AGENDA ITEM _____
DATE _____

Regular Meeting
November 13, 2012

MINUTES OF A REGULAR MEETING OF THE CASA GRANDE BOARD OF ADJUSTMENT HELD ON TUESDAY, NOVEMBER 13, 2012 AT 6:00 P.M. IN THE COUNCIL CHAMBERS LOCATED AT CITY HALL, 510 E. FLORENCE BOULEVARD, CASA GRANDE, ARIZONA

I. Call to Order and Pledge:

Chairman Gentzkow called the meeting to order at 6:14 p.m.

II. Roll Call:

Members Present:
Member Charles Wright
Member Gordon Beck
Member Roger Badger
Member Mark Zeibak
Vice-Chairman Rueben Garcia
Chairman Stephen Gentzkow

Members Absent:
Member Harold Vangilder

City Staff Present:
Paul Tice, Planning and Development Director
Carl Metz, Planner
Richard Wilkie, Economic Development Manager
Duane Eitel, Traffic Engineer
Melanie Podolak, Administrative Assistant
Ana Woodward, Secretary

III. Approval of Minutes:
October 09, 2012

Vice-Chairman Garcia made a motion to approve the minutes dated October 09, 2012. Member Wright seconded the motion. A voice call vote was called, all were in favor.

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

V. Unfinished Business:

A. **Request by Richard Loewenhagen** for the following request on 0.5 acre located at 1121 N. Olive Avenue, APN 506-06-080:

1. **DSA-12-00047: Variance** from the following City Code parking provisions for the **Olive Branch Assisted Living Group Home** located at 1121 N. Olive Avenue:

   a. Section 17.56.040: To have a parking area design which requires backing into a public street where it is prohibited
   b. Section 17.56.190: To not construct a five (5) foot-high wall where one is required
   c. Section 17.56.220: To provide eight (8) on-site parking spaces where nine (9) are required

Carl Metz, Planner came forward to present a brief overview of the case as stated in the Staff Report. Mr. Metz stated that in 2007 the property owner converted the garage into two bedrooms and one office, which received City approval. This expansion displaced two of the parking spaces and created the need for two additional spaces, which was not caught by city staff. He stated group home parking is based on the bedrooms; this group home has nine bedrooms, therefore they need nine parking spaces. When compared to a lot of our other parking requirements this requirement is unusual.
Mr. Metz the noted section 17.56.40 of the city code. This section prohibits the backing of vehicles from a parking lot into the street for most land uses, including group homes.

Mr. Metz showed the proposed parking plan. The new plan will add one new handicap van ADA accessible parking space and one standard parking space on the existing driveway. The applicant will also construct a new driveway on the south end that will have six new tandem parking spaces. Mr. Metz noted that the frontage in front of the applicant's property along Olive Avenue is sufficient in length to park four vehicles, and on-street parking is permitted in a residential area.

Mr. Metz then overviewed the Variance review criteria as well as the comments and issues raised by multiple neighbors. He concluded by reading the conditions into the record.

Chairman Gentzkow questioned why the five foot wall requirement was waived on the north side.

Mr. Metz explained that the five foot wall will be provided to screen the tandem parking on the south end, but the north wall waiver was due to the conflicting code provision that states in a residential area the walls can not be higher then three feet in height in the front setback; the wall on the north would encroach into the front setback.

Chairman Gentzkow questioned that it is ok for the five foot wall on the south side but not the north side.

Mr. Metz replied as far as the code states yes, per setback requirements.

Director Tice explained that the north side has an existing driveway that has three parking spaces and will be reduced to two spaces. He noted the south parking area will be new and will used more, so staff felt it was important to screen the south parking area.

Mr. Metz pointed out the on the aerial photo where the new parking will be constructed on the south and the location of the five foot wall. He explained that the wall will not encroach into the front setback.

Vice-Chairman Garcia questioned what the distance between of wall on the south and the neighbor's driveway.

Mr. Metz replied the wall will be on the property line.

Member Wright asked if there are any design aesthetic requirements for the south wall.

Mr. Metz stated no design requirements were proposed by the applicant.

Vice-Chairman Garcia questioned if the new driveway will have lights.

Mr. Metz replied that the applicant has not proposed lights for the driveway.

Member Wright asked if they can make a recommendation for the south wall.

Director Tice stated the Board can impose any conditions they believe are appropriate in conjunction with the variance request. The condition can be added once a motion is called.

Richard Loewenhagan, 1121 N. Olive Avenue, applicant, came forward to address the Board. Mr. Loewenhagan stated that when they purchased the home is was already an assisted living home for seniors. He mentioned that the north driveway has two fruit trees owned by the neighbor that are up to the property line. Mr. Loewenhagan remarked that he gets along well with the neighbors to the north and south and the neighbor to the south did not ask for the wall they are constructing the wall to be a good neighbor and screen the vehicles that will be parked on the new driveway.
Mr. Loewenhagan stated the group home is a senior assisted living level three care facility, and the patients are 85 to 105 years old; they do not drive. He noted they decided to increase the number of bedrooms not knowing it would increase the number of required parking spaces; the number of residents has not changed. He commented they increased the bedrooms to give their residents more room as their health deteriorates.

Member Badger asked Mr. Loewenhagan to respond as to why the neighborhood petitions have come forward in objection to his request?

Mr. Loewenhagan replied he did not know about some of the issues that have been cited. He stated they knew about the trash complaint, he went on to explain that the neighbor behind them goes through the trash and opens the bags. When you have seniors they use diapers and they will smell if you open up the garbage bags. It was also noted this is the same neighbor that collected the signatures. Mr. Loewenhagan then addressed the weekend barbeques. He stated they hold four barbeques a year for the relatives of the residents to come on a Sunday afternoon and spend time together. When this does happen there are vehicles parked on the street, but they feel this get-together is good for the seniors to have their families over for the day.

Chairman Gentzkow asked about staff parking.

Mr. Loewenhagan stated they never have more than two parking spaces used by staff, and he owns two vehicles. He mentioned they do have nurses and doctors that come to the home throughout the day.

Chairman Gentzkow asked staff to address the traffic concerns, and if there was a traffic count conducted.

Duane Eitel, City Traffic Engineer, addressed the Board. Mr. Eitel stated this is a residential street, and he has spent a lot of time observing the traffic, and he does not feel there is any issue backing out of the driveway or parking on the street. Mr. Eitel noted there is not enough traffic on the street to conduct a traffic count.

Member Zeibak questioned if staff anticipates that in the future, Olive Avenue being a traffic concern.

Mr. Eitel stated Olive Avenue is not even considered a minor arterial street; there might be a small amount of traffic increase, but nothing major.

Member Wright commented that Olive Avenue is a heavily traveled road.

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

Member Wright requested that a condition be added to have the south side five foot wall match the existing wall.

Mr. Loewenhagan mentioned that the entire property is surrounded by a block wall (in the back) up to the residence, and they will match the existing color and material.

Member Wright stated he request the condition of "The five foot high screen wall on the south side of the property shall match the existing wall in material and color" be added.

Vice-Chairman Garcia made a motion to approve case DSA-12-00047, Variance from the following City Code parking provisions for the Olive Branch Assisted Living Group Home located at 1121 N. Olive Avenue:

a. Section 17.56.040: To have a parking area design which requires backing into a public street where it is prohibited
b. Section 17.56.190: To not construct a five (5) foot-high wall where one is required
c. Section 17.56.220: To provide eight (8) on-site parking spaces where nine (9) are required,

with conditions and added condition as stated below:

1. No more than nine (9) rooms may be used as bedrooms on the property.
2. Tandem parking is prohibited within the northern most parking area.

Added:

3. The five foot high screen wall on the south side of the property shall match the existing wall in material and color.

Member Wright seconded the motion.

The following roll call vote was recorded:

Member Wright	Aye
Member Beck	Aye
Member Badger	Aye
Member Zeibak	Aye
Vice-Chairman Garcia	Aye
Chairman Gentzkow	Aye

The motion passed 6 – 0.

VI. New Business:

A. **Request by** Aaron Garcia, Action Sign & Lighting, for the following request on 3.25 acres located at 2891 E. Florence Boulevard, APN 401-17-004C:

1. **DSA-12-00064:** Variance for Empire Machinery from the following Sign Code Section:

   a. Section 603: The request is to have two detached signs, internally illuminated of 140.9' square feet total where the Urban Ranch zoning district allows one (6) square foot sign.

Paul Tice, Planning and Development Director, came forward to present a brief overview of the case as stated in the Staff Report. He explained he is presenting the case for Planner Laura Blakeman who is attending class. Director Tice stated this request is for an existing business. The signage allowed for the site is one sign, no

larger than six square feet per the zoning code; this is due to the zoning of the business which is Urban Ranch. He explained the property was annexed and zoned Urban Ranch but the business was created in the county prior to annexation therefore it is grandfathered. Director Tice stated when the business was still in the county they were granted a special use permit to have two signs on the property.

Director Tice stated in the City General Plan 2020, the site is in the category of Neighborhoods, and most of the surrounding area will be residential, but this category does allow for small retail commercial within the Neighborhood land use category. In the long term the site could be rezoned to a commercial zone, and will no longer be a grandfathered use. Director Tice mentioned that under the grandfathered use the business is not allowed to expand or if for some reason they are destroyed they could not rebuild unless they obtain proper zoning.

Director Tice stated that the site currently has three existing freestanding pole signs, two of which received permission by the Board of County Commissioners' prior to annexation, under the special use permit, but staff does not know under what authority the third sign was erected if any. The applicant is proposing to remove one sign, but increase one of the existing signs to 42 square feet and reduce the second sign to 12 feet high and 60.9 square feet. Director Tice noted that if the site was zoned General Business (B-2), the business would be allowed to have one free standing sign of 200 square feet; this Variance is for two freestanding signs but the total square footage is only 100 square feet.

Director Tice stated staff feels the business fits in well with the neighborhood, the proposed signage will be nicer looking and the applicant is proposing to remove one of the existing three signs. Director Tice mentioned that Doug Gladden, an adjoining property owner and local farmer, discussed the case with staff and stated he does not feel the signage is an issue.

Member Beck questioned if the signs will be illuminated.

Director Tice replied the signs will be internally illuminated.

Member Wright questioned the county special use permit for two signs but the applicant placed three signs on the property, would this have voided the special use permit.

Director Tice stated staff could not find documentation regarding the third sign, but the applicant with this request is going to remove one of the signs.

Member Wright asked if any consideration was given to combine the two signs. He commented he is concerned with the height of the signs in an Urban Ranch area and how it will be perceived when the neighborhood develops. Member Wright suggested a monument sign relocated to the center of the property.

Director Tice explained that if the signs are consolidated the height would have to be 15

feet to fit all the panels, but the property will eventually be rezoned to B-2. As a B-2 zoned property the site will be allowed to have a freestanding sign of 30 feet in height with 200 square feet, which is a lot taller than either of the proposed signs.

The B-2 zoned area depicted on the map was briefly discussed.

Aaron Garcia, applicant with Action Sign and Lighting, stated he had nothing further to add.

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

Member Zeibak made a motion to approve case DSA-12-00064, Variance for Empire Machinery from the following Sign Code Section:

a. Section 603: The request is to have two detached signs, internally illuminated of 140.9' square feet total where the Urban Ranch zoning district allows one (6) square foot sign.

Member Wright seconded the motion.

The following roll call vote was recorded:

Member Wright	Aye
Member Beck	Aye
Member Badger	Aye
Member Zeibak	Aye
Vice-Chairman Garcia	Aye
Chairman Gentzkow	Aye

The motion passed 6 – 0.

Director Tice clarified the motion was to include the condition listed in the staff report to remove the third sign.

Member Wright moved to modify the motion to include the condition as stated below:

1. Prior to issuance of a sign permit, the CLAAS sign be removed from the property.

Member Zeibak seconded the motion.

The following roll call vote was recorded:

Member Wright	Aye
Member Beck	Aye
Member Badger	Aye
Member Zeibak	Aye

Vice-Chairman Garcia	Aye
Chairman Gentzkow	Aye

The motion passed 6 – 0.

B. Request by MSKTD & Associates for the following request on 26.89 acres located at 1285 W. Gila Bend Hwy, APN 503-48-003S:

1. **DSA-12-00080: Variance** for a **New Manufacturing Building** from the following City Code provisions:

   a. Section 17.32.060.B: To construct a building, portions of which will be 46 feet in height where the maximum building height is 35'.

