



# Board of Adjustment STAFF REPORT

AGENDA

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**TO:** CASA GRANDE BOARD OF ADJUSTMENT

**FROM:** Laura Blakeman, City Planner

**MEETING DATE:** June 10, 2014

## REQUEST

Request by Adam Baugh, for the following land use request on .66 acres located at 1569 E. Florence Boulevard:

1. DSA-14-00030: Variance from the following City Code Provision:
  - a. Section 17.24.150: To have a minimum 10 foot front yard setback, whereas the minimum front yard setback in the B-2 zone district is 35 feet.

## APPLICANT/OWNER

Adam Baugh  
Withey Morris  
2525 E. Arizona Biltmore Circle A-212  
Phoenix, AZ 85016  
P: 602-230-0600  
Email: adam@witheymorris.com

1569 Florence LLC  
1355 E. Florence Boulevard, Ste. 107  
Casa Grande, AZ 85122  
P: 602-524-8982

## HISTORY

January 28, 1928: The Granada Fig Farms Unit No. 2 final plat was recorded.

June 6, 1984: The Desert Professional Center final plat was recorded.

March 17, 1986: The site was annexed into the city limits.

November 16, 1987: The site received official zoning of B-2 (General Business) with the adoption of the Zoning Ordinance and map.

November 9, 1992: DSA-10-00298: The Desert Office Center plat was recorded.

January 4, 1996: CGPZ-052-095: The Major Site Plan/Final Development Plan for a retail/office building was approved by the Planning Commission

(Exhibit A).

**Surrounding Area Land Use and Zoning**

<b>Direction</b>	<b>General Plan Designation</b>	<b>Existing Zoning</b>	<b>Current Uses</b>
<b>North</b>	<i>Community Center</i>	PAD (Planned Area Development)	Macayo's Restaurant
<b>South</b>	<i>Neighborhoods</i>	B-2 (General Business), PAD (Planned Area Development)	Fiesta Grande RV Park
<b>East</b>	<i>Community Center</i>	B-2 (General Business)	Heritage Funeral Home
<b>West</b>	<i>Community Center</i>	B-2 (General Business)	Jiffy Lube, Desert Professional Center

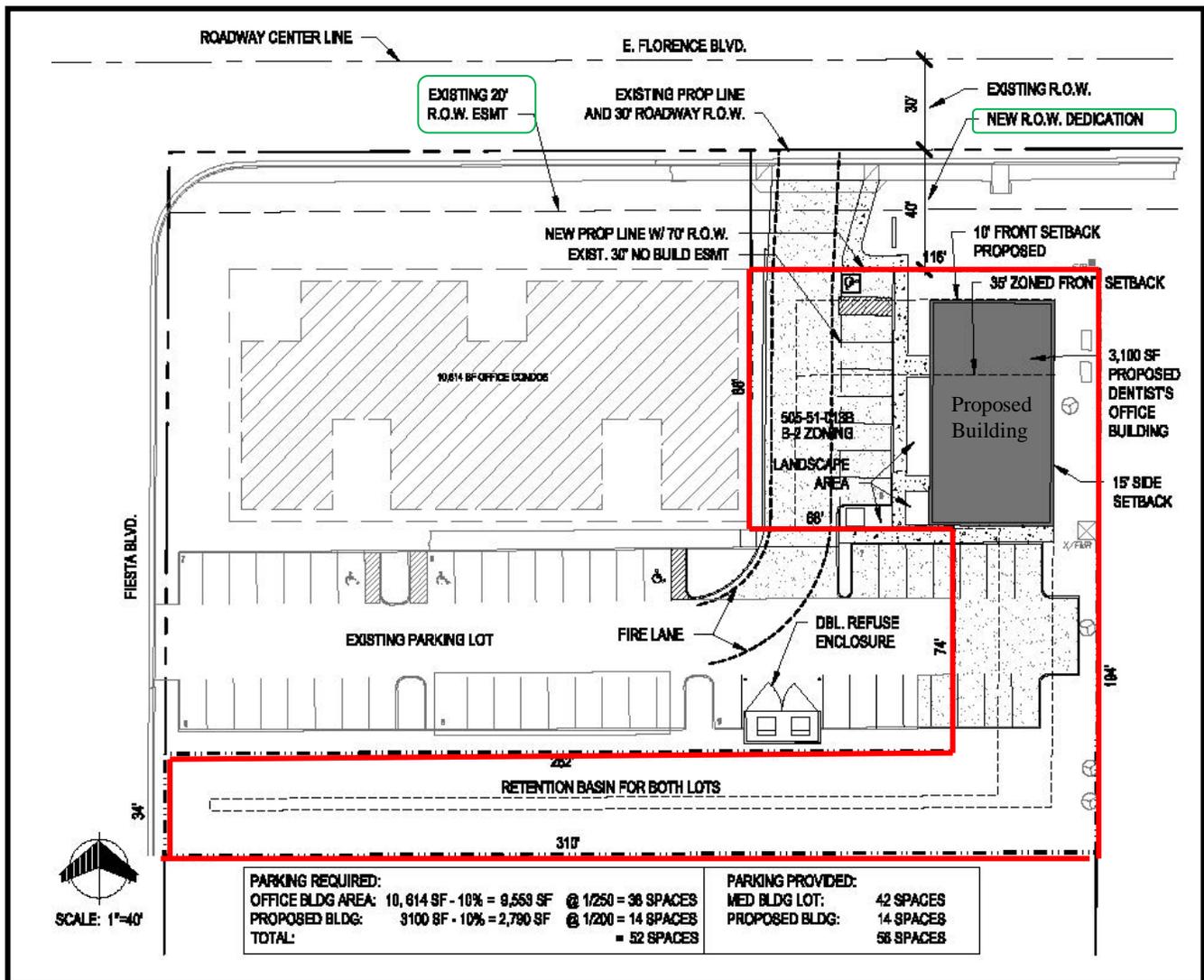
**Aerial of the site:**



## Overview

The applicant is applying for a variance to reduce the front yard building setback to 10 feet whereas the code requires 35 feet. The variance is being requested because the owner cannot build a 3,100 square foot dental office building on the lot and meet the City's code requirements. Several issues related to the property, have been a hindrance to the development of the site. The issues involve the following:

- The property has an irregular shaped lot.
- The lot has sub-standard lot width.
- The fire department needs an unobstructed 20 foot circulation drive through the property.
- The city's requirement to dedicate 40' feet of right of way. (There is an existing 20 feet of existing right of way easement and Staff is requesting another 20 feet of right-of-way dedication).



