



Planning Commission Meeting Agenda

*Chairperson Steve Johnston
Vice Chairperson Arthur Dobbelaere
Commissioner Jack Gallegos
Commissioner Rick Harper
Commissioner Gary Hirsch
Commissioner Al Lenox
Commissioner David Moreno*

Thursday, May 5, 2016

6:00pm

COUNCIL CHAMBERS

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION. APPLICANTS ARE ENCOURAGED TO ARRIVE PRIOR TO THE START OF THE MEETING.

One or more members of the Planning Commission may be unable to attend the Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – NONE.
4. WITHDRAWALS AND CONTINUANCES
5. PUBLIC HEARING ITEMS
 1. **CUP16-01:** A request by Don Olson for a Conditional Use Permit (CUP) to operate a home occupation (Class II) business in a private backyard of a residence, which will mainly consist of growing trees and selling trees to customers with appointments on a property in the SR-17 (Suburban Residence) Zoning District. The site is located north of the northeast corner of 59th and Northern Avenues (5841 West Royal Palm Road) and is in the Barrel District. Staff Contact: Martin Martell, Planner.
 2. **CUP16-03:** A request by David Lunn, on behalf of N-Shea Group, LLC, for a Conditional Use Permit (CUP) to a operate a congregate care and independent living facility on a property in the R-5 SCO (Multiple Residence Senior Citizen Overlay) Zoning District. The site is located south of the southwest corner of 67th and Olive Avenues (6735 West Golden Lane) and is in the Barrel District. Staff Contact: Martin Martell, Planner.
 3. **CUP16-04:** A request by Benjamin Graff, Withey Morris, PLC, representing Goodwill of Central Arizona and CP6GC, LLC, for a Conditional Use Permit

(CUP) to allow a thrift store in the C-2 (General Commercial) Zoning District. The site is located at the northeast corner of 51st and Olive Avenues (5080 W Olive Avenue) and is in the Cactus District. Staff Contact: Doug Howard, Planner.

6. OTHER BUSINESS
7. OTHER BUSINESS FROM THE FLOOR
8. PLANNING STAFF REPORT
9. COMMISSION COMMENTS AND SUGGESTIONS
10. NEXT MEETING: June 2, 2016
11. ADJOURNMENT

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.



Planning Division Staff Report

DATE: May 5, 2016 **AGENDA ITEM:** 1

TO: Planning Commission

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Martin Martell, Planner

SUBJECT: **CONDITIONAL USE PERMIT (CUP) APPLICATION CUP16-01:
SHAMUS O'LEARY'S TROPICAL TREES – 5841WEST ROYAL
PALM ROAD**

REQUEST: This is a request for Conditional Use Permit (CUP) approval to operate a home occupation (Class II) business in a private backyard of a residence located in the SR-17 (Suburban Residential) Zoning District.

APPLICANT/OWNER: Don Olson / Monique Othon.

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 deny CUP16-01.

PROPOSED MOTION: Move to deny CUP16-01 per the findings. However, if the Planning Commission votes to approve CUP16-01, then it should be subject to the stipulations contained in the staff report.

SUMMARY: This is a request to allow a tree nursery home business in the backyard of the applicant's home. The home business will grow and store tropical trees on site and sell them to customers on an appointment only basis.

COMMISSION ACTION: Motion made by Commissioner _____ to _____ CUP16-01 subject to _____ in the staff report. Motion seconded by Commissioner _____. The motion was _____ with a vote of _____.

DETAILS OF REQUEST:

General Plan Designation:

The property is designated as Low Density Residential (LDR) with a density of 1 to 2.5 dwelling units per acre.

Property Location and Size:

The property is located on the southeast corner of Royal Palm Road and 59th Avenue. The lot is 58,272 square feet in size.

History:

- The property is located in the Thunderbird Estates/McDonald Addition Historic District, platted in 1953.
- The existing home is a contributing property to the Historic District, built in 1951 in the American International Ranch Architectural Style.
- On July 14, 2015, the applicant began the CUP process for the proposed home based business.
- On March 7, 2016 the property was issued a Compliance Order for running a tree nursery (violation of Section 1.208(C) of the Zoning Ordinance) and conducting sales on the premises without a CUP or a business license (violation Section 7.304A(7) of the Zoning Ordinance), see attached.
- Subsequently, on March 16, 2016 the property owner was issued a Final Notice from the Code Compliance Department for illegal land use (violation of Section 1.208(C) of the Zoning Ordinance) and not having a business license (violation of Section 7.304A(7) of the Zoning Ordinance). The notice gave thirty (30) days to submit all of the documents that the Planning Division required to process the CUP and to remove all items that pertain to the business from the applicant's property, see attached.
- Since the Final Notice was issued there have been no complaints concerning this site.

Project Details:

The proposed home businesses primary goal, according to the applicant's narrative, is to teach the public on how to grow tropical trees and plants in an arid environment. As well as teaching the public, the business proposes to sell trees, plants, pre-prepared soil, mulch, and root based fertilizers to a limited amount of customers on an appointment only basis.

As described in the project narrative, operations of this home business will be Tuesday through Thursday between 9:00 a.m. to 3:00 p.m. and Saturday between 10:00 a.m. to 3:00 p.m. The applicant plans to have patrons park their vehicle on the fifty-seven foot wide front driveway only, which can accommodate a maximum of five (5) vehicles at a time. Since business will occur by an appointment only basis that is to be spaced thirty minutes apart there should not be a parking issue.

There will be large scale truck deliveries that will occur four to six times a year, which may take a few hours to unload. Deliveries will occur Monday through Thursday between the hours of 10:00 a.m. to 3:00 p.m.

The applicant proposes that all sales, display of merchandise, and storage of products will occur in the back yard. According to the applicant's narrative, customers will be directed to park their vehicle on the front driveway and walk through a side gate to the backyard. Behind a six foot high wood fence there is a large area dedicated to the display of potted trees and plants. Surrounding this area will be lush landscaping with tall planted trees, which will further screen the sales area. A new pond full of aquatic plants and a lush tropical fruit orchard in the southeast part of the yard is planned.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Plan:

On February 15, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant's Citizen Participation Final Report is attached. From these notification letters, the applicant received a total of six telephone calls. Of these two were in support and four were opposed to the applicant's request. Since notification letters have been distributed, Planning staff has received numerous e-mails and telephone calls concerning this request. Some voiced their opposition to the applicant's request. Many concerns centered on the potential of heavy traffic and parked cars on neighborhood streets. Others were opposed to having large trucks making deliveries to the site. Others were concerned with a drop in property values in their area if the CUP is approved. In contrast, Planning staff also received a large amount of e-mails from those who were in support. However, the majority of these supporters were not nearby residents.

Applicant's Neighborhood Meeting:

A Neighborhood Meeting was held on Wednesday, March 2, 2016 at Glendale Community College in front of the HT-1 Building. Approximately seventy-five people attended the meeting. Concerns expressed centered on traffic volume on the street, the amount of employees and customers that will visit the site, and possible decline of property values in their neighborhood. In contrast, a majority of attendees were from areas located outside the neighborhood and were all in support of the request.

Planning Commission Public Hearing:

A Notice of Public Hearing was published in *The Glendale Star* on April 14, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on April 15, 2016. The property was posted on April 18, 2016.

STAFF FINDINGS AND ANALYSIS:

General 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 may 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:

- As described by the applicant, the urban farm, nursery, and an agricultural home business is designed as an integration of agricultural and urban land forms in a suburban residential setting.
- The Zoning Ordinance identifies nurseries as a permitted land use in the following zoning districts: A-1 (Agricultural), C-2 (General Commercial) with a CUP, and C-3 (Heavy Commercial) with a CUP. The parking requirements in the Zoning Ordinance for retail sales states there shall be one (1) parking space for every 250 square feet of gross floor area of a building, however this does not include outdoor areas in this calculation.
- The current zoning of the property is SR-17 and the intent of this zoning district is to serve as a transition from agricultural uses to suburban residential uses.
- Section 7.304(B) of the Zoning Ordinance states that Home Occupations (Class II) are subject to a CUP in all residential districts when any of the following standards are not met:
 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 family), no outside employees visit the site;
 3. Does not have any customer traffic or more than one (1) commercial delivery vehicle per day coming to the residence related to the home occupation.
- The subject property is over an acre in size, which could accommodate the existing and intended use. The subject site currently consists of a 5,565 square foot home, a 240 square foot shed, and a 572 square foot detached garage all of which compromises 6,161 square feet or eleven percent.
- Hours and days of operation are proposed to occur during timeframes that appear to have the least impact to the neighborhood and are appropriate to operate a successful business.

- The applicant has indicated on the narrative and the site plan that all plant material that is intended for sale will be located in a 10,019 square foot sales area, which comprises sixteen percent lot coverage. Sales will be located in the rear yard and will be screened from public view by a six (6) foot high solid wood fence and mature landscaping.
- The CUP may have an adverse and disruptive effect to the surrounding residential neighborhood in regard to the number and frequency of large scale truck deliveries to the site; amount and types of vehicles to transport purchases; and the scale of inventory on the property.
- Customers are encouraged to park only in the front driveway and are discouraged from parking on Royal Palm Road.
- A new fence with a gate was recently installed along the south property line. The property to the south is not part of the application. It is unclear if an easement exists to provide access between these properties.
- All applicable city departments have reviewed the application.
- If the CUP is approved, it should be subject to the stipulations contained in the staff report to ensure that any anticipated detrimental effects can be mitigated. Failure to comply with the stipulations would be a violation and would be subject to revocation per Section 3.909 of the Zoning Ordinance.

RECOMMENDATION:

This request does not appear to meet the required findings for CUP approval.

The concept of sustainability is appropriate and the site has room in the rear yard to grow dozens of trees and plants with a potential for large scale sales. This type of use would be better suited in either an agricultural or commercial district that is designed to accommodate this type of business traffic. Furthermore, agricultural or commercial properties would offer the applicant to operate this type of business with limited time restrictions or customer count. Home Occupation (Class II) on a residential property is designed to accommodate a home business, but there should be considerations of placing limitations on how large a home business can be allowed to be in a residential district. In this case, the applicant's plan on this property has a potential to be detrimental to this neighborhood.

Staff recommends denial of CUP16-01. However, if the Planning Commission wishes to approve the request, it should be subject to the following stipulations:

1. Development shall be in substantial conformance with the project narrative and the site plan, both dated April 8, 2016, except as modified by stipulations below.
2. Customer parking shall occur on the driveway and shall be limited to a maximum of five vehicles at one time during business hours. Employee parking shall be provided on site.

3. Business operation shall occur on this site Tuesday through Thursday between the hours of 9:00 a.m. to 3:00 p.m. and on Saturday between the hours of 10:00 a.m. to 3:00 p.m.
4. There shall be no outside display of merchandise or sales in the front yard of the applicant's property.
5. The sales and inventory area shall not exceed sixteen percent of the property.
6. At all times, the applicant shall keep a log of deliveries, customer visits per day, and the amount of visitors for training classes per day to be made available to City of Glendale upon request.
7. All business shall be conducted on the subject property. There shall be no customer parking on any other residential or commercial property.
8. Number of employees and/or volunteers shall not exceed three (3) people on site during the stated hours of operation.
9. The applicant shall place instructions on how to visit the site on printed materials and on the website that lists the following:
 - a. Days and hours of operation; and,
 - b. Customer parking on-site

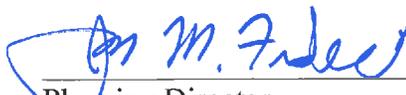
ATTACHMENTS:

1. Required Findings for Conditional Use Permits.
2. Applicant's Narrative, dated April 8, 2016.
3. Site Plan, dated April 8, 2016.
4. Citizen Participation Final Report (without mailing labels), completed April 8, 2016.
5. Compliance Order from Code Compliance, dated March 7, 2016.
6. Final Notice from Code Compliance, dated March 16, 2016.
7. Vicinity Zoning Map.
8. Aerial Photograph, dated October 2014.

