**
- f. **Possible Approval of DR09-095, Cresleigh Homes at Hastings Farms, Parcel A**
- g. **Possible Approval of DR09-104, Highland Homes at Lucia**
- h. **Possible Approval of DR09-106, Highland Homes at Crismon Heights**

Motion: Commissioner Sossaman

To approve the Consent Agenda, as presented, with the exception of items b. g. and h., which were removed from the Consent Agenda for public comment and further discussion.

2nd: Commissioner Atkinson

Vote: **All ayes. Motion carried 5-0.**

Two "Request to Speak" cards had been submitted: Mr. Donald Hubbs, who completed a Request to Speak" card on item h. Crismon Heights, stated his concern had already been addressed, and did not wish to speak.

Mark Pugmire, applicant for DR09-104, Highland Homes at Lucia; and DR09-106, Highland Homes at Crismon Hts., noted he would speak during discussion of these agenda items.

- b. ***Public Hearing, Consideration and Possible Approval of Major General Plan Amendment Application, Victoria Estates, Parcels 10, 11 and 11A, GP09-057/RZ09-059**

Commissioner Atkinson stated he had previously voted against approval of this application at the Commission's November Public Hearing. He is not in favor of age restrictions or gated communities. Planning Manager Balmer explained the primary reason for bringing this application back to the Commission is because the Public Hearing/Legal Notice was technically not correct and needed to be re-advertised.

Commissioner Ingram opened the Public Hearing at 7:12 p.m. A resident who lives in the vicinity of Hawes and Ocotillo roads addressed the Commission in opposition to this application, as he believes the density is too high, and this community would negatively impact his property value. He does not believe it will increase the quality of life in Queen Creek.

Mr. Ralph Pew of Pew and Lake, 1744 South Val Vista, Suite 217, Mesa, addressed the Commission on behalf of Taylor Morrison. He responded to the concerns raised by the resident, stating the quality of the housing and property values will be high. This development will be maintained as an active adult, high quality community. He addressed the density, stating it will be restricted by the companion zoning case, which will be adopted by ordinance as an assurance for the density and use of the project. As part of this application, a PAD application will be filed in the future on the open space and common amenities. He stated there has been a very positive reception from the community overall. In addition, Mr. Pew stated no gates are planned.

The Public Hearing was closed at 7:17 p.m.

Motion: Commissioner Sossaman
To recommend approval of Victoria Estates, Parcels 10, 11, and 11A, GP09-057/RZ09-059, as presented.
2nd: Commissioner Moore

Commissioner Sossaman stated his reason: He is not against an age-specific community in Queen Creek because the town does not have anything like this for a planned build-out of over 100,000 population. He feels the impact will be positive because the school will receive tax benefits without the additional school children. This community will add an element to the Town it does not currently have.

Vote: **Motion carried 4-1, Commissioner Atkinson voting “Nay”.**

g. Possible Approval of Highland Homes at Lucia, DR09-095

Senior Planner Dave Williams presented the report. Commissioner Sossaman questioned the potential for two-story homes to be constructed adjacent to existing single-story homes in both this community, and Crismon Heights, and requested this item be revisited. Commissioner Ingram questioned the building envelope. Mr. Williams responded the lot coverage in Lucia is 35 per cent, and the building envelope will not change; therefore, if a homeowner wishes to do an addition/expansion in the future, they will be able to do so. Mr. Williams presented an additional stipulation regarding construction of two-story homes next to existing single family homes, which was discussed during Work Study.

Commissioner Ingram opened the floor to public comment.

Queen Creek resident Dave Stoddard, who owns the 4,800 square-foot home in Lucia, addressed the Commission with the following questions and concerns:

- 1) What will be the square footage and quality of the new homes? The existing homes are high quality construction.
- 2) He raised the issue of new two-story homes being constructed next to single-story homes, and asked for confirmation that there will not be any two-story homes built directly across or adjacent to existing single-family homes.
- 3) Where will the new model homes be placed relating to the existing model homes?
- 4) The original site plan included a playground. What type of equipment will be installed on the playground?
- 5) Is there a place where he can view floor plans and elevations?
- 6) The first developer never installed mailboxes. When will mailboxes for existing and new homes be installed?

