

***PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**



**MINUTES OF THE
GLENDALE CITY COUNCIL WORKSHOP SESSION
Council Chambers – Workshop Room
5850 West Glendale Avenue
November 15, 2011
1:30 p.m.**

PRESENT: Vice Mayor Steven E. Frate and Councilmembers Joyce V. Clark, Yvonne J. Knaack, H. Phillip Lieberman, and Manuel D. Martinez

PARTICIPATING: Councilmember Norma S. Alvarez (via telephone)

ABSENT: Mayor Elaine M. Scruggs

ALSO PRESENT: Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

1. ZONING ORDINANCE TEXT AMENDMENT ZTA11-01: DIGITAL BILLBOARD SIGNS

PRESENTED BY: Jon M. Froke, AICP, Planning Director
Tabitha Perry, Assistant Planning Director

This is a request for City Council to provide input and guidance concerning the proposed text amendment to the Zoning Ordinance.

The proposed amendment is consistent with Council's goal of one community with quality economic development by permitting developers and property owners to erect digital billboard signs while protecting neighborhoods and property values.

The proposed amendment provides for a new definition and a new section to enact zoning regulations to permit digital billboards along the Loop 101 in the Sports and Entertainment District between Northern Avenue and Camelback Road.

Digital billboards will continue to be prohibited in all other areas of the city. This includes a prohibition along the Loop 101 between Bell Road and 51st Avenue, and the Grand Avenue Expressway. Digital billboards will continue to be prohibited along the Loop 303 and Northern Parkway as well.

A new section for digital billboards will ensure that proposed site locations have demonstrated a significant existing investment in the community, and prevent placement on small sites, which could negatively impact neighboring residential areas and property values.

Digital billboards are proposed to be limited to sites zoned Planned Area Development (PAD). The proposed amendment will require sites to have at least 1,000 feet of freeway frontage, and one-quarter mile (1,320 feet) between signs on a single PAD.

The Planning Department researched a variety of ordinances from numerous communities, from Tacoma to Tallahassee, and examined communications from several organizations, including the American Planning Association, as staff reexamined digital billboards. The proposal staff is presenting is similar to what other cities are regulating in their communities.

Council approved a comprehensive update of the Zoning Ordinance in 1993, which included billboard regulations.

The city adopted the Westgate PAD through a public hearing process in 2002, which included a large number of outdoor building and digital signs.

- The city notified Ellman Companies through written communication on March 17, 2009, that two variable message signs to display off-premise messages along the Loop 101 at Westgate were administratively approved. These signs have been installed.
- The city notified Ellman Companies through written communication on April 28, 2010, that two additional off-premise advertising message signs would be administratively approved to be permitted at Westgate. These two signs have not yet been installed.

The city took steps to remove multiple billboards from the Grand Avenue Expressway in 2008.

Urban billboards at 51st and Olive Avenues (Olive Marketplace) were removed in 2009.

Council rezoned the city's Park and Ride lot to PAD by the adoption of Ordinance No. 2686 New Series on June 23, 2009, to establish zoning which would satisfy Arizona Department of Transportation to permit erection of the first two digital billboards.

Council rezoned the city's sewer lift station at the northwest corner of Loop 101 and Camelback Road to PAD to permit the erection of a digital billboard by the adoption of Ordinance No. 2701 New Series on September 22, 2009.

Council rezoned the city's property at the northwest corner of Loop 101 and the Bethany Home Road alignment to PAD to permit erection of digital billboards by the adoption of Ordinance No. 2702 New Series on September 22, 2009.

Planning Commission initiated ZTA11-01 Zoning Text Amendment for digital billboards at the October 6, 2011 Planning Commission Workshop.

A neighborhood meeting was held to discuss this issue on November 9, 2011.

On August 4, 2011, the Planning Commission continued the freeway billboard sign section of ZTA09-01 to the October 6, 2011 Planning Commission Workshop. Freeway billboard signs were subsequently withdrawn by the city.

On June 2, 2011, the ZTA09-01 Zoning Ordinance Update was recommended for approval by the Planning Commission except for the freeway billboard sign section which was continued to August 4, 2011 Planning Commission Workshop.

For the June 2, 2011 Planning Commission public hearing, a notice of public hearing was published in *The Glendale Star* on May 12, 2011. Notification postcards of the public hearing were mailed to citywide interested parties on May 12, 2011. An email notice of the public hearing was emailed to all stakeholders who participated in the process on May 16, 2011.

Staff is seeking input and guidance from Council as staff continues with the Zoning Ordinance Text Amendment ZTA11-01.