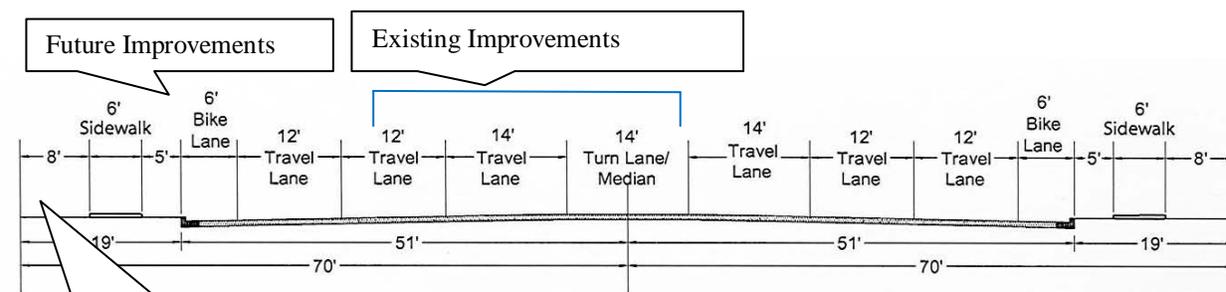
Staff has determined that the substandard lot width is the result of the final plat that was approved by the City in a lot reconfiguration that occurred in 1992. The unusual lot configuration is a result of a previous lot split from previous owners of the property.

Staff has had numerous meetings and/or discussions with the applicant regarding the proposed layouts for the site in order to meet the City requirements and the owner's needs. Originally the applicant proposed to have a 5 foot front yard setback requiring 30 feet of variance, but due to the ultimate right-of-way required for Florence Boulevard at this location, Staff could not find justification to support a 5 foot variance. Staff did indicate to the applicant that we could support a 10 foot variance; accordingly the applicant has revised their request and site plan to reflect the request for a 10 foot front yard setback. Staff believes that a 10 foot yard setback is acceptable due to the following reasons:

- The site is an irregular shaped lot.
- The lot has sub-standard lot width.
- The owner is required to dedicate 40 feet of right-of-way.
- The 10 foot front yard setback allows the Community Center form to be achieved as recommended by the General Plan.
- The reduced setback will allow the building to be constructed in line with the Desert Professional Center office building located adjacent to the site's western boundary.

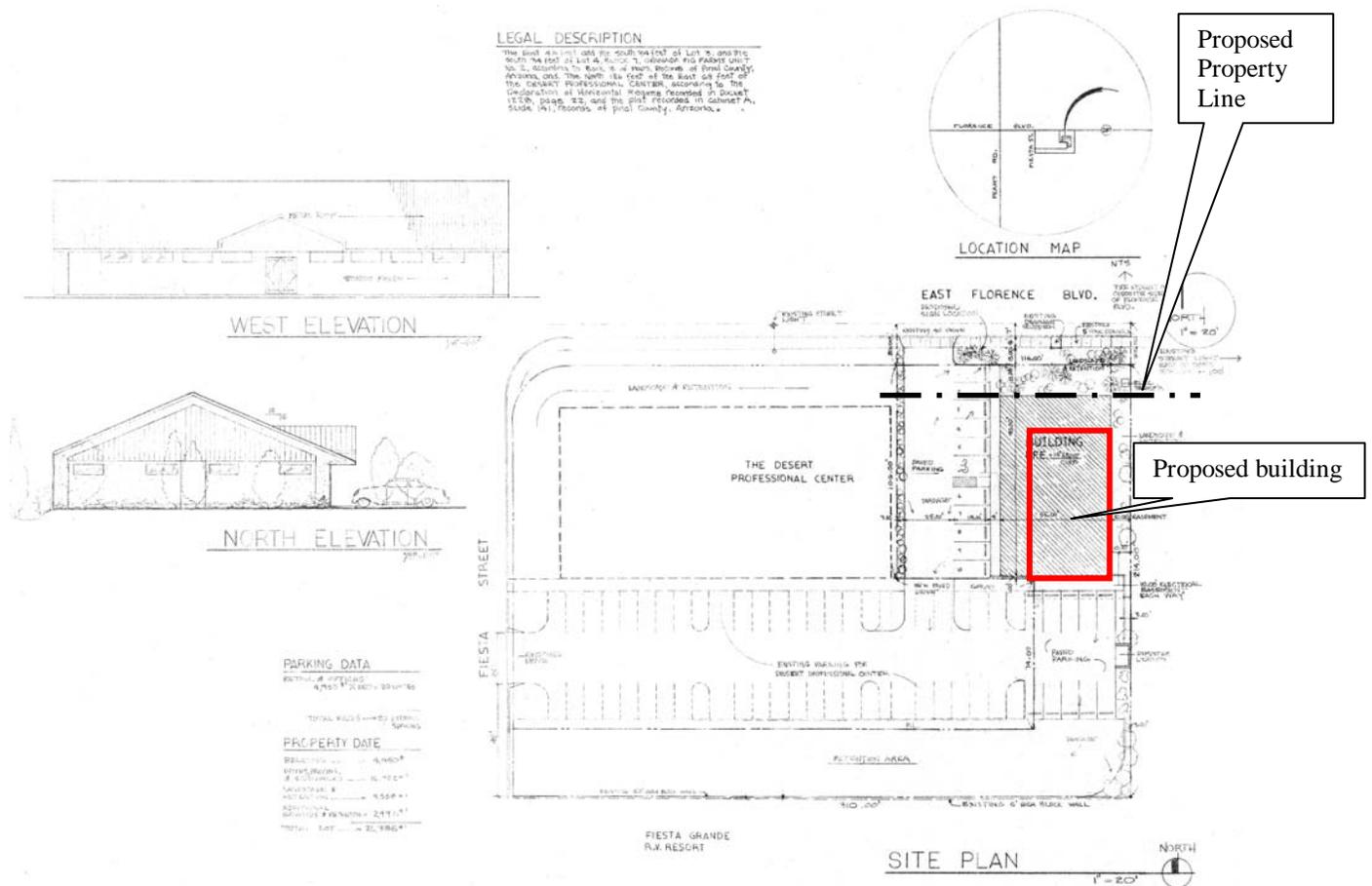
The irregular shaped lot makes it difficult to build on the property and without variance relief; the owner cannot build similar to other properties in the B-2 zoning district.

