

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION**

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

**THURSDAY, NOVEMBER 7, 2013
6:00 PM**

CALL TO ORDER

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

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

Commissioners Absent: Commissioners Johnston (Cactus) and Molina (Ocotillo) were absent.

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

APPROVAL OF MINUTES

Chairperson Petrone called for the Approval of Minutes.

Commissioner Aldama made a motion to approve the minutes of the October 3, 2013 Public 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.

ZON12-05:

A request by Gabriel Noje, 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). The site is located in the Cholla District.

Karen Stovall, Senior Planner, said Case ZON12-05 is a request by Gabriel Noje, 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 for a meeting that was held in April. Only the councilmember for the Cholla district was in attendance. The applicant did not receive any response regarding the request. Planning did not receive any response regarding the request. She noted the application was heard at the August 1, 2013 hearing, and five individuals spoke with concerns about the request.

Ms. Stovall explained that due to the issues raised at the August 1, 2013 Planning Commission hearing, the Planning Commission voted to table the application to allow the applicant to have a second neighborhood meeting. The second neighborhood meeting was held on September 23, 2013. She said nine city staff members, appointed officials and 11 individuals attended. She noted the attendees expressed the following concerns: development of new homes negatively impacted existing property values, that the private access easement would be used as a road in the future to access the development to the southeast, poor drainage on the property and throughout the neighborhood, low water pressure and poor electric and cable service in the area. Also, the method of notification for the neighborhood meeting by the applicant was inadequate.

Ms. Stovall indicated the applicant explained that they wish to split the property into three lots and build three custom single-family homes. They believe the homes will be high quality and will not negatively impact property values. APS was contacted about electrical services, and the company does not foresee any issues with providing electric service to the three new homes. The applicant stated that if a transformer broke in the past, it was most likely old and needed replacing. The applicant understood that landline phone and cable service would be costly to run to the property; therefore they only plan to have satellite cable. Additionally, the access easement that is proposed along the east property line will be for private use. She noted this was not a public street and will only be used for accessing the three homes. She added the applicant stated they did use his company's return address labels on the envelopes for the meeting notification letters and apologized if that discouraged anyone from opening the letter.

Ms. Stovall stated staff members from the Glendale Water Service, Engineering, Community and Economic Development departments were present. The Water Service representatives explained that pressure test were done and the water pressure meets the city standard minimum of 40 pounds per square inch. The engineering representative explained that the property owner will be required to submit a drainage study to show how the new lots will retain their water runoff. She said that staff from the Water Service will inspect the drain holes in the wall along the north side of Carmel Park to make sure they are functioning properly. She added staff from the Community and Economic Development Department explained that if the property to the east of the subject site was developed, plans would need to be reviewed, including how the site would be accessed by vehicles.

Ms. Stovall stated SR-17 is the appropriated 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.

Commissioner Aldama said he was pleased with the way this application was handled including deciding to table the item until all the public's concerns were addressed in an open forum at the second meeting. Chairperson Petrone agreed adding he thought it was a great meeting and had worked out very well.

Commissioner Penilla commented on the issues surrounding this application, starting with the notifications that were not received by many as well as the concerned citizens that showed up at the first meeting, and finally with the Commission having to table the application. Unfortunately, he said the reason why this matter was tabled and had to be taken up again had to do with the notice. He said that to date nothing has been done regarding the procedure for notification and now they are being asked to vote on an item which was very much a substantial problem in the presentation of this matter and the consideration of it. He inquired why nothing had been done to address this issue. Mr. Froke explained that the Planning Division has been researching the issue and will address it as soon as possible.

Commissioner Penilla said he understood staff's time constraints with their case loads, however, they are being asked to consider and vote on this item without the most substantial problem addressed that caused the tabling. He added he hopes staff understands the quandary that some of them felt. Commissioner Penilla stated none of the Commissioners have seen a protocol for notification come forward since that tabled meeting. He noted that having seen something in the last three months would have put them in a much better position.

Chairperson Petrone called for the applicant to make a presentation.

Mr. Gabriel Noje, applicant's representative, explained the issues that plagued the notification letters. He stated there was no excuse and apologized for the mix-up; however, he did correct it with the second meeting mailings.

Chairperson Petrone noted that Commissioner Penilla's remarks regarding the notifications were not directed to the applicant, they were directed at staff.

Chairperson Petrone opened the public hearing. Since no one spoke, the public meeting was closed.

The Commissioners had a discussion regarding the notification procedure and the importance of enacting the protocol change.

Commissioner Aldama stated he agreed with Commissioner Penilla's comments and with the importance of making a change to the protocol as was discussed. Mr. Froke agreed and stated staff was working on this issue.

Vice Chairperson Larson made a motion to recommend approval of ZON12-05 subject to the stipulations listed in the staff report. Commissioner Lenox seconded the motion, which was approved unanimously.

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

ZON13-05: A request by Gammage and Burnham PLC, representing John F. Long Family Revocable Living Trust, to establish an SUD (Special Use District) overlay to 99.3 acres of M-1 (Light Industrial) zoned property. The site is located at the southeast corner of the 115th Avenue alignment and Glendale Avenue (11401 West Glendale Avenue). The site is located in the Yucca District.

