

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION**

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

**THURSDAY, JANUARY 16, 2014
6:00 PM**

CALL TO ORDER

The meeting was called to order at approximately 6:08pm.

Commissioners Present: Chairperson Petrone, Vice Chairperson Larson, Commissioner Johnston, Commissioner Aldama, Commissioner Lenox, and Commissioner Berryhill were present.

Commissioner Absent: Commissioner Penilla

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

Guest in Attendance: Councilmember Sherwood arrived at 6:17 p.m.

APPROVAL OF MINUTES

Chairperson Petrone called for the Approval of Minutes. There were none.

WITHDRAWALS AND CONTINUANCES

Chairperson Petrone called for any withdrawals and/or continuances. There were none.

PUBLIC HEARING ITEMS

Chairperson Petrone called for staff's presentation.

GPA13-02 / ZON13-03: A request by Mike Curley, Earl, Curley, and Lagarde P.C. representing Emrland LLLP, for a minor general plan amendment from PC (Planned Commercial) and BP (Business Park) to CCC (Corporate Commerce Center) and to rezone from A-1 (Agricultural) to PAD (Planned Area Development) zoning district. This 33 acre site is located at the southeast corner of 99th Avenue and Glendale Avenue (6751 North 99th Avenue) and is in the Yucca District.

Thomas Ritz, AICP, Senior Planner, stated Cases GPA13-02 and ZON13-03 are requests by Earl, Curley, and Lagarde representing Emrland LLLP for a minor general plan amendment from PC (Planned Commercial) and BP (Business Park) to CCC (Corporate Commerce Center) and to

rezone from A-1 (Agricultural) to PAD (Planned Area Development) zoning district. He noted he will be presenting these two items together and would like to remind the Commission that two motions will be needed for each item. He said the site is located at 6751 North 99th Avenue. He stated Emerald Point PAD is a 33 acre mixed-use development that includes employment, office, commercial, hotel, and residential land uses. He noted the property is located at the southeast corner of 99th and Glendale Avenues and is an irregularly shaped property.

Mr. Ritz explained there are four land uses that are proposed within this PAD: Employment, Office, Commercial, Hotel, 18 acres / 784,080 square feet. The multi-family: 15 acres / 450 units. He noted the maximum building height is 90 feet throughout the entire site. He said the following building setbacks proposed are: Maryland Avenue - 20 feet; 99th Avenue - 20 feet; Glendale Avenue - 30 feet; and Loop 101 Freeway - 0 feet. He continued stating that vehicular access is provided through the development by 99th and Glendale Avenues. Additionally, there will be a total of five access points to and from this site. He noted all streets internal to the project are private and will be constructed and maintained by the property owners' association. Parking standards for this project shall revert to the City of Glendale zoning ordinance parking standards which are outlined in section 7.400.

In addition, Emerald Point provides images and design parameters that shall allow proposed buildings to be designed with 4-sided architecture. When design review occurs for individual development projects, each project will be required to comply with these design elements in order to create a unified and contemporary theme. He added the PAD provides a list of permitted land uses that are suitable to the CCC land use designation. He stated the citizen participation process included a neighborhood meeting. He said the applicant will address the neighborhood meeting portion. He noted staff received a response from a nearby business owner who expressed concern with this request and was available for questions.

Mr. Ritz continued with his presentation stating that the proposed General Plan designation of CCC is appropriate for this site and the proposed development plan for Emerald Point. He said this land use category provides for regional employment centers with commercial and public/quasi-public amenities. He advised specific land uses permitted under this designation include offices, retail establishments, and urban style housing – all of which are proposed for Emerald Point. He noted that Emerald Point is consistent with several of the goals of the Land Use Element of the General Plan including the association of residential areas with work places, promoting sound growth methods through the development of mixed-use projects, and creating transition/buffer areas between incompatible land uses. He explained the project is consistent with the Economic Development Element to promote sound growth management methods through jobs, housing, shopping and open space. He confirmed the development plan encourages business growth for in-city job opportunities and to establish commercial retail opportunities. He indicated this plan will provide opportunities for office space of all types given the close proximity and visibility of the Loop 101 freeway.