PROJECT MANAGER:

Martin Martell, Planner (623) 930-2597
mmartell@glendaleaz.com

REVIEWED BY:



Planning Director



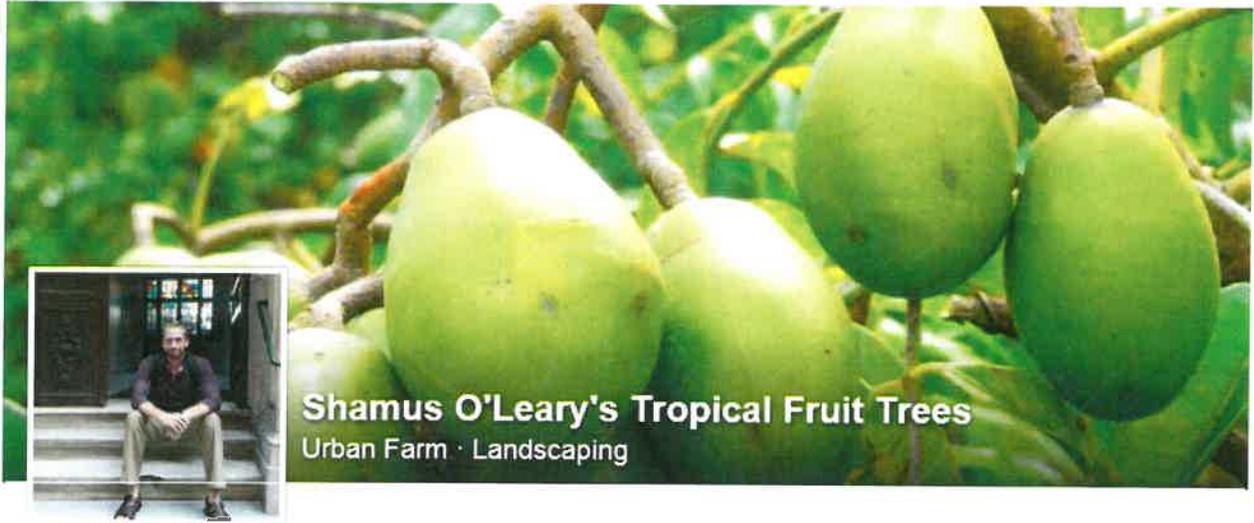
Development Services Department Director

MM/jd

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS

Section 3.904 of the Zoning Ordinance requires that the following findings be met before granting a Conditional Use Permit:

- A. That 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;
- B. That 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;
- C. That the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;
- D. That 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
- E. That adequate conditions or stipulations have been incorporated into the approval of the Use Permit to ensure that any anticipated detrimental effects can be mitigated.



Conditional Permit Project Narrative

Respectfully submitted: March 28th, 2016
Version 2



COMPLETED
08 APR 16

Project Narrative:

Shamus O'Leary's Tropical Fruit Tree Nurseries
March 28th, 2016

Presented by: **Don Olson**
5841 West Royal Palm Road
Glendale, Arizona 85302
Attention: Don Olson
(602) 434-5641

SUPPLIER LEGAL NAME:

Shamus O'Leary's Tropical Fruit Tree Nurseries

NURSERY LOCATION:

5841 West Royal Palm Road
Glendale, Arizona 85302
Attention: Don Olson
(602) 434-5641

BUSINESS NARRATIVE:

Shamus O'Leary Tropical Fruit Tree Nursery is considered an Urban Farm, Landscaping and Agricultural Home Business. It was developed with the goal of teaching agriculture, specifically tropical fruit trees, cultivation, promoting urban or personally managed creation and consumption of healthy tropical fruit foods, and finally to raise and feed our personal, employees, neighbors and Glendale Community families by creating a family lifestyle business.

Introduction

Our Shamus O'Leary Tropical Fruit Tree Nursery is considered an Urban Farm, Landscaping and Agricultural Home Business. It was developed with the primary goal of teaching agriculture, specifically tropical fruit trees, cultivation to our community, promoting urban or personally managed creation and consumption of healthy tropical fruit foods, and finally to raise and feed our personal, employees, neighbors and Glendale Community families by creating a family life style business.



Urban agriculture has been real for decades, starting with the 20th century industrialization of small community's through-out the United States. Urban agriculture has also been well practiced in poor economies such as Mexico and Cuba, where it serves as an important way of family self-reliance. Today, with conventional agriculture "Big Ag" being at a cross-road in terms of its ecological impact on the environment and the increased food demand of a population growing to over 10 billion people ('US Census Bureau') by 2050, urban agriculture may very well be the most important key of a solution to feeding our growing population for the 21st century.

As Roman Gaus, Founder of UrbanFarmers and Chief Agriculturalist explains, "*urban agriculture offers the solution to grow potentially enough food in our cities to feed our entire population*". What's more, it also "*creates healthier, wealthier and happier cities, offering consumers with fresh & quality food choices and access to a better quality of life*".

Business Model

Shamus O'Leary will conduct a home based business by assisting individuals and families in growing, nurturing, cultivating, harvesting and consuming their own home-grown fruits and vegetables.

We will generate revenue in an honorable and consistent manner representing and selling wholesome fruits and vegetables. Our revenue threads will consist of the following;

1. Selling Tropical Fruits and Vegetables of various varieties and sizes to individuals and families.
2. Selling Tropical Fruit and Vegetable pre-prepared soils, mulch, wood chips, foliar and root based fertilizers.
3. Providing single consultations to assist patrons on setting up their own family garden.
4. Providing small group events educating patrons on gardening tips, soil nutrient tips, planting, cultivation and harvesting tips.

Finally, with education, beautification and our own family's health and well-being reasons, Shamus O'Leary will plant and grow several Tropical Fruit Trees and Vegetables in both our front and rear yards to consume personally, to share with the neighborhood, and to use for demonstration purposes to our patrons.

Neighborhood Impact

On May 2nd, 2016 Don Olson conducted a neighborhood meeting at the Glendale Community College - HT1 Computer Commons building for the neighbors adjacent the property. The topic of discussion was the request being placed by Don Olson of Shamus O'Leary Tropical Fruit Nursery to allow for a for a Home Occupancy (Class 2) Business on the property.

Community members, both pro and con, were allowed to express their views on their support in favor of or opposition against the functioning of a Tropical Fruit Nursery in their neighborhood. Residents directly adjacent to and across the street from the residence of Don Olson; 5841 West Royal Palm were opposed for the following reasons;



1. Neighborhood Traffic Flow
2. Parking of Patrons on the Royal Palm Rd
3. Large Trucks unloading of Tropical Fruit Trees and Tree products in the Neighborhood
4. Property Values of Thunderbird Estates Homes being negatively impacted

Other Neighbors in the Community were indifferent or expressed passive support for the request. Don Olson took note of the Neighborhood concerns and vowed to work with each of them to meet a collaborative conclusion that would meet and appease everyone's concerns.

Specifically, Don agreed to ebb the Traffic Flow by making future visits to the nursery by appointment only and only at designated days and times. He also promised to post on the Social Media avenues specified below that parking on the street will be prohibited and Patrons will not be serviced or allowed to view or purchase Tropical Fruit Trees until they move their vehicle.

Lastly, Don has hired a Certified Permaculture Designer, Certified Interior Designer, and Architectural Registration Candidate (in process of Architectural registration) to draw up blueprint plans for the beautification of the property and raising of property values.

Between the Neighborhood meeting and the submission of this Narrative, Don has had several one on one meetings with the neighbors of Thunderbird Estates to collaborate and reach an agreeable solution.

Days and Hours of Operation

Many of our surrounding Neighbors enjoy the solitude and peacefulness of their homes during evening hours after work and on weekends. To protect their way of life and to ensure Community Participation and involvement in Shamus O'Leary's we will at all times subscribe to the following business rules of engagement;

- Visitation to our Private Nursery will be by Appointment Only.
- Normal Hours of Operation will be from 9:00am (after most Neighbors have left for work) and continue till 3:00pm (which is prior to most Neighbors returning) Tuesday-Thursday and on Saturday between 10:00am- 3:00pm.
- Appointments will be schedule for no-more patrons than can park in the driveway.
- There will never be any street parking related to this business

Delivery and Pickup of Product

- *Patron Pickup of Product / Attendance to Educational Events / Nursery Tours*
 - Appointments will be scheduled for patrons who can park in the driveway (maximum approximately 4-5 cars, but usually only 1-2)
 - Appointments will be spaced 30 minutes apart to avoid overflow.
 - Patrons will be advised to enter and exit Royal Palm via 59th Avenue only to minimize traffic within the neighborhood.



- Patrons will be advised to park in the driveway only and not on the street. Any Patron that does park in the street will be advised to move their car into the driveway prior to service being rendered. If any patron observes that the driveway parking area is full, they will know they have to leave the neighborhood at which time they can call and reschedule their appointment.
- *Delivery of Product to Shamus O'Leary's Nursery*
 - Shamus O'Leary will limit the product delivery from a large scale truck to 4-6 times a year, if this must occur it will only last a few hours but he will do everything in his power to limit the impact on the neighborhood.
 - Delivery will only occur between the hours of 10am and 3pm, Monday-Thursday.

Project Narrative Summary

Our goal in obtaining the Conditional Use Permit is to establish and build Shamus O'Leary Tropical Fruit Tree Nursery as something to be proud of in both the neighborhood and the City of Glendale. A family life style business that will allow us to grow our family and raise our children. Our hope is that by obtaining the Conditional Use Permit we will make positive strides in proving to our immediate neighbors and those of the surrounding community that this is a positive event; that we all will benefit from this use.

We look forward to working with the Glendale community in achieving our goal of teaching agriculture, specifically tropical fruit trees, cultivation to our community, promoting urban or personally managed creation and consumption of healthy tropical fruit foods, and finally to raise and feed our personal, employees, neighbors and Glendale Community families by creating a family life style business designed to encourage the advancement of Urban Farm fresh fruits and vegetable creation.





Planning

NEIGHBORHOOD NOTIFICATION LETTER

AFFIDAVIT OF MAILING

Case No. (if available) SR15-0089

Project Name: _____

I, Don Olson _____ certify that I am the authorized applicant /

representative to the City of Glendale for the above application, and do hereby affirm that notice as required for the case noted above has been completed in accordance with the Citizen Participation Process in the City of Glendale's Zoning Ordinance, and a copy of the letter and mailing labels has also been submitted.

Applicant/Representative Signature: [Signature]

STATE OF ARIZONA

SS.

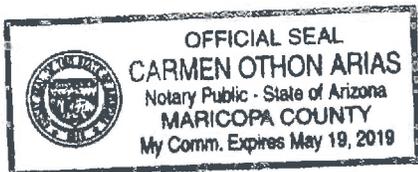
COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me this 15th day of FEBRUARY, 2016

Carmen Othon Arias
Notary Public

My Commission Expires:

May 19, 2016





Completed 08 APR 16

CITIZEN PARTICIPATION: FINAL REPORT

Prepared by Kristin Parsons for Don Olson on 3/18/2016, following the format of the checklist provided by the city of Glendale (revision date of the checklist is 02/28/2014)

Updated on 3/29/2016 and respectfully resubmitted.