Mr. Mark Pugmire, applicant, addressed Mr. Stoddard's concerns:

- 1) The square footage of the homes will range from 2,054 square feet to 4,500 square feet; basement homes will be offered, as well as casitas. He stated the construction will be high quality, complying with Town standards. The homes will include two-tone exterior paint; standard granite countertops; granite slabs in the master; wood-grain fiber glass; standard ceramic tile flooring; and standard three-car garages, with an option to build an additional detached two-car garage.
- 2) He is in agreement with the added stipulation to not build any two-story homes adjacent to or directly across the street from any existing home.
- 3) The location of the model homes has not yet been finalized, but most likely will be facing south on the lots located west of the existing homes/models.
- 4) The playground equipment is not part of the DR application; however, he will comply with the original plans.
- 5) The DR application book, including floor plans and elevations, was provided to Mr. Stoddard.
- 6) Mr. Pugmire stated he is not responsible for mailboxes, and although this is not part of the application and is beyond his responsibility, he offered to contact the owner of the Lucia lots regarding this issue. He approximated they would be installed within 90 days.

Commissioner Reyes asked what the estimated percentages of the homes will be by square footage. Mr. Pugmire stated his projections are very reliable. The vast majority (approximately 60-70 per cent) will be the 2,200 square-foot plan with an attached casita, up to 2,500 square feet. Another 20 per cent will be basement homes up to 4,000 square feet.

Senior Planner Williams added Town staff has recently spoken to Arcus Development regarding the playground. The developer will proceed with the playground in three to four months. Mr. Williams will contact Arcus about the mailboxes.

Mr. Stoddard stated the new homes will start at 2000 square feet, whereas, the smallest existing model is 2,800 square feet. His home is 4,800 square feet. He stated it seems like the new homes will impact the existing home values. Commissioner Ingram responded

there is a give-and-take involved in that larger homes are not selling in the present economy. The alternative is to have vacant lots in this subdivision for a long period of time, which may also negatively impact home values.

Mr. Williams presented the following additional stipulation:

No two story homes shall be built either adjacent to, abutting, or directly across the street from homes permitted before 1/20/2010.

Motion: Commissioner Moore

To recommend approval of DR09-104, Highland Homes at Lucia with the additional stipulation as stated (and noted above).

2nd: Commissioner Atkinson

Vote: All ayes. Motion carried 5-0 (Trapp-Jackson and Perry absent)

h. Possible Approval of DR09-106, Highland Homes at Crismon Heights

Senior Planner Williams presented the report, and added the following stipulation based on discussion that took place during Work Study:

No two story home shall be built either adjacent to, abutting, or directly across the street from homes permitted before 1/20/2010. Additionally, no two story homes shall be built adjacent to an arterial roadway.

Motion: Commissioner Atkinson

To recommend approval of DR09-106, Highland Homes at Crismon Heights with the additional stipulation as stated (and noted above).

2nd: Commissioner Reyes

Vote: All ayes. Motion carried 5-0 (Trapp-Jackson and Perry absent)

5. Public Hearing, Discussion and Possible Action on Text Amendment to the Zoning Ordinance, Article 6.16 Sign Regulations

Principal Planner McCauley presented the report and Power Point presentation, noting the Town has been asked to consider a revision of Article 6.16 of the Zoning Ordinance to increase exposure for local businesses. The Town was asked to specifically address:

- The use of A-frame and similar temporary signs
- Sign walkers
- Grand Opening and Special Event banners

The current sign regulations prohibit the use of A-frame and similar temporary signs for commercial uses, and limit the use of banners. "Sign walkers" is not currently addressed in the Zoning Ordinance.

