

Vice-Chairman McBride Aye
Chairman Miller Aye

The motion passed 7-0.

1. Public hearing and consideration of a request by EPS Group on behalf of Trekell-Kortsen 17, LLC for DSA-19-00037: Zone Change from B2 (General Business) and CO (Commercial Office) to R-2 (Multi-Family Residential) for five acres of land located east of Trekell Rd, south of Kortsen Rd, abutting Cottonwood Ranch. (Planner James Gagliardi)

James Gagliardi, Planner, came forward and presented an overview of the case as stated in the Staff Report. Mr. Gagliardi described the location being near the southeast corner of Kortsen Rd. and Trekell Rd. He explained that EPS Group is requesting a zone change for five acres of property currently part of a larger parcel presently zoned B-2 (General Business) & CO (Commercial Office) to R-2 (Multi-Family Residential). The reason for the zone change request is because the applicant is proposing an 88+ room single-story skilled nursing facility. A skilled nursing facility is conditionally permitted in the R-2 (Multi-Family Residential) zone district but is not permitted in either the B-2 (General Business) nor the CO (Commercial Office) as currently designated. He further stated that the request for the Conditional Use Permit is currently under Staff review and if the zone change is approved, the Conditional Use Permit and the Major Site Plan will be in front of the Commission for consideration at some point in the near future. He stated that what is outside of this five acre area would remain B-2 (General Business) up to Kortsen Rd. and CO (Commercial Office) between the site and Trekell Rd. He further explained that the R-2 zone district provides for medium density housing which permits single, two, three and four-family dwellings, as well as townhouse clusters. In addition, it allows for conditionally approved uses such as churches, schools and group homes. Mr. Gagliardi stated that a skilled nursing facility is one such use that can be permitted with Conditional Use Permit approval. He overviewed development standards that apply in the R-2 (Multi-Family Residential) zone district. The setbacks in the R-2 zone district require 20 ft. from property boundary but there is no required setback from other zone districts. Also in the R-2 zone district, there is a maximum height of 35 ft.

Mr. Gagliardi explained that as a result of the public notification for this zone change request, there were a number of concerns received from the residents of Cottonwood Ranch. Staff found that a lot of their comments were valid and in order to accommodate the proposed development while also addressing the neighborhood concerns, eight conditions of record are being recommended by Staff associated with this zone change request. These conditions were determined to be appropriate regardless if permitted uses ended up developing on the site, or the proposed conditional use permit necessary for a skilled nursing facility. He reviewed the eight conditions with the Commission.

Mr. Gagliardi overviewed the review criteria for the Zone Change which were addressed in the Staff Report. He stated that the property is located within the *Neighborhoods* land

use designation of the General Plan. One of the goals of the General Plan is to support compatible uses. Staff feels that the R-2 (Multi-Family Residential) medium residential zone density is more compatible next to the single-family neighborhood than would be the current B-2 and CO zoning of the five acre parcel. Mr. Gagliardi explained that R-2 (Multi-Family Residential) is an allowed zone district in the *Neighborhoods* designation of the General Plan where medium density residential allows up to 18 dwelling units per acre on sites 25 acres or less. He stated that should this site develop residentially, it would be under the 18 dwellings per units per acre allowed based on the recommended conditions. Mr. Gagliardi explained that the site is a great infill opportunity where very little utility or significant infrastructure extension is needed, which is another policy recommendation found in the General Plan. Mr. Gagliardi also stated that the proposed skilled nursing facility would meet a need in the community, which is yet another aspect described in the General Plan.

Mr. Gagliardi stated he received six emails from homeowners. He further stated that Staff also received several phone calls and two office visits from surrounding homeowners who expressed concern and reiterated how the recommended conditions are intended to address their comments regarding compatibility, views, access, and buffering.

Mr. Gagliardi outlined what the next steps in the process would be. Should the zone change be approved by means of a recommendation of the Planning Commission and approval by City Council, a Major Site Plan and Conditional Use Permit for the skilled nursing facility will be scheduled for public hearing and there would be further opportunity for public notice.

