AGENDA ITEM _____
DATE _____

Regular Meeting
October 3, 2013

MINUTES OF A REGULAR MEETING OF THE CASA GRANDE PLANNING AND ZONING COMMISSION HELD ON THURSDAY, OCTOBER 3, 2013 AT 6:00 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, 510 E. FLORENCE BOULEVARD, CASA GRANDE, ARIZONA.

I. Call to Order/Pledge:

Chairman Lavender called the meeting to order at 5:58 p.m.

II. Roll Call:

Members Present:
Chairman Jeffrey Lavender
Vice-Chairman Mike Henderson
Member David Benedict
Member Joel Braunstein
Member Fred Tucker

Absent:
Member Cheri Edington
Member Ruth Lynch

City Staff Present:
Paul Tice, Planning and Development Director
Laura Blakeman, Planner
Keith Newman, Planner
Mark Graffius, Assistant City Attorney
Linda Harris, Development Center Secretary

III. Approval of Minutes:

September 5, 2013

Vice-Chairman Henderson moved to approve the minutes dated September 5, 2013, Member Benedict seconded, a voice call vote was called, and all were in favor.

IV. Changes to the Agenda:

Director Tice requested that the Commission allow item C be heard first. He stated staff is calling the applicant for item B to make sure they are aware of the hearing; we would like to give her a chance to show up;

The Commissioners' agreed to hear item C first.

Chairman Lavender clarified the cases will be heard in the following order, item C, A, and B.

V. New Business:

C. Request by the City of Casa Grande for the following land use approval located at the Acacia Landing and Silverhawk subdivisions, Casa Grande, AZ 85122:

1. **DSA-13-00125: Zone Change** from R-3 (Multi-Family Residential) to R-1a (Single Family Residential). (Planner: Keith Newman)

Keith Newman, Planner, came forward and presented a brief overview of the case as stated in the Staff Report. Mr. Newman stated the zone request is for portion of the Acacia Landing subdivision and the entire Silverhawk subdivision. The Silverhawk subdivision is located on the east side of Peart Road, south of McMurray Boulevard and the Acacia Landing subdivision portion for rezoning is located on the west side of Peart Road, south of McMurray Boulevard. The total area is approximately 93 acres, with 425 existing homes. Mr. Newman explained that the rezoning will allow the existing single family homes to be classified as a legal conforming uses. The current zoning of Multi-Family Residential (R-3) does not allow single family uses, which means that all the homes are currently legal non-conforming. Mr. Newman mentioned that if one of the homes is destroyed the property owner can not rebuild, they would have to comply with the current zoning regulations and build a multi-family home, but the lot sizes do not accommodate a multi-family unit such as an apartment or condominium. Mr. Newman stated this problem was created in 1989, when the city code was amended by allowing single family residential as a permitted use in the R-3 zoning districts. In 2000 both neighborhoods received their final plat approval, but a year later the zoning code was amended eliminating the use of single family residential in the R-3 zoning district. He explained that in order to fix this problem staff is recommending that the property be rezoned to R-1a. Mr. Newman overviewed the review criteria for a zone change. He mentioned that a neighborhood meeting was held on September 25th, several property owners showed up and all agreed that the zone change was necessary; no other public comments were received by staff.

Chairman Lavender made a call to the public.

Phillip Hartman, 14291 N. Anderson Road, Maricopa, came forward to address the Commission. Mr. Hartman stated they also own a home in the Silverhawk subdivision and they concur with staff's recommendation to rezone the subdivision.

Chairman Lavender made another call to the public; no one came forward.
Vice-Chairman Henderson made a motion to forward a favorable recommendation to the City Council regarding DSA-13-00125, Zone Change from Multi-Family Residential (R-3) to Single Family Residential (R-1a), located within the Acacia Landing and Silverhawk subdivisions. Member Braunstein seconded the motion.

The following roll call vote was recorded:

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

The motion passed 5 – 0.

A. **Request by Arizona Water Company**, for the following land use request located at 835 N. Arizola Road; APN 505-22-002K:

1. **DSA-13-00100: Conditional Use Permit** to allow for a special purpose fence (8' feet in height), whereas the Urban Ranch Zoning District allows a maximum of 6' feet in height. (Planner: Laura Blakeman)

Laura Blakeman, Planner, came forward and presented a brief overview of the case as stated in the Staff Report. Ms. Blakeman stated the site is located west of Arizola Road, north of Florence Boulevard, and has existing equipment surrounded by a 6 foot chain link fence. Arizona Water Company is proposing to construct an 8 foot block fence to better secure the site. She commented that the surrounding property will most likely be developed as commercial, retail or multi-family, not urban ranch as it is currently zoned. Ms. Blakeman stated that in doing research on the site, staff did not find an existing Conditional Use Permit (CUP); therefore the site is operating as a legal non-conforming, grandfathered site. Ms. Blakeman overviewed the review criteria for a CUP noting the proposed use has no adverse impact upon the abutting properties. No public inquires were received by staff. Ms. Blakeman read the two conditions into the record.

Vice-Chairman Henderson commented that the current chain link fence appears to have barb wire on the top. He questioned that if we limit the block fencing to 8 feet, are we telling the applicant they can no longer have the barb wire on the top of the fence.

Ms. Blakeman stated the barb wire will not be permitted on the fence.

Chairman Lavender called for the applicant; no representatives were present.

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

Member Braunstein made a motion to approve Resolution DSA-13-00041, Conditional Use Permit for a special purpose fence (8' in height), whereas the Urban Ranch Zoning District allows a maximum of 6' in height, with the conditions as stated below:

1. Any expansion of the fence will require a new conditional use permit review.
2. The fence shall be limited to a maximum of 8 feet in height.

Vice-Chairman Henderson seconded the motion.

The following roll call vote was recorded:

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

The motion passed 5 – 0.

B. Request by Jennifer Deall for the following land use request:

1. **DSA-13-00124: Zone Change** from B-4 (Community Services Zone) to B-3 (Central Business Zone) for Stephani's Pooch Parlor (A.K.A Central Creditor's Association Building) and Angels in Waiting (A.K.A Ward's Variety Store) located at 118 N. Sacaton Street and 112 N. Sacaton Street (APN 507-07-059). (Planner: Laura Blakeman)

Laura Blakeman, Planner, came forward and presented a brief overview of the case as stated in the Staff Report. Ms. Blakeman stated the sites are located east of Sacaton Street and south of First Street, and they have a vacant area between the two buildings. Ms. Blakeman cited that both sites have been on the Historic National Register since 1982. A brief history of the property was given noting that in 1987 the official zoning for the property was Community Service (B-4). She then commented that staff feels that the Central Business Zone (B-3) is a more compatible land use for this area. The zone change will allow flexible setbacks, some of the required parking to be provided on street, and will allow the Community Center Urban Form to be achieved. Ms. Blakeman overviewed the review criteria for a zone change. She stated staff received one public inquiry regarding odor from the mortuary's outdoor freezer area.

Member Braunstein asked if these historical landmark buildings are protected from being remodeled or demolished regardless of the zoning.

Director Tice explained that if a building is located in a local or national historic district our code regarding historic buildings does not prohibit the demolition. There is a process whereby the property owner must go through to obtain permission to demolish. The owner has to go before the Historic Preservation Commission. The Historic

Commission will try to encourage the property owner to retain the property for appropriate uses, but we can not prohibit them from demolishing their buildings. Director Tice stated the most important difference between the B-4 and B-3 zoning for this property is that with the B-4 zoning if someone wanted to build on the vacant property between the two buildings, the new building would have to be pushed way back in order to meet the setbacks, but with the B-3 zone it allows the building to be in-line with the existing buildings.

