



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

**Wednesday, September 14, 2011 6:30 P.M.**

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

1. **CALL TO ORDER** The meeting was called to order at 6:30 p.m. in the Council Chambers by Chairman Sossaman.

2. **ROLL CALL**

**Present**

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

**Absent**

Commissioner Nichols

**Staff Present**

Director of Development Svcs. Tom Condit  
Community Dev. Manager Wayne Balmer  
Engineer Marc Palichuk  
Development Services Assistant Laura Moats

**Absent**

3. **Discussion on CU11-036/SP11-037, "Tierra Farms"**, A request by Rodney and Sandra Owens for approval of a Site Plan and Conditional Use Permit to operate a commercial stable on approximately 3.9 acres of residential property, zoned R1-43, located at the southeast corner of Ocotillo and Sossaman roads.

Mr. Balmer pointed out the property on the aerial map and explained the request, stating the owners have owned the property for a long time. He noted typically, a horse stable would be an accessory use to the residential home; however, in this case, the house will not be built until after the horse stable. This will still be a residential district, but with a conditional use for the stable, since the stable will be built before the house. The site plan, layout and barn elevations are included in the packet. Mr. Balmer pointed out the barn elevations are similar to those used at Horseshoe Park and Equestrian Center. The proposed barn will include 18 stalls and a tack room. He stated there is no driveway at the location on the Ocotillo Road side, but there is one on the east side of the property on Sossaman Road. Mr. Balmer pointed out the parcel on which the proposed driveway crosses is owned by the Queen Creek Irrigation District. The applicant has obtained permission from the Queen Creek Irrigation District to install the paved driveway across this parcel from Sossaman Road to their property. The parking area is

proposed to be gravel. The arena would be next to the parking area, with the horse barn on the east side of the property, and landscaping behind the horse barn to buffer the adjacent property. The house will be built on the south end of the property in the future.

Commissioner Sossaman asked what the width of the driveway is. Mr. Balmer responded it is 20 feet. He went on to state this is a compatible use with the residential surrounding area, as it will be an equestrian use in an equestrian area. Mr. Balmer noted there was a neighborhood meeting. The neighbors who attended the meeting were in support of the request. Staff is recommending approval. The biggest outstanding issue is the only area that will be asphalt will be the paved driveway, but the parking area in front of the arena and the rest of the drive areas will be gravel. This is being requested because asphalt is dangerous for horses to walk on. Mr. Balmer noted whatever surface is installed must meet PM-10 Dust Control requirements for Maricopa County.

Commissioner Ingram asked where the new home construction is on the site plan. Mr. Balmer responded it southeast of the subject property, and is the parcel owned by Richard Ashby. Commissioner Robinson asked if the site plan which shows "Ashby Drive" is an actual driveway running out to Ocotillo Road. Mr. Balmer responded, 'yes', the aerial photo in the agenda packet shows this. Commissioner Robinson asked if the residence will have a garage. Mr. Balmer responded in the future, the residence may have its own driveway coming through the property, which would go out to the paved driveway. The Commission discussed moving the driveway further south to serve both purposes (the horse barn and the residence). Mr. Balmer responded the arena is already designed to be where it's currently shown on the site plan. The applicant would not want to move the driveway south, making it traverse the arena. Mr. Owens responded to the questions by stating what the Commission has suggested would be cost-prohibitive because it would necessitate the installation of more asphalt. Chairman Sossaman stated the reason for making the suggestion to move the driveway further south is to avoid having to install a second driveway out to Sossaman Road in the future when the residence is built, which would impede traffic flow twice on the same road.

Commissioner Gad stated he noted the staff report stated there was no opposition to this application. He asked which homes are the ones from which positive responses came. Mr. Balmer responded he did not think they were on the map; however, the applicants know both individuals. Commissioner Gad asked for clarification that no immediate positive or negative response from neighbors were received. Mr. Balmer responded the applicant spoke with all neighbors who showed up to the neighborhood meeting, and all those responses were positive. Mr. Balmer noted that Mr. Thompson, who provided a positive response, lives to the east of the subject property.

Commissioner Gad asked what vegetation will be visible from Ocotillo Road. Mr. Balmer responded a row of trees would be required along Ocotillo Road and at one end of the building. Chairman Sossaman asked what trees are existing. Mr. Balmer stated Palo Verde. Commissioner Gad asked how big the trees would be, to which Mr. Balmer responded they would most likely be 24"-36" box trees.

Commissioner Reyes asked if there is any type of stipulation regarding the allowed size of the barn in a residential area like this. Mr. Balmer stated the barn will be approximately 5,000 square feet with 18 stalls. Commissioner Reyes asked if this is a typical size for a horse barn to be placed on residential property. Mr. Balmer responded a more typical size would be a 4-8 stall horse barn. However, this applicant has three and a half acres, and therefore, is allowed to have 20 horses.