Client Name:

Don Olson- Shamus O’Leary’s Tropical Fruit Trees

Property address:

5841 W Royal Palm Rd

Glendale, AZ 85302

Report Table of Contents:

Report, formatted to the Checklist	pages 1-4
Neighborhood notification list and Interested parties list	pages 5-10
Copy of the Neighborhood Notification Letter/affidavit of mailing.....	pages 11-13
Packet of letters and meeting notes from Martin Martell with the City of Glendale	pages 14-39
Scans of sign in sheet from the neighborhood meeting	pages 40-41

Project Information:

Shamus O’Leary Tropical Fruit Tree Nursery is considered an Urban Farm, Landscaping and Agricultural Home Business. It was developed with the goal of teaching agriculture, specifically tropical fruit trees, cultivation, promoting urban or personally managed creation and consumption of healthy tropical fruit foods, and finally to raise and feed our personal, employees, neighbors and Glendale Community families by creating a family lifestyle business.

Elements of the Citizen Participation Plan:

Case Number SR15-0089, CUP 16-01

Due to the timeline of the neighborhood meeting letters, as well as all of the undocumented neighbor meetings that Don had with his neighbors before Kristin Parsons was brought on board, a formal citizen participation plan was not completed ahead of time. The Citizen Participation plan was occurring naturally between Don and his neighbors and was not fully documented.

Map of Areas of Notification:

Please see page 5 for the map area

Names of HOAs and other Neighborhood Groups, Interested Parties, ETC:

Please see page 8 for the interested parties list

There are no HOAs or registered neighborhood groups in this area. However one neighbor identified himself as the "head of the neighborhood watch" at the neighborhood meeting. Interested parties lists were sent to us from the city of Glendale in a word document named "Interested Parties List Citywide and Barrell" as well as the addresses contained in the instructions.

Dates and Locations of Meetings:

Individual meetings with Don and the Neighbors were held regularly directly at the subject property or at the neighbor's houses: he made a point to knock on doors and meet his neighbors even before the purchase of the home was complete. His goal was to keep communication lines open.

Neighborhood notification letters were mailed out on or before 2/16/16 by Don Olson

The Neighborhood Meeting was held on Wednesday March 2nd, at GCC at 6pm

8. Number of Individuals Notified, and Total number of Participants:

A total of one hundred twenty-eight notifications were mailed out, and approximately 75 people attended the neighborhood meetings. The Facebook video that Don posted on 2/29 has been viewed 33,000 times, shared 174 times, and has 557 "likes" and nearly 80 supportive comments

9. Concerns, Issues, and Problems Expressed by the Participants:

- A. Bruce and Karen had a concern about Manure use on the property as a fertilizer, had a concern about the business growing, and had a concern about "dealing" with commercial hours 2/3 of the year
- B. Richard (neighbor) said that he thought that retail sales in a residential neighborhood is wrong, that he had concerns about traffic, and that he had a concern about their property values.
- C. Sue said that volunteers or employees were parking on 58th avenue, and had concerns about asking how many customers he had per year, and if he planned to grow
- D. Howard had concern that Don only bought this property for the commercial intent, and Howard also had issues about the social media portrayal and commentary regarding the issue. Howard asked what Don planned to do with the property if he didn't get the Conditional Use Permit.
- E. Kevin was concerned about the property value, as well as asking why Don did not purchase a commercial property.
- F. The head of the neighborhood watch was concerned about "outsiders" coming to the meeting to tell them what they could and couldn't allow in their neighborhood, and he mentioned he runs a business, but claims that even though sometimes he parks his limo at his house, that he doesn't run the business out of his house. He was open to discussing alternatives. He mentioned that his initial concerns about traffic were significantly reduced after seeing the business operate. I did not catch this neighbor's name, but his commentary seemed to flip flop between support and concern.
- G. Steve, the immediate neighbor to the east, was in full support and noted all of the positive changes that had happened to the property. He had no concerns.

Thank you for your time in reading this report. If you have any corrections/clarifications please alert Kristin at Kristin@modifyconcepts.com

H. Mrs Lund had concerns about potential traffic issues and the property values. She suggested Deliveries be made instead of customer pick-ups.

It is important to note that every neighbor who expressed a concern also said they do support *what* he is doing: just not *how*, which leads to the conclusion that some sort of agreement could be made in the end.

10. How each Concern was addressed, and how the Applicant intends to continue to address them:

A. What Bruce and Karen assumed to be manure was actually amended garden soil. There has never been manure on the property and there never will be. Don utilizes a process called Foliar feeding for his plants which is extensively documented on his website and youtube page, and this neighbor did not ask- they just assumed. Don did address that any further deliveries of soil will be moved to the back yard within 72 hours. (It is not possible to get those deliveries placed in the back, and thus they must be moved by hand) Regarding the growth of the business, Don replied that he is only one man, and he prefers to spend 1 on 1 time with clients and so in that manner, the only "growth" would be in the online videos, and not in physical customers because he already has all of the customers he is capable of handling. Don has offered to change to "by appointment only" and which addressed the "commercial" (weekend only) hours.

B. Don began to address Richard's concerns, and both Richard and the crowd became a bit emotional. Don decided to just thank Richard for his comments and move on so that things wouldn't become unruly.

C. Don had already addressed the growth concern, and he also said he was unaware of anyone parking along 58th and he addressed that by reiterating that all parking needs to occur in the driveway.

D. Don explained that his In-Laws currently live in the property, and that he and his wife plan to move into the casita in the future. Don also explained that his posts get hundreds of comments, and he does not read all of those comments. He vowed to remove a post that Howard deemed offensive, he apologized that he had not seen these comments that Howard mentioned, and he made a commitment to ask his followers to be more mindful of their commentary, although he does not have control over anyone else's actions that take place on the internet.

E. Don listed the flood irrigation as his main attraction to the property (in addition to the size of the property). Kristin Parsons tried to assure both Kevin and Mrs Lund that the crowd of supporters would happily pay higher property prices to be Don's neighbor, and that as an architect she sees people all the time who want unique properties including those with these fruit trees that Don is sourcing.

F. Don replied that he would "figure that out when the time came" if he did not in fact get the conditional use permit.

G. Don did not have to address any of Steve's concerns because Steve is thrilled with the improvements Don is making to the property and the neighborhood!

H. Don replied that he was certainly interested in discussing options for how he could adjust the operation of his business to suit the neighbors, and thanked Mrs Lund for her feedback and thoughtful ideas of how to keep things operating smoothly without disturbing the neighbors.

11. Concerns the Applicant is unable or unwilling to address:

Since the trees are all grown at larger commercial nurseries and only brought onto the property when they are presold or they are for installation on the property, the 4-6 large truck deliveries would not be something that could change at least in the immediate future. However, Don has mentioned that he has enough volunteers to come and help and they were able to unload the last truck in under an hour: which would be equivalent to a neighbor buying a

Thank you for your time in reading this report. If you have any corrections/clarifications please alert Kristin at Kristin@modifyconcepts.com

large piece of furniture and getting it delivered by the furniture manufacturer. That is the only thing that can't really change, but may not actually be a concern with that low frequency.

12. How the proposal has been revised to address the public concerns

The entire proposal has changed through the course of this project. We went from having customers parking on the street, to only in the driveway. There has been a change of regular business hours to a proposed "by appointment only" approach to manage any traffic concerns. Don has offered to only allow appointments for the number of customers that can park in the driveway at a time, while adjusting the hours to times when most of the neighbors would be at work.

13. Copies of letters, affidavits, meeting invitations, and other notifications:

The copies of all correspondence are attached and listed in the table of contents. As "packet of letters" pages 14-25 of this document.

There were also phone calls both in support and opposition. 2 support calls came in, and 4 opposition calls citing fears centered on having a commercial business in their neighborhood and the traffic it may cause.

Because the neighbors brought up the concerns about social media, I took the time to go back 1 year+ through all of the Shamus O'Leary's tropical fruit tree page, and I took screen shots of the information that is out available to the public beginning at the first post about the new property, and demonstrating that what is posted HAS changed over time to address the neighbors' concerns. I did my best to capture everything: the positive and the negative. However, since the neighborhood meeting where Don agreed to remove the post which Howard found offensive, it is very clear that only 1-2% of the comments from anyone posting on this topic is a true outlier. When all of the comments are considered, the overwhelming majority of the customers are not bullies: they are just trying to enhance their landscapes in an edible manner with the knowledge that Don shares with his customers.

Thank you for your time in reading this report. If you have any corrections/clarifications please alert Kristin at Kristin@modifyconcepts.com

RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA

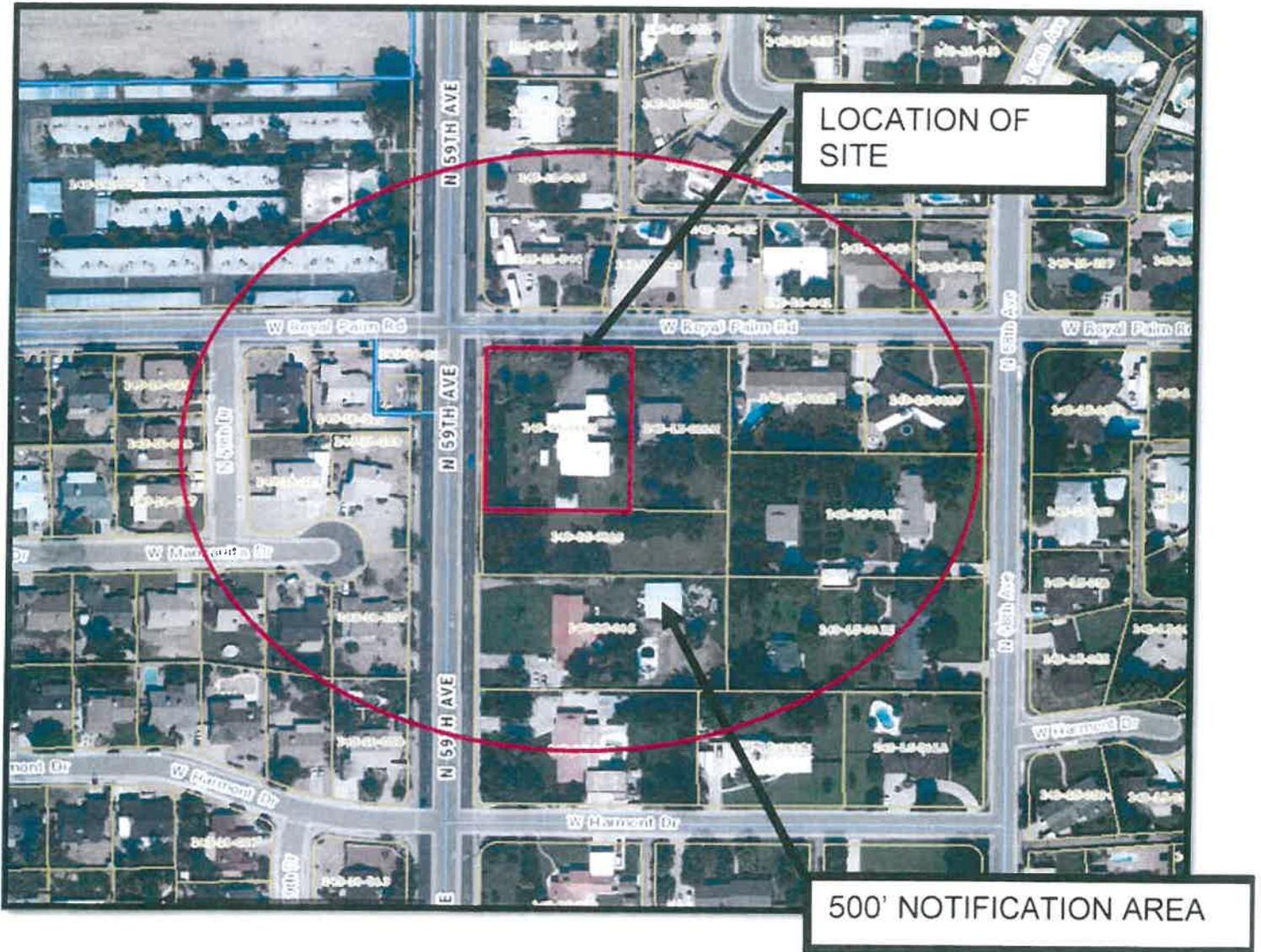
NAME OF REQUEST: DON OLSON CONDITIONAL USE PERMIT

LOCATION: 5841W. Royal Palm Road

The applicant is requesting the approval of a conditional use permit for a Class II Home Occupation on a residential property that involves sales to the public.

