

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION**

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

**THURSDAY, AUGUST 1, 2013
7:00 PM**

CALL TO ORDER

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

Commissioners Present: Chairperson Petrone (Cholla) and Vice Chairperson Larson (Mayoral), Commissioner Aldama (Yucca) and Commissioner Molina (Ocotillo) were present. Commissioner Penilla (Sahuaro) and Commissioner Lenox (Barrel) participated via telephone.

Commissioners Absent: Commissioner Johnston (Cactus) was absent.

City Staff Present: Jon M. Froke, AICP, Planning Director, Deborah Robberson, Deputy City Attorney, Karen Stovall, Senior Planner and Diana Figueroa Recording Secretary.

APPROVAL OF MINUTES

Chairperson Petrone called for the Approval of Minutes.

Commissioner Penilla noted a correction to the May 16, 2013 minutes on page 6. The revised statute for pawn brokers should read ARS44-1621.

Commissioner Aldama made a motion to approve the minutes of the May 16, 2013 and June 6, 2013 Planning Commission Public Hearing subject to corrections to both meeting minutes. Vice Chairperson Larson 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.

ZON12-05

A request by Dalinda Jimenez, representing David Mateu, to rezone approximately 2.8 acres from A-1 (Agricultural) to SR-17 (Suburban Residential). The site is located approximately 600 feet east and 200 feet south of the southeast corner of 55th Avenue and the Loop 101 Freeway (5432 West Escuda Road). Staff Contact: Karen Stovall, Senior Planner (Cholla District).

Ms. Karen Stovall, Senior Planner said Case ZON12-05 is a request by Dalinda Jimenez, representing David Mateu to rezone approximately 2.8 acres from A-1 (Agricultural) to SR-17 (Suburban Residential). The site is located approximately 600 feet east and 200 feet south of the southeast corner of 55th Avenue and the Loop 101 Freeway. The applicant intends to divide the property into three lots, approximately 37,000 square feet each, and construct custom single family homes. Access would be provided by a 25-foot private easement along the east property line.

On March 19, 2013, the applicant mailed 116 notification letters to adjacent property owners and interested parties advising them of the project and the neighborhood meeting. The applicant did not receive any response regarding the request. Planning did not receive any response regarding the request. Only the Councilmember for the Cholla district attended the meeting.

Ms. Stovall stated SR-17 is the appropriate zoning district and is compatible with the existing Low Density Residential General Plan land use designation. The proposed development is designed to be compatible with existing residential development in the area.

In conclusion, Ms. Stovall stated this request appears to meet the required findings for approval and should be approved, subject to the stipulations listed in the staff report.

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

Chairperson Petrone called for the applicant to make a presentation.

Gabriel Noje, applicant's representative, stated he had nothing to add to staff's presentation. He will be happy to answer any questions from the Commission.

Chairperson Petrone called for questions from the Commission.

Commissioner Penilla asked if the applicant had any objections to stipulation number two regarding the utilities being placed underground. The applicant responded no.

Chairperson Petrone opened the public hearing.

Joel Perkins, speaker, stated he has lived in the area since 1979. He asked if these properties were acre lots. Ms. Stovall stated the minimum lot will be 17,000 as zoned to SR-17 (Suburban Residential). Mr. Perkins stated he does not want it rezoned and wants it to stay the way it is currently.

Theresa Stoddard, speaker, stated she had a concern with the driveway becoming a road as well as the continued growth that will use the driveway/road.

Chairperson Petrone asked if she agreed that this project might be an improvement and mostly beneficial to the area. He said this area needs improvement and having these nice houses will be positive for the area.

Commissioner Aldama asked Ms. Stovall to explain some of the roadway improvements if the application is approved. Ms. Stovall stated the 25 foot wide piece of property which is included will be covered with asphalt for air quality purposes. It will also be a public and emergency access easement.

Commissioner Aldama asked if there was an exit as you enter from the north and travel south bound. Ms. Stovall stated there was no exit. She added that area will be striped and posted as no parking so that it remains clear for emergencies. Commissioner Aldama asked if there was a fire hydrant in the area. Ms. Stovall replied no and added the applicant will provide for that request.

