

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION**

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

**THURSDAY, MARCH 6, 2014
6:00 PM**

CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

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

City Staff Present: Jon M. Froke, AICP, Planning Director, Tabitha Perry, Assistant Planning Director, Thomas Ritz, AICP, Senior Planner, Chris Lemka, City Traffic Engineer, Deborah Robberson, Deputy City Attorney, and Diana Figueroa, Recording Secretary.

APPROVAL OF MINUTES

Chairperson Petrone called for the Approval of Minutes.

Commissioner Penilla made a motion to approve the minutes of the December 5, 2013 Planning Commission Workshop. Vice Chairperson Larson seconded the motion, which was approved unanimously.

Commissioner Aldama made a motion to approve the minutes of the December 5, 2013 Planning Commission Hearing. Commissioner Johnston seconded the motion, which was approved unanimously.

Vice Chairperson Larson made a motion to approve the minutes of the February 20, 2014 Planning Commission Hearing. Commissioner Lenox seconded the motion, which was approved unanimously.

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.

CUP13-10: A request by Charles Huellmantel, representing USA Pawn, for a Conditional Use Permit to permit a pawn shop in the General Commercial (C-2) zoning district. The site is located at the southeast corner of 67th

Avenue and Bethany Home Road (5847 North 67th Avenue) and is located in the Ocotillo District.

Thomas Ritz, AICP, Senior Planner stated Case CUP13-10 was a request by Charles Huellmantel, representing USA Pawn, for a Conditional Use Permit to permit a pawn shop in the General Commercial (C-2) zoning district. He said the site is located at the southeast corner of 67th Avenue and Bethany Home Road. The proposed tenant space is 5,616 square feet in size and will allow space for the retail business and storage for collateralized loans. He noted the proposed store hours of operation are Monday through Saturday 9:00 a.m. to 7:00 p.m., and 10:00 a.m. to 5:00 p.m. The proposed store will not sell guns nor provide auto title loans from this location.

He continued his presentation by stating the proposed location is bounded by a variety of commercial businesses, including a U-Haul rental facility to the north, auto repair to the east, a vacant building which formerly was a title loan office to the south, and a gas station to the west. The shopping center on the northwest corner of the intersection of 67th Avenue and Bethany Home Road is anchored by a Fry's grocery store and is the proposed location of the proposed Pawn Daddy pawn store.

Mr. Ritz explained that as part of the approval, improvements to the building and property, including relocation of the trash enclosure to improve traffic circulation, restriping of the parking lot, and installation of parking lot landscaping will occur. In addition, all existing concrete curbing on the property will be replaced with new extruded curbing. He indicated the building will be repainted and the stucco on the building repaired. He said that no modifications to 67th Avenue or Bethany Home Road are proposed as part to this Conditional Use Permit.

He stated that on October 16, 2013, in envelopes with no return address, the applicant mailed notification letters to adjacent property owners and interested parties. He indicated that the applicant or staff did not receive any response regarding the request. Planning staff requested that the applicant resend the neighborhood notification letters in envelopes with the applicant's return address on them, which the applicant delivered for distribution by planning staff. Planning staff sent out these letters on February 4, 2014.

Mr. Ritz stated planning received one telephone call in opposition from Reva, the broker representing the shopping center on the northwest corner of Bethany Home Road and 67th Avenue. He commented that a pawn shop on the immediate corner of 67th Avenue and Bethany Home Road would impact the rent that he could receive from the vacant tenant spaces in the shopping center. He noted that when Pawn Daddy approached his firm about locating within the shopping center, along the east side of the shopping center, utilizing vacant tenant spaces that were less visible, he was concerned that having a visible pawn shop would impact the perception of the area for business attraction. He said the owners of Pawn Daddy visited the City of Glendale Planning office after noticing the public hearing sign posted on the property. They reviewed the case file and had no comments concerning the application.