Staff has provided a recommendation for modifications to the sign ordinance, which include allowing temporary signs in the public right-of-way provided they are fifteen (15) feet from

the pavement edge of any roadway, or two feet behind the sidewalk, where a sidewalk is present; allowing sign walkers in conjunction with adjacent apartment, commercial and industrial areas in the R-3, R-4, B-1, TC, C-1, C-2, C-3, I-1 and I-2 zoning districts, subject to certain requirements listed on page 3 of the staff report attachments; and allowing grand opening banners, flags or balloons by permit in conjunction adjacent apartment, commercial and industrial areas in the R-3, R-4, B-1, TC, C-1, C-2, C-3, I-1 and I-2 zoning districts for a maximum period of ninety (90) days, and subject to certain requirements listed on page 4 of the staff report attachments. Mr. McCauley noted all areas shown as strikethroughs on the staff report attachments are areas staff is not recommending. Mr. McCauley pointed out new definitions, and the list of prohibited signs.

Commissioner Sossaman referred to O. *Definitions* and asked how banners or flags of sports teams attached to a building would be handled. Mr. McCauley responded it would be permitted as long as it was not advertising a special. It would also depend on the scale of the flag.

Planning Manager Balmer summarized:

In summary – staff is not recommending A-frame signs. Staff is recommending sign walkers be allowed subject to conditions being met. Staff is recommending grand opening banners, extending the time from 60 to 90 days, with varied square footages. Staff is not recommending Special Event banners, such as furniture or clearance sales.

Commissioner Reyes asked what the basis was for extending the time frame from 60 to 90 days. Mr. McCauley responded it is based on history.

Commissioner Reyes stated she did not see any restrictions in place for the Sign Walkers, other than the size of the signs. Discussion among the Commission followed on the restrictions listed on page 3 of the staff report attachments.

Mr. Balmer stated staff has included this list in an effort to provide reasonable restrictions, since *sign walker* has been defined as a First Amendment right, therefore, it would be challenging to be more restrictive. Staff has attempted to use spacing and setbacks as a method for regulating the actual number of sign walkers.

Commissioner Moore asked for confirmation that staff is not recommending A-frames. Mr. McCauley responded in the affirmative, stating staff is not supporting A-frames or temporary signs, such as sandwich board signs.

Commissioner Sossaman asked if religious institutions will still be allowed as temporary signs on weekends. Mr. McCauley responded “yes”.

In response to questions by the Commission, Mr. Balmer explained the work schedule for the Neighborhood Preservation (Code Enforcement) staff, noting staff works with religious institutions and instructs them on when and where to install and take down signs.

Commissioner Ingram opened the Public Hearing at 7:53 p.m. There were no public comments. The Public Hearing was closed.

Motion: Commissioner Moore

To recommend approval of TA09-075, Amendment to Zoning Ordinance, Article 6.16 Sign Regulations, including the strikeouts shown on the staff report, with the exception of the A-frame signs and the banner signs, allowing for some form of temporary signs with a time-limit.

2nd: Commissioner Atkinson

Discussion on the motion: Planning Manager Balmer requested clarification on the motion, questioning if the motion is to retain Item No.2 on the bottom of page one – *Temporary Signs – Permit Required*, and Item No. 3 on page 3 – *Sign Walkers*. He also asked for further clarification on whether or not all of the existing text would be retained, or if there would be changes to the text within this area in terms of number or height.

Commissioner Moore responded he is not opposed to placing a time-frame on the A-frame signs; he would favor a 60-day permit.

Commissioner Moore amended the motion:

Motion: Commissioner Moore

To recommend approval of TA09-075, Amendment to Zoning Ordinance, Article 6.16 Sign Regulations, including the strikeouts shown on the staff report, with the exception of A-frame signs and banner signs with a 60-day permit to be placed on A-frames and banner signs.