Carl Metz, Planner came forward to present a brief overview of the case as stated in the Staff Report. Mr. Metz stated the site is zoned I-1 and is generally surrounded by industrial buildings with the exception of the single family residential homes adjacent to the property. He noted the homes are zoned Garden and Light Industrial (I-1), and are a non-conforming uses. He stated the city code's maximum height for any structure is 35 feet in the I-1 zone. Mr. Metz pointed out that there are two portions of the building that exceed the 35 foot building height. There is a 62 foot high fermentation area on the north end of the building and 45 high storage area located on the south end of the building. Mr. Metz stated that city code section 17.52.250 exempts the fermentation portion of the building, but not the storage area. He also mentioned that the silos are also exempt from the height restrictions per section 17.52.250 of the city code.

Mr. Metz then overviewed the Variance review criteria. He mentioned that the Wal-Mart Distribution Center received a building height variance for up to 55 feet to accommodate their oversized storage areas. Mr. Metz stated that if the variance is not permitted then the building footprint will need to be expanded and operational efficiencies would not be met. He also stated that Daisy Brand has a portion of their building that is approximately 90 feet in height.

Mr. Metz stated staff has not received any public comment.

Chairman Gentzkow questioned the use.

Mr. Metz replied the facility will be for food production.

Chairman Gentzkow commented that this was mentioned at the banquet.

Director Tice noted the facility mentioned at the banquet is the building immediately to the east of this of this site, and is an existing building. That facility will be a cream cheese manufacturer.

Member Wright asked if the Fire Department was ok with the height of the building.

Mr. Metz replied the Fire Departments comments will be under the Major Site Plan review.

Member Beck commented that he was under the assumption that when the Board approves a variance it does not set precedence for other variance, but yet it has been noted in two or three different places in the staff report where other variances were granted. He questioned what the intent was.

Chairman Gentzkow commented he assumes it was to show the difference in the height variances; meaning that it will not stick out in the area.

Ben Johnson, representative for Common Wealth Dairy, came forward to address the Board. Mr. Johnson stated they are excited about the opportunity for them in Casa Grande and have been working with City staff and the United Dairymen of Arizona for about a year. He commented they continue to be impressed and thankful for the reception they have received, and hope for a positive result to this request.
Mr. Johnson stated the request is very important for them to maintain and ensure an efficient operation; they are in a very highly competitive industry. Mr. Johnson stated they are based on private labels which mean they make products and put them in a retailer's cup. This then requires them to hold a lot more inventory in both dry and cold storage. He noted that each customer has different size cups, and they each require different pallet and packaging configurations. Mr. Johnson stated the proposed request is the most efficient from a manufacturing, energy efficiency and safety perspective stand point.

Chairman Gentzkow questioned how many other facilities they operate.

Mr. Johnson stated they are a joint venture company and have one other operation in the U.S. located in Vermont. He noted they are partnered with a German firm that is a family owned company located in Bavaria that has been in the yogurt business for about 100 years, and have operations throughout Europe, Germany and into Moscow. The company sells their product in over 40 countries, and this will be their second operation in the U.S. It is very important for them to construct this operation in Casa Grande.

Member Wright asked what the distance is from the front of the building to Gila Bend Highway.

Director Tice replied the front of the building is setback over 100 feet from Gila Bend Highway.

Chairman Gentzkow made a call to the public.

Andrew Clegg, 624 W. Rattlesnake Place, Director of Business Attraction and Development for Central Arizona Regional Economic Development Foundation (CAREDF), came forward to address the Board. Mr. Clegg stated they work with the City to attract new businesses. He has worked with Mr. Wilkie since January of this

year on this project and he is very impressed with the level of professionalism that Common Wealth has brought to their site selection process and ultimately coming to this community. Mr. Clegg stated Common Wealth has a great operation and he feels the city will do well to welcome them with open arms into our community.

Mr. Clegg stated he looked around some of our larger competitors within the State to see what their height requirements were for light industrial facilities. He noted the following:

- Mesa - 40 feet
- City of Phoenix - 56 feet
- Gilbert - 55 feet
- Glendale - 50 feet
- Eloy - 45 feet

Mr. Clegg commented that he knows that staff is looking at addressing the height requirements in the zoning code; the maximum height of 35 feet has been around for about 20 years and needs to be updated.

Mr. Clegg then addressed the economic impact this company will bring to our community. He stated over a three year period it will create over 124 jobs and over a five year period it will bring it up to 150; these are conservative estimates. Mr. Clegg stated the pay is well above the State average, and will be approximately $43,000 a year. Mr. Clegg stated this project will also have a significant impact on the dairy industry; they are looking at purchasing hundreds of thousands of tons of milk per year. He noted that more importantly we are beginning to be a dairy processing "magnet"; we already have sour cream, a cream cheese manufacturer, baby formula manufactured by Abbott Labs and now Greek yogurt.

Richard Wilkie, Economic Development Manager for the City of Casa Grande, came forward to address the Board. Mr. Wilkie stated they have been working with representatives for Common Wealth and the United Dairymen for almost a year and it has been an exciting project. He commented that it is essential at this point to look at increasing the height maximum, which will not only enable the city to continue our ability to compete with other local Arizona communities but also with other States. The change will also help our city in recruiting this type of business which is what we really want in our community. Common Wealth is internationally based, with a great reputation and a high quality product. They will provide jobs for our community as well as the dairies. Mr. Wilkie stated this type of business also represents agriculture which has been very important to our community, not only to its growth, but also to its development.

Mr. Wilkie concluded by encouraging the Board to grant the variance request. He thanked the Board for their time and consideration.

Craig Dayton, with Dayton Company, Chandler, came forward to address the Board.

Mr. Dayton stated he has sold several buildings in the community and this area. He noted several existing buildings in the area and their height. Some of the heights mentioned included the roof mounted equipment and parapet enclosures.

Member Wright made a motion to approve case DSA-12-00080, Variance for a New Manufacturing Building from the following City Code provisions:

a. Section 17.32.060.B: To construct a building, portions of which will be 46 feet in height where the maximum building height is 35',

Member Beck seconded the motion.

The following roll call vote was recorded:

Member Wright	Aye
Member Beck	Aye
Member Badger	Aye
Member Zeibak	Aye
Vice-Chairman Garcia	Aye
Chairman Gentzkow	Aye

The motion passed 6 – 0.

VII. Call to the Public:

There were no comments received from the public.

VIII. Report by Planning Director:

Director Tice updated the Board on the ordinance regarding the voting standards. He stated the ordinance was considered by the Planning Commission at their last meeting, and a recommendation for approval to City Council was given. The City Council will hear the proposed ordinance on Monday, November 19th. Director Tice stated the ordinance states that any motion by the Board on a Variance or an Appeal will take four votes to approve or deny, regardless of how many Board members are present. The second City Council reading will take place on December 17th, and if approved will be effective January 17, 2013. Director Tice noted he has not discussed the ordinance with the City Council so he is not sure what their inclination is, but he is expecting the request will be embraced by the Council.

Member Beck commented that he hopes's that the citing of other variances does not happen in the future. He also asked that when site plans are given to the Board could they get the larger plans; it is very hard to read the 81/2' x 11" plans.

Director Tice stated yes, staff will provide the larger plans.

Member Beck then commented that some buildings were mentioned that are higher

than what is allowed; do they need or have variances, if not is the city going to take any action.

Director Tice stated there is an exemption for height requirements for manufacturing processes, so when looking at a manufacturing facility the area of the plant itself that requires greater height for equipment or process is automatically exempt. He then gave the example of the Abbott Labs cooling tower which is 200 feet tall, and the project shown this evening, the fermenting and outside storage tanks meet the exemption. Director Tice stated that many of the companies that were mentioned tonight were given the exemption per city code, and some have received a variance. He noted that parapets are also exempted from height up to a certain level.

Director Tice concluded by stating the buildings mentioned do not need variances. Some have already obtained a variance and the other buildings meet the manufacturing and other height exemptions in the code.

Member Zeibak apologized for delaying the proceeding this evening.

IX. Adjournment:

Member Beck motioned for adjournment, a voice call vote was called and all were in favor.

Chairman Gentzkow called for adjournment at 7:33 p.m.

Submitted this 20th day of November, 2012, by Melanie Podolak, Administrative Assistant to the Casa Grande Board of Adjustment, subject to the Board's approval.

Approved this 12 day of NOV, 2013 by the Casa Grande Board of Adjustment.

Ruben A. Garcia
Chairman Gentzkow

tic	Board of Adjustment STAFF REPORT	AGENDA # _____

TO: CASA GRANDE BOARD OF ADJUSTMENT

FROM: Carl Metz, City Planner

MEETING DATE: November 13, 2012

SUBJECT: DSA-12-00047: Variance – Olive Branch Group Home

REQUEST

Request by Richard Loewenhagen for the following variance requests for the Olive Branch Assisted Living Group Home located at 1121 N. Olive Avenue, APN 506-06-080:

1. **DSA-12-00047:** Variances from the following City Code parking requirements:
   a. Section 17.56.040: To have a parking area design which requires backing into a public street where backing into a public street is prohibited
   b. Section 17.56.190: To not construct a five (5) foot-high parking screening wall where one is required
   c. Section 17.56.220: To provide eight (8) on-site parking spaces where nine (9) are required

APPLICANT/OWNERSHIP INFORMATION

Richard Loewenhagan
Olive Branch Assisted Living Home
1121 N. Olive Ave.
Casa Grande, AZ 85122
P: 252-0839
Email: dickloewenhagan@gmail.com

HISTORY

April 4, 1998:	CGPZ-022-98, a Conditional Use Permit for a Group Home limited to eight (8) residents, was approved by the Planning and Zoning Commission.
October 3, 2002:	CGPZ-056-02, a Conditional Use Permit for a Group Home limited to ten (10) residents, was approved by the Planning and Zoning Commission.

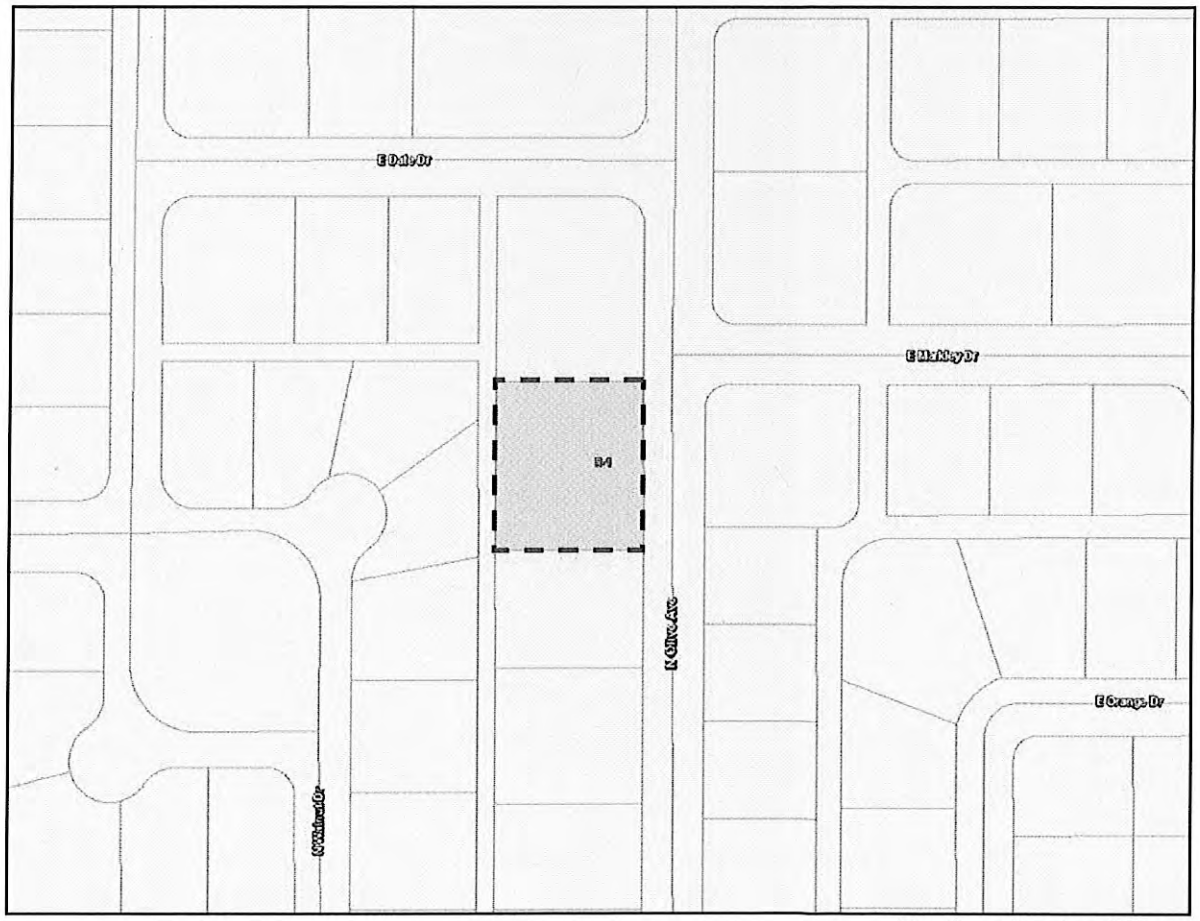
March 30, 2007	CDP-07-00649, a building permit to enclose the garage into two bedrooms and one office was issued.
January 26, 2012	CDP-12-00094, a building permit to construct a detached guest house was issued.
August 14, 2012	The case was continued to the September 11, 2012 meeting due to an insufficient number of members being present
September 11, 2012	The case was continued to the October 9, 2012 meeting due to an insufficient number of members being present
October 9, 2012	The case was continued to the November 13, 2012 meeting due to an insufficient number of members being present

