

FOR SPECIAL ACCOMMODATIONS



Please contact Diana Figueroa at (623) 930-2808 or dfigueroa@glendaleaz.com at least three working days prior to the meeting if you require special accommodations due to a disability. Hearing impaired persons should call (623) 930-2197.

After 5:00 p.m. on Monday, prior to the meeting, staff reports for the above referenced cases will be available online at <http://www.glendaleaz.com/planning/boardsandcommissions.cfm>. If after reviewing the material you require further assistance, please call the staff contact listed for each application at (623) 930-2800.

In accordance with [Title 38](#) of the Arizona Revised Statute (A.R.S.), upon a public majority vote of a quorum of the Planning Commission, the Commission may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purpose:

- (i) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));
- (ii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3)); or
- (iii) discussion of consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4)).

Confidentiality Requirements Pursuant to A.R.S. § 38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. § 38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the Planning Commission, or as otherwise ordered by a court of competent jurisdiction.

**WORKSHOP MINUTES
CITY OF GLENDALE PLANNING COMMISSION
CITY HALL
CONFERENCE ROOM 2A
FEBRUARY 5, 2015
5:00 PM**

CALL TO ORDER

The meeting was called to order at approximately 5:00 p.m.

ROLL CALL

Commissioners Present: Commissioners Hirsch, Dobbelaere, Berryhill, and Harper, Vice Chairperson Lenox, and Chairperson Johnston (via telephone beginning at 5:55pm) were in attendance.

Commissioners Absent: None

City Staff Present: Jon Froke, AICP, Planning Director, Tabitha Perry, Assistant Planning Director, Deborah Robberson, Chief Deputy City Attorney, Thomas Ritz, AICP, Senior Planner, Tom Dixon, CPM, Senior Planner, Jessica Eastman, Planning Technician, and Diana Figueroa, Recording Secretary.

ITEM:

1. OPEN MEETING LAW TRAINING

Deborah W. Robberson, Chief Deputy City Attorney, presented the item.

Ms. Robberson stated all meetings of a public body shall be public, and all persons desiring to attend shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. She explained that a meeting is defined as “the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action”. She noted that four members constitute a quorum.

Ms. Robberson said it does not matter what label is placed on a gathering. It may be called work session, or the discussion may occur at a social function. She noted that discussion of the public body's business may take place only in a public meeting or an executive session in accordance with the requirements of the Open Meeting Law. Additionally, discussions and deliberations between less than a majority of the members of a governing body, or other devices, when used to circumvent the purposes of the Open Meeting Law violate that law. She added that public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members. She continued stating that public officials should refrain from any activities that may undermine public confidence in the public decision making process established in the Open Meeting Law, including actions that may appear to remove discussions and decisions from public view. As an example, Board members cannot use email to circumvent the Open Meeting Law requirements. She explained that

violating the Open Meeting Law will make the action in the meeting void. She added that they were also monetary penalties and fines regarding this action.

Ms. Robberson indicated the Open Meeting Law requires at least 24 hours advance notice of all meetings to the public body and to the general public. She explained that notice makes it possible for the public to attend public meetings by informing them of when and where to go, and how to get information regarding the matters under consideration. She explained that the Commission can only address items on the agenda. She said that once the disclosure statement has been filed or posted, the public body must give notice of each of its meetings by posting a copy of the notice on its website as well as at the location identified in the disclosure statement. She said that the public body that intends to meet for a specified calendar period on a regular day or date during the calendar period, and at a regular place and time, may post public notice of such meetings at the beginning of such period and need not post additional notices for each meeting. She indicated minutes must be taken of all public meetings and executive sessions. She added minutes may be taken in writing or may be recorded by a tape recorder or video tape recorder.

Ms. Robberson commented on Council attendance at Planning Commission meetings. She stated that Council is allowed but discouraged. She also discourages the Commission from attending these types of meetings including community meetings since she believes the Board and Commission bodies should make decisions jointly with the same information. However, attending these meetings was not unlawful only discouraged.

Commissioner Hirsch inquired that should they have a question about a conflict with Council, should they ask for an executive session for legal advice. Ms. Robberson replied yes and added that the Commission had to vote to go into executive session.

Commissioner Harper commented on Councilmember Sherwood wanting to meet with him. He said the meeting never materialized but wondered if that was something he had to avoid. Ms. Robberson stated that Commissioners should always follow their understanding and due diligence about an application item and vote in accordance with what is appropriate.

Commissioner Hirsch stated that Commissioners should vote on what they believe is correct based on the information that is provided during the application process even if it differs from the Council.

Ms. Robberson explained the Planning Commission case presentations and recommendations process.

OTHER BUSINESS

Tabitha Perry, Assistant Planning Director, provided an update regarding Conditional Use Permit CUP14-07. She stated this case will be coming back to be heard and voted on again by the Commission at a later time. She said that more information will be forthcoming on this matter.

Case: Conditional Use Permit CUP14-07

A request by Paul O'Conner, representing Patricia Guizan, for a Conditional Use Permit to permit dancing and live entertainment at a proposed banquet hall located within 500 feet of residentially-zoned property in the Glendale Centerline Overlay (GCO) zoning district. The site

is located south of the southwest corner of 55th Avenue and Glendale Avenue (6830 North 55th Avenue) and is located in the Ocotillo District.

ADJOURNMENT

With no further business, Commissioner Hirsch made a motion to adjourn the meeting. Commissioner Dobbelaere seconded the motion, which was approved unanimously. The meeting adjourned at 5:58 p.m.

DRAFT

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION
CITY COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, MARCH 5, 2015
6:00 PM**

CALL TO ORDER

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

Commissioners Present: Commissioners Dobbelaere, Harper, Berryhill, Hirsch, and Vice Chairperson Lenox, and Chairperson Johnston were present.

Commissioner Absent: None (Yucca District - vacant seat)

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

Tabitha Perry, Assistant Planning Director, stated that agenda items may be taken out of order at the Commission's discretion. She requested agenda item #6 Other Business be heard first. Chairperson Johnston agreed.

OTHER BUSINESS

Mr. Richard A. Bowers, Acting City Manager, introduced himself to the Planning Commission. He stated that it was an honor to serve as interim City Manager to the City of Glendale. He was glad and proud to be able to serve the community. He apologized for what occurred recently regarding a public hearing item and acknowledged it was an organizational issue not an individual and has been corrected. He also encouraged the Commissioners to call on him should they ever need assistance.

APPROVAL OF MINUTES

Chairperson Johnston called for Approval of Minutes from the January 8, 2015 Special Meeting.

COMMISSIONER HIRSCH MADE A MOTION TO APPROVE THE JANUARY 8, 2015 SPECIAL MEETING MINUTES. THE MOTION WAS SECONDED BY VICE CHAIRPERSON LENOX. THE MOTION PASSED UNANIMOUSLY.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

Chairperson Johnston called for staff's presentation.

1. **CUP14-07:** A request by Paul O'Connor, representing Patricia Guizan, for a Conditional Use Permit (CUP) to permit dancing and live entertainment at a proposed banquet hall located within 500 feet of residentially zoned property in the Glendale Centerline Overlay (GCO) zoning district. The site is located south of the southwest corner of 55th Avenue and Glendale Avenue (6830 North 55th Avenue) and is located in the Ocotillo District.

Mr. Thomas Ritz, AICP, Senior Planner, stated this was a request by Paul O'Connor, representing Patricia Guizan, for a Conditional Use Permit to permit dancing and live entertainment at a proposed banquet hall. He noted all live music and patron dancing will be performed inside the building.

He said the site of the proposed banquet hall is bounded by a recently demolished car wash and parking lot to the north, zoned Glendale Centerline Overlay. Glendale Avenue is 160 feet north of the proposed banquet hall location. He explained that the Conditional Use Permit was required because the site is located within 500 feet of residentially zoned property. He explained that live music, performed by more than one musician, and dancing requires a Conditional Use Permit within the Glendale Centerline Overlay district when proposed to be located within 500 feet of a residential zoning district.