ZONING DISTRICT: SR-17

COUNCIL DISTRICT: Barrel



January 26th, 2016

Don Olson

5841 W Royal Palm rd

Glendale AZ, 85302

602-434-5641

azleatherking@aol.com

Subject: Conditional Use Permit Citizen Participation- Home Occupation Class II

Dear Neighbor:

This letter is to inform you that I am applying for a Conditional Use Permit Application with the City of Glendale. The property is located at 5841 W Royal Palm Rd in the Barrel Council District. The following is a description of the project written by Kristin Parsons my architect:

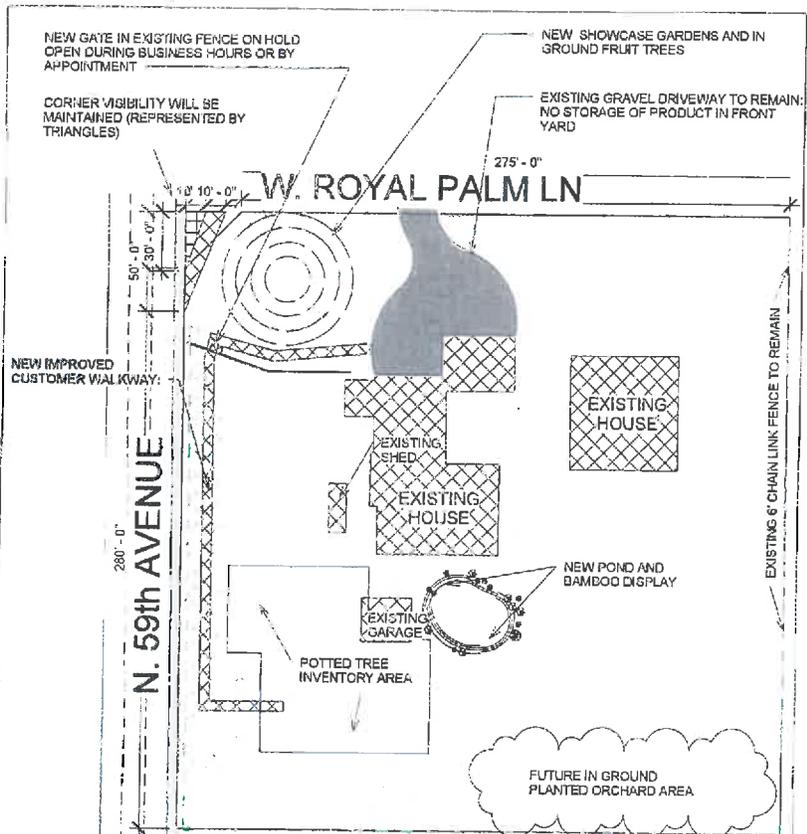
“Don Olson, Current Owner of Shamus O'Leary's Tropical Fruit Trees, is seeking to relocate his small home based business from Phoenix to Glendale. He has been successfully operating this business from a residential property in Phoenix for several years. He has purchased the subject parcel in hopes to relocate to a larger flood irrigated property in order to continue to provide a valuable service to the community. Don isn't just selling trees: he is educating the local community about the possibility of growing fruit trees that are unique, biodiverse, and delicious! In teaching people how to keep these remarkable plants alive he is empowering local customers to have beautiful yards with a bounty of healthy local food. There will be no storage in the front: just an actively maintained garden and fruit trees that are planted in the ground for demonstration. Don strives to keep any impacts to the neighborhood minimal: keeping seasonal hours from late September to April on weekends between 9am-3pm, with rare appointments for customers that cannot come on weekends. He encourages customers to park in the driveway of the property if possible so the traffic will not be impacted. An accessible path from the driveway to the fruit tree area in the back yard is through a gate which will be held open during open hours. There will be no storage in the front: just an actively maintained garden and fruit trees that are planted in the ground for demonstration. The existing detached garage in the back yard will serve as point of sale: no sales will occur from the front yard, as the front will be a space for in ground plantings and fruiting vines. The property will be a picturesque backdrop for online videos that reach hundreds of thousands of people: showing the world what a great place Glendale is for tropical fruit trees.”

I have included a site plan with this letter for your review. A Neighborhood meeting will take place at Glendale Community College, in the HT-1 building Computer Commons starting at 6 pm on 3/2/16. Comments and questions will be accepted at this time. If you are unable to attend, please write, email, or call me at the contact information above. You may also contact Martin Martell with the City of Glendale at 623-930-2597

Sincerely,

Don Olson

Encl: Site Plan



ALL TREES SHOWN ON THIS DRAWING ARE EXISTING. THERE WILL BE NO NEW WORK TO THE HOUSE OTHER THAN FRESH PAINT IN NEUTRAL COLORS. THE ONLY NEW WORK WOULD BE THE PLANTED GARDEN IN THE FRONT AND IN THE BACK YARD AS NOTED. PLEASE SEE PROJECT NARRATIVE IN ATTACHED LETTER FOR MORE INFORMATION

 www.MODIFYconcepts.com	DON OLSON 5841 W ROYAL PALM RD SR15-0089	SITE PLAN	
		Project number SR15-0089 Date 01/25/2016 Drawn by Author Checked by Checker	A200 Scale 1" = 50'-0"

**GLENDALE PLANNING DEPARTMENT
CITIZEN PARTICIPATION
MEETING SUMMARY**

COUNCIL DISTRICT: Barrel

PROJECT: Shamus O'Leary's Tropical Trees

APPLICATION NUMBER: CUP16-01

DATE OF MEETING HELD: 02.02.16 **TIME:** 6 P.M.

LOCATION/ADDRESS OF MEETING: Glendale Community College in front of HT-1 Bldg.
5900 W. Olive Avenue, Glendale, AZ 85301

MEETING SPONSORED BY: Don Olson

COUNCIL MEMBER ATTENDED: [X] Yes [] No

CITY STAFF ATTENDED: 4

NUMBER ATTENDED: 75

NUMBER INVITED: TBD via CP Final Report

MAJOR ISSUES DISCUSSED:

Q: Why is business still continuing w/out a CUP?

A: I admit I have made mistakes.

Q: How can you have commercial hours in a residential neighborhood?

A: none

Q: How big is this business going to be?

A: I only want this to be at a very small scale.

Q: How can you address our fears that this type of business fits in well within our neighborhood?

A: none

Q: Are you going to purchase the property that is south of your property?

A: No

Q: Why are you doing this type of business in a residential neighborhood?

A: I want to just do this business in my back yard at a small scale.

Q: How are you going to address the traffic?

A: I only want to have a few people by appointment only.

Q: Why are there delivery trucks and vehicle traffic on the property to the south of yours using your back gate?

A: I wanted to lessen the traffic on Royal Palm.

Q: Were you doing this type of business in Phoenix? A: Yes

Q: Why are you still doing business even when you were warned not to by the City?

A: I do not recall being warned.

Q: Do still own the house in Phoenix and do you live there?

A: Yes, but we are waiting for the casita on the new property to move in. Our family live there now.

Q: Why are you not doing this business in a commercial district?

A: I don't want to do this on a large scale.

Q: Why are there treats to Howard your neighbor online?

A: Those were not my opinions and I apologize for what my followers stated and did not know about the extent of the situation.

Q: If you don't get the CUP what will you do on this property? A: none

Q: Why did you not check the zoning before you bought the home?

A: I did check with the City and I'm working with the City on the CUP process.

ADDITIONAL COMMENTS:

Some visitors were vehemently opposed to the proposed use on this property and the rest were in support of the plans for this use.

Martell, Martin

From: Diana T <raspberryflower@msn.com>
Sent: Wednesday, March 02, 2016 5:44 PM
To: Martell, Martin
Subject: Shamus O'Leary's Tropical Fruit Trees

Dear Martin Martell,

Shamus O'Leary's Tropical Fruit Trees fills an important roll in the Phoenix Valley community by providing hard to find tropical plants and fruiting plants. I love that he sells them from his backyard where I can see the success he has in growing the same trees I am buying from him. His business beautifies our valley and also helps people participate in growing their own food. There is a real need for Shamus O'Leary to continue doing a green, clean business.

Sincerely,
Diana Traver
602-400-9518
20828 E Munoz St
Queen Creek, AZ 85142

Martell, Martin

From: AZ Schwesingers <schwesingers@q.com>
Sent: Wednesday, March 02, 2016 4:56 PM
To: Martell, Martin
Subject: RE: Shamus O'Leary's Tropical Fruit Trees

March 2, 2016

Mr. Martin Martell
City of Glendale
Architecture and Planning

Dear Mr. Martell,

My husband and I have been planning to attend the meeting tonight in regards to a special use permit for Shamus O'Leary's Tropical Fruit Trees, however an unforeseen incident is preventing us from being there. I would like to voice my opinion as a resident of Glendale. We firmly support the business practices and mission of Shamus O'Leary's Tropical Fruit Trees. We have been to the property in Glendale multiple times and have never noticed any issues with excessive traffic or parking.

The mission and practices set forth by their management/ownership is vital to the community, as they are a resource that offers the knowledge, assistance, or inventory that no other business does. Not only has their insight ignited my passion for self-sustained gardening, but it has inspired my two teenage sons to think globally and earth-friendly.

Our family would be disappointed if their business did not continue to operate. We have yet to find another resource as beneficial as this one, and we fully support their business and have never witnessed any downsides while we were on sight. It very much felt like we were stopping at a neighbor's house, certainly not a business. On the occasions we have been there, we have never seen more than one other car onsite other than our own, nor have we been aware of any excessive noise.

I do hope you'll consider the value that this friendly and low-key business offers and allow it to continue to educate and supply our community with a wonderful resource. Please feel free to contact me personally should you have any questions at all.