Location and Neighborhood Context

PROJECT DESCRIPTION

Site and Surrounding Area Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
Site	*Neighborhoods*	R-1 (Single-Family Residential)	Olive Branch Assisted Living
North	*Neighborhoods*	R-1 (Single-Family Residential)	Single-Family Residential
East	*Neighborhoods*	R-1 (Single-Family Residential)	Single-Family Residential
South	*Neighborhoods*	R-1 (Single-Family Residential)	Single-Family Residential
West	*Neighborhoods*	R-1 (Single-Family Residential)	Single-Family Residential



Zoning Context Map

Background

Olive Branch Assisted Living facility was granted approval for a Conditional Use Permit (CUP) for an eight (8)) resident group home (CGPZ-022-98) on April 4, 1998. An amendment to this Conditional Use Permit was granted (CGPZ-056-02) on October 3, 2002 (CGPZ-056-02) authorizing an increase in the number of residents from eight (8) to ten (10) No additional parking was required in conjunction with the amended CUP because Group Home parking requirements are based on the number of bedrooms and not residents and the number of bedrooms within the Group Home were not being increased. The new approval continued the previously approved parking scenario with parking for five (5) cars on-site, two (2) within the garage and three (3) in the driveway. In March 2007, the garage was converted into an office and two (2) bedrooms additionally a guest house was permitted to be built in the back of the house in January 2012. Sometime between the 2002 approval and now, the master bedroom was also divided to add another bedroom. These changes resulted in the number of bedrooms in the Group Home to be increased from five (5) to nine (9) resulting in the requirement to provide nine (9) off-street parking spaces. At this time six (6) new parking spaces would have to be added to the site to comply with this requirement. Initially, Staff was not aware of the 2002 CUP approval and directed the applicant to apply for a CUP for a 10 person Group Home. The applicant submitted that request and notification was conducted for that request as case DSA-12-00025. Staff subsequently realized that the increase from an eight (8) to ten (10) person group home was previously approved in 2002, accordingly the additional CUP application is no longer necessary and that case has since been withdrawn.

Request Description

The purpose of this variance request is to provide eight (8) on-site where nine (9) are required (per Section 17.56.220). Five (5) of these parking spaces are designed to back out directly into the street which is not allowed per Section 17.56.040. Additionally, the Zoning Code requires any parking facility abutting residentially zoned property be screened by a wall, fence or hedge no less than five (5) feet in height (per Section 17.56.190). Technically, this regulation would require the two (2) parking spaces located in the northern parking area be screened by this type of wall. However, construction of a five (5) foot screening wall in this area would place the wall, which would be located within the front building set-back where, in violation of Section 17.52.160.A. which limits fencing within the required front yard of residentially zoned properties to a maximum height of three (3) feet. The south parking area has sufficient depth to accommodate a five (5) foot-high parking screen wall along the south property line with-out encroaching into the front yard setback.

The existing driveway located along the north property line would be reconfigured to park two (2) spaces, one (1) of which would be reserved as a handicapped, van accessible space. A new parking area would be constructed at the south property line which would accommodate up to six (6) parking spaces. The design of this parking area incorporates tandem parking, allowing the double stacking of three (3) parking stalls. While this is not a typical parking arrangement, city code does not prohibit tandem

parking to satisfy minimum parking requirements. If additional parking is occasionally needed, there is enough room to park up to four (4) cars along Olive Avenue adjacent to the home (see Exhibit B). Staff is also recommending a condition of approval that prohibits tandem parking within the northern parking area, since tandem parking in this area would likely result in vehicles at least partially blocking the public sidewalk.

Site Context

CONFORMANCE WITH VARIANCE REVIEW CRITERIA

The Board, in reviewing a Variance request, shall find that the request satisfies the considerations listed below.

The applicant provided a Justification Statement (Exhibit A) that presents how they feel their request meets the criteria. Staff's analysis is as follows:

A. <u>That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;</u>

- Where single-family residential uses within the R-1 zoning district require a minimum of two (2) on-site parking spaces, group homes require one space per potential guest room and compliance with commercial parking design

standards (i.e. backing out into the street is prohibited). This can, at times, pose visual compatibility issues when the group home is sited within a single-family residential neighborhood. Allowing parked cars back out into the street maintains the residential character to the area and better allows the group home use to blend in to the neighborhood.

B. <u>That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights</u>

- While the number of bedrooms has increased, the total number of ten group home residents has not and is not proposed to do so. Additionally, Staff recommends a condition of approval that limits the number of "bedrooms" to nine.
- If the parking variances are not approved, there may be ways that the total required parking could be reduced such as combine bedrooms and increase the number of shared rooms. While this would allow the applicant to meet the code's parking requirements, it would not improve the living conditions of the residents or modify the actual parking demands.

C. <u>That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.</u>

- The group home has been operating with ten residents since 2002 and with the enclosed garage since 2007. The applicant's proposal to provide a new six (6) vehicle parking area along the south side of the lot will improve the current parking conditions and mitigate the two additional parking spaces lost to the garage enclosure.
- Olive Avenue is continuously fronted by single-family homes and has a similar street cross-section to the City's "Urban Local Street" where on-street parking is allowed on both sides of the streets and deemed safe due to the decreased traffic volumes and travel speeds. Staff has driven the area several times and has not observed a congested on-street parking situation in front of the group home or the surrounding area. If additional parking is needed from time-to-time by parking in the street adjacent to the group home, the surrounding residential uses will not be substantially impacted.
- The prohibition of non-residential uses backing directly out into the street is geared toward more intensive commercial and industrial uses which are typically located along larger, arterial roadways (i.e. Florence Blvd.). Given this use's modest traffic volumes and its location along a lower-speed roadway, Staff supports allowing them to back out into the street.

PUBLIC NOTIFICATION/COMMENTS

Notification

Public hearing notification efforts for this request meet and exceed those requirements set out by City Code. They include:

- A notice of time, date, place, and purpose of the public hearing was published in the Casa Grande Dispatch on October 28, 2012.
- A notice was mailed by City Staff on October 24, 2012 to each owner of property situated within two hundred feet of the subject property. An affidavit confirming this mailing is supplied.
- A notice was posted by the applicant on the subject site no later than October 23, 2012. An affidavit confirming this posting was also supplied by the applicant.

Inquiries/Comments

Staff has received two comments, one letter with multiple neighbors' signatures and another letter, all opposing the request.

- One neighbor called and simply stated that she does not support their request and did not provide much explanation beyond that.
- Another neighbor complained of the applicant's neighborliness (i.e. confrontational) and that they regularly create parking issues by hosting parties often. Her issues did not seem to be typically associated with their group home activities.
- The multi-neighbor letter/petition highlights some of the negative impacts the neighbors have experienced in regard to the operation of this group home. The letter is attached as Exhibit D.
- A neighbor sent a letter opposing the proposed variance citing concerns over having cars parked in the street. The letter is attached as Exhibit D.

RECOMMENDED MOTION

DSA-12-00047

Staff recommends the Board approve the following proposed Variances:

a. Section 17.56.040: To have a parking area design which requires backing into a public street where backing into a public street is prohibited

b. Section 17.56.190: To not construct a five (5) foot-high parking screening wall where one is required

c. Section 17.56.220: To provide eight (8) on-site parking spaces where nine (9) are required

Staff recommendation is subject to the following conditions:

1. No more than nine (9) rooms may be used as bedrooms on the property.
2. Tandem parking is prohibited within the northern most parking area.

Attachments

- Exhibit A: Justification Statement
- Exhibit B: Site Plan
- Exhibit C: Floor Plan
- Exhibit D: Objection Letters

Exhibit A: Justification Statement

Applicant's Narrative of Project

Description of Problem:

Facility is licensed by the State of Arizona for 10 senior residents and has functioned is this capacity for over 12 years. Current owners were unaware that a 1998 Conditional Use Permit from Casa Grande was only approved for 8 residents. Since none of the senior residents cared for is capable of driving, and none own vehicles, the issue of parking never came up.

In the process of pursuing permits for facility remodeling, the previous 1998 Conditional Use permit came to our attention. In the process of requesting a revision to the Conditional Use Permit to accommodate the 10 seniors who reside at this facility (several for over 10 years), Code requirements 17.56.070 and 17.56.220 needed to be addressed.

Variance Requests:

Request Variance to allow backing into the street from 2 separate paved areas in accordance with the attaché site drawing/photo. Code requires a parking area of sufficient size to allow turning around and driving forward onto the street. This parking arrangement is simply not feasible without destroying the front yard and lovely landscaping currently provided at this facility.

Also request Variance to allow use of street for 4 parking spaces (when needed) in accordance with the attached drawing/photo. As noted above, none of the senior resident owns a vehicle and none are capable of driving. Parking has never been an issue in the past. On a busy day, we might use 5 total parking spaces for a couple of hours at a time. The four spaces permitted for street parking allow us to meet the intent of the code while maintaining the residential neighborhood look and feel of the property.