Mr. Ritz noted that on November 18, 2014, the applicant mailed notification letters informing the adjacent property owners and interested parties of their request. He said the applicant did not receive any response regarding the request. The Planning Division received a comment of opposition from the property owner to the south. He noted the property owner was concerned about the street parking blocking the driveway into his business and on street parking contributing to the congestion on 55th Avenue and Lamar Avenue. Mr. Ritz stated another comment was received indicating the neighborhood was residential in character and this proposal was not supportable. Mr. Ritz noted the area is primary industrial.

He said a Notice of Public Hearing was published in The Glendale Star on February 12, 2015, the property was posted on February 14, 2015, and notification postcards of the public hearing were mailed to adjacent property owners and interested parties on February 13, 2015.

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

Chairperson Johnston called for questions from the Commission. There were no questions.

Chairperson Johnston called for the applicant to make a presentation.

Paul O'Connor, applicant's representative, stated he had nothing to add since staff's presentation was very thorough. However, he would be happy to answer any questions.

Commissioner Hirsch asked for additional information on alcohol consumption at the facility. Mr. O'Connor explained that alcohol will be served for certain functions. Additionally, when someone rents the hall, they will be required to hire a licensed bartender.

Chairperson Johnston asked a question regarding the capacity of the banquet hall. Mr. O'Connor replied that it was approximately 300 people. Chairperson Johnston asked how many vehicles the parking lot could accommodate. Mr. O'Connor said about 35 vehicles. He explained that the parking and traffic will occur on off hours when most of the businesses are closed. Chairperson Johnston expressed his concerns noting that fast food places will be opened in that area. He added that with an event of 300 people, 35 parking spaces seemed very minimal to accommodate such a large group and likely spill over into the residential area.

Chairperson Johnston inquired as to security. Mr. O'Connor replied that security cameras will be installed and they will be hiring security guards. Chairperson Johnston apologized to the applicant for having to come before the Commission twice. Mr. O'Connor replied that he understood the situation.

Chairperson Johnston opened the public hearing. Since there was no one wishing to speak on this item, he closed the public hearing.

Chairperson Johnston called for a motion.

COMMISSIONER HIRSCH MADE A MOTION TO APPROVE CUP14-07 WITH SEVEN STIPULATIONS AS LISTED IN THE STAFF REPORT PLUS AN ADDITIONAL EIGHTH STIPULATION WHICH READS: COMPLIANCE WITH ALL STATE AND LOCAL LAW AND ORDINANCE WITH REGARD TO THE USE, SALE, DISTRIBUTION, OR PRESENCE OF ALCOHOL. VICE CHAIRPERSON LENOX SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 5 TO 1 (BERRYHILL).

Chairperson Johnston called for the next step in the process.

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

Chairperson Johnston called for the next case.

2. CUP14-08: A request by Beus Gilbert, PLLC, representing KIR Glendale LP and Hospice of the Valley, for a Conditional Use Permit (CUP) to allow a thrift store in the C-2 (General Commercial) zoning district. The site is located north of the northeast corner of Bell Road and 59th Avenue (17045 North 59th Avenue) and is located in the Sahuaro District.

Mr. Thomas Ritz, AICP, Senior Planner, stated this was a request by Beus Gilbert, PLLC, representing KIR Glendale LP and Hospice of the Valley, for a Conditional Use Permit to allow a thrift store in the C-2 zoning district. He explained that the property owner was seeking a CUP

to allow a thrift store use for the White Dove Thrift Shoppe. He added this use will be conducted in an existing building that will be renovated to accommodate White Dove.

Mr. Ritz stated that Hospice of the Valley operates a number of thrift stores in Metropolitan Phoenix. He explained White Dove is proposing to locate into an 8,057 square foot vacant tenant suite in an existing building. He noted the building and parking lot front into 59th Avenue. He said that vehicular access is provided to the shopping center at three locations on 59th Avenue. Additional access is provided off Bell Road and 57th Avenue. He noted land uses in the immediate area are commercial to the north, east, west, and south.

Mr. Ritz noted that on December 19, 2014, the applicant mailed notification letters informing the adjacent property owners and interested parties of their request. He said there were no responses received as a result of the applicant's notification letter. Additionally, a Notice of Public Hearing was published in The Glendale Star on February 12, 2015. He added that notification postcards of the public hearing were mailed to adjacent property owners and interested parties on February 13, 2015. He said the property was posted by the applicant on February 13, 2015.

In conclusion, Mr. Ritz stated these requests appear to meet the required findings and should be approved, subject to the stipulations listed in the staff report. He asked for questions from the Commission.

Chairperson Johnston called for questions from the Commission.

Vice Chairperson Lenox asked what the drop-off hours were for this facility. Mr. Ritz stated they will encourage drop-off hours to only business hours. He added they will not have a bin outside to discourage any random drop-offs.

Chairperson Johnston called for the applicant to make a presentation.

Mr. Paul Gilbert, Beus Gilbert, introduced himself and stated he was available for questions.

Chairperson Johnston opened the public hearing. With no one wishing to speak on this item, he closed the public hearing

Chairperson Johnston called for a motion.

VICE CHAIRPERSON LENOX MADE A MOTION TO APPROVE CUP14-08 WITH STIPULATIONS AS LISTED IN THE STAFF REPORT. COMMISSIONER HARPER SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

Chairperson Johnston called for the next step in the process.

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

Chairperson Johnston called for the next case.

3. ZON14-04: A request by Mandalay Communities, Inc. to amend the development standards for the Carmel Estates Planned Residential Development in the R1-6 PRD (Single Residence, Planned Residential Development) zoning district. The site is located at the northwest corner of Skunk Creek and 54th Avenue (19268 North 54th Avenue) and is located in the Cholla District.

Mr. Thomas Ritz, AICP, Senior Planner, stated this was a request to amend the development standards for the Carmel Estates Planned Residential Development in the R1-6 PRD (Single Residence, Planned Residential Development) zoning district. He said the site is located at the northwest corner of Skunk Creek and 54th Avenue and is located in the Cholla District. He stated this request was to amend the development standards for the Carmel Estates Planned Residential Development to decrease from 15 feet and 23 feet minimum front yard setbacks to 10 feet and 20 feet front yard setbacks, eliminate the required 3 foot stagger between adjacent homes, decrease the required rear yard setbacks from 20 feet to 15 feet, increase the maximum permitted lot coverage from 40 percent to 48 percent, allow the required 10 foot corner lot setback to be measured from the street right-of-way, and include the width of the adjacent landscape tract in the 10 foot yard setback.

Mr. Ritz noted that on January 12, 2015, the applicant mailed notification letters informing the adjacent property owners and interested parties of their request. He said the applicant did not receive any responses regarding the request. However, the Planning Division received two comments in opposition to the request. He explained the first was from a resident along 54th Avenue east of the subdivision. He said the resident was opposed to the 10 foot front yard setback and that approval of this request will add more people into the neighborhood. He wanted sidewalks along 54th Avenue, south of Carmel Estates, to connect to Union Hills Drive.

Mr. Ritz stated the second comment was regarding concerns about traffic on 54th Avenue. Additionally, a Notice of Public Hearing was published in The Glendale Star on February 12, 2015. He indicated that notification postcards of the public hearing were mailed to adjacent property owners and interested parties on February 13, 2015. He noted the property was posted by the applicant on January 26, 2015.

In conclusion, Mr. Ritz stated these requests appear to meet the required findings and should be approved, subject to the stipulations listed in the staff report. He went through each stipulation in detail. He asked for questions from the Commission.

Chairperson Johnston called for questions from the Commission.

Commissioner Dobbelaere inquired when the Deer Valley Unified School District determined that adequate facilities were available for this site. Mr. Ritz replied that it was in 2006 and added he believed this still holds since the number of lots has not changed.

Chairperson Johnston called for the applicant to make a presentation.

Mr. Steve Shea, applicant's representative, stated he had nothing to add since staff did a good job of presenting the application.

Chairperson Johnston opened the public hearing. With no one wishing to speak on this item, he closed the public hearing.