Vice Chairperson Larson asked if the property to the east could be used as an easement. Ms. Stovall explained those properties to the east were under one owner. She stated if the owner wanted to develop that in the future, they would need to provide access from 53rd Avenue.

Ms. Stovall addressed one of the speakers' concerns regarding additional traffic on the roadway should it continue to develop. She stated the lot size of that property does not permit more than one home as it is currently zoned and may not be subdivided any further. She said should they decide to split those properties in the future; they would need to be rezoned and go through a public process.

Commissioner Aldama asked if the city has considered a dead end sign at the entrance of Escuda Road to prevent unwanted traffic. Ms. Stovall replied she will work with the applicant regarding that request.

Scott Coulter, speaker, stated he lives in the area and had some questions. He asked if there will be a sewer system for these three homes. Ms. Stovall replied it will be on septic. Mr. Coulter asked if they believed having three septic tanks behind his house was an improvement. He believes this project down sizes his investment. Chairperson Petrone explained the applicant has the right to make the request for the zoning and that was what the Commission was entertaining tonight. Mr. Coulter asked if they will have trash pickup. Ms. Stovall replied they will provide city trash pickup. Mr. Coulter asked if any civil engineers have looked at this project since it was a flood zone when it rains. He noted that as far as rezoning, he has tried to rezone his property for eight years and keeps getting turned down by the city. He disagrees with this application and opposes the rezoning.

Matthew Bong, speaker, stated he lives in the area and opposes this application. He was concerned the area will become high density housing. He asked, if this moves forward, will they improve all of the utilities in the neighborhood or just for the new homes. He explained this will deplete the resources from the rest of the neighborhood. Jon M. Froke, AICP, Planning Director, stated staff was not prepared to answer some of the issues brought forth tonight and most are reviewed by the Engineering Department. Mr. Bong stated the residents in the area did not receive the neighborhood public notice for the meeting and therefore did not have a chance to voice their concerns. Ms. Stovall replied it was the applicant's responsibility to send out those notices. Mr. Bong stated he would like someone from the city to get back to him regarding these issues. Ms. Stovall agreed to follow up with him and address his concerns.

Charles Lightner, speaker, stated he owns three properties in the area and has several concerns with this application. He suggests they leave it as two homes, one on each acre. He also had a concern with the garbage trucks causing damage to the newly develop asphalt road. Ms. Stovall explained the sanitation department will make sure when the asphalt is poured that it is compacted properly and meets city specifications so that it is not broken up. Mr. Lightner stated the last thing he wants to see was a garbage truck driving up his back easement to pick up garbage from three homes. He also discussed the low water pressure and the possibility of it getting even lower when adding three more homes to the area.

Chairperson Petrone agreed that if the water pressure was that substandard, it should be looked into. He stated the concerns voiced today regarding the utilities and infrastructure were valid.

Mr. Lightner said there had been some mention of creating an HOA for this development and he was opposed to it.

Commissioner Penilla asked the speaker if he received notice about the citizen participation meeting. Mr. Lightner stated he received nothing.

Commissioner Penilla asked what process the city uses to insure the applicant sends out the citizen participation letters. Ms. Stovall stated the applicant must provide the city with an affidavit of mailing and staff did receive it. She added it was the applicant's process to notify the neighborhood of their intent. She explained she has spoken to the applicant and they did do the mailing. However, she has no actual proof other than the affidavit being provided.

Commissioner Aldama stated these were valid concerns that had been brought up. He asked if they would rather have this parcel stay vacant. Mr. Lightner explained that he only had the objection to the zoning change and would prefer only two homes with no road pavement. He added the residents can walk their trash cans to the road instead.

Commissioner Aldama asked if going from A-1 Agricultural to SR-17 has an effect of allowing commercial to be built in the immediate area. Ms. Stovall responded it did not. She said SR-17 allows one single family home per property. This allows for this property to be split for three single family homes. She added the current zoning in the area does not allow for any commercial development.