Chairman Lavender made a call to the applicant.

Barbara Archambault, 1017 N. Trekell Road, representative for the applicant, came forward to address the Commission. Ms. Archambault stated she hopes the Commission approves their request.

Member Braunstein asked Ms. Archambault if she is the owner of one of the businesses.

Ms. Archambault stated she is not the owner, but does work with the owner of the mortuary.

Chairman Lavender asked Ms. Archambault if she represents the mortuary.

Ms. Archambault replied "yes".

Chairman Lavender then asked if the odor situation has been resolved.

Ms. Archambault stated there is no odor. She commented that if there is an odor it is possible it is coming from the sewer behind the building, not from the bodies.

Chairman Lavender made a call to the public.

Tracy Muller, 209 W. 1st Street, came forward to address the Commission. Ms. Muller stated she is the Zone Director for the Arizona Foundation of the Handicap, and their property is adjacent to the mortuary and pooch parlor. She commented they have numerous clients, and staff has told her that on several occasions when the clients are outside they have witnessed the door to the cooling unit opened and the bodies exposed. Ms. Muller then expressed her concerns with the odor and possible health issues.

Vice-Chairman Henderson asked Director Tice if the city has a procedure that Ms. Muller can follow to have her concerns looked addressed.

Director Tice stated staff will be following up on the outside freezer/equipment. He noted staff was not aware that equipment was outside.

Chairman Lavender noted that tonight is only for the zone change request.

Chairman Lavender made another call to the public, no one came forward.

Member Benedict made a motion to forward a favorable recommendation to the City Council regarding DSA-13-00124, Zone Change from Community Services Zone (B-4) to Central Business Zone (B-3) for Stephani's Pooch Parlor located at 118 N. Sacaton Street and Angels In Waiting located at 112 N. Sacation Street. Member Braunstein seconded the motion.

The following roll call vote was recorded:

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

The motion passed 5 – 0.

VI. Call to the Public:
There were no comments received from the public.

VII. Report by Planning Director:
Director Tice had no items to report.

Chairman Lavender mentioned the next Planning Commission meeting will be held on November 7, 2013.

Vice-Chairman Henderson asked for comments on the transfer of the sign plan approvals and when the proposed zone changes will be brought back before the Commission.

Director Tice stated the zone code amendments may or may not be heard at the November Commission meeting; the final touches are being done. He commented that once the draft is done he will circulate it out for public review focusing on our commercial Real Estate community; they have the biggest interest in the changes that might occur. Director Tice then addressed the transfer of the comprehensive sign plan, commenting he would like to address this when he makes other administrative processing changes, which will be sometime in the future.

VIII. Adjournment:
Chairman Lavender called for adjournment at 6:39 p.m.

Submitted this **14th day of October 2013,** by Melanie Podolak, Administrative Assistant to the Casa Grande Planning & Zoning Commission, subject to the Commission's approval.

Approved this 7th day of November, 2013, by the Casa Grande Planning & Zoning Commission.

Chairman Lavender

	Planning and Zoning Commission STAFF REPORT	AGENDA # _____

TO: CASA GRANDE PLANNING AND ZONING COMMISSION

FROM: Keith Newman, City Planner

MEETING DATE: October 3, 2013

REQUEST

Request by the City of Casa Grande for the following land use approval located at the Acacia Landing and Silverhawk subdivisions, Casa Grande, AZ 85122:

DSA-13-00125: Zone Change from R-3 (Multi-Family Residential) to R-1a (Single Family Residential).

APPLICANT/OWNER

Applicant
City of Casa Grande Planning Dept.
510 E. Florence Blvd.
Casa Grande, AZ 85122
P: 520-421-8630

Owner
N/A

HISTORY

December 18, 1989: Ordinance # 1178.24 was adopted by the Mayor and City Council adding single family residential as a permitted use in the R-3 Zoning District. (See Exhibit B)

March 20, 2000: The Final Plat for Acacia Landing was approved by the Mayor and City Council.

June 5, 2000: The Final Plat for Silverhawk was approved by the Mayor and City Council.

April 2, 2001: Ordinance # 1397.17.28 was adopted by the Mayor and City Council eliminating single family residential as a permitted use in the R-3 Zoning District. (See Exhibit C)

PROJECT DESCRIPTION

Site Area	93 acres
Current General Plan 2020 Land Use	*Neighborhoods*
Existing Zoning	R-3 (Multi-Family Residential)
Proposed Zoning	R-1a (Single Family Residential)

Surrounding Land Use and Zoning

Direction	General Plan 2020 Designation	Existing Zoning
North	*Neighborhoods*	R-1 (Single Family Residential) and PAD (Planned Area Development)
South	*Neighborhoods*	R-3 (Multi-Family Residential), B-2 (General Business) and PAD
East	*Neighborhoods*	PAD (Planned Area Development)
West	*Neighborhoods*	R-1 (Single Family Residential)

General Discussion:

The City of Casa Grande is requesting to re-zone a portion of the Acacia Landing Subdivision and the entire Silverhawk Subdivision from R-3 (Multi-Family Residential) to R-1a (Single Family Residential) (See Exhibit A). The total area of the City Initiated zone change consists of approximately 93 acres in size and contains 425 existing homes (267 in Acacia Landing and 158 in Silverhawk). The lot sizes range from 5,000 square feet to 5,500 sq. ft. in Acacia Landing and 5,500 to 7,100 in Silverhawk.

The reason for the zone change is due to the fact that these subdivisions were approved and the single family homes constructed at a point in time when single family homes were allowed, along with multi-family apartments in the R-3 Zoning District. However, in 2001 the City amended the Zoning Code removing single family homes as a permitted use within the R-3 Zoning District. As a result, today only multi-family uses (i.e., apartments, condominiums, etc.) are allowed within the R-3 Zone District. Accordingly, all of the existing single family homes in these subdivisions are technically classified as legal non-conforming uses. Per City Code section 17.64.010 (D), current homes can remain for the life of the structure but could not be reconstructed if they were to be destroyed by fire or other causes.

To rectify this situation, the City of Casa Grande is proposing a City-Initiated zone change for both neighborhoods from R-3 to R-1a. The R-1a zone district allows single family homes as a permitted use with a minimum lot size of 5,000 sq. ft. If this zone change is approved, single family homes located within the Acacia Landing and Silverhawk subdivisions will become legal conforming uses and will be in compliance with zoning.

Existing Zoning

In addition to the required public notification process City Staff sent a letter to all affected property owners explaining the proposed request and invited them to a neighborhood meeting which was held September 25, 2013. City staff feels that all property owner concerns have been addressed and that the elimination of the current illegal non-conforming status of all properties will be a benefit to the entire community.