Mr. Ritz stated he recommends adding a third stipulation if the Commission decides to approve this application. The stipulation should state that the rear yard setback on lots 31 to 35 will remain at 20 feet.

Chairperson Johnston called for a motion.

COMMISSIONER HIRSCH MADE A MOTION TO RECOMMEND APPROVAL OF ZON14-04 SUBJECT TO STIPULATIONS LISTED IN THE STAFF REPORT PLUS AN ADDITIONAL THIRD STIPULATION. COMMISSIONER DOBBELAERE SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

Chairperson Johnston called for the next step in the process.

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

Chairperson Johnston called for the next case.

Mr. Tom Dixon, CPM, Senior Planner, stated he will be presenting these two cases jointly since they are located on the same property; however, the Commission must make a motion for each item.

4. ZON15-02: A request by TTG, representing Hancock Homes, to apply the Planned Residential Development overlay to the R1-6 zoning district for Parkside Subdivision. This would allow a reduction in lot widths from 60 to 53 feet for a proposed 13-lot subdivision for single-family residential development. The site is located at 7225 North 77th Lane and is located in the Yucca District. Staff Contact: Tom Dixon, CPM, Senior Planner.

5. PP14-03: A request by TTG, representing Hancock Homes, for approval of a 13-lot single-family subdivision known as Parkside on two parcels totaling 3.39 acres in size and with a gross density of 3.83 dwelling units per acre. The proposed lot sizes range from 6,119 to 8,287 square feet in size. The site is located at 7225 North 77th Lane and is located in the Yucca District. Staff Contact: Tom Dixon, CPM, Senior Planner.

Mr. Tom Dixon, CPM, Senior Planner, stated this was a request by TTG, representing Hancock Homes, to apply the Planned Residential Development overlay to the R1-6 zoning district for Parkside Subdivision. He explained that this would allow a reduction in lot widths from 60 to 53 feet for a proposed 13-lot subdivision for single-family residential development. He stated this

request was also for approval of a 13-lot single-family subdivision known as Parkside on two parcels totaling 3.39 acres in size and with a gross density of 3.83 dwelling units per acre. He noted the proposed lot sizes range from 6,119 to 8,287 square feet in size. The site is located at 7225 North 77th Lane and is located in the Yucca District.

Mr. Dixon stated that as part of the proposed development of Parkside Subdivision, a half-street improvement to North 77th Lane is required so that the street will become a fully functioning right-of-way as presently occurs on its section to the south. He indicated that access to the proposed 13 lots reviewed under companion case PP14-03 will come from an easterly 150-foot extension of Midway Avenue before it tees off for another 165 feet both north and south to form two cul-de-sacs called North 77th Drive. He said that no secondary access is available to the project because development decisions did not require stubbed access to the project site.

Mr. Dixon noted that on January 28, 2015 notification letters were mailed informing the adjacent property owners and interested parties of the proposal. He said the applicant's Citizen Participation Final Report was approved on February 9, 2015 and is attached. Additionally, a Notice of Public Hearing was published in The Glendale Star on February 12, 2015. He added that notification postcards of the public hearing were mailed to adjacent property owners and interested parties on February 13, 2015.

Mr. Dixon stated that staff has received three enquires from the same person regarding this project and a separate letter from the Orangewood Estates Homeowners Association. He said the Orangewood Estates Homeowners Association supports the project provided that the perimeter wall along the north side of Parkside Subdivision be constructed in a manner similar to the front of the development and that said wall be located at a two-foot setback from the north property line of the Orangewood Estates Homeowners Association Tract "C", a retention area and open space.

In conclusion, Mr. Dixon stated these two requests appear to meet the required findings and should be approved, subject to the stipulations listed in the staff report. He asked for questions from the Commission.

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

Chairperson Johnston called for the applicant to make a presentation.

Mr. Andrew Mizerek, applicant's representative, stated Mr. Dixon's presentation was very thorough and he had nothing to add but will answer any questions from the Commissioners. There were none.

Chairperson Johnston opened the public hearing.

Mr. Edward Curlis, Glendale resident, stated he was a resident and President of the Orangewood Estates Homeowners' Association. He noted that their request had been met with the decorative wall, however, was not sure if the 2 feet setback on the north wall was also met. He stated they

wanted to be good neighbors and would help in any way they can but would also like to protect their properties.

Commissioner Hirsch asked what their concern was on the 2 feet setback on the north wall. Mr. Curlis believes the 2 feet setback will create fewer problems when working around that area. Commissioner Hirsch inquired as to what will occupy the 2 foot gap. Mr. Curlis explained that at the moment they have curbing on the lot line and would suggest they put decomposed granite like they have on the other side of the curbing area.

Mr. Jack Murtino, Glendale resident, explained why the community has requested the decorative wall as a stipulation. He also talked about the retention area which the community takes care of.

Commissioner Hirsch asked the applicant what they were doing in regards to the wall and the 2 feet setback. Mr. Mizerek indicated that they will be willing to move the wall back 2 feet if that was what the community of Orangewood Estates would like.

Commissioner Hirsch remarked if the applicant approves of the decorative wall and the decomposed granite. Mr. Mizerek replied yes.

With no further comments, Chairperson Johnston closed the public hearing.

Chairperson Johnston called for a motion.

VICE CHAIRPERSON LENOX MADE A MOTION TO RECOMMEND APPROVAL OF ZON15-02 SUBJECT TO STIPULATIONS LISTED IN THE STAFF REPORT. COMMISSIONER BERRYHILL SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

Chairperson Johnston called for the next step in the process.

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

Chairperson Johnston called for a motion.

VICE CHAIRPERSON LENOX MADE A MOTION TO APPROVE PP14-03 SUBJECT TO STIPULATIONS LISTED IN THE STAFF REPORT. COMMISSIONER HIRSCH SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

Deborah Robberson, Chief Deputy City Attorney, said this is final approval by the Planning Commission subject to a written appeal if filed within 15 days. She said this was after the recommendation from the City Council on approval of ZON15-02.

PLANNING STAFF REPORT

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

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Johnston called for Comments and Suggestions.

Commissioner Hirsch wanted to commend TTG for being flexible and accommodating the neighboring community.

ADJOURNMENT

COMMISSIONER DOBBELAERE MADE A MOTION TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY COMMISSIONER BERRYHILL, WHICH WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 7:03 p.m.

NEXT MEETING: April 2, 2015



Planning Staff Report

DATE: April 2, 2015 **AGENDA ITEM:** 1

TO: Planning Commission

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Tom Dixon, CPM, Senior Planner

SUBJECT: **CONDITIONAL USE PERMIT (CUP) APPLICATION CUP15-01:
SURVIVAL SWIM LESSONS – 21512 NORTH 73RD AVENUE**

REQUEST: This is a request for CUP approval to operate a home occupation (Class II) business at a private residence pool.

APPLICANT/OWNER: Daniel Kelly.

REQUIRED ACTION: The Planning Commission must conduct a public hearing and determine if this request is in the best long-term interest of this neighborhood and consistent with the General Plan.

RECOMMENDATION: The Planning Commission should approve CUP15-01 subject to the stipulations contained in the staff report.

PROPOSED MOTION: Move to approve CUP15-01 subject to the stipulations contained in the staff report.

SUMMARY: This is a request to allow survival swim lessons for children on a one-to-one (teacher to student) basis for children six months to six years in age. These lessons will be provided for a range of abilities for beginner swimmers including special needs children.

COMMISSION ACTION: Commissioner _____ made a motion to _____
CUP15-01 per the findings and subject to the stipulations contained in the staff report.
Commissioner _____ seconded the motion. The motion was _____ to
_____.

DETAILS OF REQUEST:

General Plan Designation:

The property is designated as Medium Density Residential (MDR), 2.5 – 3.5 dwelling units/ac.

Property Location and Size:

The property is located at the southwest corner of Melinda Lane and North 73rd Avenue and the lot contains 10,130 square feet according to Maricopa County Assessor information.