In conclusion, Mr. Ritz stated this request appears to meet the required findings for Conditional Use Permit approval and should be approved, subject to the stipulations listed in the staff report. He asked for questions from the Commission.

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

Chairperson Petrone called for the applicant to make a presentation.

Charles Huellmantel, representing USA Pawn, stated the Planning Commission has had the opportunity review their material in workshop; therefore, he will not be going over that portion. However, he did bring along a PowerPoint of the material if anyone would like to refresh themselves with the material. He said there were additional photographs of the inside of the store he would like the Commission to view. He stated that since there were many people here to speak, he would like to reserve his time for rebuttal if that was appropriate. Chairperson Petrone agreed to his request.

Chairperson Petrone opened the public hearing.

Cathy Jenkins, speaker, stated she was very opposed to this application. She believes the pawn shop will influence more theft and illicit activity. She noted that although she does not live in the area, she worked at the Fry's in the shopping center for many years. She said this application breaks her heart to add another pawn shop in this area which in her view brings the bad element.

Laura Tateau, 9449 North 51st Drive, speaker, stated there were too many pawn shops in the area. She said having all these pawn shops will cause property values to decline and bring in more crime. She is opposed to this application and asked the Commission not to grant this.

Jody Fielder, 26540 North 25th Avenue, Phoenix, stated she was opposed to this application and has written letters to the board members stating that fact. She said her elderly parents live in the area which causes her concern with adding another pawn shop. She explained that this area was striving to be a better area and bringing in another pawn shop is asking for more problems. She reiterated her great concern for her parents and their safety.

Brittnay Jacobs, indicated she was in opposition, but did not speak.

Anne Owens, 5226 West Carol Avenue, stated she was a long time resident in this area and was deeply opposed to this application. She talked about how this area will deteriorate if they continue bringing in pawn shops.

Briana Alvarado, 6749 West Montebello, stated her opposition to the pawn shop. She has three young children and noted there was also a school right down the street. She explained they are trying to better their area and bringing in another pawn shop is not something they want for their community. She added that she will be forced to move her children from their school to another school to feel safer.

Commissioner Aldama asked if the speaker that did not want to speak was for or against the application. The speaker was against the application.

Chairperson Petrone recalled the applicant to continue his presentation and address the comments made by the public speakers.

Charles Huellmantel, representing USA Pawn, began his presentation by reading the names of the support letters he received. He added that Commissioners should have a copy. He realizes that some public meetings do become emotional and uncomfortable since people come to speak about their community because they care, however, they care also. He would like to review some facts that did not get mentioned. He explained the building as it exists today was a dilapidated building and in need of a lot of work. He said the owner was going to spend \$300,000 fixing the building and change the appearance of the outside of the building. He understands that pawn shops have a certain unlawful stereo type; however, a lot has changed at the request of law enforcement as well as how current pawn shops operate. He explained the meticulous process they use to log and keep track of inventory required by law. He noted the police department had no problems with this application and are comfortable with it. He mentioned that they have very good relationships with the police department. He said firearms are sold in bulk to a federally licensed firearm dealer away from the community.

Mr. Huellmantel stated that based on their track record, they will build a much better store than it is today. He indicated the store will be a viable business, employ people who live and work in the community, as well as sell useful goods. He noted they do not sell pornographic material, or do title loans but sell bikes, musical instruments, DVDs, jewelry and like items. He concluded his presentation and asked for questions.

Chairperson Petrone asked the Commissioners for their comments on this matter.

Commissioner Johnston asked for clarification on the firearm procedure they have in place. Mr. Huellmantel explained that firearms go into a safe located in a secure place in the store. He stated they will request a recommendation from the police department on where the safe should be located if the Commission should approve this item. He added before the firearms are stored in the safe, the serial numbers are taken and reported.

Commissioner Johnston asked if they had cameras in their stores. Mr. Huellmantel replied yes. Commissioner Johnston asked if they had cameras outside. Mr. Huellmantel replied no, however, they would be happy to put them outside as a stipulation.