Sincerely,

Jaimi Schwesinger

23312 N 72nd Ave
Glendale, AZ 85310
623.229.4391 mobile

Martell, Martin

From: jmorehouse <jmorehouse@q.com>
Sent: Wednesday, March 02, 2016 4:16 PM
To: Martell, Martin
Subject: Shamus tropical trees

Dear sir,

Please let us keep shamus in business!!!! What a wonderful thing he is doing for the community!!! I am a huge supporter of what this company is all about!! Thank you for your time. Mary Morehouse

Sent from my T-Mobile 4G LTE Device

Martell, Martin

From: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Saturday, February 20, 2016 12:24 AM
To: Martell, Martin
Subject: Re: Conditional Use Permit for 5841 W. Royal Palm Rd

Here is Shamus O'Leary's website to order trees from his residence at 5841 W. Royal Palm Rd. He also has people pre-order trees on his Facebook page to pick up at his residence. His FB page is "Shamus O'Leary's Fruit Trees". Is he paying sales tax to the City of Glendale on his sales? I hate to keep pestering you about this, but his disregard for his neighbors and the City of Glendale is pretty brash. If there is someone else I can contact about these code violations, let me know.

Thanks, Kevin

From: "Martell, Martin" <MMartell@GLENDALEAZ.COM>
To: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Friday, February 19, 2016 9:53 AM
Subject: RE: Conditional Use Permit for 5841 W. Royal Palm Rd

Good morning Kevin,

The property owner of 5841 W. Royal Palm Road is not allowed to conduct his home occupancy business until the property owner receives an approved Conditional Use Permit (CUP). Unfortunately, the City has received numerous complaints about the property owner conducting business, even though he has not obtained a CUP to conduct a home occupancy (class II) on the property. The property owner was given a Cease and Desist Warning by Glendale Code Enforcement last week that states that he must discontinue any business out of this property until he obtains an approved CUP by the Planning Commission.

The reason why the property owner must obtain a CUP so that there are limitations on the property owner's business. These restrictions are designed to limit the amount of hours, days, number of deliveries, and amount of customers he can have per week. The property owner is allowed to conduct this type of business only if it is very small in scale with numerous limitations and has an approved CUP from the City.

You are welcome to join the neighborhood meeting and the Planning Commission Public Hearing to express your concerns over this matter. It is very important that you let the property owner know your concerns during the upcoming neighborhood meeting. It is also, very important to express your concerns to the Planning Commission during the Planning Commission Public Hearing so that the members of the Planning Commission can make the determination to wither fail the CUP or approve the CUP.

Please note if you do hear any more complaints about the property owner conducting business out of this property or observe this alert Glendale Code Compliance right away at (623) 930-3610.

Regards,

Martin Martell
Planner
City of Glendale, AZ
Planning Division

mmartell@glendaleaz.com
(623) 930-2597

From: Kevin Werwinski [<mailto:werwinskik@yahoo.com>]
Sent: Friday, February 19, 2016 3:03 AM
To: Martell, Martin
Subject: Conditional Use Permit for 5841 W. Royal Palm Rd

Martin,

I received a letter in the mail today from the City of Glendale for a Land Use Application for 5841 W. Royal Palm Rd. I own the property across the street from this address. My mother-in-law and her boyfriend are currently living there at 5834 W. Royal Palm Rd. They have complained to me several times about the increase in traffic and parking on both sides of the street on the weekends due to our neighbor running a fruit tree nursery out of their house. Also, there are delivery trucks coming to the property. How are they able to operate a business w/o a permit in a residential zoned neighborhood? According to the letter I received today, there is a neighborhood meeting at GCC on 3/2. I would have thought that a business could not operate until AFTER the neighborhood meeting and subsequently obtaining a permit. Why would the resident at 5841 W. Royal Palm Rd buy the property unless they had some assurance from the City of Glendale that they could obtain a Conditional Use Permit? What are the requirements for obtaining the permit? Do the residents adjacent to and across the street from the business have to approve? I would think that a business across the street from my residence would have a negative impact on my appreciating property value.

Thank you for your time, Kevin Werwinski

Martell, Martin

From: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Saturday, February 20, 2016 12:14 AM
To: Martell, Martin
Subject: Re: Conditional Use Permit for 5841 W. Royal Palm Rd

Martin,

Take a look at this Youtube video [2016 Garden Tour of Shamus O'Leary's Tropical Fruit Trees](#) created by our neighbor at 5841 W. Royal Palm Rd. It was made Thur. Feb. 18th (after the cease and desist warning was issued). Obviously he has no regard for any rules, regulations, or laws of Glendale. In the video, he makes a comment of how good business is. There are hundreds of trees in his back yard. Today, Friday, he had 2 loads of dirt or mulch delivered. There were people loading white bags with the dirt and stacking them for sale. I am sure that he will be conducting business this weekend. He told one of the neighbors that he has a temporary CUP to sell until he gets a permanent one.



2016 Garden Tour of Shamus O'Leary's Tropical Fruit Tree...

From: "Martell, Martin" <MMartell@GLENDALEAZ.COM>
To: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Friday, February 19, 2016 9:53 AM
Subject: RE: Conditional Use Permit for 5841 W. Royal Palm Rd

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You are welcome to join the neighborhood meeting and the Planning Commission Public Hearing to express your concerns over this matter. It is very important that you let the property owner know your concerns during the upcoming neighborhood meeting. It is also, very important to express your concerns to the Planning Commission during the

Planning Commission Public Hearing so that the members of the Planning Commission can make the determination to wither fail the CUP or approve the CUP.

Please note if you do hear any more complaints about the property owner conducting business out of this property or observe this alert Glendale Code Compliance right away at (623) 930-3610.

Regards,

Martin Martell
Planner
City of Glendale, AZ
Planning Division
mmartell@glendaleaz.com
(623) 930-2597

From: Kevin Werwinski [<mailto:werwinskik@yahoo.com>]
Sent: Friday, February 19, 2016 3:03 AM
To: Martell, Martin
Subject: Conditional Use Permit for 5841 W. Royal Palm Rd

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Thank you for your time, Kevin Werwinski

Martell, Martin

From: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Friday, February 19, 2016 12:51 PM
To: Martell, Martin
Subject: Re: Conditional Use Permit for 5841 W. Royal Palm Rd

Thank you for the clarification. I will be at the meeting. My mother-in-law said that the owner of the nursery had said that he had a "temporary" CUP to conduct his business until a permanent one was obtained. I think that he is down playing the success of his business and the # of customers he has. He has a Facebook page called Shamus O'leary's Tropical Fruit Trees with a pretty impressive following. I have no problem with him being a successful businessman, as long as it is in a commercial space.

From: "Martell, Martin" <MMartell@GLENDALEAZ.COM>
To: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Friday, February 19, 2016 9:53 AM
Subject: RE: Conditional Use Permit for 5841 W. Royal Palm Rd

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You are welcome to join the neighborhood meeting and the Planning Commission Public Hearing to express your concerns over this matter. It is very important that you let the property owner know your concerns during the upcoming neighborhood meeting. It is also, very important to express your concerns to the Planning Commission during the Planning Commission Public Hearing so that the members of the Planning Commission can make the determination to either fail the CUP or approve the CUP.

Please note if you do hear any more complaints about the property owner conducting business out of this property or observe this alert Glendale Code Compliance right away at (623) 930-3610.

Regards,

Martin Martell
Planner
City of Glendale, AZ
Planning Division
mmartell@glendaleaz.com

(623) 930-2597

From: Kevin Werwinski [<mailto:werwinskik@yahoo.com>]
Sent: Friday, February 19, 2016 3:03 AM
To: Martell, Martin
Subject: Conditional Use Permit for 5841 W. Royal Palm Rd

Martin,

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Thank you for your time, Kevin Werwinski

Martell, Martin

From: Martell, Martin
Sent: Wednesday, February 24, 2016 10:36 AM
To: 'Kevin Werwinski'
Cc: Mickey Lund
Subject: RE: CUP meeting at GCC on 3/2

Good morning Kevin,

The Neighborhood Meeting is open to the general public. Unfortunately, Jake, the friend of Don Olson, is unaware that the meeting on March 2nd at GCC is not the meeting that will determine the fate of the CUP it is just a Neighborhood Meeting to inform the public that the property owner filed an application for a CUP to operate a Home Occupancy Class II at the property owners home.

Please note that, the meeting that will either grant or deny the CUP for this property will be in the future after the upcoming Neighborhood Meeting. This meeting is a public meeting will also give you and residents a chance to voice your questions, concerns, or opposition to the CUP. There will be notifications for this Public Hearing mailed to the same people who were on the mailing list for the neighborhood meeting. Also, there will be a notice in the Glendale Star and the property will be posted with a sign prior to this meeting.

For the meeting anyone who wishes to speak will be granted an opportunity to speak at the Neighborhood Meeting on March 2nd at 6 p.m.

Regards,

Martin Martell
Planner
City of Glendale, AZ
Planning Division
mmartell@glendaleaz.com
(623) 930-2597

From: Kevin Werwinski [<mailto:werwinskik@yahoo.com>]
Sent: Tuesday, February 23, 2016 11:30 PM
To: Mickey Lund; Martell, Martin; Lee, Ryan; Turner, Bart
Subject: CUP meeting at GCC on 3/2

I have never been to one of these meetings. Is it open to everyone or just Glendale residents? A friend of Don Olsen/Shamus O'Leary is asking for everyone from all cities to show up to support the nursery in a Youtube video . He thinks that if there is a big show of support, then the committee will grant him the CUP. I would think that the committee would want to hear from Glendale residents only since they are the ones affected by the business in a residential area. Does everyone that wants to say something get the opportunity to do so, or just Glendale residents?

Thanks, Kevin Werwinski

Martell, Martin

From: Martell, Martin
Sent: Wednesday, February 24, 2016 10:21 AM
To: 'Kevin Werwinski'; Mickey Lund; Lee, Ryan; Turner, Bart
Cc: McAllen, Samuel; Froke, Jon; Greenawalt, Mark; Jefferson, Tasha
Subject: RE: Shamus O'Leary Nursery at 5841 W. Royal Palm Rd.

Good morning Kevin,

Here are some screen shots of Shamus O'Leary's Tropical Fruit Trees Facebook page. I consolidated a lot of the posts and highlighted some comments on the Shamus FB6 document. The document named 3601 W. Kings Ave shows that he was issued a Code Compliance violation at his previous location near 35th Ave and Bell. It was a house in a cul-de-sac in Phoenix. I am sure his neighbors there weren't thrilled with him either. The violation was for operating or allowing to operate a commercial business in a residential zone. Don Olson has operated under at least 3 different business names: Don Olson Backyard Nursery, Olson's Fruit Tree Nursery, and lastly Shamus O'Leary's Tropical Fruit Trees. There are multiple videos on Youtube showing the property at Royal Palm Rd. In the last video posted last week www.youtube.com/watch?v=CjodK5JT2cc, he mentions that there are 8000 trees with hundreds coming in weekly. On the video, they also encourage everyone to come to the meeting at GCC, regardless of whether you live in Glendale or not, to show your support for Shamus/Don.

I have viewed the video on the above link. Unfortunately, Jake is spreading misinformation regarding the March 2nd Neighborhood Meeting, because this will not be the zoning case that will decide if the Conditional Use Permit (CUP) is approved or denied. Jake states that this meeting will be in front of both the Planning Commission and City Council; however, this meeting in reality is an opportunity for residents who will be directly impacted if this CUP is approved to address their questions and concerns.

1. Can you tell me when he applied for the CUP? September 8, 2015
2. When was the Cease and Desist order activated? Contact Mark Greenawalt, the Code Compliance Official who spoke with the property owner at (623) 930-3606 or mgreenawalt@glendaleaz.com for this information.
3. How much does it cost to apply for a CUP? The fee for a CUP is \$1,110.32.
4. What are the restrictions in a CUP for customers allowed, hours of operation, access to restrooms, parking.? These restrictions will be decided during the Planning Commission Meeting and will ensure that there will be minimal impact to the street, the neighborhood, or the City. These stipulations will also take into account public input during the hearing, the result of the citizen participation process, and staff recommendations concerning this CUP.
5. What is the penalty for operating a business w/o a CUP? I fully believe that he will continue to operate even if he doesn't receive the CUP. He is still doing it with a Cease and Desist order. You will need to contact the Code Compliance Department at (623) 930-3610 for that information.