Commissioner Gad said he would like the Commission to be consistent in its recommendations, and asked how this Conditional Use Permit request differs from the Lotus Dog Training conditional use request, which was presented to the Commission in August, 2010. He asked what the difference or similarities are with the two requests. Mr. Balmer responded the Lotus Dog Training request was also a conditional use permit, which followed the exact requirements and criteria as this request. The difference is that with the Lotus CUP request, the neighbors were in opposition to the application. In this request for Tierra Farms, the neighbors support the application. In addition, the Tierra Farms application is proposing an equestrian use in an equestrian area, which is compatible with the surrounding neighborhood. Mr. Balmer pointed out both requests still require a three-quarter vote by Council. Mr. Balmer pointed out the noise issues experienced with dogs isn't the same as with training and boarding horses. Chairman Sossaman stated the number of animals allowed with this type of use is the same whether it's private or commercial.

Mr. Balmer noted the horses being boarded here are the owner's horses that have been bred and are owned by the applicant. They can be purchased, but the applicant would train the horse for the new owner. Development Services Director Condit added this would definitely be a commercial use, and even though there will initially be applicant-owned horses, boarding of other people's horses will be done in the future for commercial purposes.

Commissioner Gad asked for clarification on which types of applications require Conditional Use Permits, asking if generally converting a residential zoned area to a commercial venture would always require a conditional use application. Mr. Balmer responded there are different types of uses that are designated conditional uses, depending on site specific issues.

Chairman Sossaman asked what distinguishes this from a non-commercial use. Mr. Condit responded the issue of the accessory structure, being built before the residence is a distinguishing factor. Typically, in a residential use, a house and barn would be built at the same time. Mr. Balmer further explained the difference in building only the barn, with the house coming later; the barn will be the primary structure, instead of the house being the primary structure with an allowed accessory use. If the barn (a non-residential structure) is the only structure built, then it cannot be designated as an accessory use. It is the only structure, making it the primary structure. A barn cannot be the primary structure, which is the distinguishing factor.

Commissioner Gad stated from a policy standpoint, looking at approving this as a conditional use, he wants to make sure granting this doesn't set a precedent for subsequent conditional use applications that consist of a commercial use on a residential property without rezoning.

Mr. Balmer explained each conditional use application is reviewed individually, on a case-by-case basis. The character of the use is always scrutinized, so if the character of the use changes over time, (i.e. the current owners move and another owner changes the character of the use), the Town would then require a rezoning (such as a riding stable is changed to a plant nursery). This is where all the other litmus tests come in. If the application does not pass the litmus test, it cannot obtain a conditional use permit. Director Condit pointed out Stevenson's Tree Farm as another example of a CUP that was issued through the same process.

Commissioner Robinson pointed out there is no resistance to this application; whereas there was a lot of resistance to the dog training kennel.

Commissioner Reyes asked if the applicant would need to re-apply later if their commercial use expands and changes from what is originally approved. Mr. Balmer stated the Town would require the owner to scale back the character, or modify their conditional use application.

Commissioner Ingram asked about whether or not there would be a time limit on this. Mr. Balmer responded there is typically not a time limit on conditional uses, like there is on "special uses"; however, there could be a time limit placed on it, if the Commission or staff wanted that.

There were no further questions from the Commission.

#### **ADMINISTRATIVE ITEMS**

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

Mr. Balmer stated that two Town-initiated Zoning Ordinance Text Amendments will be placed on the October agenda. These text amendments are to Article 6.16 Sign Regulations. He explained the State Legislature has just changed its ordinance regarding political Signs; therefore, the Town will amend the Zoning Ordinance to match the state law. The second text amendment will be on Temporary Real Estate Signs. The Town is proposing to change this ordinance so that builders put their signs on panel spaces on the Town's directional signs, rather than installing small signs in various places through Town. Mr. Balmer pointed out the advantages to these types of signs.

Mr. Balmer noted Culver's Restaurant is expected to be submitting a formal application in the near future for a site located on the east side of Ellsworth Loop Road, south of Discount Tires.

Commissioner Reyes asked about the timing of Song of Life United Methodist Church. Mr. Balmer responded the applicant has scaled down their application to a modular-type building. This application will go directly to Council (not necessary to go through P&Z Commission), since this is an application for a church with less than 1,500 seats.

Discussion took place on the timing of the Church Farm application, as well as tax rate differences between Pinal County and the Town.

Commissioner Ryan Nichols arrived at 7:10 p.m.

5. **Report** on Town Council Action  
This item was reported on during Regular Session.
6. **Summary of Current Events** from members of the Commission.  
This item was reported on during Regular Session.

7. **Adjournment**

**Motion by Vice-Chairman Ingram, seconded by Commissioner Gad, to adjourn.  
All ayes. Motion carried 7-0. The Work Study meeting adjourned at 7:15 p.m.**

**PLANNING AND ZONING COMMISSION**

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Steve Sossaman, Chairman

**ATTEST:**

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Laura Moats, Development Services 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 14, 2011 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 14th day of September, 2011

**These are draft minutes, which have not yet been approved.**  
Passed and Approved this day of , 2011.