Remigio Cordero, Planner, said Case ZON13-05 is a request by Gammage and Burnham PLC, representing John F. Long Family Revocable Living Trust, to establish a Special Use District overlay to 99.3 acres of Light Industrial zoned property. The site is located at the southeast corner of the 115th Avenue alignment and Glendale Avenue at 11401 West Glendale Avenue. He said this was a request to add an SUD overlay to 99.3 acres of M-1 zoned property to operate a Sand and Gravel operation. The operation will be subterranean and it will excavate no more than 50 feet below grade. He noted that if approved, the owner will lease this property to Phoenix Cement. Phoenix Cement is proposing to phase their operation in 39 acre increments; a total time frame for this operation will not exceed 15 years at this location. He indicated the Planning Commission reviewed ZON13-15 at its October 3, 2013 workshop.

Mr. Cordero stated that on July 16, 2013, the applicant mailed 87 notification letters to adjacent property owners and interested parties notifying them of the neighborhood meetings. On August 5, 2013, the applicant held a neighborhood meeting at the Glendale Municipal Airport. The meeting was attended by eight people, four from the applicant's team, two city staff members, one resident and one reporter from the Arizona Republic. He said the resident opposed the Sand and Gravel operation citing dust, noise, visual pollution to the airport. The applicant informed the resident of the measures that they will take to ensure that the operation will not impede on other neighboring properties. The resident still remained opposed to the applicant's request and provided a letter to staff. He explained the applicant cited the preventive measures they will take to ensure that the issues raised in the resident's letter will not occur. He added the letter was attached in the final report.

Mr. Cordero stated that according to staff's findings and analysis, the Sand and Gravel site will be compatible with the existing and planned industrial charter of the area. He said the land uses that surround this proposed operation are similar in nature to the applicant's request. He explained the Transportation Department has reviewed the applicant's request and determined that the proposed use will not have an adverse impact on traffic to Glendale Avenue. There is a

traffic signal at the intersection of Glendale Avenue and the 115th Avenue alignment that will regulate traffic flow to and from this operation.

Mr. Cordero stated that control of dust created by this use will be mitigated by water trucks and other preventative measures to comply with local and state laws. This use will also be monitored by Maricopa County and the Arizona Department of Environmental Quality. He noted the applicant will secure an Air Quality permit prior to this operation commencing. He stated the isolation of this site below grade in an existing industrial area will not create noise or light impacts to the surrounding areas. The site setback is more than 2,000 feet from Glendale Avenue and 460 feet from the Glendale Municipal Airport, and over half a mile from the nearest residential homes that are located in the City of Phoenix. He added the Sand and Gravel operation will not pose excessive height issues since the operation is primarily subterranean.

Mr. Cordero explained operation of this use can be 24 hours depending on the client's demands. He said the work will not affect the surrounding area due to the majority of the work being performed below grade. There are substantial setbacks proposed for this use which will provide visual mitigation to the surrounding land users. He said the applicant will also provide a 10 foot berm that will be placed along the north, east and southeast of the property to provide ample visual buffers from the industrial park and the airport. He noted that currently there was a sand and gravel operation that is immediately west of this proposed use. The development character of this immediate vicinity is industrial and similar in nature. He stated the General Plan designates this site for business park. Therefore, the proposed Sand and Gravel operation is a temporary use that will cease after 15 years. Additionally, the applicant has filed the necessary application to the FAA for approval since the site is adjacent to the General Municipal Airport. He said the airport administrator has indicated that industrial uses are suitable uses for safe airport operations.

In conclusion, Mr. Cordero 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 what the site will look like after they are done and the 15 years has expired. He wondered if the site could still be developed as a business park. Mr. Cordero deferred the question to the applicant. However, noted it was his understanding that they will be back-filling the areas as they move on to the next. Vice Chairperson Larson inquired how they will be able to control that and make sure the land will be left useable for the future. Mr. Cordero explained those were stipulations the applicant will have to comply with mediation.

Chairperson Petrone called for the applicant to make a presentation.

Stephen Anderson, applicant's representative, introduced his group attending. He addressed Vice Chairperson Larson's question in regards to the reclamation process. He said that as staff indicated the reclamation process is expressly called for in the narrative which was in turn imposed on the site through the city by stipulation number one in the staff's recommendation. He explained the overall site is 100 acres in size and not all will be mined at once and only gets

mined in portions. He noted the procedure was to backfill and won't be allowed to progress until they finish the reclamation of what they already mined behind. In addition, he stated that this site would be more difficult to develop today if they did not mine it since the soil was very poor quality. He noted the reclamation will actually leave the site in a more superior condition for development. He stated the applicant was completely comfortable with all three stipulations as stated in the staff report.

Commissioner Penilla stated the good citizenship of the Long Family was well known and believes this project was particularly good for this site. Chairperson Petrone stated they could all agree with that statement, especially in regards to the Long Family's long and excellent history of service to this community.

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

Commissioner Penilla made a motion to recommend approval of ZON13-05 subject to the stipulations listed in the staff report and corrections to the staff report as indicated by the applicant's representative. Commissioner Aldama seconded the motion, which was approved unanimously.

Ms. Robberson 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 Penilla asked when they can discuss the notification protocol. Mr. Froke suggested it be brought forward as a workshop item on December 5, 2013 at 5:00 p.m. Everyone agreed.

ADJOURNMENT

With no further business, Commissioner Penilla made a motion to adjourn the meeting. Commissioner Aldama seconded the motion, which was approved unanimously. The meeting adjourned at 6:41 p.m.