6. I had heard that the previous owner had a higher offer for the property from a religious organization, but they couldn't get a CUP, so they backed out of the deal. Is that true? I am unaware of this and I did not find a record of that request. Perhaps they spoke with a Planner and decided not to go through with the CUP process.
7. Some of our neighbors said they never got a letter explaining the application process for the CUP with the meeting date, time, and place. The Neighborhood Notification Letter that is required for the Citizen Participation Process is to be distributed to the following:
 - i. all of the property owners who reside within 500 feet of the subject site;
 - ii. the Interested Parties that are City wide and in the Barrel Council District;
 - iii. the Mayor;
 - iv. The Councilmember of the Council District the property is in;
 - v. The Planning Director;
 - vi. The Senior Secretary for the Planning Division; and,
 - vii. The Project Planner
8. Who sent out the letters (Don or the city)? Don Olson's Architect Kristen Parsons mailed out the letters on February 16, 2016.

Thank you for you updates concerning this property. I am compiling all of the e-mails and phone call that concern this matter in the case file. Also, these will be used in the Staff Report the Public Hearing that will decide if this CUP is approved or denied.

Regards,

Martin Martell
Planner
City of Glendale, AZ
Planning Division
mmartell@glendaleaz.com
(623) 930-2597

Martell, Martin

From: Kevin Werwinski <werwinskik@yahoo.com>
Sent: Tuesday, February 23, 2016 11:30 PM
To: Mickey Lund; Martell, Martin; Lee, Ryan; Turner, Bart
Subject: CUP meeting at GCC on 3/2

I have never been to one of these meetings. Is it open to everyone or just Glendale residents? A friend of Don Olsen/Shamus O'Leary is asking for everyone from all cities to show up to support the nursery in a Youtube video . He thinks that if there is a big show of support, then the committee will grant him the CUP. I would think that the committee would want to hear from Glendale residents only since they are the ones affected by the business in a residential area. Does everyone that wants to say something get the opportunity to do so, or just Glendale residents?

Thanks, Kevin Werwinski

March 3, 2016

To: City of Glendale City Council Members and Neighborhood Members

Re: Use Permit Citizen Participation Home Occupation Class II @ 5841 W. Royal Palm Rd Glendale, AZ 85302

Forgive us for not attending tonight's discussion in person. We are attending our grandson's tenth birthday party. Hopefully this letter will correctly deliver our opinions with regard to the above submitted application. Should any questions need be asked of us further on this subject, please feel free to call.

1) "Don isn't just selling trees: he is educating the local community about the possibility of growing fruit trees that are unique, biodiverse and delicious. There will be no storage in the front: just an actively maintained garden and fruit trees that are planted in the ground for demonstration." This is telling us that the intent is to sell/transact business and to have classes of people being taught/demonstrated to, on the front yard of this residential property within our community. If we are not mistaken there has already been several dump loads of deliveries and the storage of that manure until time had passed that it eventually dwindled down in size. As well as, Commercial trucks off loading product on the south side of said property.

2) "Don strives to keep any impact to the neighborhood minimal... keeping seasonal hours from late September to April on weekends between 9am-3pm, with rare appointments for customers that can't come on weekends." This indicates to me that our Neighborhood would then be dealing with commercial business hours for 2/3 of our entire year...our neighborhood should not have to deal with a business hours schedule! There are going to be "Open hours... Points of sale." We are distressed for our neighbors on Royal Palm, 58th Avenue and our road Harmont that parallels this Commercial venture.

3) "The property will be a picturesque backdrop for online videos that reach hundreds of thousands of people: showing the world..." This verbiage appears to us to be an individual with hopes and aspirations of a great growth in his business, one reaching to thousands of people worldwide. That inspirational outlook is wonderful and we are truly in agreement with that kind of free market entrepreneurial goals! Yet, we have attended such classes as these. We were very surprised to drive into a residential neighborhoood! We were among 20 – 30 individuals meandering through the grounds of the home, admiring all that the owner/instructor had accomplished at his residence but...we were greatly troubled for the influx of automobiles lining the streets with a fairly consistent amount of people on and off the property. Classes varying from chickens, veggies, trees of all kinds, water retention/storage, irrigation, sprinkling set-up for gardening classes, solar companies instruction and purchasing products, selling of seeds, mulch/manure, plants, trees...a vast array of horticultural related products and demonstrations. Since we have seen this very same business venture in operation we do not believe it will minimally impact the neighborhood. Within the very premise and goals of this application there is conflict. Striving to: a)keep any impact to the neighborhood minimal and b)virally reaching out to hundreds of thousands of people worldwide on Social Networks is double minded. There is concern regarding chatter in the neighborhood, the possible acquisition of the property on the south for expansion. This too, will be in direct opposition to maintaining a Beautiful Quiet Historical Neighborhood in Downtown Glendale, Arizona, for both ourselves, our neighbors and our family time, as well as, the future impact on our home values.

We are not in agreement with having a Commercial Educational Working Horticultural Establishment within our Historical Residential Area where we are living. We love the whole idea of individuals learning how to grow a lush and beautiful landscape for their residence but that can be accomplished from a Commercially Zoned and Licensed Property. Thank you for the opportunity to respectfully express our concerns.

Bruce and Karen Jackson 5825 W. Harmont Dr. Glendale, AZ 85302 623.64.1358

Martell, Martin

From: Ginger Konnis <gingerkonniss@gmail.com>
Sent: Tuesday, March 01, 2016 7:52 AM
To: Martell, Martin
Subject: Shamus O'leary

Mr Martell, I fully support Mr O'leary and his right to grow plants and trees on his own property. His knowledge is so extensive and passion is addictive. Every person who shows up at his home is buying a tree or plant that brings value and probably delicious and healthy fruit to neighborhoods across the valley. I had no idea the wide range of plants that would grow in such a harsh environment. I understand some neighbors may have an issue with traffic but there are garage sales and Tupperware parties and I'm sure you could arrange a suitable compromise such as limiting the days people can arrive for pickup or scheduling a couple people an hour. Please don't shut this down!

Thank you,
Virginia Konnis
480-283-5011

Martell, Martin

From: Brandy Schooley <azdaisy3@gmail.com>
Sent: Tuesday, March 01, 2016 8:01 AM
To: Martell, Martin
Subject: Shamus O'Leary

Hello, and good morning. I am unable to attend Wednesday's meeting regarding Shamus O'Leary, so I am writing a support email. Sure, the guy sells trees. Weird trees to Arizona at that. However, its not just that he is selling weird trees. He is educating people. He is providing so many of us with the building blocks to successful 'gardening". He is teaching us how to use our landscape to feed us and our neighbors, instead of wasting water, nutrients, resources on grass. Shamus teaches how to dig the perfect hole, how to plant your tree, how to care and maintain your tree. So its not only his trees that are so important, its also his knowledge and expertise that comes with purchasing a tree from this man. He doesn't judge, he doesn't deny. Everyone and anyone is welcome to get a tree, get some knowledge. Please, please, please award him this permit. You can see from his Facebook videos asking for support, that he really is a humble man. He doesn't bad mouth or speak ill of the person that is asking for him to get a permit. Shamus is a valuable asset to our community!!!

Thank you for your time,
Brandy Schooley
Glendale, Arizona

Martell, Martin

From: Anne Brasher <annebrasher@gmail.com>
Sent: Tuesday, March 01, 2016 4:19 AM
To: Martell, Martin
Subject: Shamus Oleary

Mr. Martell,

Unfortunately I cannot attend this evening

The neighbors are concerned about traffic flows and the public in "their" space

The property owner is trying to teach "the public" that they CAN grow good healthy food in a difficult climate . He teaches sound water conservation principles. He has provided valuable information, freely to all. We all need the instruction

We leave in the Sacramento valley and are very grateful for his help

Please find away a way to resolve this issue so we can continue to depend on Mr. Oleary.

Respectfully,
Anne Brasher
265 Grapevine Ravine
Newcastle, CA 95658

Sent from my iP

Martell, Martin

From: Jessie Soto <coqui1989@yahoo.com>
Sent: Tuesday, March 01, 2016 6:53 PM
To: Martell, Martin
Subject: Shamus O'Leary Tropical Fruit Trees

Good evening,

I am writing on behalf of Shamus O'Leary Tropical Fruit Trees. I want to let you know that my family and I are in support of Shamus O'Leary Tropical Fruit Trees acquiring the conditional use permit. It has been extremely beneficial for us to learn about gardening from him. He has been an inspiration for me to create an edible garden that ultimately has encouraged the daily visit of 3 types of hummingbirds and various other birds such as the House Finch, a species that is currently in decline. This has also been beneficial to my 4-year old daughter who is learning how to take care of nature and learning how to take care of the soil and eat organic food from our yard. In addition, we are also composting in our yard which reduces trash. In conclusion, his expertise is a great benefit for many families, gardeners, and the biodiversity of our local community

Thank you,
Jessie Tolman

Martell, Martin

From: Ed Rossi <ed.rossi@gmail.com>
Sent: Tuesday, March 01, 2016 6:30 PM
To: Martell, Martin
Subject: letter of support for Shamus O'Leary's Tropical Fruit Trees

Mr. Martell,

My schedule prevents me from attending the March 2 community meeting regarding the conditional use permit application for Shamus O'Leary's Tropical Fruit Trees. I am writing to express my strong support for the approval of the conditional use permit.

It's my strong belief that Shamus O'Leary's Tropical Fruit Trees is a tremendous asset to the City of Glendale and the entire Phoenix metro area. Shamus is educating the community on the relative ease with which we can develop food sources right within the community, right within our own yards. This promotes the sustainability, health and safety of the community and its residents.

I know Shamus to be extremely respectful of his neighbors and mindful of the impact that his customers might have on them. And his customers, myself included, also realize that his property is in a residential neighborhood where everyone has a right to live without undue inconvenience. Those of us patronizing his business take that to heart. Shamus requires appointments to visit his property, he requires his patrons to park in his own driveway, and asks that we take care to ensure that we do not inconvenience his neighbors.

A denial of the conditional use permit would be an enormous loss to the community.

Ed Rossi
646-763-2900

RE: CUP16-01 - Shamus O'Leary's Tropical Trees - 5841 W. Royal Palm Road

1 message

Martell, Martin <MMartell@glendaleaz.com>
To: Kristin Parsons <kristin@modifyconcepts.com>
Cc: "azleatherking@aol.com" <azleatherking@aol.com>

Mon, Mar 14, 2016 at 12:17 PM

Good afternoon,

I received the e-mail shown below on Friday, March 11th concerning your project. She will need to be included in your CP Final Report.

When you do send the mailing labels Maxine Shipley will need to be included, so that she can be informed about the Planning Commission Meeting.

Thanks,

Martin Martell

Planner

City of Glendale, AZ

Planning Division

mmartell@glendaleaz.com

(623) 930-2597

From: Maxine Shipley <mshipley2@cox.net>

Sent: Thursday, March 10, 2016 12:17 PM

To: Turner, Bart

Cc: bkjackson.wv@gmail.com

Subject: Use permit participation home occupation class II @ 5841 w Royal Palm Rd, Glendale, Az 85302

To: City of Glendale Council Members and neighbors in Thunderbird Estates

My name is Maxine Shipley and I lived at 8113 N 59 th avenue for over 15 years. I sold this house and moved out of the area last year. However, I still own a house near the corner of 58 th avenue and Royal Palm Road. This is just one block from Mr. Don Olson's property where he is seeking permission to operate a plant nursery type business. I object!