2nd: Commissioner Atkinson

Discussion on motion: Planning Manager Balmer pointed out two issues: 1) there are certain types of signs which, once they've been erected, are illegal, such as signs in the rights-of-way or on power poles. They are illegal and would remain illegal. He clarified the staff report is referring to A-frame portable signs, which would be regulated; it is not referring to illegal signs. These types of signs are just not permitted and would be removed. They are not addressed in the staff report because they're not lawful. 2) Special Event Banners, page 4 of staff report. Mr. Balmer noted in the past discussions had taken place about allowing these four times a year/21 days per year/21 days per occurrence. The staff report recommends not allowing these signs. He asked if Commissioner Moore wished to include this in the motion. Commissioner Moore responded his motion is to recommend approval of staff's suggestions shown in the staff report; adding into the ordinance (which staff has recommended taking out) item numbers 2, 5 and top of page 18, item d; including a 60-day time limit on the permit.

Commissioner Ingram stated his feeling of opposition to A-Frame signs.
Commissioner Sossaman stated he feels banner signs are very tacky.

Commissioner Moore stated he feels banners bring in more business, and favors special event banners, not just for grand openings.

Call the motion:

<u>Roll call vote:</u>	<u>AYE</u>	<u>NAY</u>
Commissioner Reyes:		X
Commissioner Moore:	X	
Commissioner Ingram:		X
Commissioner Atkinson:	X	
Commissioner Sossaman:		X

Motion failed: 2-3

Motion: Commissioner Sossaman
To recommend approval of TA09-075, Text Amendment to Zoning Ordinance, Article 6.16, Sign Regulations, as proposed by staff.
2nd: Commissioner Reyes

Commissioner Sossaman noted his reason for the motion is that he feels taking a smaller bite will give the Town a chance to move forward to see how this will work amongst business people in town, as well as staff. He is not 100 per cent in favor of the staff recommendation, as is, but feels this needs to move forward incrementally.

<u>Roll call vote:</u>	<u>AYE</u>	<u>NAY</u>
Commissioner Reyes:	X	
Commissioner Moore:		X
Commissioner Ingram:	X	
Commissioner Atkinson:	X	
Commissioner Sossaman:	X	

Motion carried: 4-1

ADMINISTRATIVE ITEMS

12. **Discussion and Possible Action on Nominations/Election of Vice-Chairman**

Commissioner Sossaman nominated Commissioner Moore, and Commissioner Moore accepted the nomination.

On a voice vote, Commissioner Moore was elected Vice-Chair for a one-year term. All ayes. Motion carried 5-0.

13. **Review** of next month's agenda items.

Planning Manger Balmer reported the February Commission meeting has one item scheduled: Barney 20, which is a Site Plan and Planned Area Development. Mr. Balmer stated if this item comes off the agenda, the meeting could possibly be canceled. Commissioner Sossaman requested staff bring in someone to talk about board

governance/training. Mr. Balmer responded he could re-distribute the Commissioner's Handbook and could request someone from the Arizona Department of Commerce (ADOC) make a presentation. Commissioner Sossaman clarified he only wishes to utilize staff resources. The Commission requested staff add something to agenda if Barney 20 is the only item on agenda.

14. **Report** on Town Council Action

Director Condit noted meeting minutes are attached in the agenda binders. There was no Council meeting the first week of January.

15. **Summary of Current Events** from Members of the Commission

Commissioner Sossaman discussed the state of the construction industry, builder's time frames and the market according to the new economy; and the state of the commercial industry. He complimented the Town in its Shop Queen Creek campaign/program, and stated he is glad to see developers are not challenging Queen Creek's design standards, even in the changed economy. He complimented staff in this regard.

16. **Adjournment**

Motion: Commissioner Moore

To adjourn.

2nd: Commissioner Atkinson

Vote: All ayes. Motion carried 5-0.

The meeting adjourned at 8:27 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 January 13, 2010 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 14th day of January, 2010.

Passed and Approved this day of , 2010.