Exhibit B: Site Plan

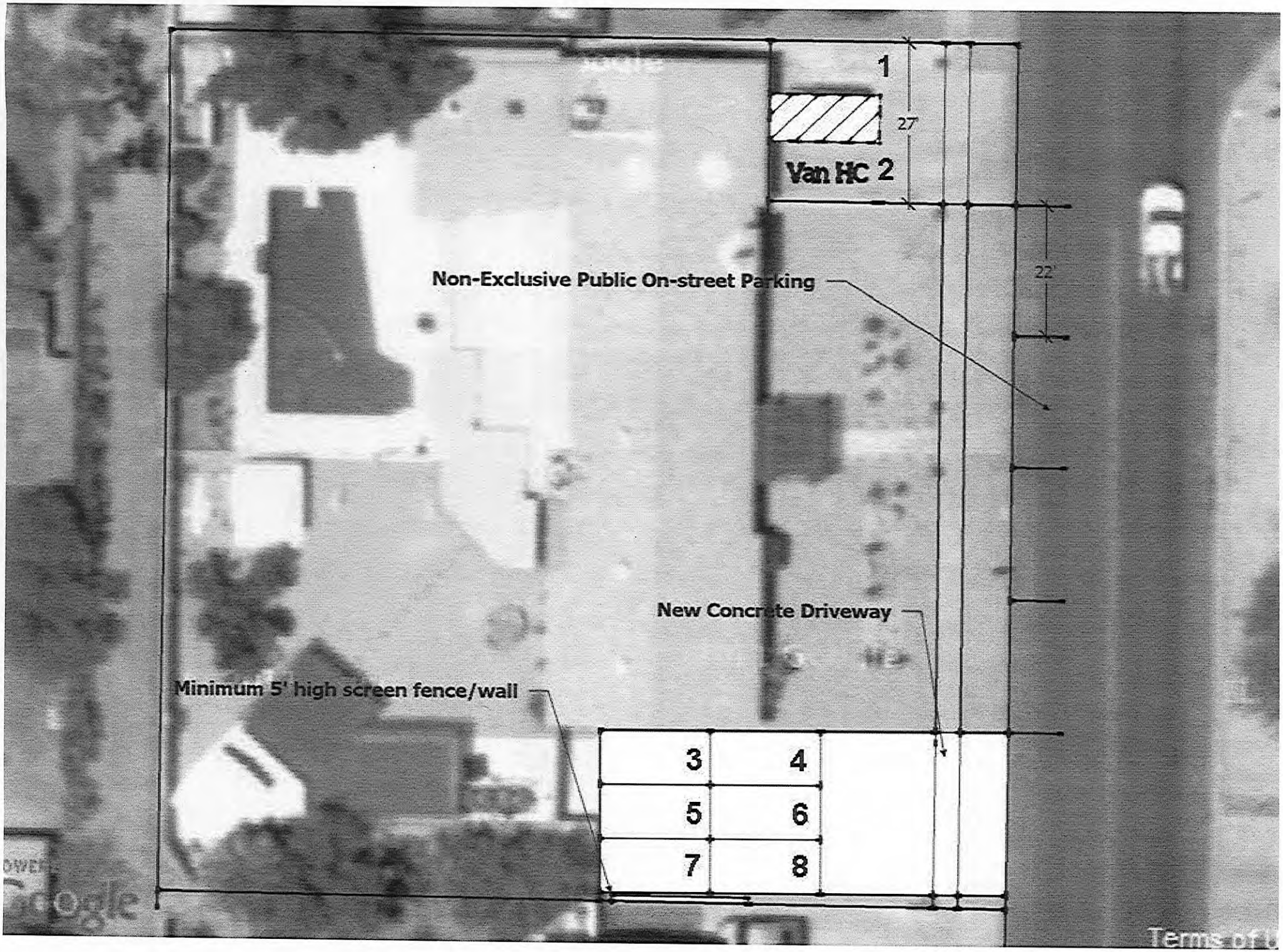
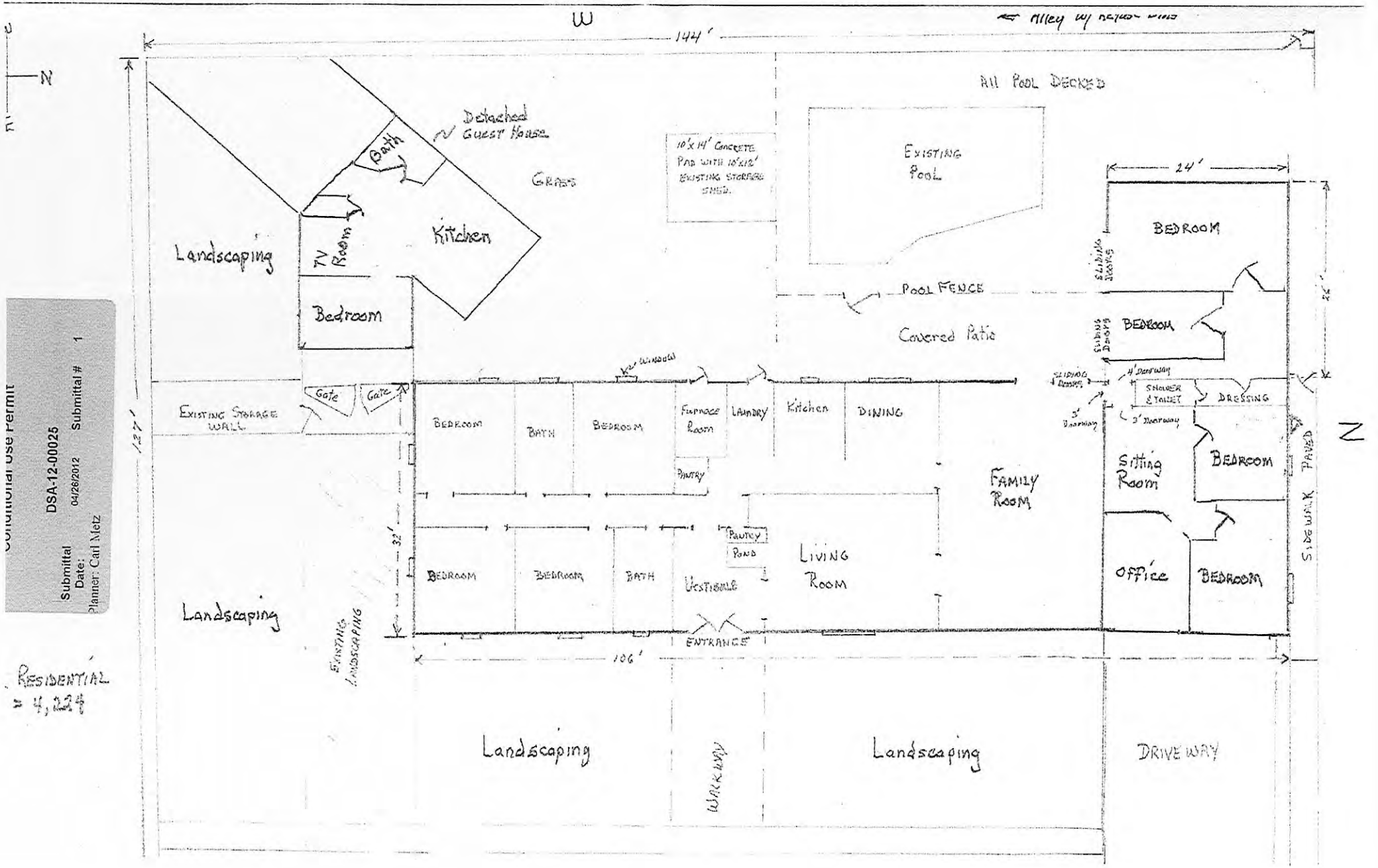

1
27'
Van HC 2
22'
Non-Exclusive Public On-street Parking
New Concrete Driveway
Minimum 5' high screen fence/wall
3
4
5
6
7
8

Exhibit C: Floor Plan



Submittal Use Permit

DSA-12-00025

Submittal Date: 04/26/2012 Submittal # 1

Planner: Carl Metz

Residential
= 4,224

Exhibit D: Objection Letters

August 1, 2012

TO: Paul Tice, Director
Planning & Development
City of Casa Grande

RE: 1121 N. Olive Avenue

The following residents are writing to OBJECT to the proposed variance from the City Code parking provisions for the above address.

There is currently excessive traffic at the residence/group home during both weekdays and weekends. The visitors or employees park on both sides of Olive Avenue, in front of other homes and often park in a direction opposite to the flow of traffic, causing confusion and hazards when those vehicles arrive or depart. Residents on Olive and on Markley sometimes do not have room for their own guests' vehicles. When vehicles are parked on both sides of Olive, the regular through traffic cannot safely pass an oncoming vehicle without slowing down because the remaining thoroughfare has become so narrow.

An addition of three paved parking spaces, as proposed, will remove at least one or two street spaces, causing the already excessive traffic to seek spots in front of other homes more frequently than is now occurring. Also it will eliminate those street spaces for other Olive Avenue residents and their guests.

The proposed parking pad and current three car driveway will result in the group home property becoming very commercial in appearance. It will not be a look or feel conducive to the somewhat historic, well-maintained residential neighborhood which Olive Avenue residents enjoy. Although intended to shield the parking from the neighborhood, the proposed five-foot wall will further create the commercial status of the group home.

The noise created by frequent social events hosted by the owners and attended by their personal guests, the traffic congestion and the excessive trash generated by at least 12 residents (many medically needy) have interfered with the safety, quality of life and peaceful enjoyment of other Olive Avenue, Markley Drive and Walnut Drive home owners.

When the group home was approved for that location and when changes have been made through the years, it has been our understanding that all city codes would be adhered to and that the home would blend into our neighborhood. This is no longer the case.

We request that the Board of Adjustment consider our request to deny the additional parking and wall construction at 1121 N. Olive Avenue.

We request that the Planning and Zoning Commission consider our request to deny the conditional use permit for ten persons at 1121 N. Olive Avenue and that the number of residents be maintained at eight.

Signature	Print	Address
Thomas Sluga	THOMAS SLUGA	1112 N OLIVE AVE CG
Nancy Sluga	Nancy Sluga	1112 N OLIVE Ave GG.
Debbie Kelly	Debbie Kelly	1120 N Olive,
Rodney McKinney	Rodney McKinney	1120 N Olive
Sylvia Ross	Sylvia Ross	1124 N. Walnut Dr
Christian W. Marler	Christian W. Marler	1109 N. OLIVE Dr
Georgia R Billingsley	Georgia I. Billingsley	1108 N. Olive Ave
Pennie Weyher-Karns	Pennie weyher Karns	1103 N. Olive ave
Susan Marler	Susan R Marler	1120 N Walnut Ave

August 15, 2012
1112 N. Olive Ave.
Casa Grande, AZ 85122

Mr. Carl Metz, Planner
Development Center
510 E. Florence Blvd.
Casa Grande, AZ 85122

Dear Sir:

In regard to the request of Richard Loewenhagen of 1121 N. Olive Ave for a variance to the parking code, Section 17.56.220. If nine (9) on-site parking places are required then NO variance should be granted. This street is used heavily by school buses, police cars and fire trucks. At times, the street will have 10 or 12 cars parked on both sides in front of his place of business which severely restricts the movement of traffic both ways. Sometimes vehicles have to stop until traffic from the other direction clears the congested area. To allow 4 more cars to be parked in the street will only make the situation worse.

Sincerely yours,

Thomas Sluga

Board of Adjustment STAFF REPORT

AGENDA #_____

TO: CASA GRANDE BOARD OF ADJUSTMENT

FROM: Laura Blakeman, City Planner

MEETING DATE: November 13, 2012

REQUEST

Request by Aaron Garcia, Action Sign & Lighting, for the following request on 3.25 acres located at 2891 E. Florence Boulevard, APN 401-17-004C:

1. **DSA-12-00064:** Variance for Empire Machinery from the following Sign Code Section:

   a. Section 603: The request is to have two detached signs, internally illuminated of 140.9' square feet total where the Urban Ranch zoning district allows one (6) square foot sign.

APPLICANT/OWNER

Aaron Garcia
Action Sign & Lighting
4460 E. Main Street
Mesa, AZ 85205
P: 602-481-0558
F: 480-835-1089
Email: aaron@actionsignaz.com

Timothy Robinson
PO Box 11138
Casa Grande, AZ 85130
P: 520-251-0379
F:
Email: tim.robinson@empire-cat.com

Surrounding Area Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
North	*Neighborhoods*	UR (Urban Ranch)	Vacant agricultural land
South	*Neighborhoods*	UR (Urban Ranch)	Vacant agricultural land
East	*Neighborhoods*	UR (Urban Ranch)	Vacant agricultural land
West	*Neighborhoods*	UR (Urban Ranch)	Vacant agricultural land

HISTORY

December 13, 2000 – SUP-016-00: The Pinal County Board of Supervisors approved a Special Use Permit for two on-premise signs.