Mr. Olson has a dream and I respect what he is trying to do, but not at others expense. My husband and I also had a dream and we started our own small building materials supply company here in Glendale and operated it for over 25 years. However we had to sell our home and purchase Industrial zoned property to do this.

Mr. Olson will be doing things there besides growing trees as his letter states. He will probably be getting deliveries of mulch, manure, sand, soil and rock as well as trees and plants. Trucks of various sizes will not always enter from 59th avenue. They will come and go from different directions in our neighborhood. The neighbors on Royal Palm should not have to hear delivery trucks as well as tractors and loaders, etc. that he will need to work his nursery. Customers and probably landscapers with pickups and trailers will be going in and out. Even if he has them park on his property the neighbors will be annoyed by slamming of car doors and people talking and vehicles starting up and driving in and out. I know what this is like because I lived on Harmont across from an illegal garage for a year and when they moved the owners started having illegal yard sales.

Some of my relatives were the original builders and residents of this neighborhood and if you read the restrictions they all signed you will realize they intended this to be nice residential neighborhood with no commercial use. We have a right to enjoy the quiet neighborhood as it was when we purchased our homes here.

No, this will not be a wonderful paradise of a business that he portrays. As a former farm girl and owner of a somewhat similar type business, I can see the problems. Mr. Olson, I am sure wants his business to prosper and grow and that will make matters worse. The Thunderbird Estates and the McDonald Addition are great assets to the City of Glendale and they need to be kept this way for the benefit of the City. I am very proud of the way the owners have always maintained these homes and they don't even need an HOA to make them do this. They do it because they are proud of it and love to live there. We were also proud of being awarded the Historical District distinction.

Please notify me of any meetings I need to attend regarding this matter.

Maxine Shipley, 4025 W Anderson Dr., Glendale, Arizona. 85308. [602-682-7136](tel:602-682-7136)

Regarding Don Olson's Permit

1 message

Sander, Jeannine <jsander@esmil.com>

Tue, Mar 15, 2016 at 2:38 PM

To: MMartell@glendaleaz.com

Cc: Kristin@modifyconcepts.com

To Whom It May Concern,

I am writing this recommendation in regards to Don Olson and his Permit application for Shamus O' Leary's Tropical Fruit Trees located in Glendale. I personally live in North Phoenix and work in Paradise Valley. I have several nurseries within a short distance including some beautiful places in Scottsdale and Arcadia that I could spend my money. However, I chose to make the 30 minute drive into Glendale to buy trees from Don. He runs what I might call a boutique establishment. It is small and well run. It is not a large, bustling nursery the likes of which you see elsewhere. Often it may be myself and one other individual onsite checking out his amazing trees. The reason for this is that Don runs his business in such a way that people want to see Don. They want his knowledge, to speak with him about the trees and to get his recommendations before they make selections for their yards. It would simply be impossible for his boutique nursery to service large crowds of people as his customers would not have it that way. I can go to any nursery and pick out an Anna Apple tree and put it in my yard and likely it will succeed. I cannot do this with an Aravaipa Avocado, a Coconut Cream Mango, Carambola or a Barbados Cherry. You see, the specialty trees that he provides require specialty recommendations that he must make one on one. Simple put people come to talk to Don, there is very little room and no use for him to have "many" customers on site at a time. Don cares enough about people succeeding with these trees in the Phoenix Metro area that he will not become a larger, busier nursery.

His property is beautiful, calm and inviting. He continues to make property improvements and I have met his nearby neighbors who seem quite happy to share property line with him. There is a growing community of people who want to be around others who grow food. I would find moving into a neighborhood with a property that offers what Don's does a huge plus and I know many others that do as well. These are the type of extremely unique business that draw people from all over Phoenix Metro to spend money in Glendale, that show that Glendale is forward thinking and make some of us consider changing our zip code! Please consider his application so that he can continue this unique small business that he has built. Many of us are very excited to be allowed to come to his property in the future and continue to learn from him so that we can create fruit forests on our properties as well.

Jeannine Sander RT (R) (BD)

Tatum and Shea Site Manager

O: (480) 425-4163 F: (480) 425-4196

Fax directly to my email: (480) 657-3446

www.esmil.com

Letter to Martin Martell

1 message

windinthemirror@aol.com <windinthemirror@aol.com>

Wed, Mar 16, 2016 at 10:16 AM

Mr. Martin Martell
Planner
City of Glendale
5850 W. Glendale Ave., Suite 212
Glendale, AZ 85301

RE: 5841 W. Royal Palm Rd

Dear Mr. Martell,

I'm writing in regards to the conditional use permit requested by Don Olson for Shamus O'Leary's Tropical Fruit Trees. I attended the neighborhood meeting on March 2 and listened carefully to the comments from all parties. I understand the concerns some of the neighbors expressed, but I think much of the controversy is rooted in some initial mistakes and misunderstandings on both sides, all of which can be resolved by reasonable human beings. I would like to share some observations of my own with you, members of the Planning Commission, and any other interested parties.

Starting back in 2013, I went to Don's previous property several times to obtain small trees or taste test rare fruit. Even on the weekend I never saw more than two other visitors there. There were no business signs, no loudspeakers, no commercial trucks, no farm tractors, no parking lots, nothing offering any clue that his house was any different from his neighbors, except for some magnificent bamboo beside his driveway and a couple of pretty little trees out front. I saw a neighbor smile and wave at him when he came out to greet me. Another time a neighbor dropped off bags of leaves and grass from his yard so Don could use them for mulch, instead of throwing them in the city trash. It was a quiet neighborhood and I never saw any problems there.

When Don first offered trees at the Royal Palm property it was an unusual situation, which he has expressed regrets about to me on more than one occasion. He had clearly underestimated how many people were going to descend upon his property and the neighborhood, in such a short period of time, in response to the internet presells he had started doing. I was one of the people who showed up to claim trees on the first day, and it was a shock to see cars lining both sides of the street and people carrying little potted trees all over the place. I'll never forget the frantic pace at which Don was scrambling around, trying to help everyone and clear the crowd as fast as he could. And I can understand neighbors being upset about that kind of situation and not wanting it on a regular basis.

The thing is, Don himself has made it clear to us that he does not want that to ever happen again. After the original mob scene he notified people on his Facebook page to be aware that it's a residential area, do not park in the street, call before coming over so he can schedule people, and be respectful of the neighbors. I've been to the Royal Palm property several times since then and it's been quiet. No cars in the streets. No crowds of people. No frantic Don Olson dashing about trying to make everyone happy at the same time. As he stated at the neighborhood meeting, he doesn't want that many people on the premises at once. He can only deal with a few at a time in order to give them the information and assistance they need to be successful with the types of trees he offers.

I think Don made some mistakes going into this, but they were mistakes, not malice. It seems he underestimated the huge following he's gathered over the past couple of years and was not prepared for the huge response to his first presell. But now he knows, and he has taken effective steps to moderate the traffic and direct his customers.

He is one of the hardest working human beings you could ever meet. He's always been polite, respectful, and helpful to me. I've spoken with him several times about how things are going in the new neighborhood, and found him to be sincere and determined in his goal of conducting business in ways that will not be disruptive to the neighborhood.

He is fully capable of achieving this goal if given the opportunity. He's developed a modern business structure, using the internet to support the majority of customer interface, which reduces our physical presence on his property and in the neighborhood. The new website he's putting together can improve the process and reduce customer onsite presence even more by providing the information we need about each type of tree right there, reducing the amount of time we need to spend on site when we pick up trees. It's not like old style retail locations where people just show up and walk around picking everything out between the hours of 7am to 7pm. The approach Don is taking allows him to schedule our presence quickly and easily. He can prevent traffic problems going forward.

Thank you Mr. Martell and all concerned for allowing me to share my experience and thoughts on this matter. If you have any questions you are welcome to contact me at the email address below.

Sincerely,

Ti Robinson
windinthemirror@aol.com

Martell, Martin

From: Stan and Connie Belden <scbelden@cox.net>
Sent: Monday, April 25, 2016 12:40 PM
To: Martell, Martin
Cc: Turner, Bart
Subject: use permit for neighbor (case CUP16-01)

Mr. Martell,

I would like to submit my approval for Don Olson's use permit at 5841 W Royal Palm rd in Glendale. I live at 5804 W Harmont dr. for over 30 years. I do not have any objection to his use of the property to grow trees, as long as he keeps the property well maintained and it does not become a nuisance for the neighbors.

He has cleaned and maintains the property in a manner that reflects the overall quality of our neighborhood.

Thank you

Stan & Connie Belden
623-930-0985

SIGN IN PLEASE

SUPPORT?

NAME	CITY OF RESIDENCE	SUPPORT?	
		YES	NO
Kristi Caggiano	Glendale ♡ (5ofus)	X	X
April Maldonado	Glendale	X	
Kevin Steigner	Glendale	X	
Jeannine Sander	Phoenix	X	
Curtis Smith	Phx	X	
Dorrie Sull	Phx	X	
Bob & Kay Vogt	Glendale	X	
Mark Barton	Chandler	X	
Van Peterson	Tempe	X	
Srinaj Manjun	Phoenix	X	
XXXXXXXXXX	Glendale Phoenix		
JOE FUZY	QUEEN Creek	X	
Nathan R. Poirer	Phx	X	
Guy Halderman	Elkhart	X	
Pamela Mace	Tempe	X	
Breanna Adams	PHX	X	
Josh Adams	PHX	X	
Dyan Chidester	PHX	X	
William Schwartz	GLENDALE	X	
Stetcha Foster	Glendale	X	
Aaina Phrasowank	Phoenix	X	
Myrna Manriquez	Phoenix	X	
Jake Mace	Tempe	X	X
Yvonne Cankindi	Glendale	X	X
Zenaida Ann Hoffman	Glendale	X	X
Anna Granatz	Glendale	X	X
Kent Wilson	Glendale	X	X
Loceario Othman	Glendale	X	X

SIGN IN PLEASE		CITY OF RESIDENCE		CITY OF RESIDENCE		SUPPORT	
NAME	City of Residence	NAME	CITY OF RESIDENCE	YES	NO	YES	NO
Carlene Yee	Scottsdale	Maria Hernandez	PHX				
Harrilyn Barton	Glendale	Dana Strong	Surprise				
Kyle Mellinger	Peoria	Luzmaria Rose (Rose)	Glendale 55 Ave + Bartok				
Blonden Owens	San Tan Valley	Monique Othman	Glendale				
Alyssa Owens	San Tan Valley	Ruthann Showalter	Scottsdale				
...	Chandler	Stephanie Stovner	Surprise				
Len Y. Trujillo	Citadel Park	Yanick D. Juy	Glendale				
Jacquelyn Nelson	Tempe	Elaine Stots	Glendale				
Erin MacDonald	Tempe	Shel A. Kucera	Surprise				
Kirk Horte	Peoria						
Dustin Thors	Peoria						
Meghan Gillman	Peoria						
Aron Belden	Glendale 58th/Harmon						
Tracy Swartz	8218 N 58th						
Jeff Gray	Glendale						
Shay Martin	Glendale						
Joe Iker	Glendale						
JUSTIN DAHL	GLENDALE, AZ						
A RESIDENT	PHOENIX						
Tracy Barringer	Mesa						
Mary-Maria	PHX						
ROY Yager	Glendale						
Robison	Phoenix						
SIMONO BARONISE	Phoenix						
BARONISE GREGAL	Phoenix						

