



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

Wednesday, May 11, 2011 7:00 P.M.

Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85142

1. **CALL TO ORDER** The meeting was called to order at 7:10 p.m. by Chairman Sossaman.
2. **ROLL CALL** (one or more members of the Commission may participate by telephone).

Present

Chairman Steve Sossaman
Vice-Chairman Steve Ingram
Commissioner Jason Gad
Commissioner Alex Matheson
Commissioner Ryan Nichols
Commissioner Debbie Reyes
Commissioner Kyle Robinson

Absent

Staff

Present

Director of Development Services Tom Condit
Community Development Manager Wayne Balmer
Senior Planner Dave Williams
Community Development Assistant Laura 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. 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 February 9 and April 13, 2011 Work Study and Regular Session Minutes;**
- b. **Consideration and Possible Approval of DR11-017, "Maracay Homes at Lucia",** a request by Alex Holmquist of Maracay Homes for approval of one additional standard floor plan with three elevations to be built on the 53 remaining lots in the

Lucia subdivision, zoned R1-12, located at the northeast corner of Sossaman and Ocotillo roads;

- c. **Consideration and Possible Approval of DR11-024, “Standard Pacific Homes at Charleston Estates”**, a request by Sue Mozer of Standard Pacific Homes for approval of five new floor plans with three elevations each to be constructed in Charleston Estates, located at the northwest corner of Signal Butte and Ocotillo roads;
- d. **Consideration and Possible Approval of DR11-025, “Fulton Homes at Victoria Estates”**, a request by Bonnie Williams of Fulton Homes for approval of eight new floor plans with three elevations each to be constructed in Victoria Estates, located west of Hawes Road and north of Ocotillo Road.

Vice-Chairman Ingram requested *Item C.* be pulled off the Consent Agenda for further discussion.

Motion: Commissioner Gad
To recommend approval of the Consent Agenda Items A, B and D.
Second: Commissioner Nichols
Vote: All ayes. Motion carried 7-0.

C. Consideration and Possible Approval of DR11-024, “Standard Pacific Homes at Charleston Estates”

Senior Planner Dave Williams presented the staff report, and Power Point, outlining the applicant’s requests, as follows:

- Five new floor plans (Plans 4494, 4499, 4592, 5093, and 5097) with three elevations each; Square footages range from 2,927 square feet to 3,500 square feet approximately.
- Styles: Spanish Colonial, Farmhouse, Ranch Hacienda and California Monterey;
- Total lots: 332 on 152.7 acres;
- Relief from the five-foot setback (from garage) from livable space requirement for Plan 4494

Mr. Williams stated staff is recommending approval of the request, subject to the Conditions of Approval listed on page 3 of the Staff Report, with the exception of Plan 4494, since this plan does not meet the requirements of the Zoning Ordinance, Article 5, Section 11, Table 5.11-1 (A) Standards: “*Front loaded garages shall be recessed a minimum of five (5) feet from the front plane of the living area to provide interest and relief from the street*” These standards apply to residential zoning districts: R1-18, R1-15, R1-12, R1-9 and R1-7. The Victoria Estates subdivision is zoned R1-7.

Mr. Williams explained that the plans include additional storage space in the garage which is offset from the face plane of the garage by 3 ½ to 4 feet, to create variation to the floor plan.

Mr. Williams explained why staff is not supporting Plan 4494, stating it does not meet the requirements of the Zoning Ordinance in that the front porch does extend past the home; however the front porch is not livable space; therefore the livable space does not extend five feet past the front plane of the garage.

Questions from the Commission:

Vice-Chairman Ingram asked if the additional storage space in the garage was included in the calculation of the front plane of the garage. Mr. Williams responded the storage space is not included since it is offset from the front plane. The calculation is based on the garage itself, plus the two-foot side returns.

Commissioner Gad asked if all three elevations for Plan 4494 are included in staff's recommendation for denial of Plan 4494. Mr. Williams responded all elevations for Plan 4494 are included in staff's recommendation since none of the elevations provide livable space extending from the plane of the garage.

Commissioner Nichols asked if staff has been considering revising the language for this zoning standard. Mr. Williams responded this has been considered; however, staff will not be modifying the standard.

Commissioner Reyes asked for clarification that the five-foot setback requirement does not apply to floor plans with side-entry garages. Mr. Williams stated that is correct. Neither the five-foot offset, nor the 40% standard for the garage face applies to side-entry garages. In many cases side-entry garages can also come forward in the front setback, as well.

Applicant Sue Mozer, staff architect for Standard Pacific Homes, addressed the Commission to respond to staff's presentation. She stated when this project was originally brought to staff for direction last year, Standard Pacific was told by staff the covered front porch elevation would meet the zoning criteria; therefore, two of the plans were designed based on this information. She stated, in addition, at that time staff indicated the 40% front façade rule would be measured from the garage door itself, not the entire garage. In the meantime, Standard Pacific has had to modify some of their plans for the additional storage space on the side of the garage. Ms. Mozer stated it was not until the pre-application review phase of the project that they were told by staff the interpretation of the standard had changed and that this plan would no longer meet requirements for the five-foot setback from the garage. Standard Pacific feels this plan provides relief from the front massing of the home.