History:

This property is part of the Sierra Verde (parcel Q) subdivision which was platted in June 1996.

Project Details:

The proposed survival swim lessons have apparently occurred in the past in a private swimming pool on a single-family residence at the southwest corner of Melinda Lane and North 73rd Avenue. The pool is a polygon shape, measuring nearly 30 feet in length with a variable width. At one end of the pool, there are steps to the shallow end which is identified as the lesson area on the site plan. In proximity to the shallow end, there is a parents' seating area consisting of a shaded patio adjacent to the house.

The property is surrounded by a wall with the back yard and pool area exposed through a wrought iron block wall fence. The west depiction provides a view of a small drainage and open landscape tract incorporated into the subdivision. To the south and east are single-family residences; to the north is Melinda Lane. The submitted site plan also identifies on-street parking along North 73rd Avenue for parents bringing children to the residence for lessons.

As described in the project narrative, the swim lessons are intended for children ages six (6) months to six (6) years in age and are on an one-to-one instruction basis. Lessons are for 10 minutes per day for six weeks, scheduled between 9:00 a.m. and 4:30 p.m. The swim lesson season runs generally between the months of April to September.

Operational Issues:

The purpose of this CUP request is to legalize the private swim lessons activity. The program is based on the premise that very young children and those with special needs can learn to positively respond to a situation in which they involuntarily become immersed in water. The training involves control of the breathing impulse when under water, learning to suppress the panic behavior when submerged in water, and how to resurface in order to breathe until assistance is available or self-recovery, if possible.

There is a progression range involved with this technique which precedes formal lessons in learning to swim. There can be a slow, gradual acclimation to the aquatic environment in which an individual is introduced to being in water over time. This usually permits the child to acclimate on their own terms and may take a couple of lessons before a child is ready to be submerged up to their neck and perhaps another lesson before going underwater. The other extreme, of this training, is to introduce a child with sudden contact to deep water, which emulates accidental falling into a swimming pool or out of a boat. This can create a sense of

terror that includes screaming and yelling for help. The purpose of this method is to re-enforce the urgency of learning to self-help in the water and resisting the immediate breathing impulse which can lead to sudden drowning. In a literal sense, this is the classic sink-or-swim method.

Contact from several neighbors, commenting on last summer's lessons at this residence, have provided concerns that several swim learners were in distress or complete fear for their lives. This included, on one occasion, contact with the City of Glendale Police Department regarding a concern for a child's safety during lessons. There were also two complaints to City of Glendale Code Enforcement in 2014 regarding illegal swim lessons being conducted from the property. The logs from City Code inspector Tony Giunta, dated May 1, 2014, and October 9, 2014, are provided following the Final Citizen Participation Plan. The CUP request is an attempt to legalize the swimming instruction program so that the activity can continue into 2015 as a conditionally approved use.

Although the particular methods of instruction for this program are described as learning back floats and swimming to the side of the pool, shrieks or screams of fear could be detrimental at an open air, residential pool surrounded by neighbors when conducting a swim instruction business. In order to address this, stipulations are incorporated to ensure any anticipated detrimental effects can be mitigated.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On February 20, 2015, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant's Citizen Participation Final Report is attached.

Planning staff received three e-mails and a phone call (the call was from one of the e-mail responders), each of whom expressed concerns about the operation of swim lessons involving screams coming from the pool area. One of these directed staff to a police complaint that occurred on May 1, 2015. These e-mails are provided as attachments (two requested to be anonymous) as well as a copy of the police report. In addition, the two logged entries from the City of Glendale Code Enforcement officer, as noted above, are also included.

Planning Commission Public Hearing:

A Notice of Public Hearing was published in *The Glendale Star* on March 12, 2015. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on March 13, 2015. The property was posted on March 13, 2015.

STAFF FINDINGS AND ANALYSIS:

Findings:

- The proposed use is consistent with the policies, objectives, and land use map of the Glendale General Plan and the purpose of the zoning district in which the site is located;
- The proposed use will not be materially detrimental to the health, safety or general welfare of persons residing or working within the neighborhood of the proposed use, or have an adverse effect on the property, adjacent properties, the surrounding neighborhood

or the city when consideration is given to the character and size of the use and hours of operation;

- The proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;
- The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient; and
- Adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to ensure that any anticipated detrimental effects can be mitigated.

Analysis:

- All applicable city departments have reviewed the application and recommend approval of the application.
- In order to spread out potential parking and traffic logistics, lessons will have a schedule of 9:00 a.m. to 4:00 p.m., Monday through Thursday with all activities ceasing no later than 4:30 p.m. on those days.
- The proposed use is consistent with the policies of the General Plan and the purpose of the R1-6 zoning district. Home Occupations (Class II) uses are subject to CUP in all residential districts. The proposal requires CUP approval because all three of the following standards cannot be met by the proposed home occupation:
 1. Is conducted entirely from within the principal residence with no activity or storage in the garage or other accessory buildings, or in other outdoor areas;
 2. Is conducted only by a resident or residents of the dwelling unit (no employees other than the family), no outside employees visit the site;
 3. Does not have any customer traffic or more than one (1) commercial delivery vehicle a day coming to the residence related to the home occupation.

RECOMMENDATION:

This request appears to meet the required findings for Conditional Use Permit approval and should be approved, subject to the following stipulations:

1. Development shall be in substantial conformance with the project narrative and the site plan, both dated March 10, 2015, except as modified by stipulations below.
2. In order to ensure that traffic impacts are mitigated, there shall be a limit of three lessons per hour.
3. Swimming lessons shall be limited to the hours between 9:00 a.m. to 4:00 p.m., Monday through Thursday, with all lesson activities ceasing no later than 4:30 p.m. on those days.

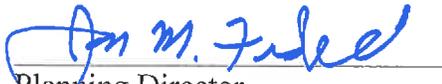
4. In order to assure the Home Occupation (Class II) use remains a compatible land use within the neighborhood, a CUP approval shall expire on May 1, 2016. At the discretion of the applicant, a new application may be submitted for Planning Commission approval sixty days prior to or thereafter the May 1, 2016 expiration of an approved CUP application.

ATTACHMENTS:

1. Applicant's Narrative, date stamped March 10, 2015.
2. Site Plan, date stamped March 10, 2015.
3. Citizen Participation Final Report (without mailing labels), approved March 6, 2015.
4. City of Glendale Police Department report, dated May 1, 2014 (three pages).
5. City of Glendale Code Enforcement logs, dated May 2, 2014 and October 9, 2014.
6. Vicinity Zoning Map.
7. Aerial Photograph, dated November 2012.

PROJECT MANAGER: Tom Dixon, CPM, Senior Planner (623) 930-2553
tdixon@glendaleaz.com

REVIEWED BY:



Planning Director



Development Services Department Director

TD/df

Project Name: **Survival Swim Lessons C.U.P.**
Service Request (SR) Number: **SR15-0002**

PROJECT NARRATIVE

This request is for the proper permit to conduct infant survival swim lessons. These lessons are 1-on-1 (teacher to student) and are for children from ages 6 months to 6 years. The lessons are swim survival lessons, which teach the child (including special-needs children) to survive in the water by floating on his/her back, or by swimming to the side of the pool.

These lessons are 10-minutes per day, 4 days a week, for six weeks, and are scheduled anywhere between 9:00am and 4:30pm. The lesson season generally runs from April to September. Students and their parents come to the home at 21512 N. 73rd Ave., Glendale, AZ, for individual, scheduled lessons, conducted in an outdoor swimming pool.

| |
|---------------------------------|
| PLANNING DEPARTMENT APPROVAL |
| SIGNATURE: <u>Tom Dixon</u> |
| DATE: <u>10 March 2015</u> |
| PROJECT #: <u>CUP 15-01</u> |

CITIZEN PARTICIPATION FINAL REPORT

Survival Swim Lessons C.U.P.