Proposed Zoning

CONFORMANCE WITH ZONE CHANGE REVIEW CRITERIA

In considering applications for Zone Changes per City Code 17.68.480, the Planning and Zoning Commission shall consider the following:

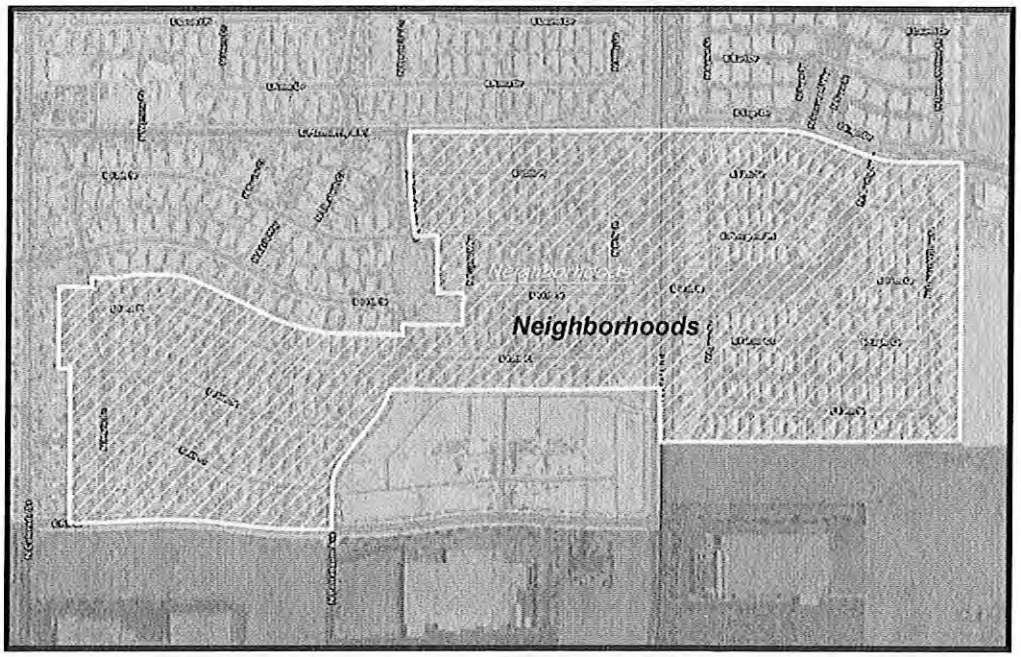
1. The action is consistent with the City's General Plan; including, the goals, policies and applicable elements.

- *The requested rezoning is suitable at this location considering that the Neighborhoods land use allows for R-1a zoning.*

2. A rezoning conforms to the General Plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the General Plan.

- The R-1a (Single Family Residential) zoning is a permitted zoning district in the *Neighborhoods* land use category of the General Plan.
- The *Neighborhoods* land use category is intended to be comprised primarily of single family residential development. The zone change to R-1a will restrict the land uses in this area to single family uses.

General Plan 2020 Map



3. The proposed zone change is necessary and proper at this time to meet the land use needs of the residents of the city.

- Allows for all existing single family homes to be classified as legal conforming uses which are allowed to be added onto and replaced in the case of being destroyed by fire or other causes (assuming all setbacks and other development standards are met).

PUBLIC NOTIFICATION/COMMENTS

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 September 17, 2013
- A notice was sent to all property owners within 300 ft. of the site on September 18, 2013.
- A notice of the rezoning was sent to approximately 400 existing property owners within the rezoning area on September 19, 2013.
- Staff held a neighborhood meeting in which all impacted property owners were invited on September 25, 2013.
- A public hearing sign was posted on the site on September 19, 2013.

Inquiries/Comments

N/A

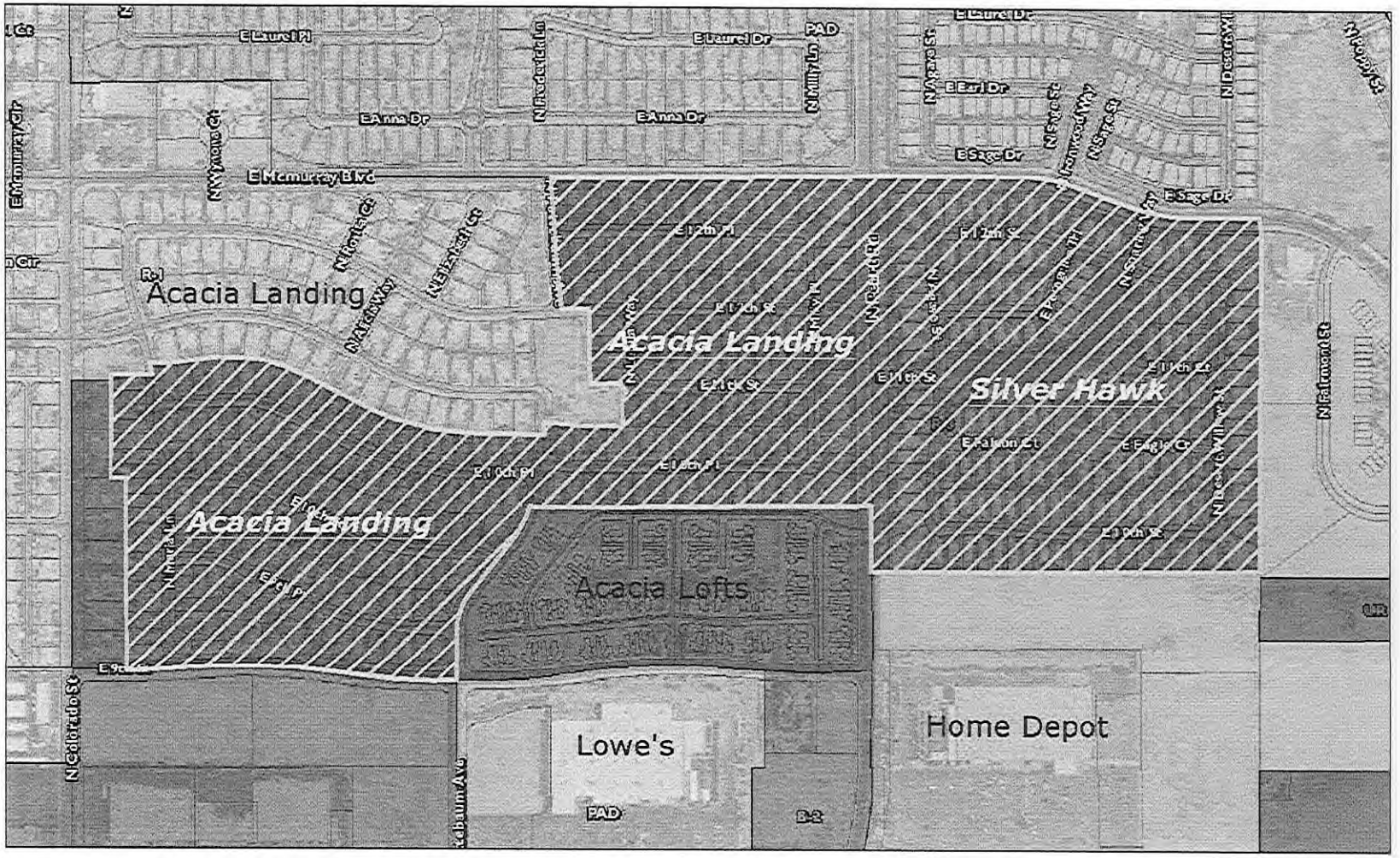
STAFF RECOMMENDATION

Staff recommends the Commission forward a favorable recommendation to City Council for **DSA-13-00125, Zone Change** from R-3 (Multi-family Residential Zone) to R-1a (Single Family Residential Zone) for a portion of the Acacia Landing Subdivision and for the entire Silverhawk Subdivision.

Exhibits:

Exhibit A- Zone Change Exhibit
Exhibit B- Ordinance allowing Single Family Residential as a permitted use in R-3
Exhibit C- Ordinance removing Single Family Residential as a permitted use in R-3

Exhibit A – Zone Change Exhibit



Site Info:

Current Zoning: R-3 Site Area: = 93 Acres

Proposed Zoning: R-1a APN: N/A

General Plan: Neighborhoods

Exhibit B- Ordinance allowing Single Family Residential as a permitted use in R-3

ORDINANCE NO. 1178.24

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AMENDING ZONING ORDINANCE NO. 1178, AS AMENDED, BY AMENDING SECTION 4.3, PERMITTED USES BY ZONE AND SECTION 5.5.7 A. SETBACKS, YARDS, AND HEIGHTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

Section 1. Authorization for Amendment

The Mayor and Council hereby authorize the amendment of Section 4.3, Permitted Uses by Zone, and Section 5.5.7 A. Setbacks, Yards, and Heights (R-3 zoning).