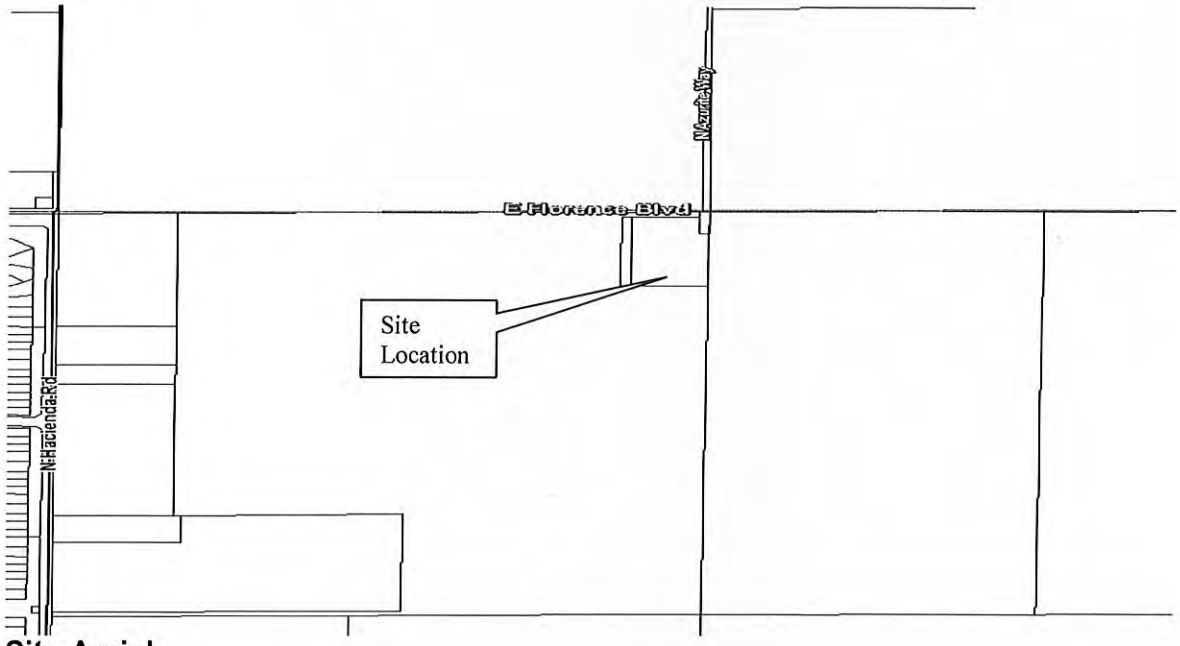
December 21, 2000 – The Special Use Permit was recorded with Pinal County

Recorder's Office.

May 16, 2005 - The site was incorporated into the City of Casa Grande by Ordinance #2321, the Overfield Road Annexation and designated with General Rural (GR) County zoning.

August 18, 2005 - The site received official zoning of UR (Urban Ranch) by Ordinance #1178.234

Vicinity Map



Site Aerial

Overview

In December of 2000, the site was granted a Special Use Permit for two on-premise signs by the Pinal County Board of Supervisors. On May 16, 2005, the site was annexed into the City limits and designated with General Rural (GR) County Zoning upon annexation. On August 18, 2005 the site was rezoned from General Rural (GR) to Urban Ranch (UR).

Currently, the site has three on-premise signs located on the property:

1. CLAAS Sign – 18 sq. ft., 16' ft. in height
2. Massey Ferguson Sign – 30 sq. ft., 16' ft. in height
3. ARGO/Hesston Sign – 80 sq. ft., 16 ft. in height

Staff has not been able to determine which two signs were permitted by the County, but clearly one of the signs is illegal.

The first part of this request will involve removing the CLAAS sign (which will eliminate an illegal sign) and retain two on-premise signs (See Exhibit B).

The second part of this request is to allow the existing Massey Sign to be updated to cover the existing pole structure and replace the existing cabinet to an Empire Cat" sign cabinet.

The third part of this request is to update the existing ARGO/Hesston Sign to reflect a modern monument style sign with four panels, which replace the existing four panels and metal pole structure.

Staff Analysis

The Empire Machinery site is a legal non-conforming use and because this site is zoned Urban Ranch, it limits the amount of signage allowed for the site to the following:

Permanent On-Site Signs by Zoning District
Section 603.

1. UR - Urban Ranch District
a. One (1) non-illuminated sign per parcel not exceeding six (6) square feet in area giving the name and address of the land or building on which displayed, or the owner or lessee thereof, and the use conducted on the property.
b. Said sign shall be wall mounted or low profile.

Based on the signage for commercial districts, and based upon the amount of street frontage, this site has, the site would be allowed up to a 30' foot high sign and 200 square feet per sign face, which may be illuminated.

The following is the Sign Matrix table that compares the existing signage and proposed signage:

SIGN MATRIX

	EXISTING SIGNS			NEW PROPOSED SIGNS		
	Sign A	Sign B	Sign C	Sign A	Sign B	Sign C
HEIGHT	3'	10'	3'	3'5"	12'	Removed
WIDTH	10'	8'	6'	12'	5'-1"	Removed
SQ FT	30$^{\not\square}$	80$^{\not\square}$	18$^{\not\square}$	42$^{\not\square}$	60.9$^{\not\square}$	Removed
OAH	16'	16'	16'	16'	12'	Removed

For "Sign A" there is a proposed increase in the overall square footage for the proposed "Sign A", however, the height will still remain the same and the sign will be replaced with a new cabinet (Empire Cat) and a new pole cover will be added around the existing pole.

For "Sign B" the overall square footage and height has decreased from the existing sign specifications and the sign is being replaced with a monument style sign

The provision from the Sign Code which the applicant is requesting relief is as follows:

Section 603.
1. UR - Urban Ranch District
a. One (1) non-illuminated sign per parcel not exceeding six (6) square feet in area giving the name and address of the land or building on which displayed, or the owner or lessee thereof, and the use conducted on the property.
b. Said sign shall be wall mounted or low profile.

The request is to have two detached signs, internally illuminated of 140.9' square feet total where the Urban Ranch zoning district allows one (6) square foot sign.

Staff Recommendation
In reviewing a Variance request, the Board must determine the following:

A. *That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;*

- The Empire Machinery business is a unique land use as it is a commercial business located within a low-density residential zone. As a legal non-conforming use it is allowed to operate as it has historically in a residential zone district. Although it is zoned residentially to remain as a viable business it needs signage similar to that which would be allowed if it were located within a commercial zoning district.

  Staff finds that this criterion is met.

B. *That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights;*

- Empire Machinery is limited in regards to the amount of signage that they can have because the site is zoned for residential (only 6 square feet of signage is allowed in Urban Ranch Zoning District) and they cannot have an illuminated

sign. The site was annexed into the City with records showing a special use permit was issued by Pinal County, for two detached signs. Eliminating the on-premise signs for the site would conflict with the continued enjoyment of the existing property rights.

Staff finds that this criterion is met.

C. *That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.*

➢ The variance request is to retain two off site signs (removing the CLAAS sign) but be permitted to replace the current signs to reflect market trends in signage today (i.e. meeting the National Sign Program that is being updated throughout the United States). The proposed signs will remain in the existing locations and are more aesthetically appealing compared to the existing signage. The granting of the variance will not affect the health, safety or welfare of the public nor cause any cause injury to property or neighborhood improvements.

Staff finds that this criterion is met.

Staff finds that the requested variance will bring the site into closer compliance with our sign code and maintain the signage as permitted in Pinal County prior to annexation into the City.

Public Notification

Public hearing notification efforts for this request meet those requirements set out by the City Code. They include:

- A notice of time, date, place, and purpose of the public hearing was published in the Casa Grande Dispatch on October 28, 2012.
- A notice was mailed on October 22, 2012 to each owner of property situated within two hundred feet of the subject property. An affidavit confirming this is in the project file.
- One sign was posted on the property by the applicant on October 29, 2012.

Inquiries/Comments

City Staff has not received any comments or inquiries for or against the Variance request at the time of writing this report.

STAFF RECOMMENDATION

Staff recommends the Board approve DSA-12-00064, the Variance request for Empire Machinery with the following conditions:

1. Prior to issuance of a sign permit, the CLAAS sign be removed from the property.

Exhibits:

Exhibit A – Special Use Permit
Exhibit B – Signage Graphic

Exhibit A

(2)

OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
LAURA DEAN-LYTLE

DATE: 12/21/00 TIME: 1047
FEE : 0.00
PAGES: 2
FEE NO: 2000-052534

CASE NO. SUP-016-00

SPECIAL USE PERMIT

RESOLUTION

WHEREAS, THE PINAL COUNTY PLANNING AND ZONING COMMISSION HAS RECOMMENDED TO THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, THAT A SPECIAL USE PERMIT (BE) (NOT BE) GRANTED TO **ARIZONA PRODUCTION MACHINERY AND SUPPLY** FOR THE PURPOSE DESCRIBED BELOW, ON THAT PROPERTY DESCRIBED BELOW; AND,

WHEREAS, AFTER A PUBLIC HEARING AS PROVIDED BY LAW, THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, IS OF THE OPINION THAT THE ADOPTION OF SUCH RECOMMENDATION FOR A SPECIAL USE PERMIT FOR THE PURPOSE DESCRIBED BELOW (WOULD BE) (WOULD NOT BE) IN THE BEST INTEREST AND WELFARE OF PINAL COUNTY.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, THAT THE SPECIAL USE PERMIT (IS) (IS NOT) GRANTED TO **ARIZONA PRODUCTION MACHINERY AND SUPPLY** WITH THE ATTACHED STIPULATIONS.

PROPERTY DESCRIPTION: The subject property is situated in the NE¼ NE¼ NW¼ Section 30, T6S, R7E, G&SRB&M (legal on file).

TAX PARCEL #: 401-17-004 & 009

PURPOSE: To locate two (2) on-premise signs to advertise a farm machinery business on a 3.1± acre parcel in the GR zone.

DATED THIS 13TH DAY OF DECEMBER, 2000.

PINAL COUNTY BOARD OF SUPERVISORS

Chairman

ATTEST:

Clerk

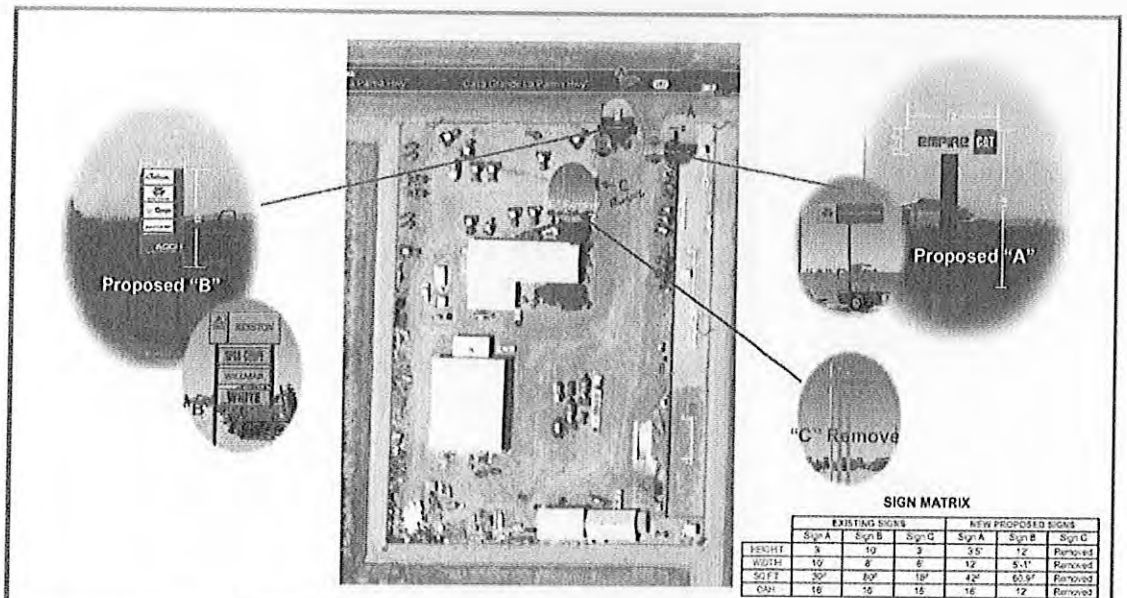
Unofficial

CASE NO.: SUP-016-00

STIPULATIONS

1) This Special Use Permit is to allow two (2) on-premise signs at locations as shown and set forth in the applicant's submittal documents;
2) that all applicable and required County and State approvals and permits be obtained for the two (2) on-premise signs; and
3) violation of these stipulations at any time may invoke revocation proceedings by the Pinal County Planning & Development Services Department.

Exhibit B



SIGN MATRIX

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WIDTH	10'	8'	8'	12'	5'-1"	Removed
SQ FT	30"	80"	18"	42"	60.9"	Removed
QTY	16	16	16	16	12	Removed

ACTION Sign & Lighting 602-606-9088
LICENSED • BONDED • INSURED

2650 E. Mohawk Lane
Ste.17
Phoenix, AZ 85050
Fax 602-606-9083

Name: Empire Cat
Address: 2891 E Florence Bld Casa Grande AZ
File Name:

PAGE: 1 OF 1
Original Drawing: 10.30.12
Scale: As Noted
Revisions
Sales:
Design:

CLIENT APPROVAL
INCLUDES COLORS, SPELLING, ARTWORK
Please Initial: Date:
Landlord Approval: Date:

Property of Action Sign & Lighting. Not to be duplicated and/or copied without written consent.