Because Florence Boulevard (at this location) is a considered a principal arterial according to the Small Area Transportation Study, the owner is required to dedicate 40 feet. This dedication limits the amount of developable land. With the combination of the existing improvements along Florence Boulevard and the future improvements, the 140 foot right of way cross-section provides space for 8 feet of landscaping to be installed in the right of way between the edge of the sidewalk and the adjacent properties. This 8 foot area within the right of way along with the 10 foot setback allows for an 18 foot landscaped area to be created along the street frontage, which meets the code requirement of a 15 foot landscaped area along street frontages.



This ROW allows for 8 feet of landscaping plus an additional 10 feet from the property line to the building, which allows the 15' feet of street frontage landscaping to be met.

The site plan that was approved in 1996 shows that the building was located closer to Florence Boulevard than what is currently being proposed. The proposed building is also smaller in size than the original approved building. Based on the Planning Commission meeting minutes in 1996, the site had the same issues at present (Exhibit D). The approval of the site plan was also contingent upon a recorded joint parking agreement between the owners of the site and the Desert Professional Center.



The subject property is located within the Community Center land use category as set forth in the General Plan 2020. The purpose of the Community Center land use category is to provide an area of the City where development that has a strong pedestrian orientation as the primary objective and vehicular access as a secondary design feature can be achieved. Within the Community Center land use category the design objective is to place buildings closer to the street and set the parking to the side or rear of the building. The standard B-2 (General Business) zoning 35 foot front yard setback creates an obstacle to achieving the Community Center land use form. However, if the variance is approved, the 10 foot setback will allow for the Community Center land use form to be achieved.

The below graphic is an example of the Community Center land use form that shows

the design elements of siting buildings closer to the street with only landscaping separating the building from the public sidewalk and adjacent street.



According to the City Code, Section 17.64.030, the Non-Conforming Uses Applicability to existing lots states the following:

- A. At the time of enactment of this title, if any owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him/her to conform to the minimum lot width requirements or does not have sufficient lot width to conform to the minimum lot width requirements, **such plot of land may nevertheless be used as a building site.** The dimensional requirements of the district in which the piece of land is located **may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the board of adjustment.**

According to City Code 17.54.010, the Board of Adjustment may allow a departure from the terms of these zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this title would deprive the owner of the reasonable use of the land and/or building involved.

Upon Staff's research, it was determined that the current lot configuration was approved by the City with the approval of the Desert Office Center Final Plat. If the Variance is granted, the property owner's next step would be to apply for a Major Site Plan (Exhibit B) which would have to be approved by the Planning Commission prior to obtain a Building Permit and constructing the new medical office building.

**CONFORMANCE WITH THE VARIANCE 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 C) that presents how they believe their request meets the criteria. Staff's analysis is as follows:

**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;**

- At the time the Desert Office Center final plat was recorded in 1992, Staff approved the final plat with a 116 foot lot width instead of the 150 lot width required by the B-2 zoning district. However, prior to the City designating B-2 zoning on the property as a result of the official 1987 zoning map and ordinance, the previous commercial zoning districts required a minimum 100 foot lot widths. Based on this information, the lot is considered legal non-confirming in regards to lot width.
- As stated earlier, the irregular shaped lot makes it difficult to build on the property and without variance relief; the owner cannot build similar to other properties in the B-2 zoning district.

**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**

- The applicant is seeking to construct a 3,100 square foot building for the use of a dentistry practice. If the variance is not permitted it would prevent the owner from using the lot to construct a 3,100 building. Without the variance, the dental office building would have to change its current design to a smaller floor plan or increase the building to a two-story building.
- The enforcement of the City Code requirements would deprive the owner of the reasonable use of his land (see right-of-way discussion above).

**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 surrounding area is commercial in nature except for the adjacent Fiesta Grande RV Park to the south. Development of this site would prevent drivers from using this vacant lot as a way to cut through traffic and exit onto Florence Boulevard. Because this is a vacant infill site, development of the site would improve dust control in the area.

- Staff finds that the proposed development of a commercial building will improve the property's appearance and will be compatible with the existing land uses in the area.
- Staff does not find any potential negative impacts to the 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.

**Public Notification**

Public hearing notification efforts for this request meet the requirement set out by City Code:

- A notice was published in the Casa Grande Dispatch on May 23, 2014.
- A notice was sent to all property owners within 200 ft. of the subject site on May 20, 2014.
- A public hearing sign was posted by the applicant on the subject site on May 21, 2014.

**Inquiries/Comments**

One of the owners within the Desert Professional Center informed City Staff that he was opposed to the variance request. Mr. Raymond Marin stated that he is not aware of a cross-access agreement that exists between the Desert Professional Center and the proposed site. Based on the proposed site plan, the patrons of the dental office would need to use a portion of the parking area (drive aisle) of the Desert Professional Center to access the dental office parking area to the south of the building.

After talking with Mr. Marin, Staff received several phone calls from owners of the Desert Professional Center, who are also opposed to this request. The opposition is associated the same concerns as Mr. Marin. The owners of the Desert Professional Center and Mr. Marin have submitted letters in opposition of the variance (Exhibit E).

<b>STAFF RECOMMENDATION</b>
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Staff recommends the Board approve DSA-14-00030, the Variance request from Section 17.24.150 to have a minimum 10 foot front yard setback with the following condition:

1. A cross-access agreement shall be provided that authorizes vehicular traffic from the dental office to use the adjacent Desert Professional Center property to access the parking spaces located south of the proposed dental office building.