Mr. Gagliardi stated that Staff recommends the Planning Commission forward to City Council a recommendation to approve the Zone Change request (DSA-19-00037) from B-2 and C-0 to R-2 with the eight conditions of record that were . He asked for questions.

Member Dugan asked about the access to the five acre parcel, specifically if the surrounding property owner would grant this site a way to get to Trezell or Kortsen.

Mr. Gagliardi replied that the area identified in yellow on the map is currently one parcel owned by one entity which includes not only the five acres but the property up to Kortsen and over to Trezell. He stated that as a condition of sale of these five acres, they would establish necessary access easements. He stated that because of this very concern, one of the conditions of approval is that they would need to provide access easements to the property that meet City standards.

Member Dugan asked if access will be provided to the residents in the proposed nursing home to use the park.

Mr. Gagliardi replied that this was a concern brought to his attention by the neighbors in the Cottonwood Ranch subdivision. He stated that the park is privately owned and maintained by the Cottonwood Ranch Homeowners Association and not a public park.

However, though the people on this property may not be able to use the Cottonwood Park, it does serve as a benefit visually.

Member Snider stated that he is aware that the issue of access is not directly related to the zone change request but access is an issue. He stated that he feels that the shorter access from Trekell Rd. would be ideal to place emergency access with fewer homes being impacted by emergency vehicles and the noise and its main access come down from Trekell, where there is also less traffic. He explained that he would like to see what the entire site plan looks like as well and he assumed the residents in the adjacent neighborhood would like to know what the plan is for this area before considering the zone change.

Mr. Gagliardi replied that what is driving this request is a proposed skilled nursing facility. The Conditional Use Permit for such is currently under review by Staff. He showed a slide to Planning Commission that illustrated the site plan associated with the Conditional Use Permit that is currently under review to better understand how the plan would be accommodated on the five acres in light of the suggested conditions.

Member Snider stated he understands the possibility that the assisted living facility may not take place.

Mr. Gagliardi agreed and stated that this is why at this point the Planning Commission and Council will only be examining the zone change and whether R-2 is appropriate at this location regardless of any potential use. The recommended conditions help assure that any of the permitted or conditional R-2 uses would be compatible with the surrounding properties.

Chairman Miller asked for clarification on the emergency access and general access questioning if both could be technically utilized for general access.

Mr. Gagliardi confirmed that that was correct; however, what is likely for now is that the emergency access will be restricted to only emergency vehicles by way of a gate and as the rest of this undeveloped area not subject to the rezone develops that may change.

Chairman Miller made a call for the applicant to come forward.

Matthew Meyer, 40920 N. Hawk Ridge Trail, Anthem came to podium to address the Commission. Mr. Meyer stated that he was the purchaser of the property and was there with the applicant. He explained that they met with the city staff and the emergency access road was approved by the Fire Department at that time to be used only for emergency vehicles. He further explained that they did discuss the gate that only the Fire Department could use for emergencies and would not be for general use.

In response to Chairman Miller, Mr. Meyer stated that the emergency access road was placed where the Fire Department told them they wanted it. He further stated that it could be moved to another location if necessary. Mr. Meyer stated that he would like to meet

with the HOA to discuss possible options with regard to use of the park. He stated that they currently have a business, Oasis Pavilion, in Casa Grande with 250 employees. He further stated that they wanted to be a good neighbor.

Chairman Miller made a call to the public.

Mary Elizabeth Bridges, 1124 E. Racine Dr. came to podium to address the Commission. She stated that she was there on behalf of other residents who had concerns, some of which were addressed during the presentation but she had some new concerns. Ms. Bridges expressed her concerns regarding which way the building will be located, where the setbacks will be and the location of the emergency access road. She stated that she lives right on the fence line of the five acres and would not be happy to have emergency vehicles behind her at night. She asked if for some reason the skilled nursing facility does not come, what would be built there. She asked if the height will remain at 20 feet because they don't want people looking down on their back yards and pools. Ms. Bridges stated that they would like to see the buffer enhance their properties. She further stated that their HOA fees went up this year and could see them going up again if the park becomes public. She addressed concerns with potential vandalism.

