

AGENDA ITEM _____
DATE _____

Regular Meeting
April 3, 2014

**MINUTES OF A REGULAR MEETING OF THE CASA GRANDE
PLANNING AND ZONING COMMISSION HELD ON THURSDAY,
APRIL 3, 2014 AT 6:00 P.M. IN THE COUNCIL CHAMBERS AT CITY
HALL, 510 E. FLORENCE BOULEVARD, CASA GRANDE, ARIZONA.**

I. Call to Order/Pledge:

Chairman Lavender called the meeting to order at 5:59 p.m.

II. Roll Call:

Members Present:

Chairman Jeffrey Lavender
Vice-Chairman Mike Henderson
Member David Benedict
Member Joel Braunstein
Member Ruth Lynch
Member Fred Tucker

City Staff Present:

Paul Tice, Planning and Development Director
Keith Newman, Planner
Melanie Podolak, Administrative Assistant
Rockne Anderson, City Attorney

**III. Approval of Minutes:
February 6, 2014**

Member Braunstein moved to approve the minutes dated February 6, 2014, Member Benedict seconded, a voice call vote was called, and all were in favor.

**IV. Changes to the Agenda:
There were no changes to report.**

V. New Business:

A. Request by, City of Casa Grande, for the following zoning text amendment:

1. DSA-14-00017: AN ORDINANCE OF THE CITY OF CASA GRANDE,

ARIZONA AMENDING CODE SECTION 17.12 "DEFINITIONS" AND TABLE 17.16.030B OF THE CITY OF CASA GRANDE MUNICIPAL CODE AS FOLLOWS:

- a) Delete "Bakery for on-site sales, less than 3,500 sq. ft." from the permitted use table.
- b) Delete "Bakery greater than 3,500 sq. ft." from the permitted use table
- c) Add "Bakery, Retail" use classification as a principally permitted use in the B-1, B-2, B-3 & B-4 Zoning Districts.
- d) Add "Bakery, Commercial" use classification as a principally permitted use in the I-1 and I-2 Zoning Districts.
- e) Add "Bakery, Retail" use definition.
- f) Add "Bakery, Commercial" use definition.

Keith Newman, Planner, came forward and presented a brief overview of the case as stated in the Staff Report. Mr. Newman stated the City has received a proposal for a 150,000 square foot bakery located in a Light Industrial (I-1) zone, which is not a permitted land use in the I-1 zone district. City staff has reviewed other types of food processing/production uses that are allowed in I-1 zone district and determined that it would be logical to add "Commercial Bakery" as a principally permitted use in the I-1 zone district. The new classification's "Bakery, Retail" and "Bakery, Commercial" will replace "Bakery for on site sales, less than 3,500 sq feet" and "Bakery greater than 3,500 sq feet". Mr. Newman stated the new classification "Bakery, Retail" will be permitted in the zoning districts B-1, B-2, B-3 and B-4. "Bakery, Commercial" will be permitted in zoning districts I-1 and I-2. He noted that definitions will be added to each of the new zoning classification. Section 17.12.122 "Bakery, Commercial" will be defined as "An industrial establishment primarily engaged in manufacturing and distributing of baked products to regional and national businesses", and section 17.12.123 "Bakery, Retail" will be defined as "An establishment primarily engaged in preparing, baking, or cooking baked products for on-site retail sales, on-site or off-site consumption. Said use may include incidental on-site food service and distribution to local businesses".

Member Lynch asked Mr. Newman to clarify the bakery, commercial. She stated that some large manufacturers have an on-site facility to sell retail, would retail sales be allowed. She then questioned that the definition for commercial bakery states "distributing of baked products to regional and national businesses", does this not allow the commercial bakery to sell their product to local businesses.

Mr. Newman stated that the definition for bakery commercial, does not stop them from having an "accessory sales" area inside the building. He commented that in speaking

with the proposed bakery representatives they mentioned they might sell the product that does not meet their exact specifications. Mr. Newman then stated that commercial bakeries do not typically distribute locally, but the definition does not preclude them from doing so.

Member Lynch commented that she does not want them to be limited.

Director Tice noted that the definition states "primarily engaged", which is broad enough to say it is not exclusive; they can sell locally.

Vice-Chairman Henderson questioned where supermarkets fall under this category and are the stores a principally permitted use.

Mr. Newman explained that a grocery store does not fall under these classifications. He explained that a grocery store bakery is a small component of their retail store.

Director Tice pointed out that grocery store is a permitted use in the same zones as the retail bakery.

Member Benedict commented that if we do not care where the bakery commercial distributes to, maybe we should not define where they can distribute.