21512 N. 73rd Ave.
Glendale, AZ 85308

CUP15-01

PLANNING DEPARTMENT
APPROVAL

SIGNATURE:

Tom Dixon

DATE:

6 March 2015

PROJECT #:

CUP 15-01

Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

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Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

PROJECT DESCRIPTION

The permit will allow the property owner to conduct infant survival swim lessons at his/her residence. The lessons are 1-on-1 (teacher to student) and are for children from ages 6 months to 6 years. The lessons are swim survival lessons, which teach the child (including special-needs children) to survive in the water by floating on his/her back, or by swimming to the side of the pool.

These lessons are 10 minutes per day, 4 days a week, for six weeks, and are scheduled anywhere between 9:00am and 4:30pm. The lesson season generally runs from April to September. Students and their parents come to the home at 21512 N. 73rd Ave., Glendale, AZ, for individual, scheduled lessons, conducted in an outdoor swimming pool.

Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

ELEMENTS OF THE CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan (CPP) consists of:

- cover page
- project description
- notification technique statement
- the notification map
- address labels of property owners within the notification area
- list of Homeowners Associations and their representatives
- list of "Interested Parties" provided by Planning
- list of names and address of individuals/companies on the Additional Notification list, provided by Planning
- statements of consideration regarding:
 - who will be affected
 - the concerns that affected parties may have
 - how concerned parties would be provided an opportunity to discuss the proposal with me (the applicant)
 - how individuals would be notified of any changes or amendments after initial contact
 - how I will inform Planning on the status of the CPP efforts
- a schedule of:
 - the CPP submittal date
 - the estimated plan implementation date
 - the amount of time for citizen input
 - the submittal date for the Citizen Participation Final Report

Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

MAILING DATE OF NOTIFICATION LETTER

The notification letter was mailed on February 20, 2015.

Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

MAP OF NOTIFICATION AREA



Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

LIST OF NOTIFIED INDIVIDUALS AND PARTIES

- a) Property owners located within the notification area outlined in the Notification Area Map (see enclosed property-owners list and site map)
- b) Glendale Homeowners Associations and Registered Neighborhood Groups:

Arrowhead Ranch Phase V

Carey Crabbs
6782 West Rose Garden Lane
Glendale, AZ 85308

Steve Hinderland
20920 North 67th Drive
Glendale, AZ 85308

Patricia Fleming
6963 West Monona
Glendale, AZ 85308

- c) Interested Parties (see enclosed list)
- d) Additional Notifications:

City of Glendale Mayor's Office
Mayor Weiers
5850 W. Glendale Avenue
Glendale, AZ 85301

Glendale City Council Office
Council member Tolmachoff
5850 W. Glendale Avenue
Glendale, AZ 85301

Tom Dixon, Senior Planner
Planning
5850 W. Glendale Avenue, Suite 212
Glendale, AZ 85301

Diana Figueroa, Senior Secretary
Planning
5850 W. Glendale Avenue, Suite 212
Glendale, AZ 85301

Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

NUMBER OF INDIVIDUALS INVOLVED

Total number of individuals notified who were in the notification area: 103

Total number of notified HOA-identified individuals: 3

Total number of City staff/officials notified: 4

Total number of "Interested Parties" notified: 58

Total number of applicants: 1

Total number of applicant representatives: 1

Citizen Participation Final Report

Project Name: **Survival Swim Lessons C.U.P.**

For: **Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)**

Service Request (SR) Number: **SR15-0002**

The following are responses that are in reference to the numbered items from the *Citizen Participation Plan Final Report Checklist*.

No. 9

The only concern expressed by any individual was a concern regarding traffic, and whether the proposed project would adversely affect traffic flow in the area.

No. 10

My representative, Joseph Lopez, spoke directly to the concerned individual regarding traffic flow, and assured him that there would be no adverse effect on traffic in the area. He explained, to the concerned individual, that because the lessons are always 1-to-1 (teacher to student), and conducted at specifically scheduled times, there is only a minimal number of cars parked at the residence at any given time.

No. 11

There are no concerns or issues that I am not willing to address. The only concern that was expressed was discussed with and explained to the concerned individual.

No. 12

The proposal has not been revised to address any public concerns.

February 19, 2015
K. Daniel Kelly
21512 N. 73rd Ave.
Glendale, AZ 85308
kdkassoc@reagan.com or unclescar@yahoo.com

Subject: Conditional Use Permit Application

Dear Neighbor:

This letter is to inform you that I am applying for a Conditional Use Permit application with the City of Glendale. The permit will allow infant survival swim lessons to be taught at my residence at 21512 N. 73rd Ave., Glendale, Arizona 85308, in the Cholla District.

As all of us are all too familiar, the rate of accidental drowning in our country is high. According to the U.S. Centers for Disease Control and Prevention, drowning is the leading cause of injury for children ages 1 to 4. From 2007 to 2009, on average, 390 children between 0 and 14 drowned each year in the U.S.¹ In Arizona, more than 20 children drowned in 2011, and more than 10 children drowned in 2012, which sets our state with the 4th highest drowning rate in the U.S..²

What many fail to realize, however, is that drowning is preventable, as I am sure you would agree. Action can be done to guard against this tragedy. Children should always be monitored around water, first and foremost. But other steps can be taken to further decrease the chance of an accident occurring, among them, survival swimming lessons. Taking part in formal swimming lessons reduces the risk of drowning among children aged 1 to 4 years.³ Teaching these lessons is how I can make a positive, preventative impact, and provide a needed service for our neighborhood, our community, and our children.

The lessons are 1-on-1 (teacher to student) and are for children from ages 6 months to 6 years. The lessons are swim survival lessons, which teach the child (including special-needs children) to survive in the water by floating on his/her back, or by swimming to the side of the pool. Though most don't even realize it at the time, every child is learning the means to safeguard his or her own life. With these taught skills, a child who accidentally falls into the water has the ability to save him or herself, or at the very least buy precious moments of time for someone to come to the rescue.

These lessons are only 10 minutes per day, 4 days a week, for six weeks, and are scheduled to be conducted between 9:00am and 4:30pm. The lesson season generally runs from April to September. Students and their parents come to the home at their scheduled time for their individual lessons, conducted in the outdoor swimming pool.

My home is on the southwest corner of W. Melinda Lane and N. 73rd Ave., which means I have no immediately adjacent neighbors to the north or east. My backyard backs up to a greenbelt and path, with the closest westward neighbor just beyond that. My neighbor to the south is the closest adjacent home to mine.

I have included a site plan with this letter for your review. Please provide any comments to my permit request by March 4, 2015. Please write to me at my address above, or email to unclescar@yahoo.com, or call (623) 680-4665. You may also contact Tom Dixon with the City of Glendale at (623) 930-2553 or via email at tdixon@glendaleaz.com.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Kelly".

K. Daniel Kelly

1

<http://www.cpsc.gov/en/Newsroom/News-Releases/2012/New-CPSC-Data-Show-Child-Drownings-In-Pools-and-Spas-Still-A-Leading-Cause-of-Death/>

2

<http://www.cdc.gov/HomeandRecreationalSafety/Water-Safety/waterinjuries-factsheet.html>

3

Brenner RA, Taneja GS, Haynie DL, Trumble AC, Qian C, Klinger RM, Klevanoff MA. Association between swimming lessons and drowning in childhood: A case-control study. *Archives of Pediatrics & Adolescent Medicine* 2009;163(3):203-10.