Horatio Skeete, Assistant City Manager, introduced the item. He stated staff will be presenting suggestions and viable ideas that have been previously studied and can be incorporated into a zoning text amendment. He reiterated all suggestions today were open for discussion and assessment.

Jon M. Froke, AICP, Planning Director, began by providing information on text amendment ZTA09-01 which does not include freeway billboard signs. He explained that at the June 2, 2011 Planning Commission meeting, there had been many concerns and comments expressed by the public and commission relative to safety. Therefore, the ZTA09-01 Zoning Ordinance Update was recommended for approval by the Planning Commission except for the freeway billboard sign section which was continued to the August 4, 2011 Planning Commission workshop. On August 4, 2011, the Planning Commission continued the freeway billboard sign section of ZTA09-01 to the October 6, 2011 Planning Commission Workshop. The freeway billboard signs changes were subsequently withdrawn by the city. Staff's conclusion was to continue to move forward with the very important text amendments that will be coming before Council through a separate process. He explained that over the last three months, staff had conducted additional research as to what other cities are doing and noted other cities are also struggling with the same issues regarding digital billboard signs. He stated staff has asked the Planning Commission to initiate the new text amendment ZTA11-01. He explained their intention today was to present in concept what ZTA11-01 might look like with respect to digital billboards. He noted staff would like the Council's input to see if staff was moving in the right direction.

Councilmember Clark asked if safety and what other cities were doing were the only two topics staff researched for the Planning Commission. Mr. Froke replied yes. Councilmember Clark asked what the results were in regards to safety and digital billboards. Mr. Froke stated the next presenter will be covering that issue. Councilmember Clark asked if Council will also be informed on what other cities were doing. Mr. Froke replied yes.

Tabitha Perry, Assistant Planning Director, presented a slide presentation. She explained the amendment to the zoning ordinance concerning digital billboards leaves the current section of the zoning ordinance dealing with billboards unchanged with one exception. Staff proposes to

prohibit billboards in Heavy Commercial (C-3) zoning districts to protect established neighborhoods and Centerline. Staff also requested to update the zoning ordinance by adding a new section regulating digital billboard signs to include a definition for digital billboard signs as well as a criteria for digital billboards and regulations. This proposal is only intended for property located adjacent to the Loop 101 in the Sports and Entertainment District between Northern Avenue and Camelback Road. Digital billboards will continue to be prohibited in all other areas of the city. This plan also includes a prohibition along the north Loop 101 between Bell Road and 51st Avenue, and the Grand Avenue Expressway. The proposed digital billboard criteria is limited to locations adjacent to the Loop 101 between Camelback Road and Northern Avenue, to sites zoned Planned Area Development (PAD) and no digital billboard sign shall be erected prior to the first phase of development on a PAD.

Ms. Perry stated the proposed distance, height and size regulations were as follows: distance between digital billboards on the same PAD, one-quarter mile or 1,320 feet; setback from property line of adjacent PAD, 330 feet; distance between digital billboards on different PADs, 660 feet; distance from residentially zoned property, 1,000 feet; distance from Loop 101, within 330 feet; maximum square footage, 675 square feet, and maximum height, 60 feet. The proposed display regulations allow for daytime and nighttime luminance standards. They require automatic dimming based upon ambient lighting conditions such as evening and overcast weather. A minimum eight second frequency of image changes and message sequencing such as the use of multiple digital billboards in a row to convey a message is prohibited. In addition, a required default black display in the event of malfunction is required.

Councilmember Lieberman asked if the 675 square foot maximum was on both sides of the billboard. Ms. Perry replied yes. Councilmember Lieberman noted it was a very big sign.

Councilmember Knaack asked what size billboards the city currently has. Ms. Perry replied 675 square feet. She added staff was trying to imitate what they currently have at the park and ride location.

Ms. Perry explained the proposed operation and safety regulations. She noted staff will limit the hours of operation to no illumination between 2:00 a.m. and sunrise. She explained that other cities' hours of operation range from 24 hours to no illumination from 11 p.m. to sunrise. Advertisements will be limited to single frames and the city will be allowed the right to pre-empt advertisements for public safety emergencies and adherence to new safety requirements if conclusive research findings develop. She stated that currently 450,000 billboards exist today and only a small percentage of those billboards were actually digital boards. She indicated that there was not enough data collected to truly determine if this was a safety issue. Therefore, staff proposes a regulation that if conclusive evidence of safety data was collected and staff concurs with the data, then any existing or new billboards will need to adhere to the new safety regulations as they come out.

