

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION**

**CITY COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, JUNE 2, 2011
7:00 P.M.**

CALL TO ORDER

The meeting was called to order at approximately 7:00pm.

Commissioners Present: Chairperson Kolodziej (Yucca), Vice Chairperson Spitzer (Barrel), Commissioner Petrone (Cholla), Commissioner Sherwood (Sahuaro), Commissioner Williams (Ocotillo), and Commissioner Larson (Mayoral)

Commissioner Absent: Commissioner Shaffer (Cactus)

City Staff Present: Tabitha Perry, Principal Planner, Jon Froke, AICP, Planning Director, Deborah Robberson, Deputy City Attorney, Thomas Ritz, AICP, Senior Planner, Deborah Mazoyer, Assistant Deputy City Manager, and Diana Figueroa, Recording Secretary

APPROVAL OF MINUTES

Chairperson Kolodziej called for a motion to approve the Meeting Minutes of the February 3, 2011 public hearing. Commissioner Sherwood made the motion to approve as written. Commissioner Spitzer seconded the motion, which was approved unanimously.

WITHDRAWALS AND CONTINUANCES

Chairperson Kolodziej called for any withdrawals and/or continuances.

Ms. Perry stated staff is requesting the following item be continued to the Planning Commission of July 7, 2011, as the applicant had not posted the property by the required date.

CUP10-07: A request by J & D Accounting and Tax Service, representing Village 67, to approve a Conditional Use Permit to allow live entertainment in the C-2 (General Commercial) zoning district. The site is located approximately 200 feet south of the southeast corner of 67th Avenue and Bethany Home Road (5821 North 67th Avenue). Staff Contact: Karen Stovall, Senior Planner (Yucca District).

Chairperson Kolodziej called for a motion regarding CUP10-07.

Commissioner Spitzer made the motion to continue CUP10-07 to the Planning Commission meeting of July 7, 2011. Commissioner Sherwood seconded the motion, which was approved unanimously.

OTHER BUSINESS

Chairperson Kolodziej called for Other Business.

FISCAL YEAR 2011-2012 OF THE FISCAL YEAR 2012-2021 PRELIMINARY CAPITAL

IMPROVEMENT PLAN: To determine if the Fiscal Year 2011-2012 (FY12) of the Fiscal Year 2012-2021 (FY21) Preliminary Capital Improvement Plan (CIP) conforms to the General Plan. Staff Contact: Thomas Ritz, AICP, Senior Planner (Citywide).

Mr. Thomas Ritz stated this is a request to determine if the Fiscal Year 2011-2012 (FY12) of the Fiscal Year 2012-2021 (FY21) Preliminary Capital Improvement Plan (CIP) conforms to the General Plan. He said the ten year CIP is updated annually to ensure consistency with the City Council strategic goals, objectives and priorities, the General Plan, intergovernmental agreements, and on-going projects in the community. He said the CIP is a primary tool to implement the public portions of the General Plan. Mr. Ritz indicated the only responsibility of the Planning Commission regarding the CIP Preliminary Capital Improvement Plan is to report to the City Council that FY12 of the FY21 CIP is in conformance with the General Plan.

Chairperson Kolodziej called for questions from the Commission.

Commissioner Sherwood referred to page 8, item 7 Municipal Airport, Airport Removal Blast Fence. Mr. Ritz explained that this accommodates the flight paths and will accommodate arrival of the planes.

With no further questions, Chairperson Kolodziej called for a motion.

Commissioner Sherwood made a motion to report to the City Council that the Planning Commission believes the Fiscal Year 2011-2012 Preliminary CIP of the Fiscal Year 2012-2021 Preliminary CIP is consistent with the General Plan. Commissioner Larson seconded the motion, which was approved unanimously.

PUBLIC HEARING ITEMS

Chairperson Kolodziej called for staff's presentation.

ZTA09-01: A request by the City of Glendale Planning Commission to amend Article 1 Purpose and Applicability, Article 2 Definitions and Rules of Construction, Article 2 Administration, Article 5 Zoning Districts and Boundaries, Article 6 Overlay District Regulations, and Article 7 General Development Standards. The proposed changes, if adopted, would amend sections of the zoning code pertaining to Freeway Billboard Signs, Cell Towers, Expanded Notice Requirements, Ham Radio Towers, No Smoking Areas, Variance Requirements, and Color Changes. Staff Contact: Thomas Ritz, AICP, Senior Planner (City-Wide).

Ms. Tabitha Perry, Principal Planner, stated that Ham Radio Towers would not be part of this discussion. She said any decisions made on ZTA09-01 will not include Ham Radio Towers.

Mr. Thomas Ritz, AICP, Senior Planner, began his presentation of ZTA09-01 by stating there are six specific issues of significance. These issues are Freeway Billboard Signs, Cell Towers, Expanded Public Notice Requirements, Designated Smoking Areas, Variance Requirements, and Exterior Color Changes. Mr. Ritz briefly explained each issue.