Citizen Participation Plan
 Project Name: Survival Swim Lessons C.U.P.
 For: Conditional Use Permit Application (CUP15-01 – Survival Swim Lessons)

Notification Letter Response Tracking Sheet

| Item | Date | Time | From | On List | By | Comments | Contact | Notes |
|------|-----------------------------|----------|-----------------|--------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------|
| 1 | Saturday, February 21, 2015 | 5:09 PM | Mickey Lund | Interested Parties | phone | She said, "Bless you for doing this." I thanked her for calling. He asked, is it a business? Doesn't the HOA prohibit business in its covenants? I told him that we notified HOA with a letter, too, but I don't know the covenants. He said what we're doing is commendable, but his concern is about traffic congestion and safety. I told him that the lessons are 1-on-1, so there's not going to be lots of cars parked outside at the same time. He said, he's not going to get in the way, but those are his concerns. I told him those are valid concerns and thanked him for his time. | (623) 939-2329 | She did not say that it was OK to contact her (I didn't ask her). |
| 2 | Monday, February 23, 2015 | 9:57 AM | Randy Kimmens | Notification Area | phone | She said, "Just wanted to touch base with you to see if we needed to do anything or if this was just a notification." I told her it was just a notification and that they didn't need to do anything. She offered to add the swim lessons to the HOA bulletin board. I told her, yes, that would be great and that we could talk again about the details, and I suggested she could even watch a lesson. She said to let her know if we need anything from her. | (623) 628-6367 7233 W Abraham | He said make sure Dan Kelly knows of his concerns. |
| 3 | Thursday, February 26, 2015 | 11:30 AM | Jenny Budzinsky | Glendale HOA | phone | | (623) 825-7777 | |

APPENDIX

Survival Swim Lessons C.U.P.

**21512 N. 73rd Ave.
Glendale, AZ 85308**

CUP15-01

Dixon, Thomas

From: gcorazza1@cox.net
Sent: Saturday, March 07, 2015 1:58 PM
To: Dixon, Thomas
Subject: conditional permit for survival swimming

Mr Dixon,I received a letter from Mr. Kelly requesting a permit for survival swim lessons in Sierra Verde. My feelings are as this:I live in an HOA so that there are guidelines for coexisting. I am gone all day at work but fearful screaming children are not what anyone in this neighborhood should be subjected to at any time. I am a business owner in Glendale and do not run my business from my home . The HOA makes it clear that any business that affects other residents are prohibited. I feel that if this negatively affects even one resident, it should not be permitted. I know that finding another location to run this business can be expensive, but I feel that is the cost of doing business. I pay 5000.00 to lease my location which really cuts in to my bottom line ,but that's what a business owner does .The greenbelt described in the letter does not muffle and noise, it tends to echo. This is not a large area. Thank you for the opportunity to voice my concerns.

Gina Corazza
7411 W Abraham Lane
Glendale, Az

Dixon, Thomas

From: Kerry Troyer <kerrytroyer@msn.com>
Sent: Tuesday, February 24, 2015 4:07 PM
To: Dixon, Thomas
Subject: swim lessons

Sadly, I have to say I am not in favor of these survival swim lessons held in our neighborhood for several reasons.

1. First and foremost, these are not normal swim lessons. The kids SCREAM IN TERROR because they are thrown in a pool and "taught to survive".
2. As the homeowner stated, these lessons are 10 minutes a day, all day long, for 6 months.
3. Because the home has a view fence, the screams can be heard loud and clear. We cannot enjoy our backyard and open windows because it is NOT happy screaming.
4. If you didn't know it was a swim lesson, you would call the police because the kids are yelling in terror "help me!"

I found this link (<http://www.ripoffreport.com/r/isr-infant-swim-resource-infantswimcom/oviedo-florida-32765/isr-infant-swim-resource-infantswimcom-isr-infant-swim-resource-infantswimcom--753333>) from a mom and this is very much what we hear all day long (I have not watched an actual lesson but what I hear):

She pulled him back up after a few seconds and tried to get him to float again. He was shaking violently, yelling, and saying "No! I don't want to!" She responded by repeating the simulated drowning 5 more times! She'd put him in her leg and if he wouldn't put his head back, she'd let go of him under the water again, causing him to kick and flail, trying to save himself from drowning! All the while, she was chatting and calmly telling me he was "fine." (I actually heard our neighbor say this!) Each time she pulled him up, he screamed louder and, in the end, was holding his arms out toward me while screaming, obviously wondering why I wasn't saving him from her. It took every ounce in my being not to jump in that pool and save my child and I will have to live with the guilt from my stupidity for the rest of my life.

I really want to be a good, supportive neighbor, as we are both long-time owners (we are original). But it is torture to listen to these poor children. I am ALL FOR swim lessons!! If they believe this technique is a good one, it shouldn't be done in a neighborhood.

THANK YOU for being sensitive and keeping my name anonymous. I appreciate it!

Dixon, Thomas

From: John Jarzabek <growupinphoenix@yahoo.com>
Sent: Tuesday, February 24, 2015 11:24 AM
To: Dixon, Thomas
Subject: conditional use permit application 21512 N. 73rd Ave.

I do not think that a conditional use permit should be approved for a swim school at 21512 N. 73rd Ave for the following reasons.

Logistics: site location is bounded by an intersection that has blind spots, a stop sign rarely adhered to, unusually high percentage of high school age drivers exceeding safe speeds, a juncture all times observable by motorists inattentive to the specific hazards from a one flow regulated sign.

Peace and Quiet: The back yard activity during business hours at this address echoes shrill and high volume children's sounds and emotions over the green belt from the porous and transparency of the open viewed wrought iron fence that abuts the residential common area that is intended for solitude. (examine report of police mistakenly summoned to child abuse call from loud commotion during a business event).

Safety: Business activity at this house necessitates a high vehicle count for periods before and after business activity when mothers are toting children from different side of the intersection many times with their arms full of supplies. There is no or can not be signage visible to motorists, bicyclists, or motor powered scooters alerting them to heighten caution when entering this area.

In summary it should be noted that the mix of child exuberance and adult shortsightedness does not yield to this non compliant activity.

DR #

Call

Unit Officer

Received

Day

Radio CHECK WELFARE

Dispatch

Align

Original Radio CHECK WELFARE

Arrived

Shift

Cleared

Call Back Assigned

Call Back Completed

Priority

Dispo

Cancel

By

Station

Lobby

Lc

Nm

Ap Blk

Ad

Grid Beat Sector

Ph

Prop Type Council District

Comments

DR # 14 52774

Call 54383

Unit 254B Officer 11192 PINDA, JOSEPH

Received 05/01/2014 11:08:35

Day 5

Dispatch 05/01/2014 11:12:27

Align 14

Radio 900 CHECK WELFARE

Arrived 05/01/2014 11:17:03

Shift 3

Original Radio 900 CHECK WELFARE

Cleared 05/01/2014 11:39:22

Call Back Assigned

Call Back Completed

Priority 2 Dispo 1 Cancel By 9613

Station E Lobby

Lo 21512 N 73RD AVE

Nm 101

Ap Blk 7300 W

Ad

Grid EC11 Beat 54 Sector 50

Ph (623)210-4401

Prop Type Council District 1

Comments PARENTS ARE THERE W THEIR CHILD & THE INSTRUCTOR @ THIS SAME 101 CALLED YESTERDAY REPORTING THE SAME THING - SAME 21 NUMBER - REF 14-52270 - DISPO 9 BY 256B @ THE 101 CALLER WAS TOLD BY 256B THAT THERE WASNT ANYTHING THE POLICE CAN DO ABOUT THIS & NOT A POLICE ISSUE - THE PARENT IS THERE W THEIR CHILD



DR # 14 52774

Call 54383

Unit 254B Officer 11192 PINDA, JOSEPH

Received 05/01/2014 11:08:35

Day 5

Radio 900 CHECK WELFARE

Dispatch 05/01/2014 11:12:27

Align 14

Original Radio 900 CHECK WELFARE

Arrived 05/01/2014 11:17:03

Shift 3

Cleared 05/01/2014 11:39:22

Call Back Assigned

Call Back Completed

Priority 2

Dispo 1

Cancel

By 9613

Station E

Lobby

Le 21512 N 73RD AVE

Nm 101

Ap Blk 7300 W

Ad

Grid EC11 Beat 54 Sector 50

Ph (623)210-4401

Prop Type Council District 1

Comments 256B THE 101 CALLER WAS TOLD BY 256B THAT THERE WASNT ANYTHING THE POLICE CAN DO ABOUT THIS & NOT A POLICE ISSUE - THE PARENT IS THERE W/ THEIR CHILD & IT'S A NORMAL RESPONSE FOR THE CHILD TO WANT THEIR PARENT ASKING FOR HELP - THE CALLER LIVES AT 7403 ABRAHAM LN SWIM LESSONS