Section 2. Authorization for Addition

The Mayor and Council hereby authorize the following additions:

Section 4.3.1 Residential Zone Uses, A. Principally Permitted Uses is hereby amended to include Single-family dwelling units as a principally permitted use in an R-3 zone.

Section 5.5.7 Setbacks, Yards, and Heights, is hereby amended to establish setbacks for Single Family Structures in R-3 zoning as follows: 20' front, 10' interior side (No side yards shall be less than five feet; at least one side yard shall be ten feet), 20' corner side, 20' rear.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 18th day of December, 1989.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit C- Ordinance removing Single Family Residential as a permitted use in R-3

ORDINANCE NO. 1397.17. 28

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AMENDING TITLE 17, CHAPTER 20, OF THE CASA GRANDE MUNICIPAL CODE, RELATING TO PRINCIPALLY PERMITTED USES; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY COMMENCED THEREUNDER; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

SECTION 1. Amendment and Effective Date

Chapter 16 of Title 17, Casa Grande Municipal Code, regarding principally permitted uses for the R-3 Residential zoning classification, is hereby amended to read as set forth in Exhibit A which is attached hereto and incorporated herein by this reference, and is effective as of May 2, 2001.

SECTION 2: Rights and Duties Matured

The amendment of the Chapter 16 of Title 17 of the Casa Grande Municipal Code, effective as of May 2, 2001, does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date thereof.

SECTION 3: Severability

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

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 2nd day of April, 2001.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Removal of SFD in R-3

	Planning and Zoning Commission STAFF REPORT	AGENDA # _____

TO: CASA GRANDE PLANNING AND ZONING COMMISSION

FROM: Laura Blakeman, City Planner

MEETING DATE: October 3, 2013

REQUEST

Request by Arizona Water Company, for the following land use request located at 835 N. Arizola Road; APN 505-22-002K:

1. **DSA-13-00100: Conditional Use Permit** to allow for a special purpose fence (8' feet in height), whereas the Urban Ranch Zoning District allows a maximum of 6' feet in height.

STAFF RECOMMENDATION

Staff recommends approval of Resolution DSA-13-00100 (Conditional Use Permit) for a Special Purpose Fence.

APPLICANT/OWNER

Arizona Water Company
PO Box 29006
Casa Grande, AZ 85122
P: 520-836-8785
Email: rmurrieta@azwater.com

Same as applicant

HISTORY

February 2, 1983 – Per Ordinance #874, the site was incorporated into the City of Casa Grande.

November 16, 1987 - The site received official zoning of UR (Urban Ranch) with the adoption of the Zoning Ordinance and map.

PROJECT DESCRIPTION

Site Area	.23 acres
Zoning	UR (Urban Ranch

General Plan Designation	Community Center

Surrounding Land Use and Zoning

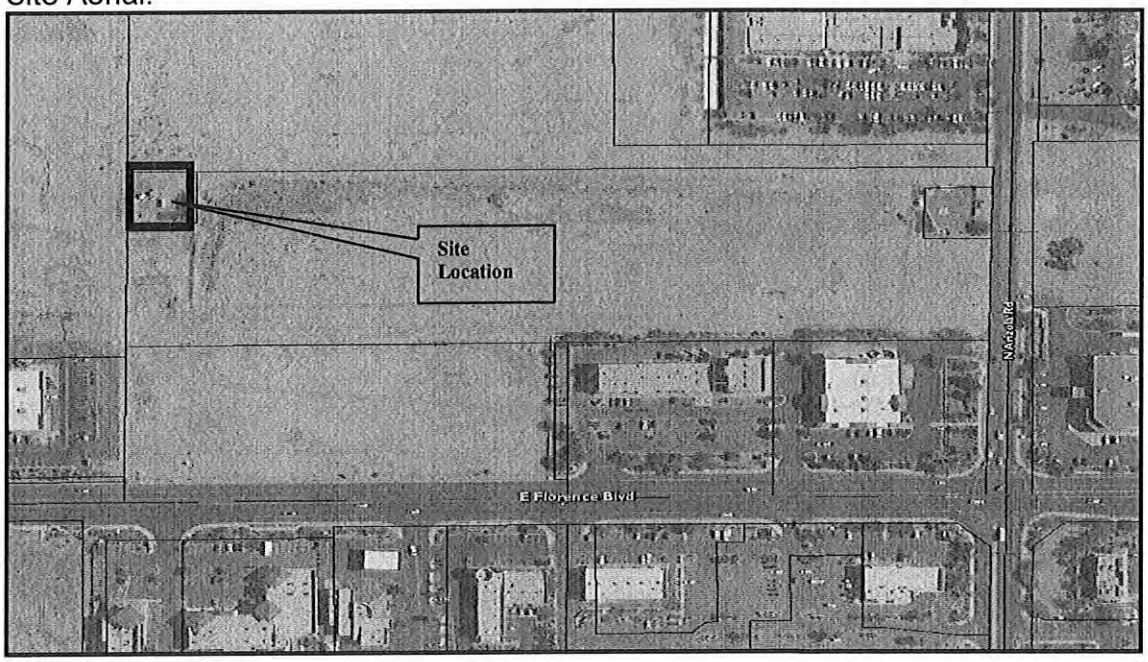
Direction	General Plan Designation	Existing Zoning	Current Uses
North	Community Center	PAD (Planned Area Development)	Vacant land
South	Community Center	UR (Urban Ranch)	Vacant land
East	Community Center	UR (Urban Ranch)	Vacant land
West	Community Center	PAD (Planned Area Development)	Vacant land

Development Standards:

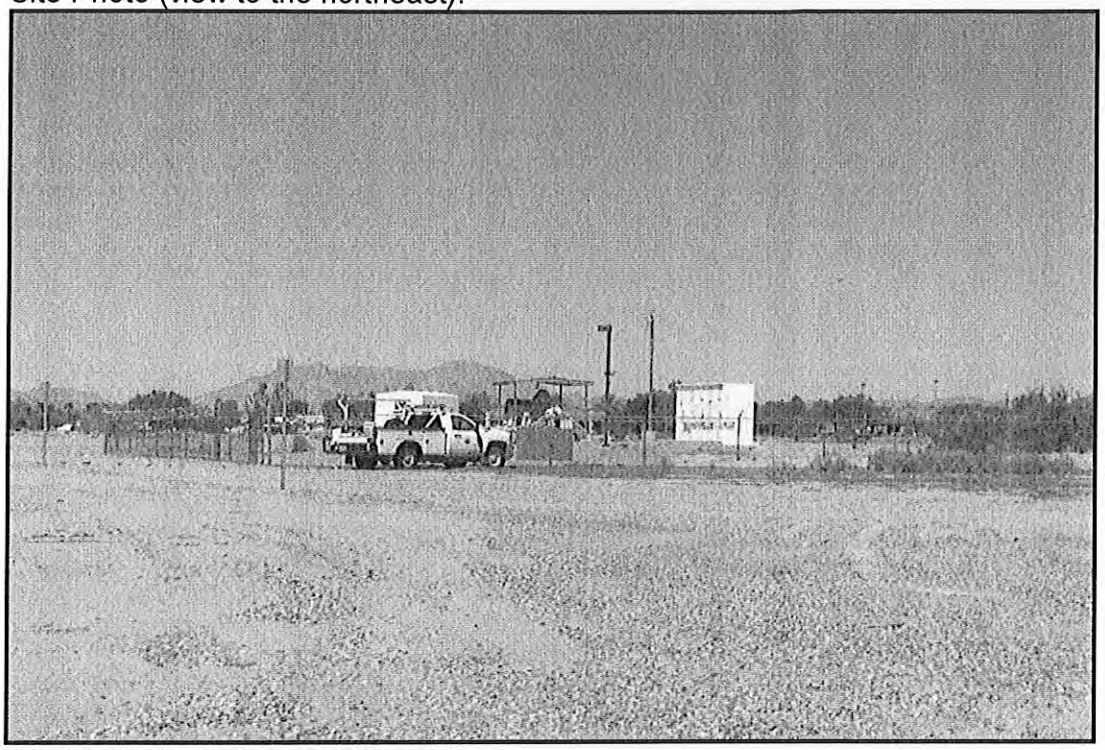
	Proposed Development	City Code requirements (UR)
Fence Height	8' ft.	6' feet maximum *(CUP required for Special Purpose Fences)*
Site Acreage:	.23 acres	1.25 ac.