**Exhibit:**

Exhibit A – 1996 Approved Site Plan

Exhibit B – Proposed Site Plan

Exhibit C - Applicant's Justification Statement

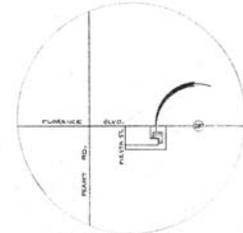
Exhibit D – Planning Commission Minutes

Exhibit E – Letters of Opposition – Mr. Marin & owner of the Desert Professional Center

# Exhibit A – 1996 Approved Site Plan

## LEGAL DESCRIPTION

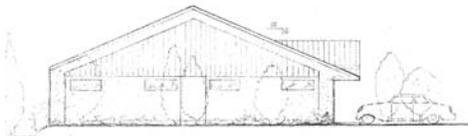
The land shown and the south half of Lot 8, and the north half of Lot 9, located in the unincorporated area of the County of Maricopa, Arizona, and the south half of the east side of the Desert Professional Center, according to the Declaration of Horizontal Rights recorded in Document 11339, page 82, and the plat recorded in Cabinet A, Slide 141, Records of Pinal County, Arizona.



LOCATION MAP



WEST ELEVATION



NORTH ELEVATION

### PARKING DATA

REGULATED PARKING 4,165 1/2 SPACES 80' x 18'