Commissioner Penilla inquired if they had ever been the subject of any suspension or adverse official action. Mr. Huellmantel replied no. Commissioner Penilla asked if they were aware of a University of Michigan study that links an increase in property crime to neighborhoods where pawn shops exist. Mr. Huellmantel replied yes. Commissioner Penilla asked if they were aware of any study to the contrary. Mr. Huellmantel noted his client was aware of some, however, could not cite them. He added that although they were aware of the Michigan study it was a big leap to link the pawn shop to that study since many states do not have rigorous laws as Arizona.

Commissioner Berryhill stated he visited the site when it was raining and noticed water retention. He asked if they had any plans for areas of water retention in the parking lot. Mr. Huellmantel explained the City of Glendale has a series of requirements that they have to meet as part of a construction document site.

Commissioner Berryhill inquired as to the dead space between the two buildings. Mr. Huellmantel stated they will be happy to work with the city with whatever way they would like to solve that issue. He noted that typically law enforcement prefers a fence.

Since there was no further discussion, he closed the public hearing.

Chairperson Petrone thanked Mr. Huellmantel for his presentation. He explained the approval process and their role as a Commission. He noted their role was to review the applicant's history and the recommendations of staff. He added theirs was not so much a philosophical as a technical examination of an application.

Commissioner Johnston made a motion to approve CUP13-10 subject to the stipulations listed in the staff report and with an additional stipulation. Vice Chairperson Larson seconded the motion.

Commissioner Johnston stated he does not see a negative economic impact with approving this business application. However, he does see a trend with the growth of pawn shops because of the bad economic times that have occurred recently. He said that inventory should be made available to the public. Therefore, his vote is to approve the application.

Commissioner Lenox voted nay.

Commissioner Penilla voted nay.

Vice Chairperson Larson explained how pawn shops have a bad name attached to them because of how they operated before. However, pawn shop procedures have improved and now work with law enforcement. Therefore, he believes this pawn shop is a good thing for this location and votes to approve the application.

Commissioner Aldama stated he had no problem with pawn shops and believe they are a good business. However, in this area, he would not like to see three or four pawn shops in the same area. Therefore, he will vote nay.

Commissioner Berryhill stated that based on community concern of the pawn shop situation in the area, he votes nay.

Chairperson Petrone voted aye.

The motion FAILED with a vote of 3 to 4; therefore, CUP13-10 was DENIED.

Deborah Robberson, Deputy City Attorney said this is final approval by the Planning Commission subject to a written appeal if filed within 15 days.

GPA13-04/ZON13-07: A request by Edwin C. Bull, Burch & Cracchiolo, P.A., representing Cardon Development Group, for a General Plan Amendment and Rezoning application. The requests are to:

1) Amend the General Plan land use designations from Low Density Residential (1-2.5 dwelling units per acre), Office, Public Facility, and Parks and Open Space to Medium High Density Residential, High Density Residential, Planned Commercial, Office, and Public Facility.

2) Rezone from A-1 (Agricultural), R1-6 (Single Residence), and PAD (Planned Area Development) to PAD.

The applicant intends to develop a mixed use project titled "Aspera" that will include multi-family residential, supervisory care, professional and medical office, hospital, commercial and public facility land uses. The approximate 76.11 acre property is located at the northwest corner of 75th Avenue and the Loop 101 Freeway (20250 North 75th Avenue) and is located in the Cholla District. Staff Contact: Jon M. Froke, AICP, Planning Director.

Jon M. Froke, AICP, Planning Director, stated Cases GPA13-04 and ZON13-04 was a request by Edwin C. Bull, Burch & Cracchiolo, P.A., representing Cardon Development Group, for a General Plan Amendment and Rezoning application. He stated these requests will amend the General Plan Land Use Map and approve a PAD for Aspera. He said this is a 76.11 acre mixed-use development that includes multi-family residential, supervisory care, professional and medical office, commercial and public facility land uses. He explained the General Plan Amendment and Rezoning areas on the map.