Councilmember Clark asked who determined if the data research was conclusive. Ms. Perry stated it would be a combination of the billboard industry, planning association and staff. She added staff has initiated the citizen participation process which included neighbors within 300 feet from where any potential billboards could be located. She indicated the next step in the process was the November 17, 2011 Planning Commission workshop to discuss the proposed text amendment. On December 1, 2011, the Planning Commission will hold another workshop

and public hearing on this text amendment. Finally, on January 24, 2012, the Council at an evening meeting will consider adoption of the proposed ordinance.

Councilmember Clark inquired if staff would consider the option of not having any more digital billboards. Mr. Froke stated that was a Council option. Councilmember Clark asked if the billboards at Westgate were on city-owned land. Mr. Froke stated four were located on Loop 101, two were city-owned and two were privately owned. Councilmember Clark asked if the city received any revenue from the placement of those billboards. Mr. Froke explained that on the City's Park and Ride lot there was an agreement with their partners and the city does realize some financial benefit. However, on the Westgate property, there was no city derived revenue. Councilmember Clark asked if these billboards were to go up, would the city derive any revenue from them. Mr. Froke noted that staff was looking into a licensing agreement similar to the processed established for the medical marijuana fee. Councilmember Clark asked if they were to obtain a fee schedule, would those funds go into the general fund. Mr. Froke replied yes. Councilmember Clark remarked if this item were to pass, the only place for the billboards would be in the Yucca district. Therefore, she could not support any fee plan unless the revenue was directed towards a special fund to be used for future amenities the Yucca district does not have. She suggested staff consider creating a special revenue fund since the district will bear the burden of having the billboards.

Councilmember Clark asked if Camelback Ranch was a PAD. Mr. Froke stated he would check on that issue as the site is located in the City of Phoenix. Councilmember Clark noted the city sometimes passes some subdivisions as PADs. Mr. Froke replied that occasionally they do. Councilmember Clark indicated that since the billboards were limited to sites zoned Planned Area Development, what was to keep a company from putting up a digital billboard in a residential PAD? Mr. Froke explained the provision of 1,000 feet from residential properties. Councilmember Clark recommended changing the 1,000 feet to 1,320 to mirror what is required between digital billboards. Mr. Froke stated he would look into it.

Councilmember Clark commented on the proposed operation and safety regulations. She stated she would only support 11 p.m. to sunrise as a prohibition. She asked if staff had any evidence that erecting digital billboard signs around neighborhoods would lower property values. Mr. Froke explained that staff had no hard evidence; however, there was public testimony at the August 4th meeting from residents who believe it would diminish their property values. Councilmember Clark restated her question asking if staff had any hard evidence. Mr. Froke replied no.

Councilmember Clark noted that in an Arizona Republic story there were only two zip codes where property values increased slightly. These zip codes were exactly where the billboards are proposed. She offered another suggestion to staff that instead of their proposal to start from Northern Avenue down to Camelback Road, she would instead reduce that from Glendale Avenue to Camelback Road.

Councilmember Alvarez stated that before they make any decision, they need to know all the facts on how this would affect property values. In addition, she believes any revenue received from billboard fees should stay in the district they were affecting.

Vice Mayor Frate stated that along the Loop 101 there has been a lot of zoning approved for multi-story and mix-retail office buildings. He asked what were the heights of those buildings and if they could be an adequate buffer. Mr. Froke explained that the sports entertainment district was defined, in the city's general plan and zoning policies of the last ten years, as an employment corridor and a very important non-residential component for the three mile stretch of Loop 101. He stated building heights ranged from one to forty stories high. He noted the stadium was approximately 225 feet high. Vice Mayor Frate asked if the existing billboard was 80 feet tall and if staff was proposing 60 feet. Mr. Froke stated he was correct. Vice Mayor Frate noted that buildings will be added in between and will serve as buffers. Mr. Froke agreed.

Councilmember Martinez wondered about a newspaper article stating the city had no standards regarding billboards and billboards were only reviewed on a case-by-case basis. Mr. Froke explained the city has no standards for digital billboards; however, they do have them for conventional billboards. He noted the digital billboards were currently dealt with through the PAD zoning process. Councilmember Martinez thanked staff for all the work they have done on this item. He stated that in respect to the funds going to the Yucca district, he still needs some more time to think about this issue. However, his first thought might be that this revenue should be available to all. He remarked that there was still not enough evidence regarding billboards and low property values. Mr. Froke stated staff will continue their research on that issue. Councilmember Martinez noted that if the data confirms property values do decline with the presence of billboards, it might be reasonable to have any revenue go to the Yucca district. He added that in regards to the distance, he believes it was reasonable.

Councilmember Alvarez stated that in response to Councilmember Martinez comments, her suggestion was still for the funds to go to the Yucca district or South and Southwest Glendale. She explained they need to take any opportunity to help the neglected areas and try and make things fair. She added they should not be putting more money in the northern part of Glendale when other parts need it more.