Arizona Water Company has an existing equipment facility located at 835 N. Arizola Road. The property is currently fenced with a six-foot high chain link fence. In response to City Officials, encouraging community upgrades, Arizona Water Company is requesting to replace the existing fence with a new eight-foot high cmu block wall and redwood slat rolling gate.

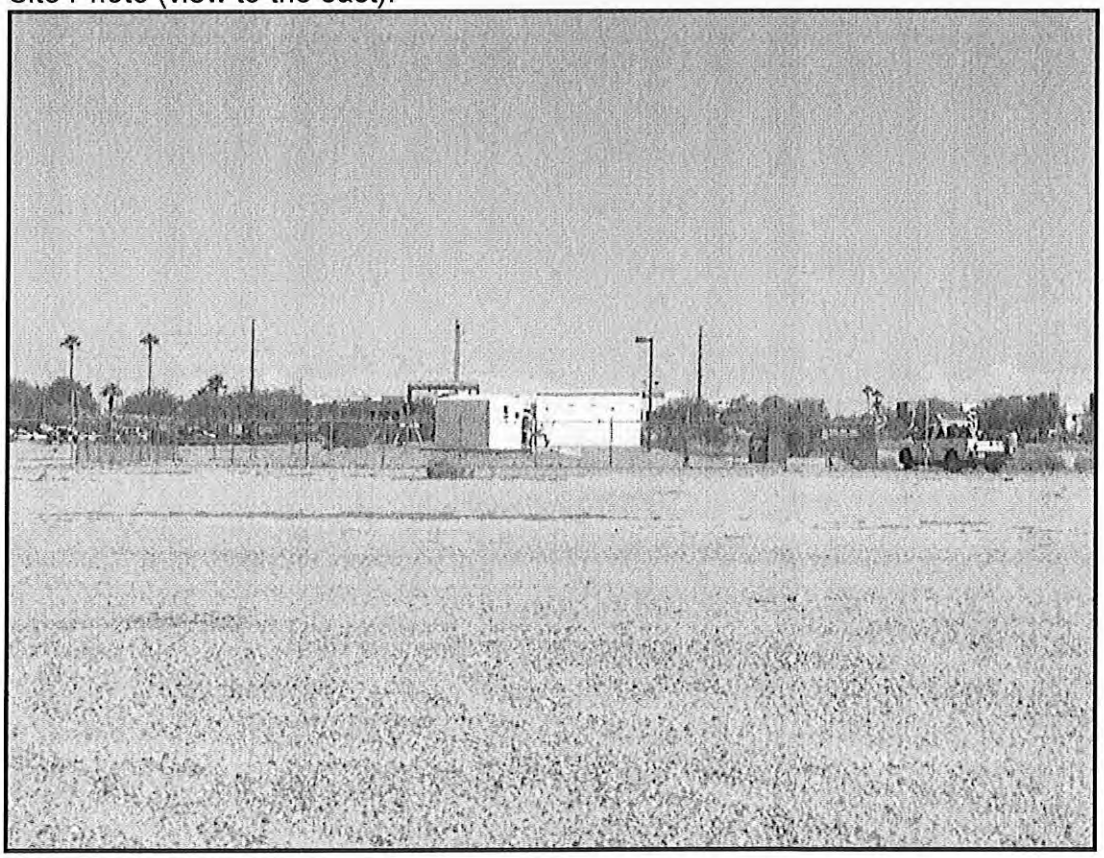
Site Aerial:



Site Photo (view to the northeast):



Site Photo (view to the east):

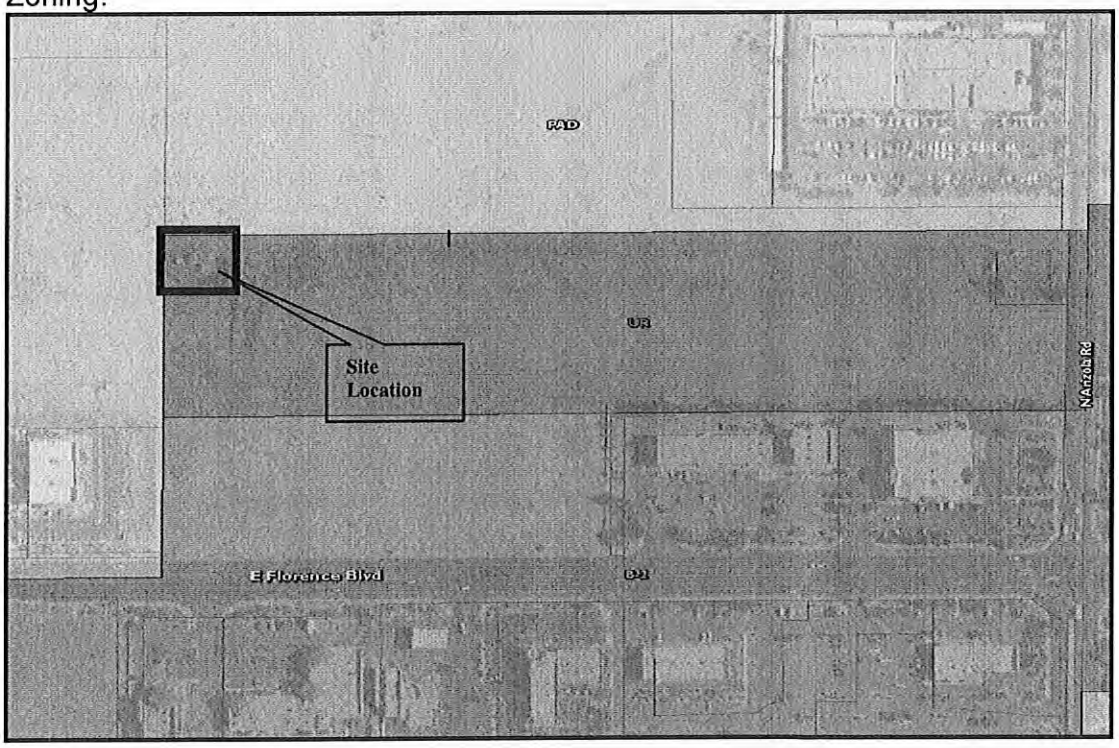


The site is zoned UR (Urban Ranch) and water pump stations are conditionally

permitted in an Urban Ranch Zoning District. City Staff has no record of a Conditional Use Permit for this site; however Staff believes that the site is "legal non-conforming". Any expansions of the site will require a new Conditional Use Permit.