Mr. Froke provided some history on the property stating that the property was annexed on September 11, 1979 and is part of the Arrowhead Ranch Master Plan. He noted that portions of the property were rezoned to R1-6 in 1981 and much of the property was rezoned to PAD in 1995. He added that portions of the site zoned PAD were amended in 1998. All zoning actions were approved by the City Council. In 2007, a Major General Plan Amendment was approved by the City Council for portions of the site adjacent to the Loop 101. He also provided detail information on Parcels A through K as well as discussed traffic issues engineering was trying to resolve.

Mr. Froke informed the public that Aspera is located within the Deer Valley Unified School District. The applicant has met with the school district and the principal of the nearby Sierra Elementary School. DVUSD has confirmed that the school district will enter into an agreement to ensure that adequate facilities will be provided to accommodate the projected number of new students.

Mr. Froke continued his presentation providing the project details as summarized in the planning staff report.

In closing, Mr. Froke stated staff believes that the General Plan Amendment and the PAD is appropriate for a project of this design and scale. He noted it meets several of their economic development elements in the General Plan regarding new job growth, opportunities for new jobs as well as housing opportunities throughout Aspera. He stated this application meets the required findings and should be approved, subject to the stipulations listed in the staff report. He asked for questions from the Commission.

Chairperson Petrone called for the applicant to make a presentation.

Edwin C. Bull, Burch & Cracchiolo, representing Cardon Development Group stated that Aspera is a high quality mix-use development that is on a site with a freeway interchange and described as a vacant dust bowl. He noted this application had been worked on hand in glove with both the applicant and city staff. He stated they were very appreciative of all the work put in by all of the city departments and ADOT staff. He talked about the five neighborhood meetings. The meetings brought in people to discuss everything openly and candidly. He also mentioned he appreciated all the neighbors that participated in that process.

He stated that as noted earlier by Mr. Froke, staff is recommending approval of both the GPA and the PAD. He stated they accept staff's stipulations 1 through 11 on the PAD and the additional stipulations 12 through 14 which are the direct result of some additional changes that evolved through the neighborhood outreach processes. He continued providing information on the neighborhood meetings and discussed areas on a map of the land use plan. He explained that Parcel I had been deleted after some questions were asked at a neighborhood meeting that could not be readily answered. He noted they felt that everyone would be better served if they pulled it from the application until they can revisit at a later time to see what Parcel I could be in terms of land use and design.

Mr. Bull noted that one suggestion that came up at a neighborhood meeting was to create a website that was dedicated to Aspera that would evolve as the process evolved.

Mr. Bull explained the process they had gone through regarding the traffic issues. The traffic impact analysis was provided in conjunction with the general plan amendment and rezoning. He noted the existing traffic volumes on 75th Avenue were high and they are working to resolve the issue with staff. He said additional travel lanes between Aspera Boulevard and the Loop 101, as well as street improvements, are planned on 75th Avenue. He noted the additional travel lane will increase the traffic capacity of 75th Avenue and allow southbound motorists who wish to travel east on the Loop 101 to have a designated travel lane. He discussed the land uses as well as the agreed upon stipulations. He explained the development's stringent requirements that involved the police department's guidance to create a secure development area. He concluded his presentation and asked for questions and the opportunity for rebuttal if needed.

Chairperson Petrone opened the public hearing.

Mark Barkenbush, 1225 East Willetta, Phoenix, Banner Health Development Construction Department, wanted to emphasize that this was a large doctor's office and not a hospital. He said there will not be any ambulances bringing patients to this facility. He explained this development will be the ninth in the valley. He indicated that in total build out, they anticipate having somewhere between 75 and 90 physicians and 180 support staff. The size of the facility will be 164,000 square feet. He noted this development was very compatible with other development in the area.