Commissioner Penilla inquired as to the septic tanks in the staff report. He noted he could not find the information. Ms. Stovall stated the septic tanks do not appear in the report, however, she has confirmed that issue with the Engineering Department.

Mr. Matthew Bong, speaker, discussed the noise factor regarding the garbage trucks.

Gabriel Noje, applicant's representative, stated he appreciated all the comments and concerns brought forth tonight. He said they bought the property over a year ago and would like to develop it with either two or three lots.

Since there was no further discussion, the public hearing on ZON12-05 was closed.

Chairperson Petrone stated he liked this project a lot. He was not so concerned about the lot sizes; however, had very serious concerns about some of the issues brought forth by the citizens. He explained he was a little concerned that many of the citizens did not participate in the neighborhood meeting. Therefore, he believes they need another neighborhood meeting and asked the rest of the Commissioners if they were in agreement. He agrees that the citizens deserve to provide their input regarding this project as well as have many of their valid questions answered. He added he would not be surprised to see Mr. Froke, Councilmember Martinez and representatives from the water department attend that meeting. He stated there seemed to be some very valid issues and sympathized with many of the issues he heard today. He said he was not comfortable with a vote tonight. However, he does want this project to move forward in order to improve the neighborhood but believes they should not have to suffer because of it.

Chairperson Petrone asked the rest of the Commissioners for their comments on what he just said.

Commissioner Lenox agreed with Chairperson Petrone. He expressed his concerns regarding the public notice not getting to the citizens as well as the septic tank and flood area.

Commissioner Penilla stated that if they were to vote on this item tonight, his vote would be no. However, he does support a motion to table this application until the issues that were raised are addressed. He was confident that these five citizens would have attended the public meeting if they had received a notification. He acknowledged the comment made that the problem was with the process in relying on the applicant to send out notifications without any corresponding prove beyond the affidavit. He will support a motion to table this application.

Vice Chairperson Larson stated he agreed with everyone's comments. He said he was very disturbed that the neighbors were not notified and that the process in place seemed to have failed. He will support a motion to table this application and letting the neighbors be heard. He was also bothered by the water and electric issues that were raised and wonders why they have not been addressed.

Commissioner Aldama commended staff on their due diligence done on this project. He believes this was a great project and a great start to produce upgrades in the area. He was also concerned with the process the city uses in notification letters. He supports tabling this item. He thanked the citizens who attended the meeting to voice their concerns.

Commissioner Molina expressed his gratitude for the citizens that took the time to come to the meeting and voice their concerns. He agreed with the other Commissioners to table this application.

Chairperson Petrone stated he did not want to cast any aspersion on the applicant. He truly believes that it was sent out but sometimes the mail does not get where it is intended. Therefore, he will take everyone at their best word and have another neighborhood meeting so everyone that wants to attend gets the opportunity.

Vice Chairperson Larson made a motion to table ZON12-05 pending another neighborhood meeting and further discussion. Commissioner Penilla seconded the motion, which was approved unanimously.

Mr. Froke asked to make a few comments on this item. He said he appreciates the public's testimony tonight. He explained that Glendale could not always solve everyone's issues; however, they will do their best to address them. He stated that he will attend the applicant's neighborhood meeting with Ms. Stovall. With respect to some of the adjacent land uses, it is worthy to point out some particulars in the vicinity. In regard to Midwestern University the land exchange was completed a few years ago through an action approved by the City Council. The University has made a significant private investment and is a strong partner with the city of Glendale. He provided information on the commercial office building to the east which went through the Planning Commission and City Council in 2004. He believes the development was a good buffer and did not believe anyone wanted to build houses next to an elevated freeway interchange. He added for the resident that owns the 7.5 acres and would like to develop them; the city could help look at another mechanism for lot coverage at the appropriate time.

Chairperson Petrone stated they will let everyone know when and where the neighborhood meeting will be held. He thanked everyone for attending tonight.

Deborah Robberson, Deputy City Attorney, said the process will continue after the Community Meeting.

Mr. Froke stated the next two cases will be presented together. However, the Commissioner will take separate actions.