Chairperson Kolodziej called for questions from the Commission. There were none.

Chairperson Kolodziej opened the public hearing.

Pastor David Tomb, Community Church of Joy, 21000 North 75th Avenue, Glendale, 85308, stated on behalf of the Church, the School, and Dr. Walt Kallested, they are in support of ZTA09-01.

Mr. Jon Paladini, 16438 North 56th Place, representing the Rovey Family, property owners, said they are opposed to the building development requirement. He said 125,000 square feet of development is required prior to the installation of billboards in a PAD. However, the city of Glendale has allowed installation of billboards on its own property in an area where there is only parking, and no development of 125,000 square feet. In addition, Mr. Paladini stated they are opposed to restricting a property owner, in a PAD. The owner would no longer have the opportunity to attempt to generate revenue with the 125,000 square foot development requirement. He asked for clarification of freeway frontage as it is unclear in the proposed text. Mr. Paladini asked the Commission to defer the freeway billboard signage portion of the text amendment to allow further discussion of all parties.

Mr. Nick Wood, Snell and Wilmer, One Arizona Center, representing the owner of Urban 95, introduced himself adding he has been a part of most of the zoning applications around the sports and entertainment district. Mr. Wood agreed with staff that billboards should not be erected on vacant sites. Mr. Wood referred to Section 7.110, A. 2. and asked that "lot" be removed and replaced with "PAD" from the proposed text ordinance. Also, he suggested changes to Section 7.110 A. 2 remove "lot" and replace with "PAD" and revise the 125,000 square feet to 100,000.

Ms. Donna Betz, 8401 North 67th Avenue, Glendale, stated she felt billboard signs are extremely dangerous. However, she does support the eight second minimum regarding the changing of the electronic billboard sign. She also supports the section which allows office signage to be larger; this would allow one to easily find the business which they are looking for. She said she does not support the section regarding exterior color change. This is a form of expression and is not a safety hazard to others.

Mr. Adam Baugh, Withey Morris, PLC, 2525 East Arizona Biltmore Circle, stated it is critical for businesses to have adequate signage. His first proposal was to allow electronic reader signage, which is currently allowed at churches, gas station, and theaters. They do catch your attention and many of the smaller businesses rely on drive by traffic. Second, he suggested that a larger sign area be allowed in monument signs. Last, allow the ordinance to advertise the industry or service such as a car wash rather than advertising the business name only. He suggested that staff possibly consider these items. He thanked the Commission.

Chairperson Kolodziej closed the public hearing as no one else wished to speak.

Mr. Ritz explained staff has worked diligently on items of interest to the Mayor and Council and the leadership team. He said these items have been identified and are not recommended to be

amended. He said the design review issue regarding exterior color changes applies to only commercial businesses.

Commissioner Petrone asked if there had been adequate outreach to the Roveys. Mr. Ritz stated that staff has met with the Roveys and their attorneys. Staff notified the Roveys regarding items of particular concerns. The Roveys as well as Mr. Paladini were notified. Staff has had repeated contact with the Roveys and understands their desires.

Commissioner Spitzer asked if the Glendale Park and Ride had met the requirements. Mr. Ritz stated the Park and Ride lot was constructed prior to this amendment, which would allow the signage by right.

Commissioner Spitzer questioned the time given to interested parties noticing this meeting. Mr. Ritz explained there has been extensive communication with the Roveys.

Commissioner Williams said he was concerned with adding yet another distraction to freeway drivers. He requested information regarding highway safety.

Commissioner Larson requested more information regarding the modifications suggested by one of the speakers. Mr. Ritz stated staff reviewed the provision of 125,000 square feet and believes that requirement achieves the goals and the direction that staff has been given. Mr. Froke added staff would continue to work with the interested parties.

Ms. Perry stated staff agrees to change the verbiage and remove "lot" and replace it with "PAD". In addition, she said staff is also willing to consider removing the 125,000 square foot requirement and replacing it with 100,000. Staff would like to continue to work out the details with the interested parties and come to a resolution.

Commissioner Williams asked if the billboard portion of this request could be tabled or removed. Ms. Robberson stated the request is to make a recommendation on the item in its entirety. She explained the Commission may note it in their motion.

Chairperson Kolodziej questioned if this proposal would have a negative effect on the landowners and developers along the Loop 101. Mr. Ritz stated he did not believe so.

Chairperson Kolodziej reviewed prior PADs. He said the PADs read that billboards are not permitted. He said if this is approved and after the square footage requirement was met, billboards would then be allowed for each previously approved PAD. Mr. Ritz said that is correct.

Commissioner Petrone expressed his concerns with the billboard portion of this request. He suggested this item be revisited.

Commissioner Sherwood stated he shares Commissioner Petrone's concerns regarding the billboards and the limitations on property use.