Mike Trueman, Vice President of PB Bell Companies, stated their business was property management and multi-family development. He said they were a local company and to date, they have not built anything out of the Phoenix Metro Area. He explained that PB Bell was known for quality verses quantity. He noted they were a full service development company and does everything in house. He stated their investment in this project was \$40 million. He talked about the high end features that the development will have to offer. He said they take great pride in what they do and was very happy to be part of this project development.

Commissioner Johnston inquired if it was known how many students would come out of a project such as this development. Mr. Trueman replied the school district's number is around 45 and 50 students. Commissioner Johnston noted the superintendent had approved the project. He asked when the governing board will be meeting to ratify the project. The meeting will be held on the March 11th.

Barbara Wills, Project Director for Treasure House, stated that Treasure House was founded in the belief that all persons regardless of ability have a purpose and calling in their life. She explained that Treasure House was the vision of Former Quarterback Curt Warner and his wife Brenda who joined efforts with the Cardon Family for this project. She noted that both families have young adult children with developmental disabilities that will live at Treasure House along with 22 other individuals with similar disabilities and six typically able young adults for a total of 30 residents. She explained they had looked at many other properties but once Aspera became a possibility, it became a natural fit. She said this was a community within a community. She noted the development as a whole provides for work, medical, church and retail facility opportunities.

Dawn Cartier, CivTech, provided information on south bound traffic on 75th Avenue. She explained what was done to try and elevate the traffic congestion. She said the work done with ADOT was to provide two access points from the frontage road to alleviate some of the conditions that already exist on 75th Avenue. She also discussed the addition to a new lane.

Commissioner Penilla stated he appreciates all they were doing to alleviate traffic. However, one aspect they cannot add or widen lanes was the bridge over the freeway. He asked if there have been any talks with ADOT to keep things moving across the bridge. Ms. Cartier replied that some talks were already in the works regarding bettering that situation.

Mr. Chris Lemka, City Traffic Engineer, came up to answer any questions.

Commissioner Penilla asked Mr. Lemka to explain his observations regarding the traffic patterns proposed. He also asked if the traffic improvements discussed by the applicant's traffic engineer and by their lawyer were enough to address the anticipated increase in traffic volume on 75th Avenue practically in rush hour period south bound. Mr. Lemka stated he had attended the neighborhood meeting in which the public had expressed concerns with the traffic issues on 75th Avenue. Since that meeting, he has had discussions with ADOT on the matter as well with the City's Traffic Signal timing expert. He explained how they were addressing this issue as a regional approach to deal with the concerns surrounding Loop 101 and 75th Avenue.

Commissioner Penilla asked what a TIA was and had it been done relative to this project. Mr. Lemka stated a TIA stands for Traffic Impact Analysis and was required for any significant development. He added that one had been done in this case.

Vice Chairperson Larson asked Mr. Lemka if he agreed with Ms. Cartier that adding that lane on 75th Avenue would actually improve traffic over the short term and as it builds out it will bring it back to what it is now. Mr. Lemka replied yes.

Chairperson Petrone continued with the citizen input portion.

Sue Ellen Brady Nugent, President of the Arrowhead Phase II HOA, stated she was here to speak in favor of the Aspera Development. She believes they will be a good neighbor; therefore, she welcomes the development to the area. She explained the applicant and representatives have listen and adjusted their plans accordingly to address their concerns. She added that billboards will not be permitted.

David Mook, Board of Director President for Arrowhead, stated he was here to speak in favor of the Aspera Development. He noted that from the very beginning the members of the development have been very thorough in reaching out and listening to their concerns. He added he can do nothing but commend them and urge that the Commission support the recommendation from city staff.

Lauren Taber, 9449 North 51st Drive, in support of the application, did not speak.