Director Tice mentioned the existing code differentiates between these two types of bakeries based on the size of the building. Staff did not feel the size of the building is a good defining factor; it was more the characteristic of the use. The commercial or industrial bakery always engages in distribution; they manufacture and distribute. Director Tice stated distribution is an important aspect in the definition.

Member Benedict questioned if it would hurt to delete "to regional and national businesses".

Director Tice replied "no". He stated the definition could read "An industrial establishment primarily engaged in manufacturing and distribution of baked products".

Mr. Newman questioned if bakery, retail's definition will also be changed.

Member Benedict stated he would like the wording "to local businesses" deleted from the bakery, retail definition.

Director Tice explained the reason "local business" was added to the definition was to differentiate between the volumes of baked goods, so the retail bakeries do not ship out to other states. He suggested that if the definition was to be changed just end the sentence after "food service", and don't address the distribution aspect.

Vice-Chairman Henderson and Member Lynch both stated they feel the definition for bakery retail is fine the way it is written.

Chairman Lavender made a call to the public; no one came forward.

Member Benedict made a motion to forward a favorable recommendation to the City Council regarding DSA-14-00017, an ordinance of the City of Casa Grande Amending Code section 17.12 "Definitions" and Table 17.16.030B of the City of Casa Grande Municipal Code as follows:

- a) Delete "Bakery for on-site sales, less than 3,500 sq. ft." from the permitted use table.
- b) Delete "Bakery greater than 3,500 sq. ft." from the permitted use table
- c) Add "Bakery, Retail" use classification as a principally permitted use in the B-1, B-2, B-3 & B-4 Zoning Districts.
- d) Add "Bakery, Commercial" use classification as a principally permitted use in the I-1 and I-2 Zoning Districts.
- e) Add "Bakery, Retail" use definition.
- f) Add "Bakery, Commercial" use definition.

With changes to the definition of "Bakery, Commercial" to read: "An industrial establishment primarily engaged in manufacturing and distribution of baked products".

Vice-Chairman Henderson seconded the motion.

The following roll call vote was recorded:

Member Tucker	Aye
Member Lynch	Aye
Member Braunstein	Aye
Member Benedict	Aye
Vice-Chairman Henderson	Aye
Chairman Lavender	Aye

The motion passed 6 – 0.

VI. Call to the Public:

There were no comments received from the public.

VII. Report by Planning Director:

A. Board of Adjustment Decision:

1. **DSA-13-00164** – Temporary Use Permit to temporarily install a Phoenix Mart entry monument sign with landscaping at the NEC of Florence Boulevard/SR287 and Toltec Buttes Road. – Approved 5 – 1.

Director Tice stated a Temporary Use Permit was approved by the Board of Adjustment for the Phoenix Mart for some entry monument signs with landscaping along Florence Boulevard. He explained the reason he is reporting this to the Commission is because the city zoning code requires all actions of the Board of Adjustment be reported to the Planning Commission and City Council. The City Council receives their report via the

minutes of the Board of Adjustment meeting and the Planning Commission obtains their report through this briefing process. Director Tice noted the reason the signs and landscape were done as a TUP was because prior to the applicant being able to obtain a permit for permanent signage they need to have a Comprehensive Sign Plan approved by the Planning Commission. They also could not permanently landscape along Florence Boulevard because the Commission has not approved the preliminary or the final landscape plan. Director Tice stated the TUP is granted for one year with a one year extension, and during that time the Phoenix Mart will come before the Commission for a Comprehensive Sign Plan and in that plan they will probably propose to construct the signs approved in the TUP as well as other signage. If the Commission does not approve their sign plan, then the applicant will have to either remove the signs or modify them; in no way does the approval of the TUP preempt the Commission's decision making for the signs and landscaping. Director Tice noted the applicant has entered into this with "eyes wide open"; it is an "at risk" situation for the applicant.

Member Braunstein questioned if photos were shown to the Board Members and what was the reason for the negative vote.

Director Tice replied that photos were shown to the Board depicting the signs and landscaping. He explained that the negative vote was from a Board Member who felt the applicant should get their permanent approvals in place and not do this through the TUP process.

Chairman Lavender stated the next meeting is scheduled for May 1, 2014. He then asked Director Tice what items will be on the agenda.

Director Tice commented that presently the only item that may be on the agenda is an expansion of the Mary T's development and beside the Mary T's on the NE corner Cottonwood and Peart Road is a proposed Assisted Living Facility. Staff has finished the first review, and if the plans are resubmitted on Monday it could be ready for the May meeting. Director Tice noted that there are a lot of projects in queue that will be ready for the June and July meeting. He pointed out that the July meeting is on the 3rd, so we should think about whether or not to hold the meeting on the 3rd, or call a special meeting earlier in the week; this can discuss this at the next meeting.