ZON13-01 A request by Bowman Consulting Group, representing D.R. Horton, to amend the development standards of the existing R1-4 PRD (Single Residence, Planned Residential Development) zoning district, as approved in ZON04-13. The site is located north and east of the northeast corner of 95th Avenue and Camelback Road (9300 West Camelback Road). Staff Contact: Karen Stovall, Senior Planner (Yucca District).

PP13-01 A request by Bowman Consulting Group, representing D.R. Horton, for a request to approve the preliminary plat for Copper Cove Phase 2. The site is located north and east of the northeast corner of 95th Avenue and Camelback Road (9300 West Camelback Road). Staff Contact: Karen Stovall, Senior Planner (Yucca District).

Karen Stovall, Senior Planner, said Cases ZON13-01 and PP13-01 are requests by Bowman Consulting Group for the site located north and east of the northeast corner of 95th Avenue and Camelback Road. The existing Copper Cove PRD zoning district was approved by Council on June 27, 2006. In 2008, the property was platted as two subdivisions, Copper Cove Phase I and Phase 2. No lots in either subdivision have been developed.

Ms. Stovall said the applicant intends to develop both phases of the project. Phase 1, which is currently zoned R1-10 PRD, located adjacent to Missouri Avenue, will be developed with the existing development standards. The zoning request is to amend the development standards of Phase 2 which is the portion of site zoned R1-4 PRD. She continued saying the modifications have also been made increasing the minimum lot area from 4,200 sq. feet to 5,625 sq. feet, decreasing the maximum lot coverage from 55 to 50 percent, and increasing the minimum rear setback from 10 feet to 15 feet. These changes will allow the new home builder to offer floor plans not currently permitted through the existing development standards and lot configuration. The increase in the minimum lot size will result in a reduction of 39 lots in Phase 2 from 180 to 141. She added that modifications have also been made to landscape areas, entry features, theme walls, and amenities approved in the original PRD.

Ms. Stovall said for Copper Cove Phase 2, the application proposes a 141 lot single-family subdivision on 38 acres with a density of 3.7 dwelling units per acre. The lot sizes vary from 5,750 square feet to 9,178 sq. feet with an average size of 6,784 sq. feet. The proposed minimum lot width is 50 feet and minimum depth is 112.5 feet. She stated that vehicular access will be provided by entrances off 95th Avenue and Camelback Road.

The applicant held a neighborhood meeting on January 2013. The Yucca District Councilmember attended. The Councilmember had questions regarding floor plans, energy efficiency of the house product and the possibility of purchasing the property at the southwest corner of 91st and Missouri. She also requested an 8 foot high wall along the east property line and that a courtesy letter be sent to property owners along the north side of Missouri Avenue. The applicant agreed to both requests. She explained that following the mailing, planning received one telephone call from a resident of Pendergast West Amended. The caller wanted to verify that the request would not amend Phase 1 of the development. Planning staff confirmed that Phase 1, adjacent to Missouri Avenue, would remain as previously approved.

Ms. Stovall stated this request meets or exceeds the city's residential design and development manual regarding site planning, landscaping, colors and building materials. This request is consistent with the guidelines for Planned Residential Development by providing flexibility in a house product.

In conclusion, Ms. Stovall stated this request appears to meet the required findings for approval and should be approved, subject to the stipulations listed in the staff report.

Chairperson Petrone called for questions from the Commission.

Vice Chairperson Larson asked if Phase 1 preliminary plat was still active or did it need to be reapproved. Ms. Stovall stated that both of these subdivisions have been platted and recorded with the county. She explained the applicant is amending the final plat of Phase 2.

Chairperson Petrone remarked that what they were essentially doing was going from zero clearance lot lines to standard residential lots which create more of a traditional neighborhood.

Chairperson Petrone called for the applicant to make a presentation.

Ms. Shelby Duplessis, Bowman Consulting Group, stated she did not have anything to add. She said she normally does not have a case where they were actually increasing lots and setbacks and decreasing coverage. She noted this case was a dream come true project. She reiterated that they will not be changing anything in Phase 1 and were only improving Phase 2.