In conclusion, Mr. Ritz stated the Planning Commission should recommend approval of the general plan amendment and approval of the rezoning request with nine stipulations. He asked for questions from the Commission.

Chairperson Petrone explained that Commissioner Penilla who is absent tonight had contacted him and staff with some questions and concerns he wanted addressed tonight. He noted the questions have been responded to and addressed by Ms. Perry. He asked Ms. Perry to address the Commission with those questions and concerns and her discussion with Commissioner Penilla. Ms. Perry asked if it would be acceptable to the Commission for her to summarize her comments and response to those issues after the applicant concludes his presentation.

Chairperson Petrone called for the applicant or applicant's representative to come forward and make a presentation.

Michael Curley, Earl, Curley, and Lagarde P.C., applicant's representative, stated he was here representing the Rovey family. He said the Rovey Family has been long time residents of Glendale since 1912 and has owned the parcel since 1960. He explained this was one of the last parcels along the freeway corridor that hasn't been zoned or entitled. He indicated on the map the other parcels surrounding this property that have already been zoned in the 2008 time period. He noted the Rovey Family is seeking to position the property to get entitled and eligible for consideration for users and employers looking in this area. He acknowledged his client wants to be on an equal footing with some of the other property owners. He mentioned they were beginning to see some office activity in the corridor as well as some major retail activity that is new in this particular area. He illustrated to the Commission some of the plans included in the PAD that in his view establishes the level of quality that will be looked at when the users come in. He summarized their intent with this parcel as presented by Mr. Ritz. He stated the uses and requests are appropriate in keeping with what the city's desires are and are agreeable to the applicant.

Mr. Curley addressed two points that Ms. Perry said were of some concern. He said there had been a question on the zero setbacks on the 101 Freeway. He explained the reason was consistent with some of the other projects, there was anywhere from 50 feet to over 200 feet of ADOT right of way landscaping that exists between the pavement, therefore, there was not a need for additional setbacks or landscaping. He noted the other concern was why they were not going through design review. He explained the reason was because they were basically following the same pattern as other projects. He indicated the idea was to go through design review with a specific architectural and site plan design. He explained that when you don't have the user it makes it pointless. However, they will be subject to the city's design review process but in addition they are planning to upgrade the PAD architecture to establish standards that are beyond the city's design review.

He related that at the neighborhood meeting there had been general interest in the plan for the parcel. However, the only point of contention was that there was a gas station and the owner had asked them to eliminate gas stations as a permitted use. He advised that they do not know what the future holds or whether there will be a gas station there. However, from a philosophical standpoint objecting to a particular land use request because of competition was an invalid basis to object and should be a market decision. Nevertheless, to reach a compromise, the original PAD application asked for gas stations to be allowed as a matter of right but now the PAD has been amended for gas stations to go through a CUP process. He added they can also include limiting the location of a gas station to the southern portion of the site along Maryland if the

Commissioner so wishes. He concluded his presentation and asked for questions from the Commissioners.

Chairperson Petrone asked the Commission if they had questions. They had none.

Chairperson Petrone stated he did have one question. He read that at the neighborhood meeting there was an objection to the density of the housing being proposed. He said his thoughts were that it would probably be a destination with no maintenance living environment because of the close proximity of the Entertainment District. He believes it would be practical and acceptable. He asked if that was moving forward and still a multi-use project. Mr. Curley replied yes. He explained the objection was that some people have more of a suburban mentality than what was approved up and down the 101 Freeway. Chairperson Petrone noted the project seemed pretty well within the overall concept of the project.

Chairperson Petrone asked Mr. Bob Swadley to come forward and speak on this item.

Bob Swadley stated he was here representing his wife, himself and his corporation that owns the Arco AM PM immediately across the street from the subject property. He stated they had been there for 14 years before the freeway was built. He explained they have protested against the development as they ask to restrict the property from a service station, convenience store or carwash. He congratulated the Roveys and the development company for wanting to develop this property. However, he had to oppose from the standpoint of additional service stations, convenience stores or carwash because he believes it is a deterrent to the immediate area for that continued use.