TOTAL VEHICLES 4,165 1/2

PROPERTY DATE

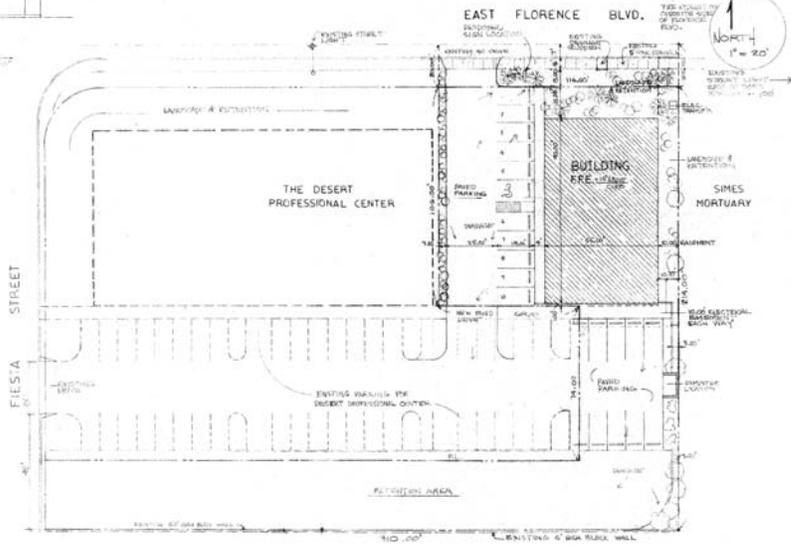
REGULATED 4,165 1/2

UNREGULATED 1,125 1/2

TOTAL 5,291 1/2

REGULATED 4,165 1/2

TOTAL 5,291 1/2



SITE PLAN

# Exhibit B – Proposed Site Plan

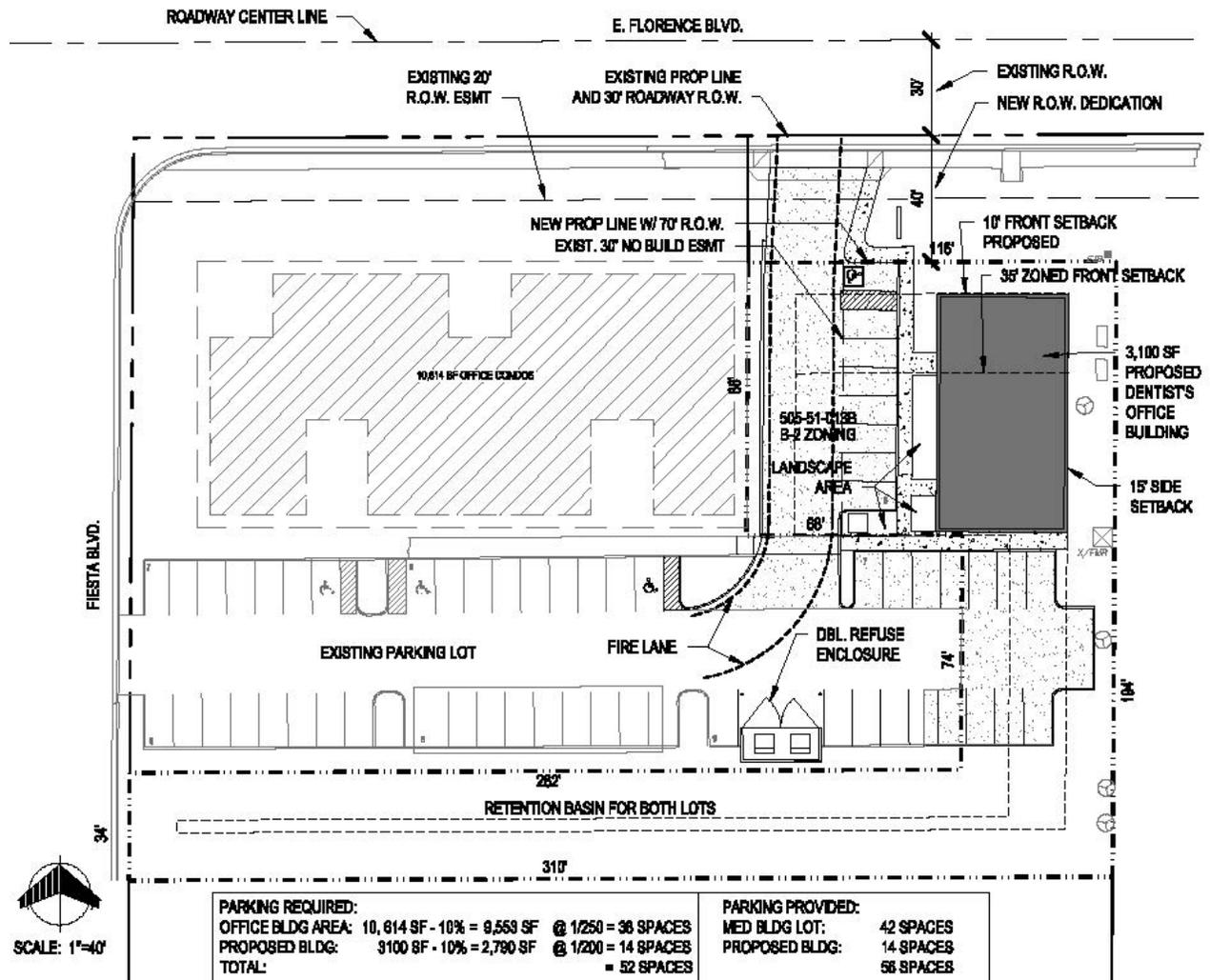


Exhibit C – Applicant’s Justification  
Statement

**Casa Grande Family Dentistry**

**1569 E. Florence Blvd**

***Variance Narrative***

**I. Introduction**

This application requests:

1. Variance to reduce the front yard building setback to 10'; 35' required. **Section 17.24.150**

**II. Property Location**

The subject site is located at 1569 E. Florence Blvd, Casa Grande (the "Property"), and identified on the aerial map attached at **Tab 1**. The Property is approximately .66 acres of vacant land that is zoned for commercial uses (B-2). To the west is the Desert Professional Office Park, to the east is a funeral home, and to the north is the Casa Grande Marketplace shopping center with a Home Depot store and various other commercial pads. See zoning map at **Tab 2**.

**III. Project Description**

For 25 years, Casa Grande Family Dentistry has operated in an in-line shopping center located at 1355 E. Florence Blvd. As the City of Casa Grande expands, the need for professional and medical services increases. Dr. Potyczka has enjoyed working with Casa Grande families and is committed to the City and its residents. Consequently, Casa Grande Family Dentistry proposes to construct a new dental office at 1569 E. Florence Blvd to accommodate the growing needs of the City's increasing population.

The proposed building will be approximately 3,100 sf and will front onto Florence Blvd. At the request of the fire department, an internal loop will cross the site and connect to an existing driveway at Fiesta Blvd. See site plan at **Tab 2**. The fire department's request for an access loop will help improve maneuvering for public safety vehicles. Unfortunately, this circulation route substantially impacts the site layout and potential building area. In addition, the City is requiring the applicant to dedicate 40' of right-of-way along Florence Blvd. which further impacts the available building area. Finally, the property suffers from a very unusual lot configuration that severely impacts the available building envelope. Consequently, a variance to reduce the front yard setback is requested in order to proceed with development of the vacant parcel.

**IV. Variance Request**

Redevelopment of vacant, infill sites is always challenging, especially when the parcel size, shape and boundaries were created many years ago when ordinance standards were different. Perhaps ever more challenging is making reasonable use of a small, oddly shaped site that must make significant right-of-way dedications, and fire access accommodations that are disproportionate to the property's relatively small size and shape. Even more difficult is

dealing with the constraints of an urban infill site that does not easily comply with ordinance requirements that were drafted with newer, larger, undeveloped areas in mind. As such, the applicant has worked diligently to meet as many of the requirements as possible. However, in order for development to be feasible, this application requests a reduction in the building setback along Florence Blvd. As shown on the site plan at **Tab 2**, the proposed building and landscape setback along Florence Blvd will be 10'.

***a. "Special circumstances or conditions applicable to the property which does not prevail on other property in that zone."***

The Property suffers from special circumstances and undue hardships which necessitate variance relief. As noted in the aerial map at **Tab 1**, the site has a very unusual shape, which renders a large portion of the Property useless for vertical building development. The only developable area is the northern part close to Florence Blvd. Thus, only about 12% of the site is actually available for development.

The site is also very small in size which severely restricts the sites potential building development. This makes the dedications, setbacks, and circulation more impactful on the developable space than it would be on a normal sized lot. A parcel this small, with such an oddly-shaped boundary, demonstrates there are, in fact, special circumstances unique to the Property.

Moreover, the site is impacted by a request from the Fire Department to provide an internal access loop across the Property to connect Florence Blvd. and Fiesta Blvd. For years, the adjacent office property has been accessed from the behind the site and adequately served by fire, police, and other emergency services. However, with the development of this dental office, the public safety departments now request an internal loop on the subject property, which greatly restricts and impacts the potential developable building area. The access way forces the new building towards its eastern boundary, which presents a real hardship on the applicant. Essentially, the potential building area is overly-squeezed and results in a limited building footprint. The only way to remedy this situation - especially given the parcels odd-shape and already small building area - is to reduce the front yard building setback to 10'.

The site is further impacted by a 40' right-of-way dedication along Florence Blvd which effectively shrinks the amount of building area. While a 20' easement currently exists on the Property today, no formal dedication exists. Nevertheless, the city and prior property owner expected to dedicate only the 20' easement area as part of any future Property development. In fact, on January 4, 1996, the City Planning and Zoning Commission approved a major site plan application that allowed a 4,900 sf retail/warehouse building with a setback consistent with the existing office building next door. See P&Z approval letter and site plan at **Tab 3**. Since that time, the City revised their transportation plans and are now requesting 40' of right of way dedications, in addition to the 35' setback requirement. Thus, there is a total depth of 75' of land which cannot be used by the developer. This is a substantial hardship that severely reduces the potential building area. It's also very disproportionate to the small size, and shape of the lot. But for the requested variance relief, the Property is unlikely to develop.

Lastly, the proposed setback is consistent with the existing, adjacent office building, so the subject Property is not receiving any special treatment. The proposal is indeed consistent with the neighboring building/user.

