



Draft Minutes

**MINUTES OF THE WORK STUDY MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION**

Wednesday, August 11, 2010 6:00 P.M.

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

1. **CALL TO ORDER** The meeting was called to order at 6:02 p.m. by
2. **ROLL CALL**

Present

Vice-Chairman Moore
Commissioner Ingram
Commissioner Perry
Commissioner Reyes
Commissioner Sossaman
Commissioner Robinson

Absent

Commissioner Atkinson

Staff Present

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

Others Present

Jason Gad
Alex Matheson
Ryan Nichols
Sheila Iyengar

3. **Discussion on CU10-055 “Lotus Dog Training, Boarding & Rescue”**, A request by Sheila Iyengar for a Conditional Use Permit to allow a dog kennel at 18924 E. Chandler Heights Road.

Principal Planner McCauley presented the staff report. He reviewed the site plan for the 2.9 acre site, which includes a 2,800 square foot indoor, air-conditioned kennel, a large outdoor training/exercise area, parking, and an existing residential home. The site is located in Rancho Jardines subdivision, and is zoned R1-43, Very Low Density Residential. Mr. McCauley stated kennels are typically allowed by right in non-residential zoning districts and in low-density residential districts through an approved Conditional Use Permit (CUP), subject to compatibility with the surrounding area; compatibility items include, but are not limited to: visual impact, noise impact, and support from the surrounding community/neighbors.

Mr. McCauley reviewed the standard criteria for approving a CUP on pages 3 and 4 of the staff report, noting staff is recommending denial of the applicant's request because staff feels items #5 and #9 have not been met:

#5: The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

#9: The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are/may be adversely affected by the establishment of the proposed use.

Mr. McCauley referred to the *Possible Conditions of Approval for Consideration*, listed on pages 4 and 5 of the staff report, should the Commission decide to recommend approval of this CUP request.

Commissioner Sossaman questioned if this business is currently operating, and if it is in violation. Mr. McCauley responded, "yes". The Town's Code Enforcement division had previously issued a Notice of Violation, which precipitated the CUP and Business License applications. Mr. McCauley noted the business license is pending the outcome of the CUP application.

Commissioner Sossaman asked how many dogs are allowed in a residential neighborhood by right. Mr. McCauley responded the Code allows up to six dogs; however, once monetary transactions take place without a CUP, the property owner is in violation.

Mr. McCauley stated staff received the original complaint from the applicant's neighbor who lives to the north of her property.

Commissioner Robinson asked how long the business has been operating. Mr. McCauley responded Staff was not sure. He provided the chronology of events leading up to the CUP application, including:

- April 16, 2009 Letter from Planning Manager to applicant addressing CUP process;
- May 24, 2010 complaint received by Code Enforcement from applicant's neighbor; Notice of Violation sent to applicant.
- July 15, 2010 applicant's Neighborhood Meeting

Vice-Chairman Moore asked how many dogs are currently being housed at this business. Mr. McCauley responded there are approximately 20-30 dogs currently using the outdoor area for training, but the dogs are boarded indoors, inside a climate-controlled kennel.

In response to a question from Vice-Chairman Moore about the property, Mr. McCauley stated there is a ditch between the existing fences that separate the applicant's property from her neighbor's property to the north; this is a 20-foot irrigation easement.

Mr. McCauley clarified stipulations pertaining to noise and the impact to surrounding properties. Vice-Chairman Moore asked for more specific information pertaining to the neighbor's complaint. Mr. McCauley stated the neighbor had complained about the dogs barking at his horses, and about being unable to enjoy his backyard due to the barking dogs, and the fact that the dogs run along the fence when his horses are out.

Commissioner Perry questioned the allowable number of dogs in R1-43 zoning districts, and if the number goes up according to acreage. Mr. McCauley responded up to 6 dogs are allowed in any residential zoning district; however, the number of horses is limited by the size of the property, and increases as the size of the property increases. Commissioner Perry then clarified that the number of allowed dogs in a residential district remains the same, regardless of increased acreage. Brief discussion followed on the number of allowed "animal units" according to the Zoning Ordinance.

Commissioner Reyes asked if there are currently any other small businesses in this vicinity. Mr. McCauley responded there are no other known businesses in this area operating.

Vice-Chairman Moore asked if the applicant is agreeable to the *Possible* Conditions of Approval listed on pages 4 and 5 of the staff report. Mr. McCauley responded the applicant is agreeable to installing the masonry wall, and whatever it takes within reason to mitigate any possible adverse affects on the neighborhood. Mr. McCauley stated the applicant had gone door-to-door to talk to her neighbors before she started the business.

Commissioner Perry questioned the position of the neighbors to the east and west of the applicant's property. Mr. McCauley stated they had submitted letters in favor of the operation. These letters were included with the staff report. Mr. McCauley added staff is aware of opposition from three neighbors north of her property.

Commissioner Ingram asked if there are currently any kennels/boarding facilities in Town. Mr. McCauley responded staff only knows of Pet Smart and the Queen Creek Veterinary Clinic within Town limits.

Commissioner Robinson questioned if the dogs are kept indoors at night. Mr. McCauley responded, "yes". Community Development Manager Balmer referred to the applicant's narrative provided with the staff report.

Vice-Chairman Moore confirmed the narrative mentions a three-year plan, however, questioned if that was the current layout of the property. Mr. McCauley responded the lot layout includes a parking area that is not currently being utilized since there is adequate parking in another area of the site.

Brief discussion followed on time limits and renewal of the CUP. Mr. McCauley stated the staff-recommended stipulations address inspecting the property on an annual basis, renewing the CUP after a three-year period, and application of an amendment to the CUP should the applicant wish to expand the proposed facility, and should all the conditions of the original approval be satisfied. Commissioner Perry asked if the CUP could be revoked. Mr.

McCauley responded if complaints have been received and after review/inspection, are found to be valid, then CUP would be presented to the Planning & Zoning Commission and Council again. Mr. Balmer added that the Town's Code Enforcement/Neighborhood Preservation division responds to all issues brought to its attention, and monitors properties even if there is an approved CUP.

Mr. McCauley noted the letters in favor of the application are in support of the business; however, the question is whether or not this is a compatible use in this area.

Development Services Director Condit provided an example of a case which is being prosecuted by the Town's Attorney for violation of the noise ordinance. This violation pertains to a barking dog.

There were no further questions or discussion by the Commission.

ADMINISTRATIVE ITEMS

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

Community Development Manager Balmer reviewed cases currently scheduled for the August 11 Planning Commission meeting, including:

- AT&T Cell Site at Barney Complex, southeast corner of Queen Creek and Merrill roads (CU10-054/SP10-053);
- AT&T Cell Site at Canyon State Academy, 20061 S. Rittenhouse Road (PA10-0006)

5. **Report** on Town Council Action

- **Appointment of New Commissioners**

Director Condit introduced the newly appointed Commissioners: Kyle Robinson, Jason Gad, Alex Matheson and Ryan Nichols. These individuals were appointed at the Council's August 4, 2010 meeting. Mr. Condit invited the resigning Commissioners to attend the Council's August 18 meeting for recognition of service. Commissioners Perry and Moore stated they would be unable to attend the August 18 meeting. They noted they could possibly attend the September 1 Town Council meeting.

6. **Summary of Current Events** from members of the Commission.

None.

7. **Adjournment**

The meeting adjourned at 6:33 p.m.

PLANNING AND ZONING COMMISSION

Mike Moore, Vice-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 August 11, 2010 Work Study of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 11th day of July, 2010

Passed and Approved this day of , 2010.