Chairman Lavender asked that the availability of the Council Chambers be checked prior to deciding if the July meeting should be re-scheduled.

Vice-Chairman Henderson questioned the progress of the code revision.

Director Tice explained the code revision has been delayed due to focus being put on getting the 2012 Building Code through the process. The Building Codes should be presented to City Council on April 21st. Once the 2012 Building Codes are adopted, he will refocus his attention back to the code revisions. Director Tice stated the revisions should be ready for the June or July Planning Commission meeting.

VIII. Adjournment:

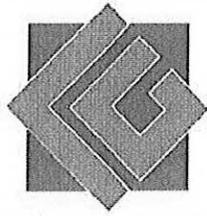
Vice-Chairman Henderson motioned for adjournment, Member Tucker seconded; a voice call vote was called and all were in favor.

Chairman Lavender called for adjournment at 6:23 p.m.

Submitted this 7th day of April 2014, by Melanie Podolak, Administrative Assistant to the Casa Grande Planning & Zoning Commission, subject to the Commission's approval.

Approved this 1st day of May, 2014, by the Casa Grande Planning & Zoning Commission.


Chairman Lavender



Planning and Zoning
Commission
STAFF REPORT

AGENDA

TO: CASA GRANDE PLANNING AND ZONING COMMISSION
FROM: Keith Newman, Planner
MEETING DATE: April 3, 2014
SUBJECT: DSA-14-00017– Zoning Text Amendment amending Chapter 17.12 “definitions” and Table 17.16.030B to establish new bakery land use classifications.

REQUEST

Request by, City of Casa Grande for the following Zoning Text Amendment:

1. AN ORDINANCE OF THE CITY OF CASA GRANDE, ARIZONA AMENDING CHAPTER 17.12 “DEFINITIONS” AND TABLE 17.16.030B OF THE CITY OF CASA GRANDE MUNICIPAL CODE CONCERNING THE ESTABLISHMENT OF NEW BAKERY LAND USE CLASSIFICATIONS

BACKGROUND

Recently, the City has received a proposal to allow for the development of a 150,000 +/- sq. ft. bakery in the Garden & Light Industrial (I-1) zoning district, which is currently not a permitted land use per Table 17.16.030B of the City Zoning Code. Only two types of bakery uses are allowed as principally permitted uses in the city code, “Bakeries for on-site sales, less than 3,500 sq. ft.” which are permitted in the B-1, B-2, B-3 & B-4 Zoning Districts, and “Bakeries greater than 3,500 sq. ft.” which are permitted only in the I-2 Zoning District.

Said recent proposal has prompted City Staff to look at other types of food processing/production uses allowed in all commercial & industrial zoning districts to determine the most appropriate zoning for retail and industrial/commercial bakeries. Staff has found that several local businesses such as Daisy Brand Foods, Franklin Foods, Ehrmann/Commonwealth Dairy, Frito Lay and Abbott Laborites which are classified in the zoning code as food processing uses, are similar in scale, production intensity and distribution services to a large Industrial type bakery and are allowed with in the I-1 and I-2 Zoning Districts. As a result of this finding staff proposes that a new zoning classification be added to the zoning code replacing “Bakeries greater than 3,500 sq. ft.” to allow “Commercial Bakeries” of any size in industrial establishments that are primarily engaged in manufacturing and distributing of baked products to regional and national businesses in both the I-1 and I-2 Industrial Zoning Districts.

In addition, staff has identified actual bakery businesses that are much smaller such as Bosa Donuts, Rico Donuts, etc. whose primary focus is retail sales of goods which are

baked on site and are located in commercial business zones. As a result of this finding staff is proposing that the current use classification of "Bakeries for on-site sales, less than 3,500 sq. ft." be renamed to "Retail Bakeries" and a formal definition created for this type of bakery.

Staff ascertains that this text amendment will further ensure that all bakeries regardless of size are located in the appropriate zoning district based on the primary functions of manufacturing, retail sales, on-site consumption and the distribution of baked goods and or products.

ORDINANCE PROPOSAL

Staff recommends that the City of Casa Grande Zoning Code be amended as follows:

1. Amend Title 17, Chapter 17.12 (Definitions) of the Casa Grande City Code by adding subsections 17.12.122 (Bakery, Commercial) and 17.12.123 (Bakery, Retail) to read as follows:

17.12.122 Bakery, Commercial

"An industrial establishment primarily engaged in manufacturing and distributing of baked products to regional and national businesses."

17.12.123 Bakery, Retail

"An establishment primarily engaged in preparing, baking, or cooking baked products for on-site retail sales, on-site or off-site consumption. Said use may include incidental on-site food service and distribution to local businesses."