The Urban Ranch Zoning is primarily a residential zoning district and per City Code Section 17.52.160, all areas zoned residential, no fence or wall shall be erected or maintained more than six feet in height. Because the use of the site is a well pumping station for Arizona Water Company, the 6 foot high fence requirement limits their ability to conceal equipment within the site. There is a provision in the City Code that allows for a "Special Purpose Fence". Per 17.52.180, Fences for special purposes and fences differing in construction, height or length may be permitted in any district by issuance of conditional use permit approved by the planning and zoning commission. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the premises for which the fence is intended and will not detrimentally effect adjacent property. Based on this provision, Arizona Water Company is requesting a special purpose fence to construct an 8 foot high block fence (8x8x16 concrete masonry unit).

Zoning:



CONFORMANCE WITH CONDITIONAL USE PERMIT REVIEW CRITERIA

The Commission, in approving a Conditional Use Permit, shall find as follows:

That the site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate the use with the land and uses in the vicinity;

The existing site is bounded by a 6 foot high chain link fence that contains equipment within the site. The site is sufficient in size to accommodate the following equipment:

- 6'x6'x7' high chlorinator shed on a concrete pad
- 7' high shade ramada
- 55 gallon drum on cradle (oil tank)
- 15' high radio antenna
- 5'x12'x6' high electrical cabinet on a concrete pad
- 12' high site light
- 3' high electrical service box

Staff finds that the proposed fence will screen the site and the screen from public view, the majority of the equipment contained within the site.

That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

The site will be manned by Arizona Water Company personnel. Per City Code Section 15.32.060, there is no increase in traffic related to the existing and continued use of this site; therefore this request does not trigger any requirement for dedication of adjacent street right-of-way nor does it require a Traffic Impact Analysis as the continued use of the site will generate less than 100 vehicle trips per day.

That the proposed use will have no adverse effect upon the abutting property;

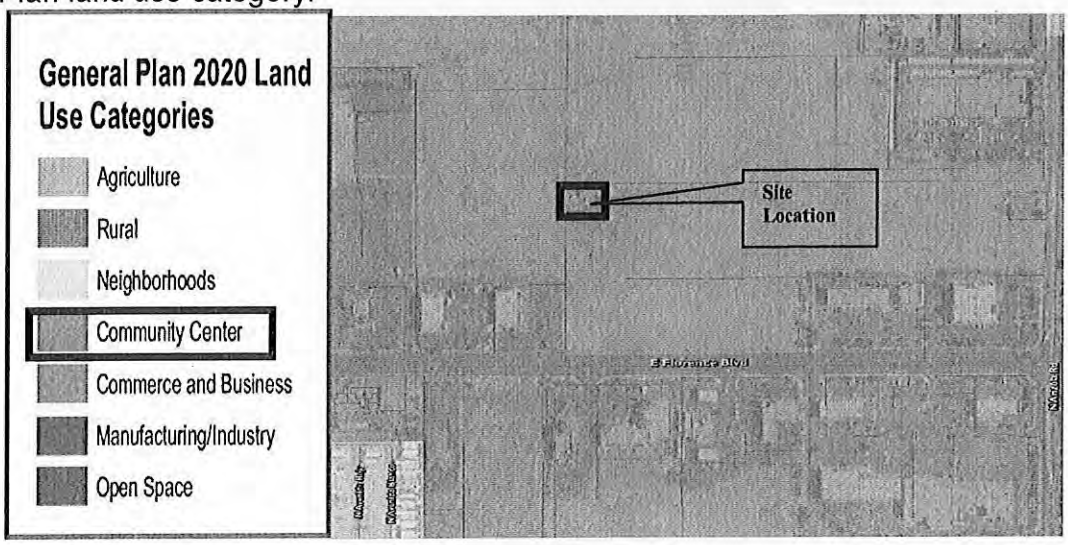
Presently, the site is surrounded by vacant land. The area to the north and the west is proposed for commercial development. The site is located in the Community Center land use category; therefore this land use category does not support single family residential, but it does support multi family residential. If multi-family were to develop adjacent to the site, it would serve as a transitional land use buffer between the well site and future commercial development. For development of future multi-family residential, the site would need a Zone Change and a Major Site Plan/Final Development Plan. At the final development plan review, any site design issues would be addressed through this process.

The new 8 foot high cmu fence will assist in buffering noise and screen the equipment from adjacent properties.

As part of the Conditional Use Permit process, a meeting notice was sent to property owners within 200' feet of the site. Staff is not aware of any adverse effects upon abutting properties and City Staff has not received any objections or inquiries to the proposed request.

That the proposed use shall be in conformance with the General Plan;

The site is located in the *Community Center* Land Use category. This category allows for a mix of commercial, retail and higher density residential developments. The land use category broadly addresses development connected to an approved water provider and underground utilities therefore Staff believes this project complies with the General Plan land use category.



That the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

N/A.

PUBLIC NOTIFICATION/COMMENTS

Notification

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

- A notice was published in the Casa Grande Dispatch on September 17, 2013 for the October 3rd, Planning and Zoning Commission public hearing.
- Notice was mailed on September 18, 2013 at least fifteen days before the day of the hearing to each owner of property situated within 200 hundred feet of the subject property. An affidavit confirming this is located in the project file.

Inquiries/Comments

City Staff has not received any comments regarding this request.

STAFF RECOMMENDATION

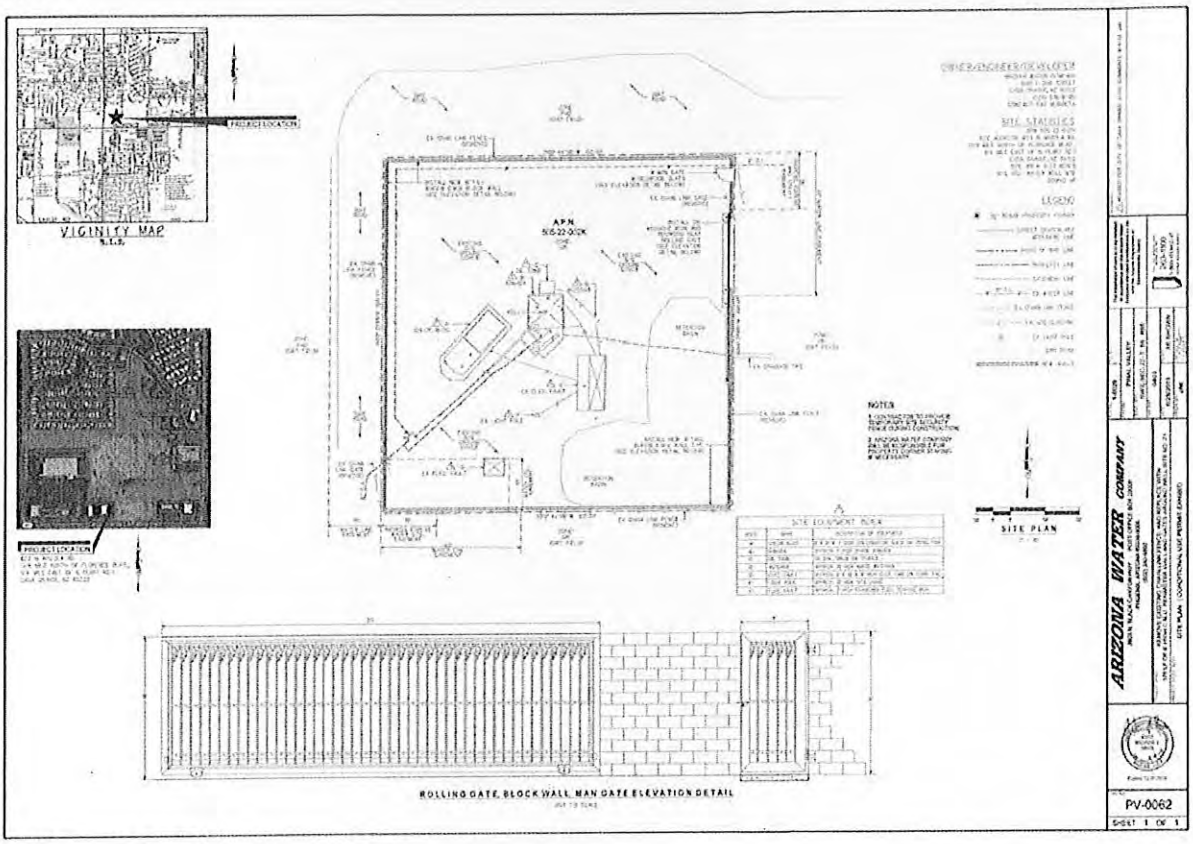
Staff recommends the Commission approve **Resolution DSA-13-00100, the Conditional Use Permit for a Special Purpose Fence subject to the following conditions:**

1. Any expansion of the fence will require a new conditional use permit review.
2. The fence shall be limited to a maximum of 8 feet in height.