Chairperson Petrone opened the public hearing.

Bonnie Ervine, speaker, stated she lived directly north of the Phase 1 part of the development. She was told by the city that she was not part of the area being considered because they separated out the entities for Phase 1 and 2. However, according to documentation as far back as 2004, it has been treated as one entity. There was no letter or notice sent to the 300 ft. affect range. She believes they avoided the citizen's participation meeting by splitting the entities. She stated that Glendale acts like the arbitrator between developers and other community members. She explained that in the past, Glendale has worked actively to secure and contribute support from the neighborhood. However, the issue was that this was not part of the original intent of the land in 2004. She read excerpt from people that were there at the time this project originated. She stated the lots were to be ½ to 1 acre home sites with a minimum of 1 ½ acres. As a result, she suggested to staff that in order to accommodate both the residents and Pendergast West, that the access off the main entry to Missouri be relocated either to 95th Avenue or Camelback. Additionally, that the gated fire department access to the south of the property become the main driveway. She noted that by doing that the nature of the community would not impact the residents to the north in any manner. She reiterated that this was only one development in separate phases, not separate projects.

Vice Chairperson Larson remarked that Phase 1 is not part of this discussion. Although he understands the speakers concerns, it was not within the Commission's ability to make changes during this meeting. Ms. Stovall stated he was correct. She added the rezoning application is to amend the R1-4 development standards not the R1-0 zoning subdivision.

Chairperson Petrone asked Deborah Robberson, Deputy City Attorney for guidance. Ms. Robberson stated Ms. Stovall was correct in her assertion.

Chairperson Petrone noted there was a six foot block wall that backs to Missouri; therefore, it would be hard to see what size lots were on the other side of the wall unless they went into the subdivision. Ms. Stovall agreed. Ms. Ervine in response said she would be able to see what is over the wall.

Mr. Froke stated he appreciated Ms. Ervine's input and that he and Ms. Stovall had been glad to have gone over the files with her the afternoon the day before the meeting. He said much like they do anywhere else in the city, city staff tries to do their best to meet people halfway and resolve issues. Staff considers this a really good project and is comfortable with the current proposal.

Since there was no further discussion, he closed the public hearing on PP13-01.

Commissioner Aldama stated he met with the high school district in the area and noted they were very excited about this project coming into the area since it will increase their student population. However, they have some concerns with light and noise ordinances. He asked if the school had to follow any new ordinances regarding those issues now that homes were being built there. Ms. Stovall explained that school districts did not have to comply with city guidelines. Commissioner Aldama clarified that he was the one concerned with the ordinances. He added the school was eager to welcome the new community and excited to have a great relationship with the new homeowners.

Mr. Froke commented that the applicant actually designed the area in a manner where a street provides a buffer from the school.

Commissioner Aldama made a motion to recommend approval of ZON13-01 subject to the stipulations listed in the staff report. Vice Chairperson Larson seconded the motion, which was approved unanimously.

Deborah Robberson, Deputy City Attorney said this action is a recommendation to the City Council for final action.

Commissioner Aldama made a motion to approve PP13-01 subject to the stipulations listed in the staff report. Vice Chairperson Larson seconded the motion, which was approved unanimously.

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

OTHER BUSINESS

Chairperson Petrone called for Other Business.

Mr. Froke reminded the Commission about the training session and workshop scheduled for August, 15, 2013. He said they will unveil some of the early concepts and ideas for the General Plan Update.

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.

Chairperson Petrone thanked the Commissioners and staff for their hard work. He stated it was great to see they can all work together for the betterment of Glendale and its residents.

Commissioner Penilla thanked Chairperson Petrone for providing the opportunity for them to participate via telephone.

ADJOURNMENT

With no further business, Commissioner Penilla made a motion to adjourn the meeting. Commissioner Lenox seconded the motion, which was approved unanimously. The meeting adjourned at 8:28 p.m.

The next meeting is scheduled for August 15, 2013 @ 5:30pm.