Drawings are artist concepts only. Colors of printing may vary from actual color of finished product. Drawings, designs and artwork are property of Action Sign & Lighting and should not be duplicated and/or copied without written consent from Action Sign & Lighting. Signs are based on actual dimensions shown. Pictures may not be shown to scale and are used for illustrative purposes only. No verbal agreements will be recognized. Electric must be provided at time of installation or an additional charge could be added to the total contract price. Action Sign & Lighting is not responsible for any wiring, water, or sewer lines not recognized by Arizona Blue Stake. All Primary electrical to sign location to be provided by others.

Board of Adjustment STAFF REPORT

AGENDA

_____

TO: CASA GRANDE BOARD OF ADJUSTMENT

FROM: Carl Metz, City Planner

MEETING DATE: November 13, 2012

SUBJECT: DSA-12-00080: Variance – New Manufacturing Building

REQUEST

Request by MSKTD & Associates for the following request on 26.89 acres located at 1285 W. Gila Bend Hwy, APN 503-48-003S:

1. **DSA-12-00080: Variance** for a **New Manufacturing Building** from the following City Code provisions:
   a. Section 17.32.060.B: To construct a building, portions of which will be 46 feet in height where the maximum building height is 35' within the I-1 zone district.

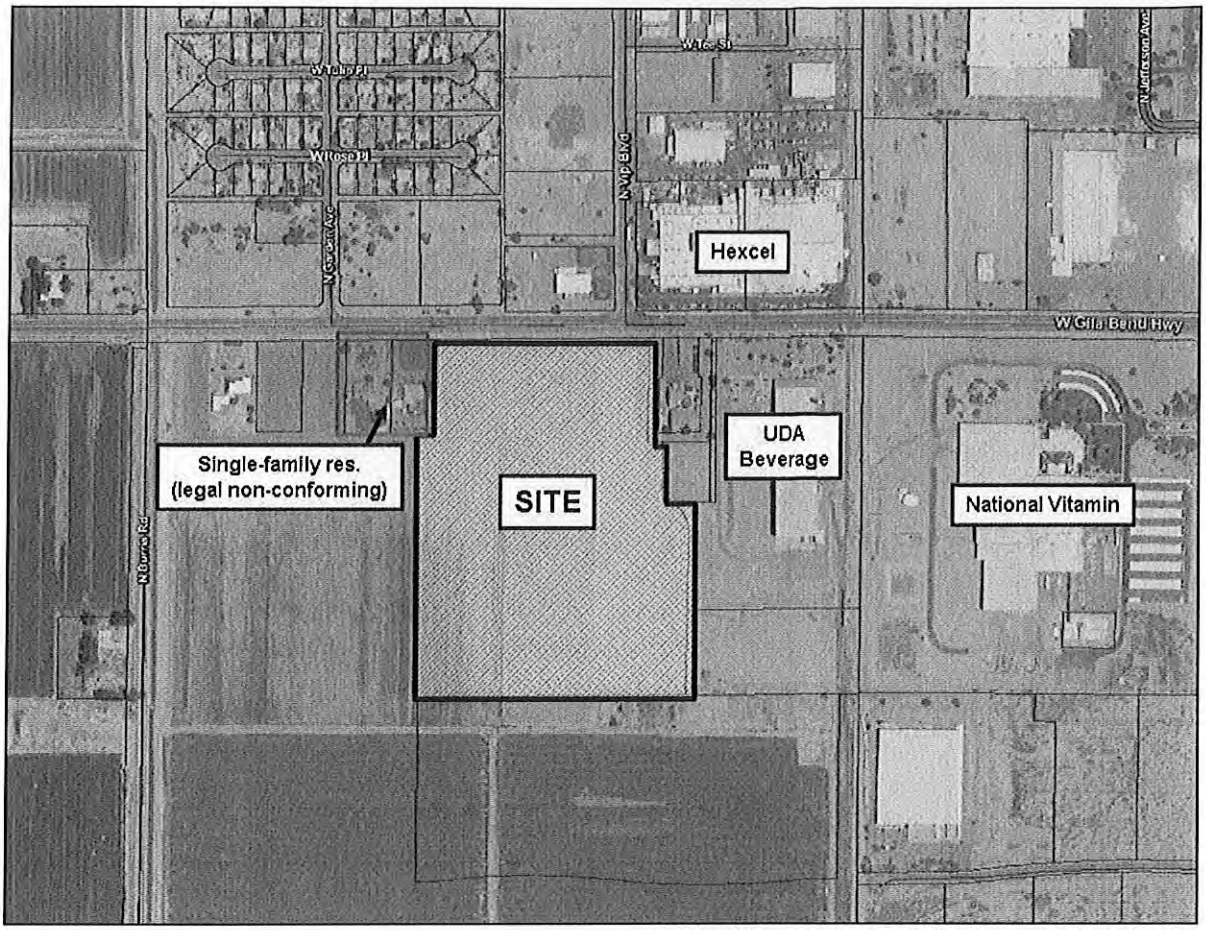
APPLICANT/OWNERSHIP INFORMATION

Brent Doctor
MSKTD & Associates
1715 Magnavox Way
Fort Wayne, IN 46804
P: 260-432-9337
Email: bad@msktd.com

Eagle SPE Multi 1, Inc
10501 W. Gowan Rd. 3230
Las Vegas, NV 89129
P: 702-240-0556
F: 702-254-0443
E: ryach@bbandt.com

HISTORY

August 6, 1984	The site was annexed into the City's incorporated limits (Ordinance 995).
November 5, 1984	Initial zoning of I-1 (Light Industrial) was established for the property (Ordinance 558.79).

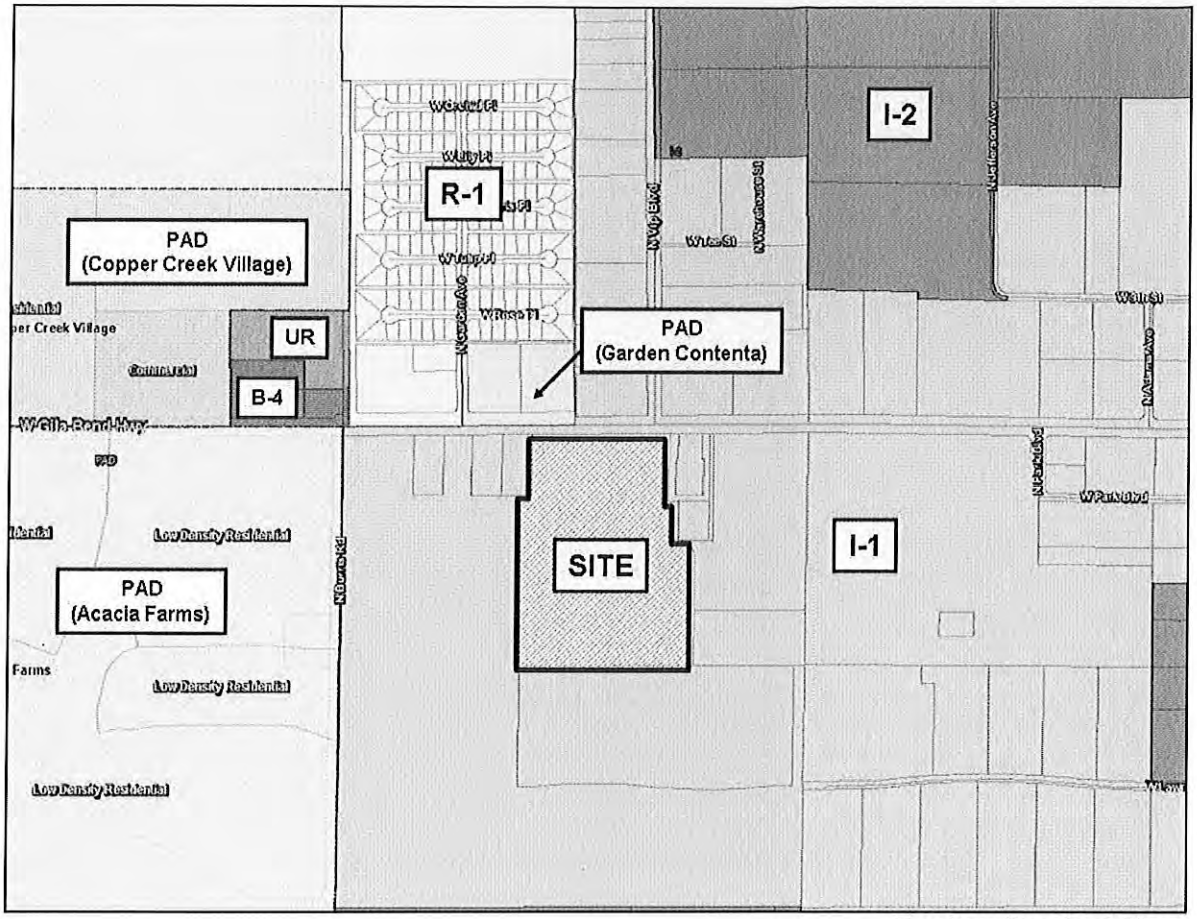


Location and Neighborhood Context

PROJECT DESCRIPTION

Site and Surrounding Area Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
Site	*Manufacturing/ Industry*	I-1 (Garden & Light Industrial)	Vacant land
North	*Neighborhoods, Manufacturing/ Industry*	PAD ("Garden Contenta"), I-1 (Garden & Light Industrial)	Vacant land (approved for single-family attached development), existing industrial use
East	*Manufacturing/ Industry*	I-1 (Garden & Light Industrial)	"The Property" Event Center, UDA building (vacant), Vacant land
South	*Manufacturing/ Industry*	I-1 (Garden & Light Industrial)	Vacant land
West	*Manufacturing/ Industry*	I-1 (Garden & Light Industrial)	Single-Family Residential



Zoning Context Map

Background

The applicant is proposing to construct an 89,500 sq. ft. food production facility. The facility includes production equipment that necessitates that portions of the building reach up to 62 feet in height, exceeding the I-1 35' maximum building height. The individual uses that make up the facility and associated building heights are as follows (all heights are approximate average heights above grade):

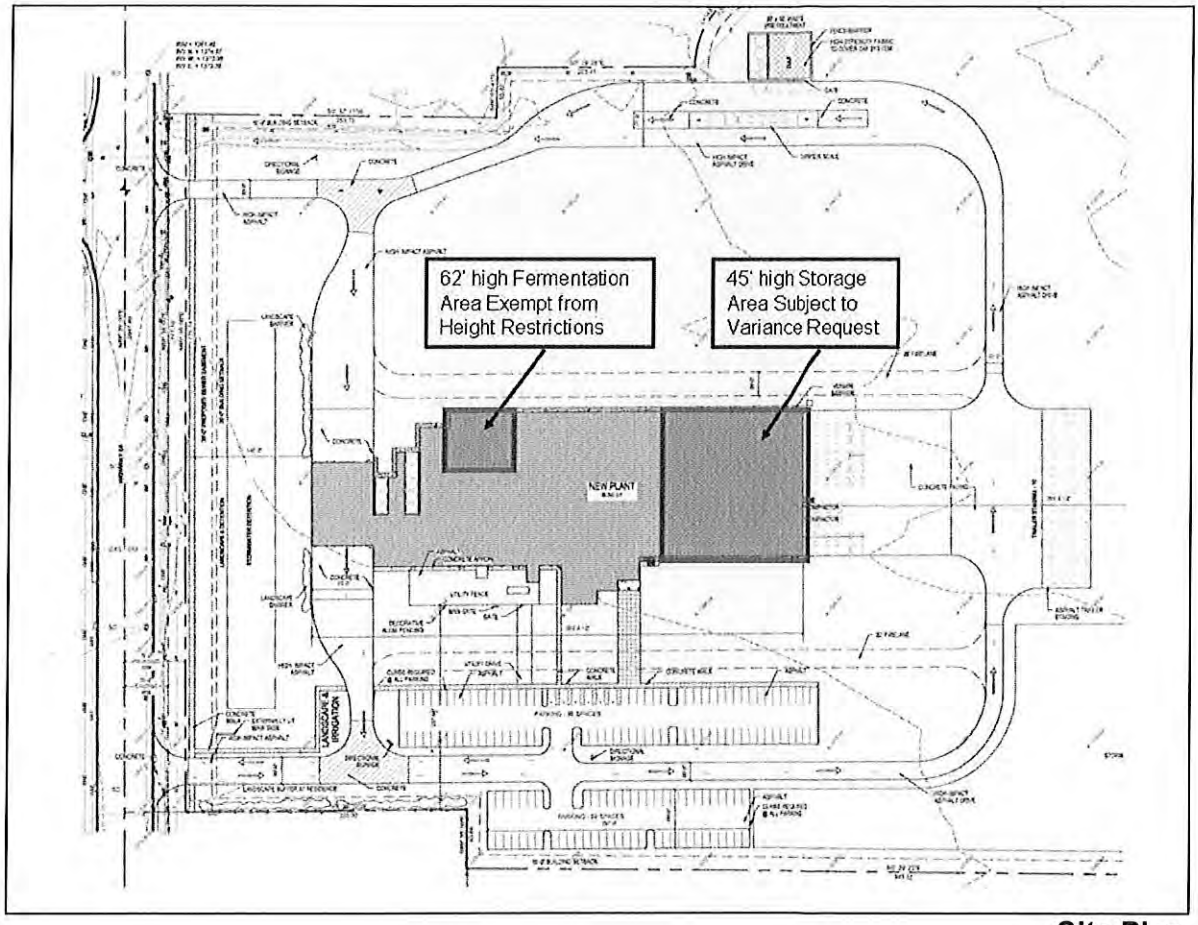
- Fermentation area: 62'
- Cooler storage: 45'
- Dry storage: 44'-6"
- Yogurt process areas: 31'
- Utility & maintenance spaces: 31'
- Milk tanker receiving: 30'-6"
- Office and employee spaces: 15'-6" w/o