Report Date 03/10/2015 04:33 PM Submitted By Roberta Kyle Page 3

Inspections

Inspection # 763580 Inspection Type CODE INSP # 4 Assigned To GIUNTAA Call
 Inspected By GIUNTAA Order/Group 0 Scheduled 05/13/2014 00:00 Preference
 Started 05/14/2014 08:39 Completed 05/14/2014 08:39 Status Failed Waived
 Comments

Inspection Details

No Inspection Details

| Review Activities | Review # | Review Type | # | Status | Waived | Issued | Started | Completed | Comp By |
|-------------------|----------|-------------|---|--------|--------|--------|---------|-----------|---------|
| Comments | | | | | | | | | |

Activity Review Details

Detail CD-NARRATIVES Modified By AGIUNTA Modified Date/Time 05/16/2014 12:54

Comments
 No Comments

Narratives

5-2-14 0805 AFTER RECEIVING THIS COMPLAINT I CONDUCTED AN INTERNET SEARCH AND FOUND THAT THE RESIDENCE IS BEING USED FOR SURVIVAL SWIM LESSONS. I FOUND THAT THE INSTRUCTOR'S NAME IS CARI LOPEZ AND INSTRUCTS THIS CLASS IN SEVERAL STATES. I FOUND 2 WEB SITES ADVERTISING THE SWIM LESSONS AND BOTH WEB SITES LISTED THE GLENDALE ADDRESS. THE PROPERTY IS ZONED RESIDENTIAL AND WOULD NOT BE ELIGIBLE FOR A CITY BUSINESS LICENSE. I CHECKED WITH COG TAX & LICENSE AND THERE WERE NO LICENSES FOUND. I CHECKED THE ADDRESS ON THE MARICOPA COUNTY ASSESSOR WEB SITE AND OBSERVED THERE IS A POOL IN THE REAR YARD. I ALSO CHECKED WITH GPD AND FOUND THERE HAVE BEEN 2 CALLS FOR SERVICE FOR CHILDREN SCREAMING.

I MADE CONTACT WITH A MALE SUBJECT AT THE RESIDENCE AND ISSUED A COMPLIANCE ORDER CITING THE ILLEGAL LAND USE AND HOME OCCUPATION VIOLATIONS. I ALSO WROTE IN THE COMMENTS SECTION THAT THIS ACTIVITY MUST CEASE AND DESIST IMMEDIATELY. I WILL REINSPECT ON 5-5-14. COMPLAINANT UPDATED. TG

5-6-14 0840 I MADE CONTACT WITH COMPLAINANT WHO SAID THEY HAVE NOT HEARD ANY NOISE OR SEEN ANY ACTIVITY, BUT WOULD LET ME KNOW IF THEY DO. I WILL MONITOR AND REINSPECT ON 5-9-14. TG

5-8-14 1420 I SPOKE TO THE COMPLAINANT AND THEY HAVE NOT SEEN ANY TRAFFIC OR HEARD ANY NOISE, BUT THEY DID ADVISE THEY JUST LEFT TOWN TODAY. I TOLD THE COMPLAINANT I WOULD LEAVE THE CASE OPEN UNTIL NEXT WEEK TO MAKE SURE THE RESIDENT IS IN COMPLIANCE. TG

5-14-14 0835 I CALLED THE COMPLAINANT, BUT SHE IS ON HER WAY HOME FROM VACATION. I WILL CONTACT HER AGAIN ON 5-16-14. TG

5-16-14 1255 PER COMPLAINANT, THERE HAS BEEN NO SWIM SCHOOL ACTIVITY AT ALL. CASE CLOSED. TG

| Check Conditions | Approval | Approved By | Approved Date | Applied By | Applied Date |
|--------------------|---------------------|-------------|---------------|------------|--------------|
| Condition Assigned | Supervisor Required | Required | Comments | | |

No Conditions

| Planning Condition | Description | Effective | Expire | Comments |
|--------------------|-------------|-----------|--------|----------|
|--------------------|-------------|-----------|--------|----------|

There is no planning condition for this project.



Report Date 03/10/2015 04:33 PM

Submitted By Roberta Kyle

Page 4

10-9-14 1120 I CONTACTED THE COMPLAINANT AND THEY SAID THE SWIMMING LESSONS ARE OCCURRING AGAIN, USUALLY IN THE LATE AFTERNOON AFTER 1600 HOURS. I ASKED THE COMPLAINANT IF THEY KNEW OF A WEBSITE THAT WOULD SHOW THE ADVERTISING FOR THE LESSONS AND THEY ADVISED THEY WOULD GET BACK WITH ME ON THAT TODAY. TG

10-9-14 1345 I CHECKED THE INTERNET AND SEARCHED THE ADDRESS AND FOR SURVIVAL SWIMMING LESSONS. I FOUND THAT THE WEB SITE THAT WAS UP FOR THIS RESIDENCE HAS BEEN REMOVED AND THE GROUPON COUPON THAT HAD BEEN OFFERED IN THE PAST IS NO LONGER VALID. I COULD NOT FIND ANY CONNECTION BETWEEN SURVIVAL SWIMMING LESSONS AND THIS ADDRESS ON THE INTERNET AND I HAVE NOT HEARD BACK FROM THE COMPLAINANT. TG

10-10-14 0800 INSPECTION SHOWS THE REAR YARD FENCE HAS IRON BARS ON TOP OF THE BLOCK AND YOU CAN CLEARLY SEE IN THE REAR YARD FROM THE ROW AND NO VIOLATIONS WERE OBSERVED. I MADE CONTACT WITH THE RESIDENT AND SHE SAID THAT THEY HAD THEIR GRANDKIDS OVER FOR A COUPLE OF DAYS BUT THEY ARE NOT DOING THE SWIM LESSONS AT THE RESIDENCE. I WILL MONITOR AND REINSPECT ON 10-17-14. TG

10-16-14 1240 I CONTACTED THE COMPLAINANT AND ASKED IF THE CHILDREN SCREAMING IN THE POOL IS STILL OCCURRING. THE COMPLAINANT SAID THEY WERE OUT OF TOWN BUT THEY DID HEAR A CHILD SCREAM YESTERDAY AT APPROX. 1600 HOURS AND IT ONLY LASTS FOR ABOUT 10 MINUTES. THE COMPLAINANT SAID THEY WOULD GO BY THE RESIDENCE TODAY AND SEE IF THEY CAN SEE ANYTHING AND WILL GIVE ME A CALL WITH AN UPDATE. TG

10-17-14 1340 VOICE MAIL LEFT FOR COMPLAINANT WHO WAS SUPPOSED TO CAL ME YESTERDAY. IF I DO NOT HEAR FROM COMPLAINANT I WILL CLOSE THE CASE. TG

10-21-14 0955 I SPOKE TO THE COMPLAINANT AND THEY SAID IT HAS BEEN QUIET SINCE I HAD MADE CONTACT AT THE HOME. CASE CLOSED. TG

| Check Conditions Condition Assigned | Approval Supervisor Required | Approved By | Approved Date | Comments | Applied By | Applied Date |
|-------------------------------------|------------------------------|-------------|---------------|----------|------------|--------------|
|-------------------------------------|------------------------------|-------------|---------------|----------|------------|--------------|

No Conditions

| Planning Condition | Description | Effective | Expire | Comments |
|--------------------|-------------|-----------|--------|----------|
|--------------------|-------------|-----------|--------|----------|

There is no planning condition for this project.