Chairman Sossaman asked if the language in the Zoning Ordinance is stated unclearly regarding livable space versus any space. Ms. Mozer responded, "No", stating there were similar projects in the past that were allowed to go through, and that it is a matter of the direction previously provided by staff which contradicts what Standard Pacific was told later.

Mr. Williams addressed the Commission to explain staff's previous direction to the applicant, stating before the formal design review submittal, staff had indicated to the applicant that based on prior interpretations, there could be considerations for the front porch; however, during the process,

Council directed staff not to use that interpretation. Therefore, during the formal review of this application, staff has provided specific information according to the Council's direction.

There was brief discussion about the requirement for the livable space being setback five feet from the plane of the front-facing garage, with Mr. Williams clarifying that staff has been directed by Council not to 'interpret' the ordinance requirements based on the Design Guidelines manual used in the past, but to enforce the requirement based on 'livable area only'. Mr. Williams restated front porches are not considered livable space. Mr. Williams stated the applicant's narrative also states they are aware of this zoning requirement.

Commissioner Nichols addressed the applicant's statement that the front porch, although it is not 'livable space', is architecturally similar to what livable space would look like. He asked if there are any differences to what the porch could look like that would justify it architecturally. Mr. Williams responded he did not know as there have not been any variations proposed by the applicant regarding a redesign, other than the additional storage area in the garage.

Commissioner Nichols stated he is a proponent of recessed garages. He proposed if in this case, since the rear yard is very large, it might be appropriate for Plan 4494C, to stipulate the front building setback be increased in order to push the house further back on the lot and minimize the impact of the garage versus the livable space. Chairman Sossaman responded the builders are able to design anything that will fit in the building envelope. There is no hardship created, especially since the building envelope is much larger than the building footprint. It is simply a design issue. Commissioner Nichols stated his concern with having the garage up front is the visibility from the streetscape with the prominence of the garage. He feels having an increased front setback and pushing the footprint back on the lot would achieve the same affect. Chairman Sossaman stated no matter where the footprint of the building is, the plan would still need to meet the five-foot setback requirement.

Vice-Chairman Ingram asked if there were other instances where the standard has not been enforced. Mr. Williams responded there are some other instances where this has not been enforced due to the leeway provided by the Design Standards Procedures Manual in the past. Since the Council has issued the specific direction, staff is no longer interpreting this standard, but now following the code specifically.

Commissioner Gad stated while he understands there may have been confusion before this formal submittal was made, he cannot support overriding the ordinance.

Motion: Commissioner Nichols
To Approve Consent Agenda Item C., "DR11-024, Standard Pacific Homes at Charleston Estates", subject to the Conditions of Approval and as recommended by Staff.

Second: Vice-Chairman Ingram

Vote: **All ayes. Motion carried 7-0.**

ADMINISTRATIVE ITEMS - All administrative items were discussed during Work Study.

5. **Review** of next month's agenda items:

Community Development Manager Balmer noted there would be two projects presented at the June meeting:

- ASU Capstone Project – informational
- ULI Study

Mr. Balmer stated the Commission will be involved with each of these projects.

6. **Report** on Town Council Action:

Director of Development Services Condit reported on the following:

- Award of Bid for Ellsworth Road Improvement Project (Ocotillo to Rittenhouse) – due to the ongoing budget issues, Council discussed completing only the Victoria Lane portion of the project in order to utilize grant funding. The Ellsworth Road improvement portion will be postponed. Council will take final action on June 1, 2011.

7. **Communication** from members of the Commission and Staff

- Mr. Condit reported the Council will consider the tentative budget at its May 18, 2011 meeting. Mr. Condit stated the budget will reflect certain staffing cuts.

Vice-Chairman Ingram requested the Current Applications Spreadsheet not be put in the agenda binders since it is updated and distributed at each meeting.

Commissioner Gad thanked staff for the driving tour, which he felt was very valuable. Chairman Sossaman requested a driving tour take place every six months in order to see projects as they develop, stating it is helpful to look at the architectural elements.

Mr. Balmer suggested tours of Phoenix-Mesa Gateway Airport and other economic and employment areas be toured in the future as well.

Commissioner Robinson asked about the solar facility pre-application submittals listed on the Current Applications Spreadsheet. Mr. Balmer reported three applications have been received for solar facilities. These facilities are proposed to be located on the northeast side of town.

8. **Adjournment**

Motion: Vice-Chairman Ingram
To adjourn.
2nd: Commissioner Gad
Vote: **All ayes. Motion carried 7-0.**

The meeting adjourned at 7:43 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Sossaman, 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 May 11, 2011 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 12th day of May, 2011.

Passed and Approved this 13th day of July , 2011