While the fermentation and storage areas exceed the 35 foot maximum building height of the I-1 zoning district, City Code *Section 17.52.250: Height Requirements* states "...structures, where the manufacturing process requires a greater height... are exempt from this title (17 Zoning); provided, that any structure above the height otherwise permitted in the zone shall occupy no more than twenty-five percent of the area of the

lot and shall be at least twenty-five feet from every lot line." Staff determined that this exemption only applies to the fermentation portion of the building and not the storage areas.

Request Description

The applicant is requesting a Variance from the maximum building height for the cooler and dry storage portions of the building. The applicant has requested a height variance of 11' for a maximum 46' in height to allow for any slight adjustments between preliminary and final construction design.



Site Plan

CONFORMANCE WITH VARIANCE REVIEW CRITERIA

The Board, in reviewing a Variance request, shall find that the request satisfies the considerations listed below.

The applicant provided a Justification Statement (Exhibit A) that presents how they believe their request meets the criteria. Staff's analysis is as follows:

A. <u>That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;</u>

- The Walmart Distribution received a building height variances for the similar reason to accommodate their over-sized storage rooms. It was established that this is unique to large-scale food storage operations and that it provides a compelling justification for the variance.
- The portion that is subject to the variance is approximately 16' lower in height than the fermentation portion of the building which has a height of 62 feet..

B. <u>That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights</u>

- The applicant is seeking to construct a facility incorporating the most efficient management and design practices possible. This includes the use of six-pallet-high storage which allows them to incorporate a more compact building footprint and efficient utility usage. This six-pallet-high stacking is what requires the additional height. If the variance is not permitted, the building footprint would need to be expanded and operational efficiencies would not be fully realized which creates an otherwise avoidable burden upon the applicants.

C. <u>That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.</u>

- The surrounding area is predominately industrial in nature including other large manufacturing users such as Hexcel, National Vitamin, and the Arizona Dairy Ingredients beverage production facility. Other users such as Daisy Brand and the Walmart Distribution Center have been recently constructed with buildings that exceed the maximum 35' building height restriction.
- Staff finds that any potential negative impacts that the additional building height may pose to the surrounding area are negligible and are mitigated as follows:
    - The storage portion of the building is located at the southern-most part of the building and set as far away from the nearest public way, Gila Bend Highway, or residential use as possible.
    - There is a taller portion of the building, which is exempt from building height restrictions, between the storage portion and the nearest public way.

PUBLIC NOTIFICATION/COMMENTS

Notification

Public hearing notification efforts for this request meet and exceed those requirements set out by City Code. They include:

- A notice of time, date, place, and purpose of the public hearing was published in the Casa Grande Dispatch on October 28, 2012.

- A notice was mailed by City Staff on October 24, 2012 to each owner of property situated within two hundred feet of the subject property. An affidavit confirming this mailing is supplied.
- A notice was posted by the applicant on the subject site no later than October 2, 2012. An affidavit confirming this posting was also supplied by the applicant.

Inquiries/Comments
Staff has not received any inquires or comments in regard to this request.

RECOMMENDED MOTION

DSA-12-00080
Staff recommends the Board approve the following proposed Variances:

a. Section 17.32.060.B: To construct a building, portions of which will be 46 feet in height where the maximum building height is 35'.

Attachments
- Exhibit A: Justification Statement
- Exhibit B: Site Plan
- Exhibit C: Roof Plan
- Exhibit D: Architectural Building Elevations

Exhibit A: Justification Statement

COMMONWEALTH DAIRY – CASA GRANDE, AZ
Variance Justification Statement & project narrative
Proj. #6218
Revised 10/8/12

Project narrative: Commonwealth Dairy intends to construct a new food processing facility in Casa Grande, AZ. This plant will be a state-of-the-art facility in order to compete on a national and international level. Current Casa Grande zoning ordinance limits structure height to 35'. Commonwealth Dairy requests a variance from table 17.32.060 (I-1 zone) of the City Zoning Ordinance to allow for variance from building height requirements on the property located at Casa Grande Business Park, south of Gila Bend Hwy (SR 84), 400 feet east of N. Garden Ave., assessor's parcel 50348003S.

The proposed facility consists of a new 89,000+/- square foot food processing (yogurt) plant including: a 3-bay tanker receiving area; lab; process areas; sanitation & utility corridors; cooler & dry storage; shipping & receiving docks; mechanical & maintenance; and office & employee areas. The work also includes: sitework such as grading, storm drainage, silo pads, landscaping, irrigation, truck scale, fencing, wastewater pretreatment, pavements, and other related work. Required building heights to accommodate the efficient production of yogurt are as follows. These heights are without parapets:

- Yogurt process areas will be approximately 30'-6" high at the roof for most of the facility and include rooftop mechanical units about 10' above the roof. (Average height above grade roughly 31' w/o units.)
- Fermentation area will be 61'-6" tall with no rooftop mechanical units above it. (Average height above grade roughly 62'.)
- Milk tanker receiving will be approximately 29' high at the roof with rooftop mechanical units about 5' above it. (Average height above grade roughly 30'-6" w/o units.)
- Cooler includes 6-high pallet racks and will be approximately 42' high at the roof with no rooftop mechanical units above it. (Average height above grade roughly 45'.)
- Dry storage includes 6-high pallet racks and will be approximately 42' high at the roof with rooftop mechanical units about 5' above it. (Average height above grade roughly 44'-6" w/o units.)
- Utility & maintenance spaces will be approximately 30'-6" high at the roof. (Average height above grade roughly 31' w/o units.)
- Office and employee spaces will be approximately 15' high at the roof. (Average height above grade roughly 15'-6" w/o units.)

Applicable ordinance section: Section 17.32.060 states "The maximum height of a structure shall be 35 feet."

Justification for variance: Commonwealth Dairy requests that a building height of 46 feet be permitted on this property for all building portions where section 17.52.250 does not apply. The following is presented in support of this request.

- Special circumstances:
    - Cooler and dry storage areas - The complexity of creating a competitive, sellable product for Commonwealth Dairy's customers requires efficient layout of both dry and cold storage areas and includes the use of 6-high racks which translates into at least a 44' high building to enclose them. This racking height is needed for efficiency and economy. When a finished cup of yogurt comes from the line several steps remain in the process that make the rack height necessary. Each Commonwealth Dairy customer has their own packaging and pallet demands. Part of the cold storage area includes significant space for custom manipulation of product packaging formats and pallet layouts. While the production of the final raw product (yogurt) is finished when the yogurt is sealed in a cup, the completion of the entire process for creating a sellable unit continues into dry and cold storage where further staging must occur. The high, compact racking arrangement resulting in less fork truck traffic, time, and maneuvering is also necessary for employee safety.
    - The maximum building height variance request is warranted due to our experience with many similar facilities across the country including in Arizona. Those experiences indicate that the proposed building

height provides the most efficient use of the developed property, minimizes high energy costs, and maximizes the operational efficiency and employee safety of the facility. Efficiency is a must in order to compete in this industry. These building heights and necessary rooftop units are industry-standard and critical for a facility of this nature.

- Unnecessary hardship:
  - Efficient facility – The facility as planned is the most efficient approach to producing yogurt. This cutting edge plant design will result in: an efficient process including less food-grade stainless steel piping and pumps, reduced cost for tank and piping cleaning systems, lower inspection and operating effort requirements, increased employee safety, lower utility costs, and less expensive building construction due to reduced footprint.
  - Cooler and dry storage areas – 6- high pallet racks are needed for shorter fork-truck travel distances, reduced hazards due to decreased internal traffic patterns, reduced fork-truck maintenance costs, more effective building costs due to smaller footprint, lower mechanical system costs, and decreased energy costs due to compact space volumes to heat and cool.
  - Commonwealth Dairy intends to build a state-of-the-art facility which can compete on a national and international level. In order to be competitive in this industry Commonwealth Dairy must be able to build the most efficient plant possible…from receiving milk from local Arizona farms to staging pallets to meet customer requirements. This competitiveness is required not only to be successful, but also to be able to support future growth and expansion of the business.
  - Strict application of the height regulations would impose an unnecessary hardship. The designed heights are critical to process efficiency, energy efficiency, and to overall competitiveness in the market.
- Health and safety:
  - Granting the building height variance will not be detrimental to the public welfare or injurious to the adjacent property because the variance will only support the efficient and economical development of the facility by maximizing use of the available building area on the site. The portions of building that will be over the 35' height restriction are set back more than 300' feet away from the property lines for the initial facility layout.
  - The compact design of the facility based on industry standard heights results in a smaller footprint. This reduced footprint provides less environmental impact. It will also utilize less energy than a sprawling plant and provide greater employee safety.
- Additional considerations:
  - Several other industrial facilities in the Casa Grande community exceed the 35' height restriction currently. Examples include: Daisy, UDA, Abbott Labs, Frito Lay, Walmart, etc. Photos are attached. Commonwealth Dairy requests the same level of freedom to utilize this property in the most energy efficient and cost effective arrangement possible.
  - This facility, if permitted, will directly provide quality jobs for as many as 130 people initially and potentially 150 with future growth. Additionally with future production projections, this plant would purchase and utilize about 1,700,000,000 gallons of milk from local farms which would help to stabilize and grow local agriculture.