Veronica Ragland, Executive Director of One Step Beyond, stated she was here to speak in favor of the development since she works with young adults with cognitive disabilities. She explained their agency provides life skill training, employment services, recreational and residential support. She indicated that communities like Aspera provide these young adults opportunities for their future as well as a great community to prosper.

Jennifer Martin, 7408 West Trails Drive, stated she will be directly impacted by this development. She noted there was a lot of good that can come out of this since she has a family member with Down Syndrome. However, she is not in favor of the additional traffic that this project will generate and overcrowding an already crowed school. She related her experiences with the traffic in that area in the morning. She appreciates the applicant's efforts regarding the traffic issue; however, bringing in a 300 unit multi-housing complex will only add to the traffic nightmare that they see every morning. She also disagrees with the store buildings that will be

overlooking into area neighborhood's backyards. She expressed her disagreement with the overall congestion that will happen in an area that was supposed to have been a quiet area.

Kevin Krestan, 7027 West Morning Dove Drive, stated he had a son that was a special needs adult that would greatly benefit from Treasure House and a neighborhood that was safe and offers great opportunities for personal development.

Craig Gowdey, 3756 East Matthew Drive, stated he was a father of a 21 year old special needs child. He said she is ready to move out when she turns 24 and having Treasure House in the community was very exciting for them as a family. He plans to move closer to this development and hopes it gets approved.

Kelly Forgerlie, 4637 West Parkview, stated she was in full support of the entire project. She is a parent of a special needs daughter who is now 23. She explained she was excited to see this project come forth since Treasure House can become an option for their family.

Judith Lopez, 21053 North 71st Drive, stated her support for Treasure House and all the good it can do as well as the doctors' offices. However, she does not support the retail aspect or any more traffic. She discussed the traffic issues they have to go through in the morning.

Chairperson Petrone called for questions from the Commission.

Commissioner Penilla asked Mr. Lemka if he believed that the improvements the applicant has set forth are enough to address the anticipated increase in traffic on 75th Avenue. Mr. Lemka stated that Aspera is going to generate traffic as any development in that area. He indicated that the improvements that Aspera is recommending will improve conditions for quite a long time possibly to 2030. However, there will come a point in time when they will have to revisit the traffic situations with more planning studies. He believes the community will see a substantial improvement once they work out the kinks with the traffic signals and the traffic improvements proposed.

Commissioner Aldama stated he would like to add to comments made in regards to the school district since he also serves as Vice President on the Governing School Board for the Glendale Elementary School District. He would like to clarify the comments about the overcrowding of the school. He said Arizona was an open enrollment state therefore they may not all attend that school district.

Chairperson Petrone closed the public hearing.

Chairperson Petrone stated his appreciation of the applicant and how they handled themselves throughout this process. He believes this project was a quality project and a rare opportunity for the City of Glendale. He said he was in full support of this development and can't think of a better land use for Treasure House as well as the other developments proposed. He noted the applicant has shown his willingness at all times to be very considerate to those in that district. He believes this was a high quality project that will serve the community well.

Vice Chairperson Larson made a motion to recommend approval of GPA13-04 as filed. Commissioner Aldama seconded the motion which was approved with a vote of 7 to 0.

Vice Chairperson Larson made a motion to recommend approval of ZON13-07, subject to the stipulations contained in the staff report and three additional stipulations presented by the applicant. Commissioner Berryhill seconded the motion, which was approved with a vote of 7 to 0.

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 Johnston thanked the Chair and the Vice Chair for their service. He stated both Commissioners will be leaving the Commission.

Chairperson Petrone thanked staff for their professionalism and for being great workmates. He said the city was very fortunate to have such talented and capable people working in such an important department. He also thanked each of his fellow Commissioners for their dedication.

Vice Chairperson Larson also thanked everyone and stated that this had been a great four years.

The Commission expressed their appreciation and well wishes.

ADJOURNMENT

With no further business, the meeting adjourned at 8:51 p.m.