Complainant Info

Complainant Information

Name [REDACTED]

Phone [REDACTED]

Council District CHOLLA

Address (*1)

Complainant Requested Callback Update (Y/N)

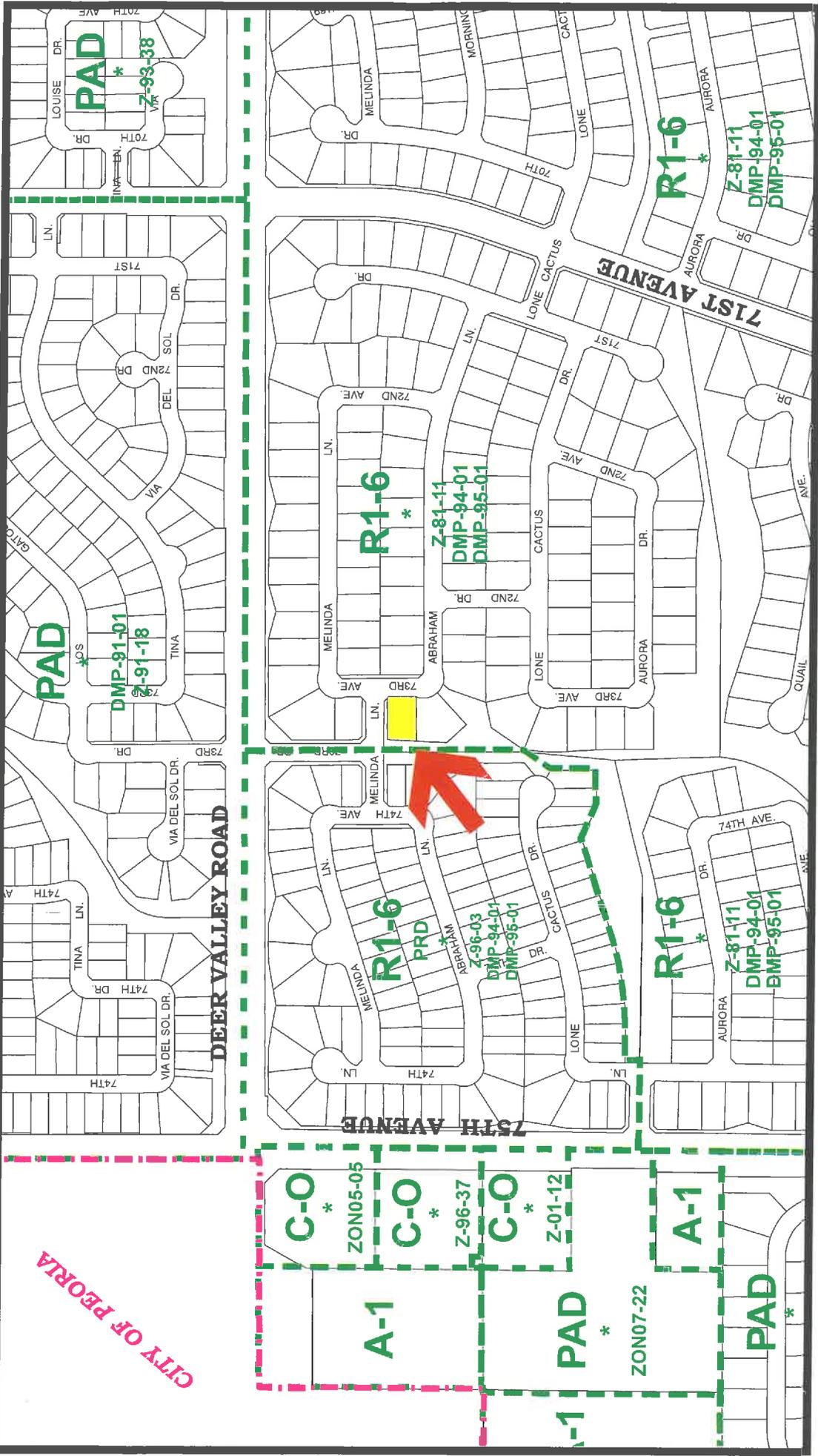
Comments (*2)

Previous Case History

Total Number of Previous Cases at Same Address 0

Complainant & Info (*1)

N/A

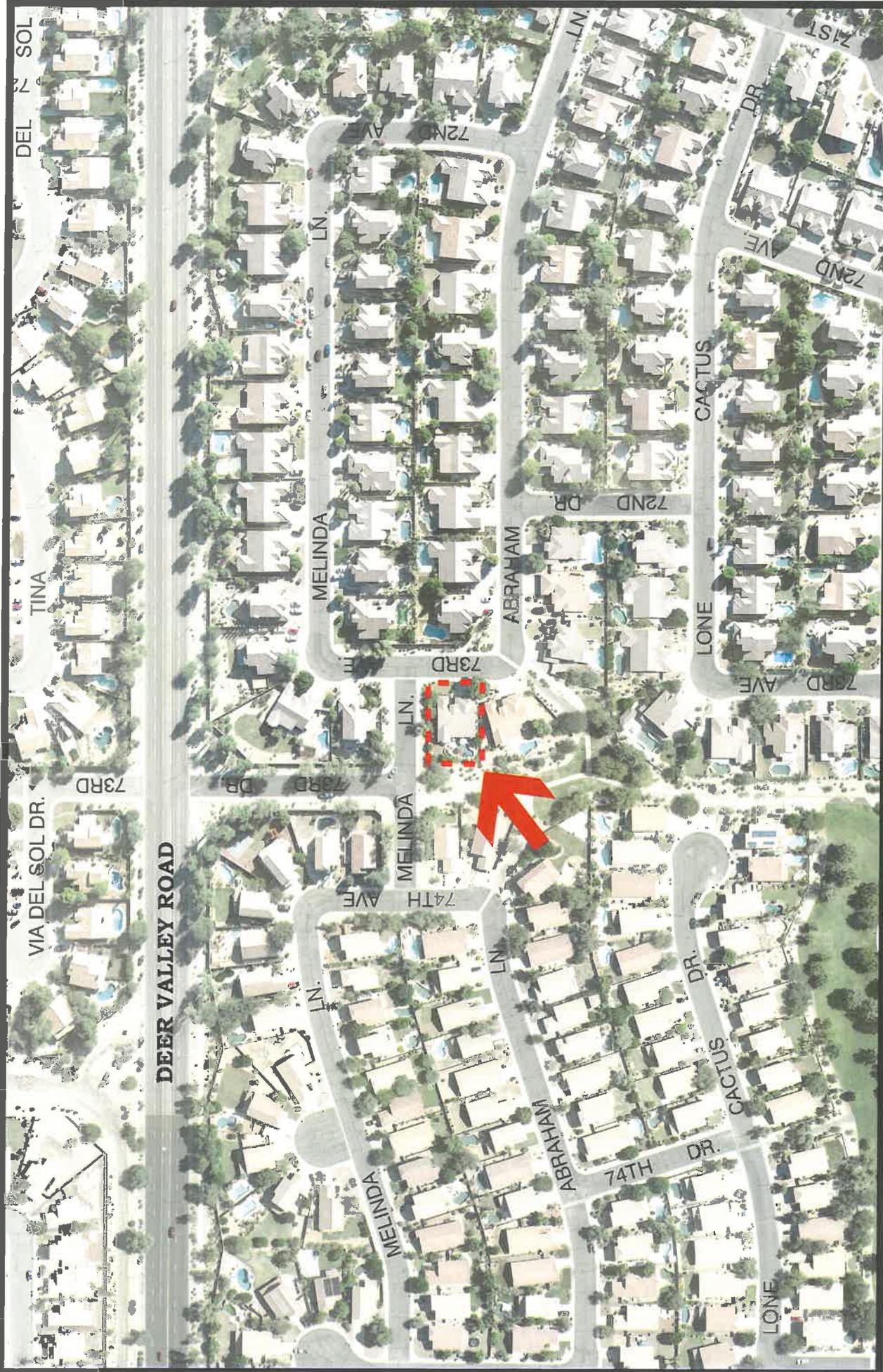


CASE NUMBER
CUP15-01



REQUEST
A CONDITIONAL USE PERMIT TO ALLOW A
TYPE II HOME OCCUPATION IN ORDER TO
PROVIDE SURVIVAL SWIMMING LESSONS
FOR CHILDREN.

LOCATION
21512 N. 73RD AVENUE



Aerial Date: November 2012



CASE NUMBER
CUP15-01