***b. "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"***

While the applicant has worked diligently to accommodate the required site development standards, the totality of the circumstances outlined above create an undue hardship that warrants variance relief. This special circumstance is not self-imposed. It is a condition that affects the land regardless of the type of use that could occur here. Moreover, the conditions are unique to this site and do not apply to other properties within the same zoning district. As a result, variance relief is necessary for the preservation and enjoyment of substantial existing property rights. Otherwise, the property will remain vacant indefinitely because of its impacted site conditions as outlined above.

***c. The granting of such application will not materially affect the health or safety of person 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.***

Variance approval will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general. In fact, this variance will provide vital opportunities to the community and will benefit the entire area in many ways. First, the new use has the opportunity to provide an essential service to the community.

Second, the Property is likely to remain vacant indefinitely if a variance is not granted. Because of all the site constraints that negatively impact the site, its development requires a tremendous commitment to work through its challenges. The benefit to the City is a new, improved use rather than another vacant parcel along Florence Blvd. As time passes, its development becomes more and more unlikely, leading to trash, loitering, and/or possible blight.

Third, the approval of the variance actually restores the building to its originally intended building setbacks as approved in 1996. It's also worth noting the building setback will be consistent with the front yard setback of the adjacent office building. The new building setback will not change the characteristics of the area.

Fourth, the granting of this variance actually improves the health, safety and welfare of nearby residents and the offices by meeting the requirements of the Fire Code and requests by the Fire Marshall and Fire Chief to provide looped access. Rather than backing out of the site, fire trucks and emergency responders will now be able to drive through the property and meet the requirement for 150' hose length to the building.

Fifth and finally, the proposed setback is consistent with the goals and policies of the General Plan which recommend:

- Policy C-4.1.4: Support infill development in areas where infrastructure capacity and services are already in place and available.

- o Strategy: Create policies and programs that encourage infill development and intensification of underdeveloped sites along...Florence Boulevard (between Pinal Avenue and I-10)

The approval of this variance request is consistent with the goals and policies of the general plan which strongly "support infill development" and "encourage infill development and intensification of underdeveloped sites along...Florence Boulevard."

- Policy C-4.7.2: Provide areas that are transit and pedestrian friendly.
  - o Strategy: Encourage compact and mixed-use developments along planned transportation corridors...Florence Boulevard (between Pinal Avenue and the Interchange of Interstate 10);

The reduced front yard building setback meets the goals of the general plan because it encourages compact development along Florence Blvd. Moreover, good planning principles encourage reduced building setbacks to promote more pedestrian friendly development. Thus, the variance approval is consistent with and fulfills the goals and policies of the general plan.

## V. Conclusion

In summary, the Property suffers from infill site constraints which greatly limit its ability to redevelop the site fully consistent with current ordinance standards. The need for this variance is due to a combination of many factors including small parcel size, odd-shape, disproportionate right of way dedications, and fire access requirements. While each factor satisfies the special circumstances of the variance test, the totality of the circumstances as a whole further highlight the hardship imposed upon the site and justify the variance request.

The variance ensures compatibility with the surrounding adjacent properties and the new building setback will not change the characteristics of the area. It improves the site and involves a use that is very consistent with the activities of this commercial/office corridor. More importantly, the variance is a critical element necessary to developing the site, resulting in an overall benefit to the surrounding area and adjacent properties.

Exhibit D – Planning Commission  
Minutes

AGENDA ITEM 2

Regular Meeting  
January 4, 1996

DATE 2/1/96

MINUTES OF THE REGULAR MEETING OF THE CASA GRANDE  
PLANNING AND ZONING COMMISSION HELD ON  
THURSDAY, JANUARY 4, 1996 AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS AT CITY HALL  
300 EAST FOURTH STREET, CASA GRANDE, ARIZONA

The Commission met with the following members present:

Chairman Mitch Martin  
Vice-Chairman Bill Bridwell  
Member Richard O'Neil  
Member Michael Hancock  
Member Randy Edmund  
Member Al Gugenberger  
Member Kent Taylor

City Staff:

Rick Miller, Planning & Development Director  
Greg Loper, AICP, Senior Planner  
Lance Moreno, Planner  
Laura Blakeman, Secretary

Others Present:

Gene Lehman, 1015 E. 1st. Casa Grande, AZ 85222  
Dr. Peter Myskiw, Desert Professional Center, 1515 E. Florence  
Boulevard, Casa Grande, AZ 85222  
Brad Winkler, Todd & Associates, 4148 N. 48 Street, Phoenix, AZ  
Glenn Jones, 1648 N. Pinal, Casa Grande, AZ 85222

1. Call to Order & Introductions:

Chairman Martin called the meeting to order at 7:00 p.m. and lead the group in the Pledge of Allegiance.

2. Approval of Minutes of December 7, 1995:

Chairman Martin asked the Commission if there were any corrections or deletions to the Minutes of December 7, 1995; there being none, Member Edmond made a motion to approve the Minutes, Member Gugenberger seconded the motion. The Minutes were approved unanimously.

3. New Business:

a. CGPZ-52-95: Request by Gene Lehman for Major Site Plan Review and approval to develop a 4,900 foot retail facility (Gene Lehman's Warehouse) at 1569 East Florence Boulevard. A.K.A. a portion of Section 27, T6S-R6E, G&SRM, Pinal County, Arizona; APN 505-51-013B and C.

Gene Lehman is requesting Major Site Plan review and approval to develop a 4,900 square foot retail facility (Gene Lehman's Warehouse) located at 1569 E. Florence Boulevard (between the Desert Professional Center and Simes Mortuary).

Staff explained that Mr. Lehman's lot is an odd shaped lot (an L shape) therefore, causing the following problems with the site:

1. The overflow of parking.
2. No place for dumpster.
3. Part of the drainage runs into Lehman's property.
4. Additional driveways.

Due to the problems of both the Desert Professional Center and Lehman's property, Staff has worked with the property owners on developing common parking, dumpster and retention areas, and an agreement was reached.

The agreement eliminates the proposed driveway off Fiesta, develops a common parking lot, and Fiesta Grande RV Park would serve as a retention area and a location for trash dumpsters for both businesses. In addition, the parking lot would be designed to allow for through traffic and shared parking between it and the Florence Boulevard driveway and main parking area.