Exhibit:

Exhibit A – Site Plan

Exhibit A


VICINITY MAP
PROJECT LOCATION
APN
SITE PLAN
ROLLING GATE, BLOCK WALL, MAN GATE ELEVATION DETAIL
ARIZONA WATER COMPANY
PV-0062

	Planning and Zoning Commission STAFF REPORT	AGENDA # _____

TO: **PLANNING AND ZONING COMMISSION**

FROM: Laura Blakeman, City Planner

MEETING DATE: **October 3, 2013**

SUBJECT: **DSA-13-00124:** Zone Change request from B-4 (Community Business) to B-3 (Central Business)

REQUEST

Request by Jennifer Deall for the following land use request:

DSA-13-00124: Zone Change from B-4 (Community Services Zone) to B-3 (Central Business Zone) for a .15 acre site located at 118 N. Sacaton Street and 112 N. Sacaton Street (APN 507-07-059).

STAFF'S RECOMMENDATION

Staff recommends approval of **DSA-13-00124,** the Zone Change from B-4 (Community Business) to B-3 (Central Business).

APPLICANT/OWNER

Jennifer Deall
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P: 520-836-8300
Email: jenniferdeall@hotmail.com

Irwin Krugel
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Casa Grande, AZ 85130
P: 520-705-5643

HISTORY

March 5, 1915: The site was annexed into the City limits of Casa Grande with two buildings located on it:

Central Creditor's Association Building (currently Stephani's Pooch Parlor). Source: Arizona State Historic Property Inventory June 1982.

Ward's Variety Store (currently Angels in Waiting Mortuary).
Source: Arizona State Historic Property Inventory June 1982.

November 16, 1987 - The site received official zoning of B-4 (Community Business) with the adoption of the Zoning Ordinance and map.

April 16, 1985 - The historic buildings were placed on the local and national registers.

PROJECT DESCRIPTION

Site Area	.15 acres
Zoning	B-4 (Community Business)
Zone Change request	B-3 (Central Business)
General Plan Designation	*Community Center*

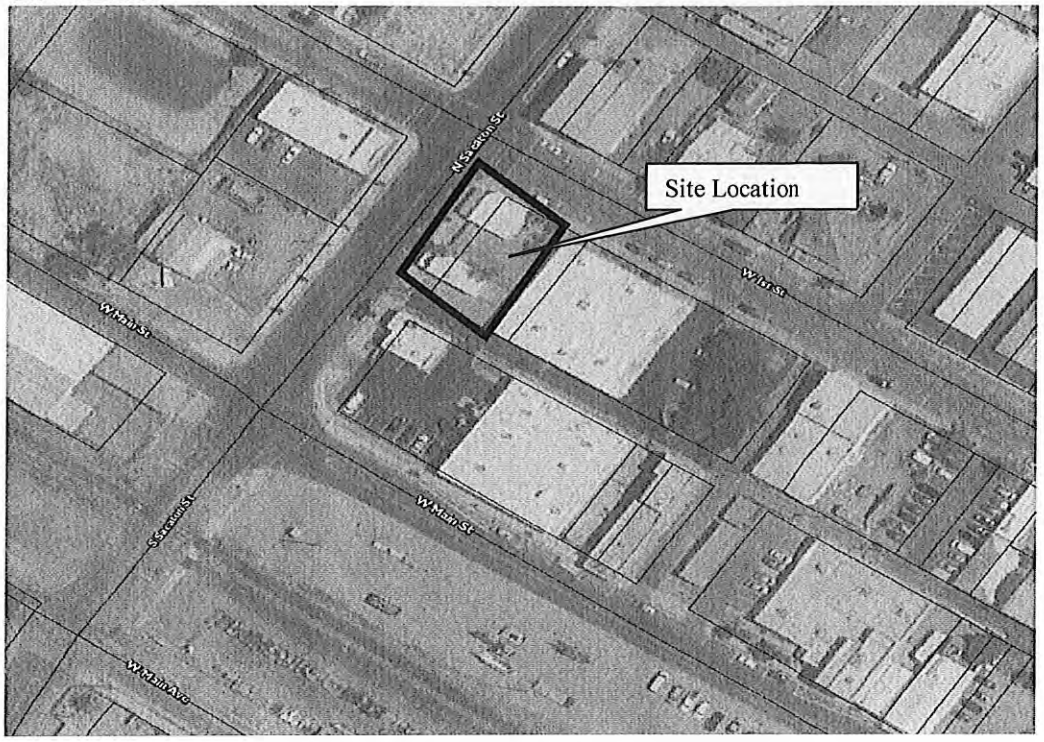
Surrounding Land Use and Zoning:

Direction	General Plan Designation	Existing Zoning	Current Uses
North	*Community Center*	B-3 (Central Business Zone)	Vacant building Custom Upholstery
South	*Community Center*	I-1 (Light Industrial)	AFH (Rehabilitation Center)
East	*Community Center*	B-4 (Community Business Zone)	AFH (Rehabilitation Center)
West	*Community Center*	B-4 (Community Business Zone)	Cazadores Construction

Development Standards:

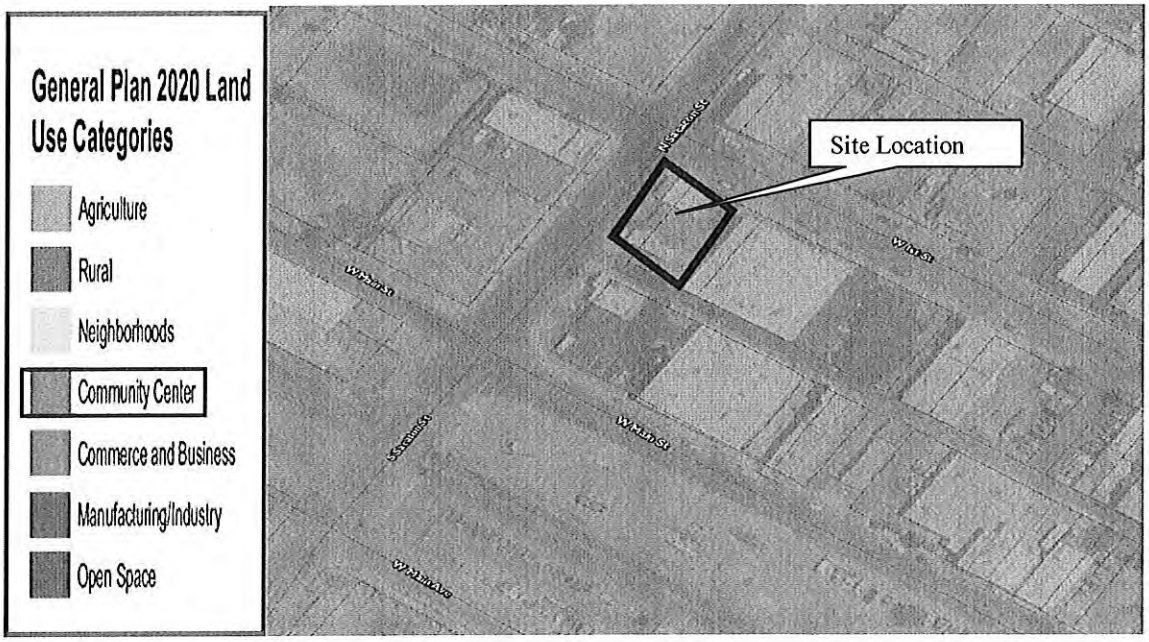
	City Code requirements (B-4)	City Code requirements (B-3)
Building Height:	35' maximum	45' maximum
Minimum Lot Width:	35'	150' (200' for corner lots)
Setbacks	Front – 35' Side – 7.5 Corner side – 25' Rear – 15' Residential Zone Boundary Setback = 45'	Front – 0 Side – 0 Corner side – 0 Rear – 0 Residential Zone Boundary = 20'