2. Title 17, Chapter 17.16 (Establishment of Zones), Table 17.16.030B of the Casa Grande City Code is amended by:
 - a. Deleting the principally permitted use titled "Bakery for on-site sales, less than 3,500 sq. ft." (See Exhibit A).
 - b. Deleting the principally permitted use titled "Bakery greater than 3,500 sq. ft." (See Exhibit A).
 - c. Adding a principally permitted use titled "Bakery, Retail" within the B-1, B-2, B-3 & B-4 Zoning Districts (See Exhibit A).
 - d. Adding a principally permitted use titled "Bakery, Commercial" within the I-1 and I-2 Zoning Districts (See Exhibit A).

PUBLIC NOTIFICATION/COMMENTS

A display ad was published in the Casa Grande Dispatch on March 18, 2012, providing public notice of a Public Hearing on this proposed Zoning Code Text Amendment at the Planning and Zoning Commission's April 3, 2014 meeting.

At the time of writing the staff report no public comments had been received by staff.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a favorable recommendation for adoption of the proposed text amendment Ordinance to the Mayor and City Council.

Attachment:

Exhibit A – Proposed Ordinance Amending chapter 17.12 “definitions” and table 17.16.030B of the City of Casa Grande Municipal Code

Exhibit A

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF CASA GRANDE, ARIZONA AMENDING CHAPTER 17.12 "DEFINITIONS" AND TABLE 17.16.030B OF THE CITY OF CASA GRANDE MUNICIPAL CODE CONCERNING THE ESTABLISHMENT OF NEW BAKERY LAND USE CLASSIFICATIONS; ESTABLISHING THE SEVERABILITY OF THE VARIOUS SECTIONS OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Casa Grande believe that amending the City's zoning code to allow "Retail Bakeries" of any size as a principally permitted use in all business zoning districts and to allow "Commercial Bakeries" of any size as a principally permitted use in all industrial zoning districts, will further the orderly development of the city; and

WHEREAS, after providing all due notice, providing the opportunity for public comment at a public hearing, and upon the recommendation of the Planning and Zoning Commission, the Council finds that amending the zoning code would be in the best interests of the City of Casa Grande.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Casa Grande as follows:

SECTION 1. Title 17, Chapter 17.12 (Definitions) of the Casa Grande City Code is hereby amended by adding subsections 17.12.122 (Bakery, Commercial) and 17.12.123 (Bakery, Retail) to read as follows:

17.12.122 Bakery, Commercial

"An industrial establishment primarily engaged in manufacturing and distributing of baked products to regional and national businesses."

17.12.123 Bakery, Retail

"An establishment primarily engaged in preparing, baking, or cooking baked products for on-site retail sales, on-site or off-site consumption. Said use may include incidental on-site food service and distribution to local businesses."

SECTION 2. Title 17, Chapter 17.16 (Establishment of Zones), Table 17.16.030B of the Casa Grande City Code is amended by:

- A. Deleting the principally permitted use titled "Bakery for on-site sales, less than 3,500 sq. ft." (See Exhibit A).
- B. Deleting the principally permitted use titled "Bakery greater than 3,500 sq. ft." (See Exhibit A).

C. Adding a principally permitted use titled "Bakery, Retail" within the B-1, B-2, B-3 & B-4 Zoning Districts (See Exhibit A).

D. Adding a principally permitted use titled "Bakery, Commercial" within the I-1 and I-2 Zoning Districts (See Exhibit A).

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The effective date of this Ordinance shall be _____, 2014.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this _____ day of _____, 2014.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

**Table 17.16.030B
Business and Industrial Zone Uses**

	B-1	B-2 B-3	B-4	I-1	I-2
A. Principally Permitted Uses					
Animal hospital, clinic and kennel providing the establishment and animal runs are completely enclosed in the building			o	o	
Appliance sales, service		o	o		
Appliance repair			o		
Athletic clubs		o	o	o	
Automobile, boat or recreational vehicle sales, maintenance and rental		o	o	o	
Automobile repair service (major)				o	
Automobile repair service (minor)				o	
Bakery for on-site sales, less than 3,500 square feet	o	o	o		
Bakery greater than 3,500 square feet					o
Bakery, Commercial				o	o
Bakery, Retail	o	o	o		
Banks and other savings and lending institutions	o	o	o		
Barber shop	o	o	o		
Beauty parlor	o	o	o		
Blueprint shop and photo processing		o	o	o	o
Bottling plant				o	o
Bowling alley			o	o	
Building material sales yard, including sand and gravel			o	o	
Bus terminals			o	o	
Business and office machine sales, service and repair shop		o	o	o	
Business, technical or vocational school			o	o	o

o = Principally Permitted Use