Staff recommends approval of the Major Site Plan with the following conditions:

1. Prior to issuance of a Building Permit the following is to be acquired/submitted:
  - a. Revised building elevations, meeting with Staff approval and reflecting a theme, architecture and colors complementary to adjacent, existing developments,
  - b. A revised site plan, meeting with Staff approval and showing combined parking with the Desert Professional Center and allowing for through traffic between Fiesta and Florence Boulevards,
  - c. A copy of the recorded joint parking agreement between Gene Lehman and the principal property owner(s) within the Desert Professional Center,
  - d. A Final Landscape Plan, meeting with Staff approval and indicating the type, size and number of all existing and proposed plant material;
2. If deemed necessary by Staff, a retaining wall is to be installed, by the applicant, between the Desert Professional Center site and the main parking lot for Lehman's Warehouse, in order to prevent the existing earthen berm at the Center from sliding into the parking lot;
3. All parking and circulation areas are to be paved and extruded concrete curbing installed to provide protection of landscaping, retention and building areas;
4. Detached signage is to be a low-profile, monument-style sign;

5. All trash receptacles/dumpster enclosures are to meet City requirements and are to be constructed to complement the building;
6. All development shall conform to any City requirements for attached signage, grading, drainage, retention, outdoor lighting, and any specific requirements of the Building and Fire Departments;
7. All external mechanical equipment is to be ground-mounted, behind an opaque screening wall or landscape material;
8. All transformers, back-flow preventers, utility boxes and other utility-related, ground-mounted equipment are to be painted to complement the building and are to be screened with landscaping.
9. All conditions of approval are to be met and all improvements are to be installed prior to issuance of a Certificate of Occupancy;

Gene Lehman, 1015 E. 1st Street, came forward to address the Commission.

Mr. Lehman is in favor of Staff's conditions. He also stated that Mr. Kershner (one of the property owners of Desert Professional Center) is in favor of this request.

Dr. Peter Myskiw, Desert Professional Center, 1515 E. Florence Boulevard, came forward to address the Commission.

Dr. Myskiw stated that he and the other minority property owner are opposed to this request, as they do not like the idea of sharing the parking and he would like to discuss the City's proposed site plan with the other owner and see if they can reach an agreement.

Mr. Lehman came forward to clarify that this proposed building will be used as a showroom only therefore, no deliveries will be made at this site. Gene Lehman also reassured Staff that he will maintain his trash dumpster and keep trash contained.

Dr. Myskiw recommended installing a stop sign at the end of the driveway. Mr. Lehman stated he did not have a problem with that. Dr. Myskiw and Gene Lehman agreed that they would work together to discuss these issues.

Vice-Chairman Bridwell made a motion to approve CGPZ-52-95 with Staff's recommendations. Member O'Neil seconded the motion. The following roll call vote was recorded:

Member Taylor	Aye
Member Gugenberger	Aye
Member Edmond	Aye

Member O'Neil	Aye
Member Hancock	Aye
Vice-Chairman Bridwell	Aye
Chairman Martin	Aye

The motion passed 7 - 0.

b. CGPZ-01-96: Request by Todd and Associates for a General Plan Amendment from Low Density Residential/Urban Reserve to Mixed Regional Business on 36 acres located at the Southwest corner of Florence Boulevard and Camino Mercado. A.K.A a portion of Section 26, T6S-R6E, G&SRM, Pinal County, Arizona; APN 505-26-004A/5A (portion).

c. CGPZ-02-96: Request by Todd and Associates for a Zone Change from Urban Ranch to Planned Area Development on 36 acres located at the Southwest corner of Florence Boulevard and Camino Mercado. A.K.A a portion of Section 26, T6S-R6E, G&SRM, Pinal County, Arizona; APN 505-26-004A/5A (portion).

Todd & Associates is requesting a General Plan Amendment from low density residential/urban reserve to Mixed Regional Business, and a Zone Change from UR to PAD. This request is to develop the Casa Grande Mercado addition, a 3-lot, retail/service development. The site is approximately 20 acres and is located at the southwest corner of Florence Boulevard and Camino Mercado. In addition, this request includes approval of a Preliminary Development Plan (also an amendment to a portion of Phase B of the existing project) and a 3-lot subdivision plat.

The Preliminary Development Plan shows three separate areas for development. The first lot (the eastern most lot) will be used for retail, the middle lot is for motel and the western-most lot is intended for similar retail and/or service-type land uses. Staff is concerned about the number of driveways (5) that are proposed off of Florence Boulevard, therefore Staff recommends that the lots share common driveways.

Staff recommends approval of the General Plan Amendment and Zone Change, with the following conditions:

1. Prior to Council consideration of these requests, a PAD subdivision plat is to be prepared and submitted for Staff review;
2. The PAD subdivision plat for the Casa Grande Mercado Addition is to be recorded within one-year of Council approval of these requests, or the General Plan Amendment and Zone Change shall be considered null and void;
3. Prior to issuance of a Building Permit for any lot, or portion, of the Casa Grande Mercado Addition, the proposed development is to undergo Major Site Plan Review;

Exhibit E – Letters of  
Opposition

June 3, 2014  
The Development Center

Attn: Laura Blakeman, City Planner  
City of Casa Grande  
510 E. Florence Boulevard,  
Casa Grande, AZ 85122

**RE: Request by Adam Baugh, for the following land use request on 0.66 acres located at 1569 E. Florence Boulevard:**

1. DSA-14-00030: Variance from the following City Code Provision:
  - a. Section 17.24.150: To have a minimum 10 foot front yard setback, whereas the minimum front yard setback is 35 feet.

Dear Ms. Blakeman,

This letter is in regards to the proposed land use request and variance to the existing City Code for applicant Adam Baugh, and the property located at 1569 E. Florence Boulevard.

It is the shared position of the five current owners of the Desert Professional Center, found directly adjacent to the property in question at 1515 East Florence Boulevard, to speak in opposition to the request for variance. Integral to the proposed plan and request for variance by Mr. Baugh is an assumed use and access of the existing sidewalk and parking lot of the Desert Professional Center.