Vice Mayor Frate stated the city has removed billboards along Grand Avenue and billboards are now prohibited. He explained those billboards had been put in place 50 years ago when the communities were still growing. However, they are now being removed to improve the quality of life in South Glendale.

Councilmember Martinez stated he was not looking for money for the northern part of the city. However, his concern was for the employees that were still going through furlough, reduced library hours and decreased city amenities. Therefore, he believes that extra money should go to the general fund to benefit all.

Councilmember Knaack wondered how close any residential community would be to the three mile stretch. Mr. Froke stated the nearest residential community was ¼ mile or 1,320 feet from Loop 101. Councilmember Knaack stated she had no problem with changing the 1,000 to the ¼ mile distance. As far as the illumination sign issue, she believes the sign should be on 24 hours. She said it made no sense to have a digital sign that was turned off in the middle of the night and in fact, it might wake up drivers in the middle of the night. In regards to the funds from the billboards, they should go to the general fund to be used for any city needs.

Councilmember Lieberman commented on the sign-free ordinance that was created in 1987, when there were no freeways, in order to clean up the city. He was concerned with signs being erected and someone buying the property and rezoning it residential. He was confident Glendale will boom again with new developments. He believes this goes against what they have been trying to do since 1987. He would like some additional time to study this item since he still has many issues to consider. He would like to see the text amendments before he makes a decision.

Craig Tindall, City Attorney, explained that the jurisdictional boundaries will dictate who decides what sign goes where. He believes Camelback on the southern border would be the boundary on the Loop 101. Therefore, anything south of Camelback Road would be in Phoenix's jurisdiction.

Councilmember Clark commented on the building heights around Westgate. She supports the idea of eliminating billboards from C-3. She noted this text amendment could stand alone should the billboard issue not move forward. In regards to the funding that might be collected from licensing, she still believes the funding should go into a fund strictly devoted to amenities in the western part of Glendale. She explained that in north Glendale, residents had opposed billboards because it might lower their property values. Therefore, she believes it would be absurd not to compensate the district since they are being penalized.

Councilmember Clark stated that Westgate was a very important business and residential component in Glendale. She took exception to Mr. Froke's comment of it only being an important business component in Glendale. She noted there was certainly a major residential component that will be affected by digital billboards. Mr. Froke explained the point he was trying to make was that the sports and entertainment district was unique to the city with a mixed use employment corridor and retail destination. However, he agreed that Westgate also has a residential component.

Councilmember Clark asked staff to define what "significant development" means in regards to where a digital billboard would be allowed. Mr. Froke explained this issue had not been defined at this point. He noted staff will be developing a plan in the next few months; preferably a plan with some flexibility on what a significant development would look like and believes it will be determined on a case-by-case basis. Councilmember Clark asked if staff had an idea of what a minimal development might look like. Mr. Froke explained that decisions over the summer on ZTA09-01 focused on a minimum size of 120,000 square feet of development. He noted that as discussed earlier, this item was now off the table and back to square one with ZTA11-01. Councilmember Clark indicated that should this text amendment move forward, she hopes staff was ready to provide a greater sense of what the development standards would be. She reiterated her position of creating a special fund for west Glendale.

Vice Mayor Frate commented on when Loop 101 was first constructed and the city's foresight not to allow residential zoning along the 101. In reference to north Glendale not allowing billboards, it was a good decision since homes are built near the freeway. This is not the case in the Yucca district nor will it be since it was not zoned single family homes. It is zoned business, mixed-used, retail and multi-stories. He stated that Councilmember Clark was comparing apples to oranges and the issues were not the same. He believes erecting the billboards won't be a problem since there are no homes there; therefore, nobody is being harmed. Additionally, future zoning does not allow for residential development. He agreed with staff's proposals on the

billboard's criteria, safety and regulations. He thanked staff for the work and research done on this item. He hopes the Council had provided enough input for them to proceed.

Councilmember Clark remarked there was only one place where these billboards could be put up and that was the Westgate area. Therefore, she suggests they decrease the area from Glendale Avenue to Camelback Road.

Councilmember Martinez thanked staff and the Planning Commission for their preparation and extensive research on this item. He also acknowledged the Planning Commission Chair attending tonight. Mr. Froke thanked Council for their input today. He added this was the early part of the process and staff will continue to work on this item through the holidays and revisit with Council in a couple of months.

As no further business was discussed, Vice Mayor Frate adjourned the meeting.

ADJOURNMENT

The meeting was adjourned at 2:35 p.m.