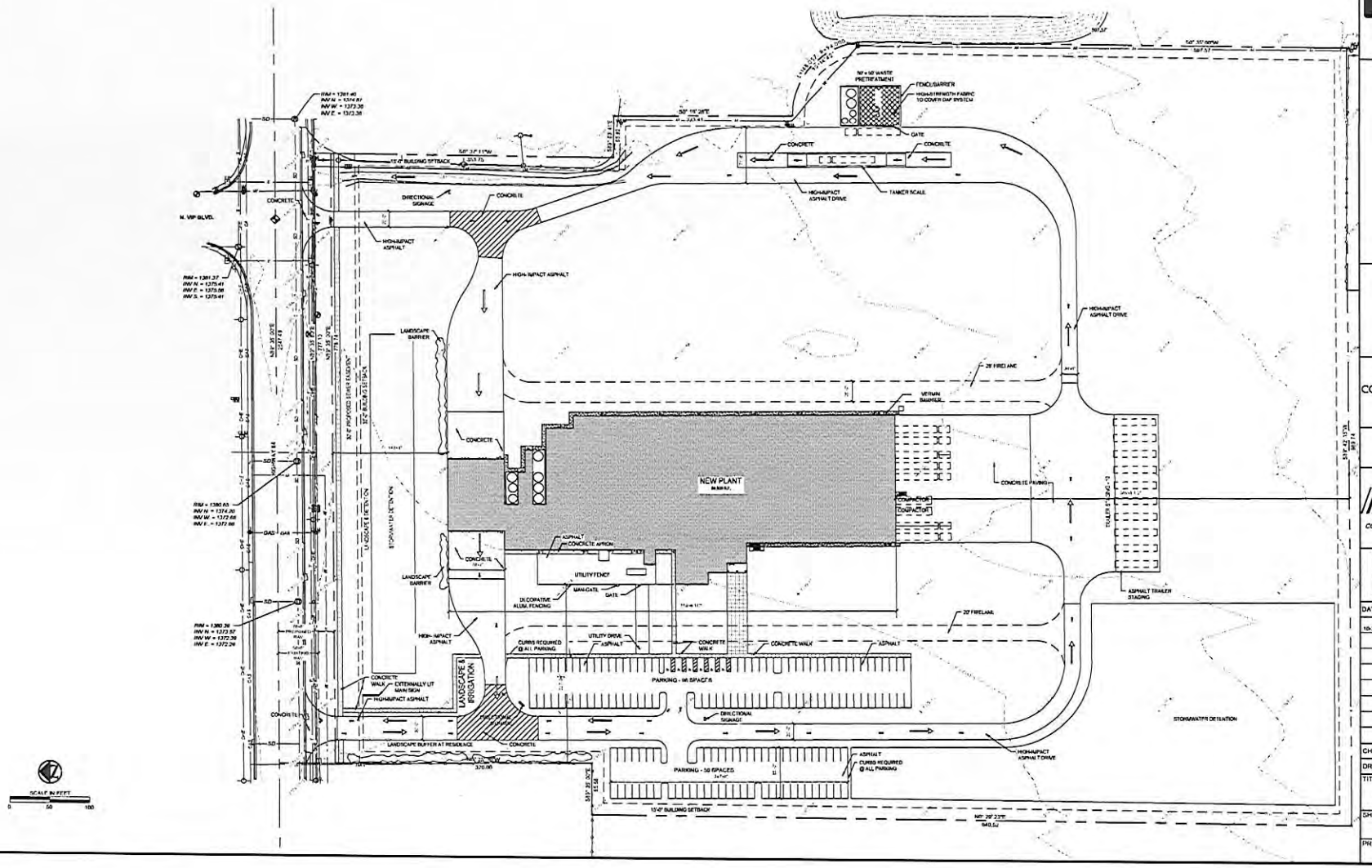
Exhibit B: Site Plan

VICINITY MAP

BUILDING USE

SITE SUMMARY

ZONING ORDINANCE SUMMARY



TERRASCAPE CONSULTING
CIVIL ENGINEERING&SURVEYING&URBAN PLANNING
1102 EAST MISSOURI AVENUE
PHOENIX, ARIZONA 85014
(602) 297-9732
(602) 230-9553 FAX

COMMONWEALTH DAIRY WEST

MAJOR SITE PLAN

S&S SHAMBAUGH & SON, L.P. CONTRACTORS - ENGINEERS

602-263-1100 Blue Stake Center

DATE:	DESCRIPTION
10-26-12	MAJOR SITE PLAN

CHECKED BY: DMS

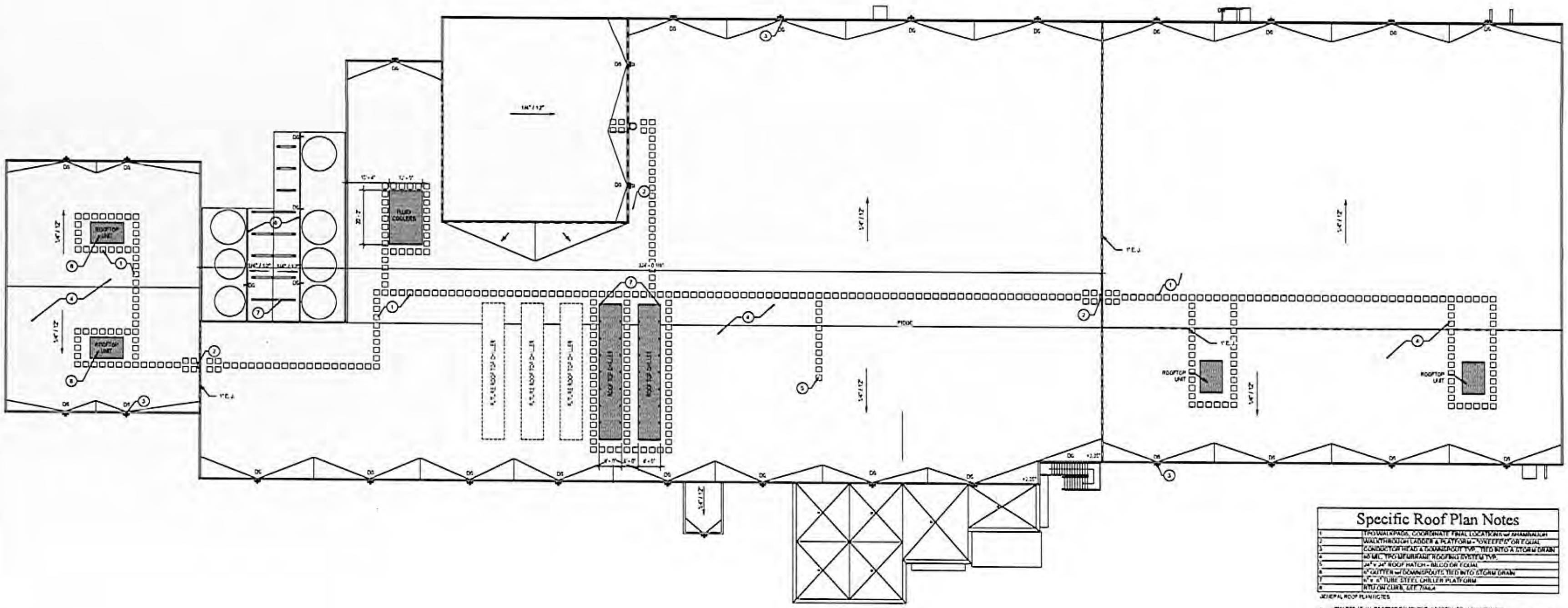
DRAWN BY: TAB

TITLE: MAJOR SITE PLAN

SHEET No: 1 of 1

PROJECT No: 0309

Exhibit C: Roof Plan



Roof Plan

1/16" = 1'-0"

Specific Roof Plan Notes

1	TPO WALKPADS, COORDINATE FINAL LOCATIONS w/ SHAMBAUGH
2	WALKTHROUGH LADDER & PLATFORM - "O'KEEFE'S" OR EQUAL
3	CONDUCTOR HEAD & DOWNSPOUT TYP., TIED INTO A STORM DRAIN
4	60 MIL. TPO MEMBRANE ROOFING SYSTEM TYP.
5	24" x 24" ROOF HATCH - BILCO OR EQUAL
6	6" GUTTER w/ DOWNSPOUTS TIED INTO STORM DRAIN
7	6" x 6" TUBE STEEL CHILLER PLATFORM
8	RTU ON CURB, SEE [illegible]

GENERAL ROOF PLAN NOTES

- CRICKETS AT ALL ROOFTOP EQUIPMENT (COORDINATE w/ SHAMBAUGH)
- INCLUDE PRICING FOR [illegible] ADDITIONAL ROOF PENETRATIONS TO BE COORDINATED w/ SHAMBAUGH
- INCLUDE PRICING FOR 1,800 +/- LINEAL FEET OF TPO WALKPADS

MSKTD & Associates, Inc.
ARCHITECTURE ENGINEERING INTERIOR DESIGN

PRELIMINARY NOT FOR CONSTRUCTION

S&S SHAMBAUGH & SON, INC. CONTRACTORS - ENGINEERS
7614 OPPORTUNITY DRIVE FORT WAYNE, IN 46825

Ehrmann **Arizona Dairy**
Casa Grande, AZ

Roof Plan

Issue Date

6216

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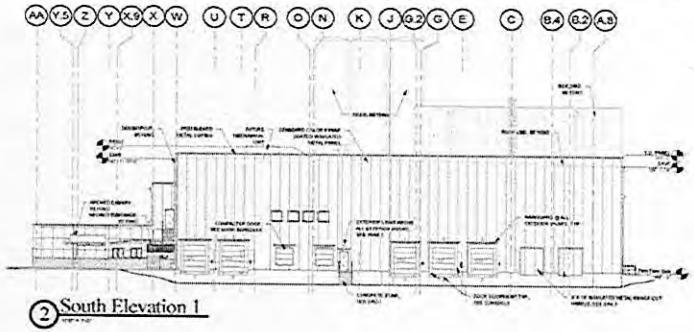
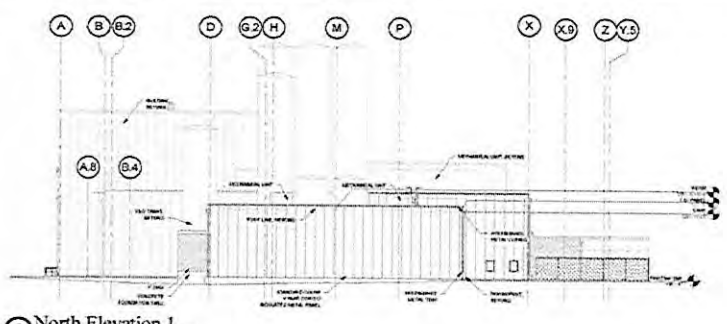
Exhibit D: Architectural Building Elevations



2 South Elevation 1



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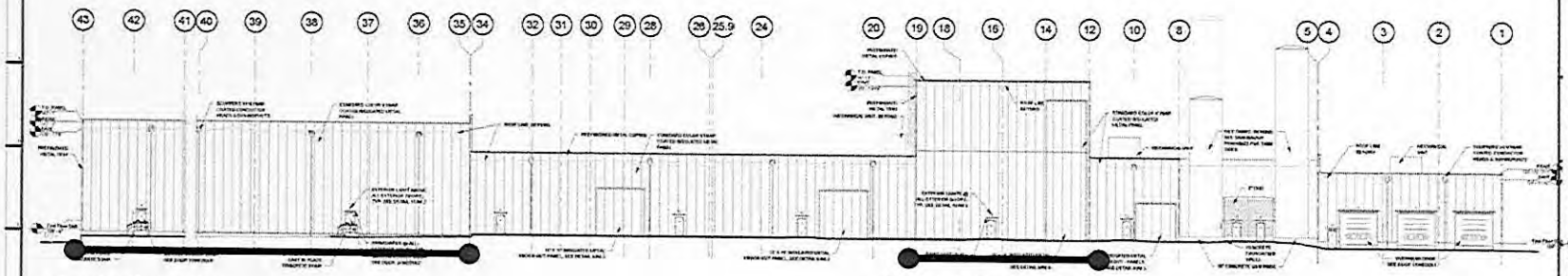
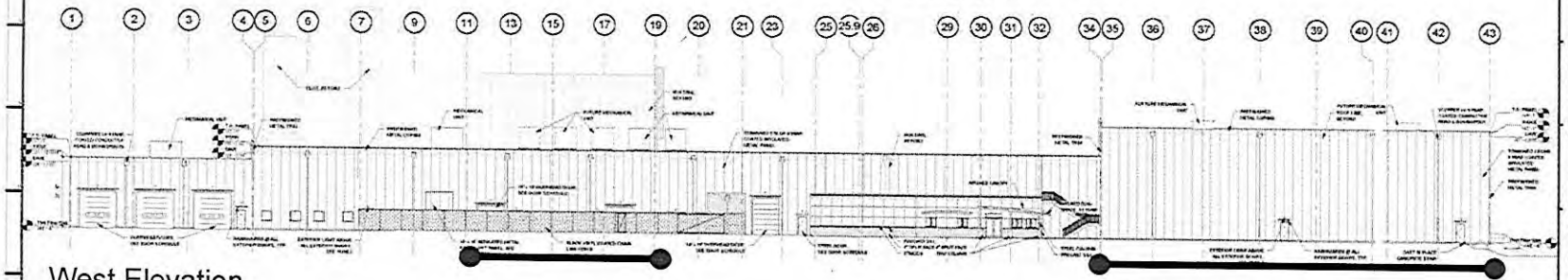


East Elevation

62' high Fermentation Area Exempt from Height Restrictions



West Elevation

45' high Storage Area Subject to Variance Request

MSKTD & Associates, Inc.

PRELIMINARY NOT FOR CONSTRUCTION

S&S

Arizona Dairy

Exterior Elevations

A4.1