Commissioner Johnston asked Mr. Swadley if he believes this development would increase his business. Ms. Swadley replied yes for many reasons but not with additional competition. Commissioner Johnston explained that there was a lot of growth yet to happen and there might be a need for extra convenience stores for additional people coming into the area. Mr. Swadley explained that in his experience once another station comes in, one of them goes out of business.

Chairperson Petrone asked Mr. Swadley if he agreed with Mr. Curley's concessions regarding his gas station. Chairperson Petrone said his proposal sounded good and expressed the applicant's good intent and willingness to work with the neighboring property owner.

Commissioner Aldama thanked Mr. Swadley for his commitment to the city and for having a business in the community. He repeated that he believes he will benefit greatly from the development in that area, although it might not seem like it now. Mr. Swadley agreed but still believes other service stations are not needed and will hurt his business. Commissioner Aldama asked what would be the acceptable distance to build another gas station. Mr. Swadley replied two miles.

Chairperson Petrone asked Ms. Perry to summarize her conversation with Commissioner Penilla.

Ms. Perry said she had a conversation with Commissioner Penilla this afternoon regarding some of his concerns with this item. She explained most of the points discussed had already been

addressed by Mr. Curley in his earlier remarks regarding this project. She noted Mr. Curley's proposal of having the PAD amended for a gas station and have it go through a CUP process for review if another gas station should come in the future. Ms. Perry stated another concern Commissioner Penilla had was that the PAD was somewhat too flexible with the land uses. She explained that the PAD was intended for mixed-uses and would supersede the zoning ordinance. She added it was staff's job to work with the needs of the property owner and the existing surrounding development. They tried to develop a PAD that allows a level of flexibility to be able to compete with the open market without continually coming back before the Planning Commission and then City Council for final approval every time they want to have a land use.

Another question from Commissioner Penilla was why there was not a definition that explained what an adult use was for the PAD. She explained that if the applicant is proposing a different definition than defined in the zoning ordinance, staff will ask the applicant to provide the definitions. However, in this case, the applicant complied with their definition of adult uses. Therefore, there was not a need for additional language for the definition.

Commissioner Aldama asked if that had to be included with the stipulations. Ms. Perry replied no. She added the final discussion she had with Commissioner Penilla was that a stipulation was not needed since it was already addressed.

Commissioner Aldama pointed out a typographical error in the citizen participation final report that was apparently said by Mr. Swadley. He said he wanted it on record that the error was corrected. Chairperson Petrone agreed.

Commissioner Johnston recognized that Mr. Swadley's concerns have been adequately and fairly addressed regarding the gas station since it will have to come back to the Planning Commission. Chairperson Petrone agreed.

Chairperson Petrone closed the public hearing. With no further comments he called for two separate motions from the Commission.

Commissioner Lenox made a motion to recommend approval of GPA13-02 as listed in the staff report. Commissioner Aldama seconded the motion, which was approved unanimously.

Ms. Deborah Robberson, Deputy City Attorney stated the Planning Commission's actions are not final. The Commission's recommendation will be forwarded to City Council for further action.

Commissioner Aldama made a motion to recommend approval of ZON13-03 subject to the stipulations listed in the staff report. Commissioner Johnston seconded the motion, which was approved unanimously.

Ms. Deborah Robberson, Deputy City Attorney stated the Planning Commission's actions are not final. The Commission's recommendation will be forwarded to City Council for further action.

OTHER BUSINESS

Chairperson Petrone called for Other Business. There was none.

PLANNING STAFF REPORT

Chairperson Petrone asked if there was a Planning Staff Report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Petrone called for Comments and Suggestions.

Commissioner Aldama thanked Mr. Swadley for his commitment and added his reputation as a business owner will prevail. Chairperson Petrone agreed and respects all he has done in the City of Glendale as well as the Rovey Family.

ADJOURNMENT

With no further business, Commissioner Johnston made a motion to adjourn the meeting. Commissioner Lenox seconded the motion, which was approved unanimously. The meeting adjourned at 6:54 pm.

NEXT MEETING: February 6, 2014