Commissioner Spitzer asked if changes were agreed to between the speakers and the staff, why were those changes not included in the information presented to the Commission. He doesn't believe the Commission should recommend approval knowing the staff will work out the details at a later date. He said he would've liked to see support regarding the digital billboards, specifically the eight second time change on the board advertisements. He had many concerns.

Chairperson Kolodziej said a majority of the Commission appears to have great concerns regarding the freeway billboard signage portion of this proposal. He said he would feel more comfortable excluding this portion from the motion.

With no further comments from the Commission, Chairperson Kolodziej called for a motion.

Commissioner Spitzer made a motion to recommend approval of ZTA09-01 with the exclusion of the Freeway Billboard Signage portion. Commissioner Sherwood seconded the motion, which was approved unanimously.

Ms. Robberson stated this recommendation will be forwarded to the City Council for final approval.

ZON11-02: A request by K. Hovnanian Homes, representing Sage Luxury Homes, to amend the development standards of the existing The Reserve at Eagle Heights PAD (Planned Area Development), as approved in ZON05-06. The site is located at the northwest corner of 75th Avenue and Rose Garden Lane (7574 West Rose Garden Lane). Staff Contact: Karen Stovall, Senior Planner (Cholla District).

Ms. Karen Stovall, Senior Planner, presented the request. Ms. Stovall stated this is a rezoning application by K. Hovnanian Homes to amend the development standards of the existing The Reserve at Eagle Heights PAD (Planned Area Development), as approved in ZON05-06. She indicated the site is located at the northwest corner of 75th Avenue and Rose Garden lane at 7574 West Rose Garden Lane.

She said the existing zoning district was approved through ZON05-06, which was approved by City Council on November 22, 2005. She stated the existing PAD permits single-family residential land uses. Ms. Stovall stated The Reserve at Eagle Heights subdivision was originally platted in 2007 with 84 lots. She explained that due to two lot ties, the subdivision now has 82 lots with a total of 14 lots being built upon or soon under construction.

The applicant, as Ms. Stovall stated, wishes to purchase the remaining 68 lots and offer new house product which consists of six different floor plans. She said the minimum lot width in the subdivision is 85 feet, and the PAD requires minimum side yard setbacks of 10 feet per side. She said the floor plans proposed by the applicant have a minimum width of 70 feet; therefore do not meet the required side yard setbacks.

Ms. Stovall explained that approval of this request will amend the development standards of the existing The Reserve at Eagle Heights PAD to change the side yard setbacks from a minimum of 10 feet per side to a minimum of 6 feet per side with an aggregate setback of 15 feet.

On April 25, 2011, the applicant held a neighborhood meeting. Ms. Stovall said issues discussed included the proposed paving materials for driveways, color palettes offered for the new homes, whether RV garages or garage door upgrades would be offered, if the existing lakes would remain and when clean-up of the project landscaping could be expected. The applicant was able to address all questions and concerns raised at the meeting. The Planning Department received an e-mail from a resident of The Reserve at Eagle Heights subdivision who supports the request.

Ms. Stovall concluded that the Planning Commission should recommend approval of ZON11-02, subject to one stipulation noted in the staff report. Ms. Stovall stated she was available for questions.

Chairperson Kolodziej asked if the Commission had questions for staff.

Commissioner Larson asked if any of the current residents had concerns regarding the reduction in setbacks proposed. Ms. Stovall stated no.

Chairperson Kolodziej called for the applicant.

Mr. Michael Fulmer, K. Hovnanian Homes, introduced himself and stated he is in support of staff's report subject to one stipulation.

Chairperson Kolodziej stated he is glad to see an increase in open space.

Commissioner Williams asked who currently manages the HOA. Mr. Fulmer stated Kachina Property Management. Mr. Fulmer stated at the time of closing a new management company will be reinstated and he will be on the Board.

Commissioner Williams asked if the contractor had more votes than lot owners. Mr. Fulmer stated no, each has only one vote.

Chairperson Kolodziej opened the public hearing.

With no one else wishing to speak, Chairperson Kolodziej closed the public hearing.

Chairperson Kolodziej asked the applicant if he had any closing comments. The applicant did not.

With no comments from the Commission, Chairperson Kolodziej called for a motion.

Commissioner Sherwood made a motion to recommend approval of ZON11-02. Commissioner Larson seconded the motion, which was approved unanimously.

Ms. Deborah Robberson, Deputy City Attorney, stated this recommendation will be forwarded to the City Council.

OTHER BUSINESS FROM THE FLOOR

Chairperson Kolodziej called for Other Business From The Floor. There was none.

PLANNING STAFF REPORT

Chairperson Kolodziej called for the Planning Staff Report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Kolodziej called for Commission Comments and Suggestions. There were none.

ADJOURNMENT

With no further business, Commissioner Spitzer made a motion to adjourn the Meeting. Commissioner Williams seconded the motion, which was approved unanimously. The meeting adjourned at 8:14pm.

Respectfully submitted,


Diana Figueroa, Recording Secretary