John McGuire, 941 E. Penny Lane came to podium to address the Commission. Mr. McGuire emphasized that currently the site is zoned for commercial which could have more of an impact because greater heights are allowed and at closer distances to the wall and this proposed zoning should be considered since it much better than having commercial zoning adjacent.

Chairman Miller addressed Ms. Bridges concerns stating that the no matter which way the building is situated, it has to be setback 75 feet from Cottonwood Ln. per the recommended condition with an intervening landscape buffer. He stated that the 20 ft. height carries with the property if approved and would have to come back before the Commission to change. This would be another public notification to allow public comments or concerns.

Mr. Gagliardi stated that his recommendation is for the maximum height of 20 ft. for principally permitted uses in the zone district such as single, two family, three family or four family units. He explained that the R-2 zone district allows a 35 ft. height for those uses that would require a Conditional Use Permit. Mr. Gagliardi stated that he is recommending a maximum height of 28 ft. for those uses requiring a Conditional Use Permit as those tend to be more institutional in nature commanding a greater height. Any development, however would be limited to single-story.

Ms. Bridges asked if the 28 ft. it would take into consideration the steeple if it were a church or school.

Mr. Gagliardi replied that steeples are exempt from the height restrictions. He explained that what this condition achieves is the maximum allowed height for those types of conditional uses which would have to go in front of the Planning Commission for future

consideration, and the specific height of proposed structures associated with a conditional use permit could be further restricted at that time.

Ms. Bridges asked if they will be seeing windows from the 20 ft. to the 28 ft.

Mr. Gagliardi replied that building elevations would be provided with the submittal of the Major Site Plan and Conditional Use Permit and it's possible that a future condition on the Conditional use Permit be to limit windows to certain locations. He explained that there would be an opportunity to review and make comments to reflect the overall desires of the community. He stated that it would only be limited to one-story and could maybe be windows to allow light versus windows that would be used to see backs of properties

Chairman Miller stated that the park can not become public as it is owned by the HOA. He stated that the applicant is willing to work with the HOA for further discussion.

Director Tice pointed out that Staff is recommending condition no. 5 relating to the park and its access, which will be evaluated with the Major Site Plan at another public hearing.

Member Dugan made a motion that the Planning and Zoning Commission forward to City Council a recommendation to approve the Zone Change request (DSA-19-00037) from B-2 and C-O to R-2 with the following conditions of record:

1. Except for single-family dwellings on individual lots, a Major Site Plan shall be required to be considered for approval by the Planning Commission prior to construction of any use on this property.
2. Development is limited to single-story structures with a maximum height of 20 ft. for principally permitted uses and a maximum height of 28 ft. for conditionally permitted uses.
3. All buildings, other than accessory, shall be setback a minimum distance of 75 ft. from this property's south and east boundary. Accessory structures shall have a minimum setback of 20 ft.
4. A minimum 20 ft. landscape buffer shall be provided along this property's south and east boundaries. Quantity, minimum spacing, and varietal type of landscaping, as well as any wall design and placement, shall be determined at the time of Major Site Plan/Preliminary Landscape Plan consideration by the Planning Commission.
5. The site design shall address the concern regarding pedestrian access between this subject site and Cottonwood Ranch Tract 'P'.
6. Four-sided architecture is required, which is to include the use of masonry; door and window detail such as popouts, recesses, or ledges; and wall articulation of on all sides of principle buildings.

7. Prior to any development, the subject property shall be placed in its own parcel or parcels, all of which shall be completely contained within the new R-2 zone boundary.
8. Vehicular, utility and emergency access easements to the property, where needed, meeting City standards shall be recorded prior the issuance of any building permits on this property.

Member Estrada seconded the motion.

The following vote was recorded:

Member Estrada	Aye	
Member Snider	Aye	
Member Anderson	Aye	
Member Dugan	Aye	
Member Tucker	Aye	
Vice-Chairman McBride		Aye
Chairman Miller	Aye	

The motion passed 7-0.