The proposed plan demonstrates a continuity of use through the existing parking lot of the Desert Professional Center; however, this is a separate property and ownership. The permission for this extended use has not been requested or given, nor does Mr. Baugh have any legal entitlement to its use. The preliminary site plan submitted by Hot Rod Architecture on behalf of Mr. Baugh shows an ingress and/or egress using the property owned collectively by the owners of the Desert Professional Center, not Mr. Baugh. There is an assumption shown in the documents that this permission for shared ingress/egress is existing: it is not, and we do not give permission for the shared use of our land.

We respectfully request our opposition to this proposed land use request be noted as part of the public hearing pertaining to the matter.

Sincerely,



Dr. Alex & Tina Tanase

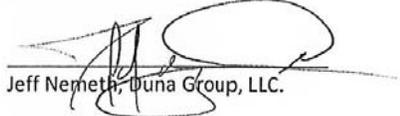


Dr. Peter & Jennifer Myskiw



Ray Marin

\_\_\_\_\_  
Bill Nelson



Jeff Nemeth, Duna Group, LLC.

June 3, 2014

Attn: Laura Blakeman, City Planner  
City of Casa Grande  
510 E. Florence Blvd  
Casa Grande, Arizona

Re: Variance Request by Adam Baugh

Dear Ms. Blakeman,

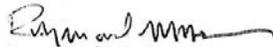
I wanted to voice my opposition at this time to the Variance request; or at the least, respectfully request a delay in a decision on the Variance Request; until the validity of joint parking agreement is determined by interested parties.

I apologized in advance for taking your time on questioning the legitimacy of the document (I am aware that this is not the appropriate setting to determine the authenticity of the agreement and that it may need to be determined at a different forum). However, I believe that my concerns are pertinent if some aspect of their variance request is legally anchored by this document.

Special Meeting January 26, 1996 convened at 9:00 P.M. at Howard and Glenn office where it appears that only two individuals were in attendance. Mr. Eisele was the real estate agent of record and Mr. Howard, I believe was the attorney for Mr. Lehman. The appointment of Mr. Eisele as representing Desert Professional Center's interest during this meeting is questionable, since there is no prior written authorization for him to represent us at the special meeting. Furthermore there no evidence that we were present at the meeting (Kershner, Dr. Myskiw, Mrs. Myskiw, Raymond Marin). Where are our signatures on document dated January 26, 1996? Until today I had not seen the signed agreement by individuals who had no ownership rights in Desert Professional Center or the authority to appoint a person to represent Desert Professional Center's interests.

I am hoping Mr. Baugh has the Desert Professional Association's minutes that nominate and appoint (by owners) Mr. Eisele to execute any binding agreement on behalf of the owners of Desert Professional Center; or any other documents from Desert Professional Center Association that afford him the authority. If Mr. Baugh is not able to produce aforementioned documents Pinal County records recording the easement would certainly appease any of my concerns mentioned in this letter.

I am sorry that I am unable to attend your meeting to personally voice my concerns.

  
Raymond Marin

Enclosures (3)

NOTICE OF SPECIAL MEETING

*who attended  
Meeting?  
time of  
Meeting??*

A special meeting of the owners of the Desert Professional Center will be held on January 26, 1996, at 9:00 p.m., in the offices of Howard and Glenn, P. C., 550 East Cottonwood Lane, Casa Grande, Arizona. The agenda shall include the following:

1. The approval of a Joint Use Agreement with Gene Lehman concerning the parking lot and other facilities at Desert Professional Center.
2. Any necessary amendment of the Declaration of Desert Professional Center or any rules or regulations published thereunder to effect the implementation of the Joint Use Agreement.
3. The designation of Brett Eisele as the spokes person for Desert Professional Center to finalize the negotiation of the Joint Use Agreement and to execute the same when it is available.
4. Any and all other actions deemed necessary and appropriate by majority vote of the owners present in connection with the above.

Dated this 10<sup>th</sup> day of January, 1996.

*Joseph W. Howard*  
 \_\_\_\_\_  
 Joseph W. Howard

*Brett Eisele*  
 \_\_\_\_\_  
 Brett Eisele

*When is prior authorization  
by Desert Professional Center? → designation of an  
Eisele  
Signatures by owners*

*What happened to specific date??*

*Cross parking + access easement.*

JOINT USE AGREEMENT

AND

EASEMENT

This agreement is made and entered into this \_\_\_\_\_ day of February, 1996, by and between Desert Professional Center, a Horizontal Property Regime, and Gene Lehman and Judy Lehman, husband and wife.

Desert Professional Center is the owner of certain real property located in Pinal County, Arizona, and more particularly described as follows:

Desert Professional Center, according to the Declaration of the Horizontal Property Regime, recorded in Cabinet 1288, page 22, and plat recorded in Cabinet A, Slide 141, records of Pinal County, Arizona and amended at Docket 1865, page 902.

Lehman is the owner of certain real property located in Pinal County, Arizona, and more particularly described as follows:

The North 126 feet of the East 68 feet of the Desert Professional Center, according to the Declaration of the Horizontal Property Regime, recorded in Cabinet 1288, page 22, and plat recorded in Cabinet A, Slide 141, records of Pinal County, Arizona and amended at Docket 1865, page 902.

The parties desire to enter into a Joint Use Agreement with regard to the parking lot existing on the Desert Professional Center and the parking lot to be constructed in the Lehman property which will allow each party to use the other's parking lot for parking and for ingress and egress.

In consideration of the various promises contained herein, Desert Professional Center hereby grants Lehman an easement on the parking lot located on the Desert Professional Center for use by Lehman and his employees, guests and customers (Lehman's Users) for parking and for ingress and egress. Further, Lehman grants to Desert Professional Center an easement on the parking lot located or to be located on the Lehman property for use by Desert Professional Center's owners, their employees, guests and customers ("Desert Professional Users") for parking and for ingress and egress.

Lehman agrees to construct his parking lot in accordance with the Plans and Plat as attached hereto as Exhibit A and to be responsible for any and all costs and expenses in obtaining City approval, constructing the parking lot, making any necessary curb cuts and all other costs associated with the fulfillment of such Plans and Plat.