Site Aerial:



Conformance to the City's General Plan

The site's General Plan 2020 land use designation is *Community Center*. The requested B-3 zoning district complies with this land use designation as it allows for commercial, retail and services uses.



In discussions with the Angels in Waiting business owner regarding expansion to the existing business, it was discovered that this area is zoned B-4 (Community Business). Because the site is zoned B-4, it limits how the properties can develop because of the required setbacks and the B-4 zoning requires conformance with the standard parking code requirements. In comparison, the B-3 (Central Business) zone does not require minimum setbacks except for the residential zone setback and it allows for on-street parking, which can be used in meeting the standard parking code requirements.

The site currently houses commercial developments on the property (Stephani's Pooch Parlor & Angels in Waiting businesses) and is surrounded by commercial development. The area in the vicinity of this site is developed with predominately commercial, retail and service uses. These types of uses are typical for a B-3 zoned site. The B-4 zoning allows the majority of the B-3 land uses; however the B-4 Zoning is more intense commercial zoning and is a good transitional land use when it's adjacent to light industrial zoning.

Some examples of the B-4 permitted uses, which are not Principally Permitted Uses within the B-3 Zoning District, are as follows:

- Major automobile repair
- Building material sales yard, including sand and gravel
- Contractor's storage yard
- Equipment rental and storage yard
- Exterior storage of goods and materials (screened from view)
- Impound yard
- Machine Shop
- Light manufacturing
- Recycling center
- Truck repair and overhauling
- Truck stop
- Warehousing

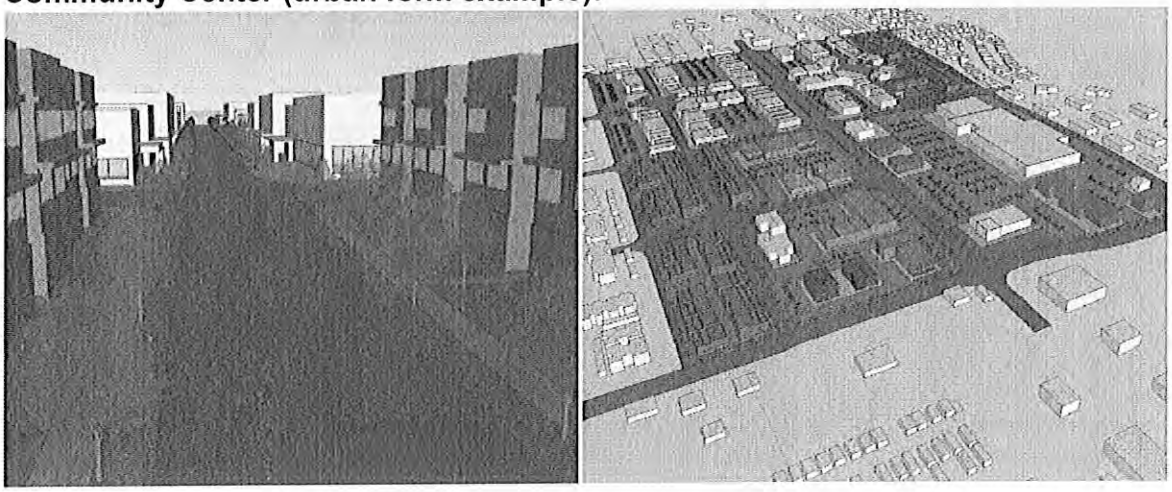
Some examples of the B-3 permitted uses are as follows:

- Appliance sales and repair
- Barber shop
- Beauty parlor
- Banks Dry cleaning and laundry establishment
- Dancing or theatrical studio
- Florist
- Game rooms, pool halls,
- Hotel or motel
- Liquor store
- Lock and key shop
- Medical, dental or health clinic

- Offices
- Pawn shop
- Photographic studio

The site is located in the downtown area, in which the majority of the area is built to an urban form that reflects buildings constructed immediately adjacent to the public sidewalk, with limited on-site parking, with a strong pedestrian and street level orientation.

Community Center (urban form example):



The "urban form" envisioned for developments within the Community Center land use category of the General Plan requires buildings to be placed closer to the street, where pedestrian accessibility is encouraged rather than vehicular accessibility while allowing for a mix of building uses and density, while allowing for a mix of residential and commercial land uses. In recognition of the areas urban form and the Community Center land use, which encourages the urban form, City Staff is recommending a favorable recommendation on the rezoning. Specifically, in regards to future development, the rezoning if approved, would create more flexible setbacks and allow for on-street parking spaces to be counted towards the required parking spaces per code. Accordingly, the B-3 zone development standards would allow the "Community Center" urban form to be achieved which is not the case with the current B-4 zoning of the site.

CONFORMANCE WITH ZONE CHANGE REVIEW CRITERIA

In considering applications for Zone Changes per City Code 17.68.480, the Planning and Zoning Commission shall consider the following:

1. The action is consistent with the City's General Plan; including, the goals, policies and applicable elements.

- *The requested B-3 rezoning will allow for the type of commercial uses, as*

well as creation of the desired urban form, as set forth within the General Plan Community Center land use category.

2. A rezoning conforms to the General Plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the General Plan.

- The B-3 (Central Business) zoning is a permitted zoning district in the Community Center land use category of the General Plan.
- The Community Center land use supports retail, commercial and mixed use commercial development.
- The Community Center "Infrastructure and Mobility" component encourages streets that include facilities for pedestrians, cyclists and automobiles.
- On-street parking will be allowed for local streets.

3. The proposed zone change is necessary and proper at this time to meet the land use needs of the residents of the city.

- This rezoning will help facilitate the redevelopment of this site into uses that are compatible with the downtown and which provide services needed by the public.

PUBLIC NOTIFICATION/COMMENTS

Notification

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

1. A notice of time, date, place, and purpose of the public hearing was published in the Casa Grande Dispatch on September 17, 2013.
2. A notice was mailed on September 18, 2013 to each owner of property situated within three hundred feet of the site. An affidavit confirming this mailing is within the project file.
3. A notice was posted by the applicant on the subject site on September 18, 2013. An affidavit confirming this posting was also supplied by the applicant.

Inquiries/Comments

Staff has not received any comments on this request.

STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission forward a favorable recommendation to the City Council for DSA-13-00124, the Zone Change, from B-

4 (Community Business) to B-3 (Central Business).