SIGN IN PLEASE		CITY OF RESIDENCE		CITY OF RESIDENCE		SUPPORT	
NAME	City of Residence	NAME	CITY OF RESIDENCE	YES	NO	YES	NO
Carlene Yee	Scottsdale	Maria Hernandez	PHX	✓			
Harrilyn Barton	Glendale	Dana Strong	Surprise	✗			
Kyle Mellinger	Peoria	Luzmaria Rose (Rose)	Glendale 55 Ave + Bartok	✗			
Blonden Owens	San Tan Valley	Monique Othman	Glendale	✓			
Alyssa Owens	San Tan Valley	Ruthann Showalter	Scottsdale	✓			
...	Chandler	Stephanie Stovner	Surprise	✓			
Len Y. Trujillo	Citadel Park	Yanick D. Juy	Glendale	✓			
Jacquelyn Nelson	Tempe	Elaine Stots	Glendale	✓			
Erin MacDonald	Tempe	Shel A. Kucera	Surprise	✓			
Kirk Horte	Peoria			✓			
Dustin Thors	Peoria			✓			
Meghan Gillman	Peoria			✓			
Aron Belden	Glendale 58th/Harmon			✓			
Tracy Swartz	8218 N 58th			✓			
Jeff Gray	Glendale			✓			
Shay Martin	Glendale			✓			
Joe Iker	Glendale			✗			
JUSTIN DAHL	GLENDALE, AZ			YES			
A RESIDENT	PHOENIX			✓			
Tracy Barringer	Mesa			✓			
Mary-Maria	PHX			✓			
ROY Yager	Glendale			✓			
Robison	Phoenix			✓			
SIMONO BARONISE	Phoenix			✓			
BARONISE GREGAL	Phoenix			✓			



City of Glendale

75610

Code Compliance Department
 5850 West Glendale Avenue, Glendale, Arizona 85301
 Telephone (623) 930-3610 / Fax (623) 915-2692
 www.glendaleaz.com/codecompliance

COMPLIANCE ORDER

NAME: <u>owner/occupant</u>	ADDRESS: <u>5841 W Royal Palm</u>
DATE OF BIRTH:	VIOLATION LOCATION: <u>Property</u>

City Code (CC)	Violation Description	RE-INSPECTION DATE
CC 24-65(b)/CC 25-22(b) Commercial Vehicle		
CC 24-65(d)/CC 25-22(d) Abandoned or Inoperable Vehicle		
CC 24-65(g)/CC 25-22(g) Side Yard Parking		
CC 24-65(i)/CC 25-22(i) Front Yard Parking		
CC 25-20(b) Exterior Windows, Doors, Screens		
CC 25-20(c) Fences, Screen Walls, Retaining Walls		
CC 25-20(d) Landscaping		
CC 25-21(a) Personal Property in Public Right-of-way		
CC 25-21(d) Trees, Bushes, Shrubs—Obstruction		
CC 25-21(e)/(f) Trash, Debris/Items Stored in Public View		
CC 25-21(g) Overgrown Grass or Weeds		
CC 25-21(k) Palm Trees—Excessive Dead/Dry Fronds		
CC 25-24(d) Polluted, Stagnant or Blighted Swimming Pool		
CC 25-24(h) Animal Waste		
CC 25-85(a) Graffiti Prohibited		
CC 9-16(a)(1)/IBC 105.1 Building Permit(s) Required		
CC 9-16(a)(1)/IBC 114.2 STOP WORK ORDER		

Zoning Ordinance (ZO)	Violation Description	RE-INSPECTION DATE
<input checked="" type="checkbox"/> ZO 1.208(C) Illegal Land Use	<u>Running a Nursery without</u>	<u>3-8-16</u>
ZO 7.103(A-M) Illegal Signs/Banners	<u>a license</u>	
ZO 7.301(A)(1-4) Buildings/Structures—Setbacks		
ZO 7.301(A)(5) Buildings/Structures—Separations		
<input checked="" type="checkbox"/> ZO 7.304(A)(1-9) Home Occupation Violation	<u>operating with out a</u>	<u>3-8-16</u>
	<u>license.</u>	

Comments: The Nursery, Tree Growing, Product selling From This Property must stop Today and No customers coming To The Property until all Permits + License are approved.

PLEASE CORRECT THE VIOLATION(S) BEFORE THE ABOVE RE-INSPECTION DATE(S). FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN CIVIL OR CRIMINAL COURT ACTION.

I have read this order and understand my signature below merely acknowledges acceptance and is not an admission of guilt.

Received by _____ Date _____ POSTED
 Inspector **MARK GREENAWALT** Date 3-7-16 Time 3:00 AM PM

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (623) 930-3610. SI TIENE ALGUNA PREGUNTA, LLAME AL TELEFONO (623) 930-3610.
Please see back for more information on City Codes and Zoning Ordinances.



City of Glendale

Code Compliance Department

5850 West Glendale Avenue, Glendale, Arizona 85301
 Telephone (623) 930-3610 FAX (623) 915-2692
 www.glendaleaz.com/codecompliance

11925

FINAL NOTICE

NAME: <u>owner/occupant</u>	ADDRESS: <u>5841 W. Royal Palm</u>
DATE OF BIRTH:	VIOLATION LOCATION: <u>Property</u>

YOU WERE PREVIOUSLY ISSUED A COMPLIANCE ORDER FOR THE FOLLOWING CODE VIOLATION(S):

CODE SECTION	VIOLATION DESCRIPTION	RE-INSPECTION DATE
CC ZO 1,208(c)	Illegal Land Use.	4-18-16
CC ZO 7.304A1-9	No Business License	4-18-16
CC ZO		
CC ZO		
CC ZO	(Any questions call me, 623-764-2074)	

THIS IS YOUR **FINAL NOTICE**. IF YOU HAVE FAILED TO COMPLY BY THE RE-INSPECTION DATE LISTED ABOVE, YOU WILL BE ISSUED A CIVIL OR CRIMINAL COMPLAINT THAT WILL REQUIRE YOU TO APPEAR IN COURT. A CIVIL CITATION IS PUNISHABLE BY FINES UP TO \$300.00 PER CODE VIOLATION. A CRIMINAL CITATION IS A CLASS 1 MISDEMEANOR PUNISHABLE BY ANY COMBINATION OF FINES, PROBATION, AND INCARCERATION. YOU WILL STILL BE REQUIRED TO CORRECT THE VIOLATION(S) IN ADDITION TO THE IMPOSED PENALTIES.

WE ENCOURAGE YOUR VOLUNTARY COOPERATION IN THIS MATTER.

Comments: ALL The Paperwork and Information for your Business Application must be submitted by date listed or your APP. will be canceled and Everything from Business Removed From Property

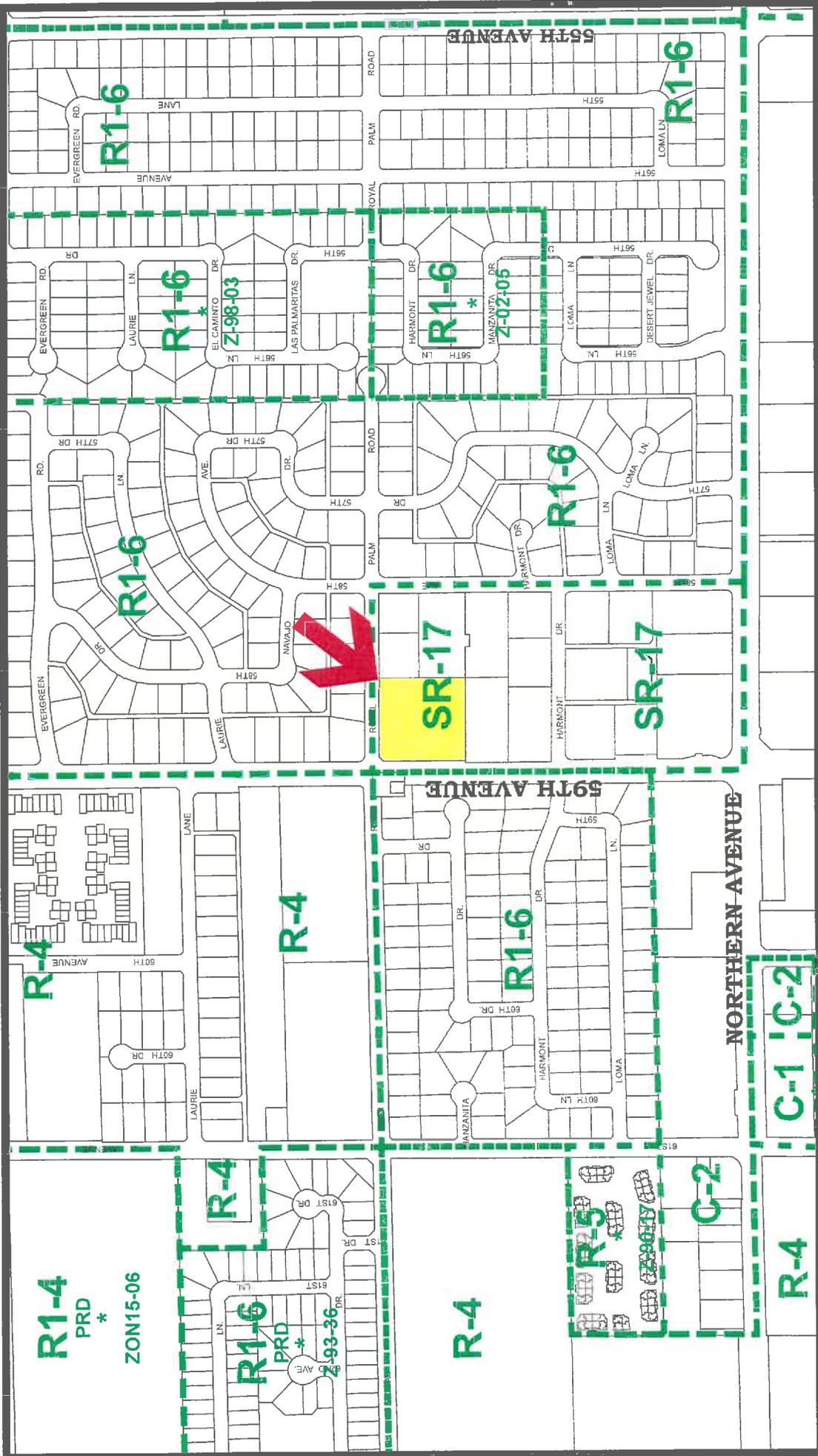
PLEASE CORRECT THE VIOLATION(S) BY THE ABOVE DATE. FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN CIVIL OR CRIMINAL COURT ACTION.

I have read this order and understand my signature below merely acknowledges acceptance and is not an admission of guilt.

Received by [Signature] Date 3-16-16 [] POSTED

Inspector MARK GREENAWALT Date 3-16-16 Time 09:20 AM / PM

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (623) 930-3610. SI TIENE ALGUNA PREGUNTA, LLAME AL TELEFONO (623) 930-3610.



REQUEST

A CONDITIONAL USE PERMIT TO ALLOW
 A CLASS II HOME OCCUPATION IN ORDER
 TO SELL PLANT MATERIAL ON
 THE PROPERTY.



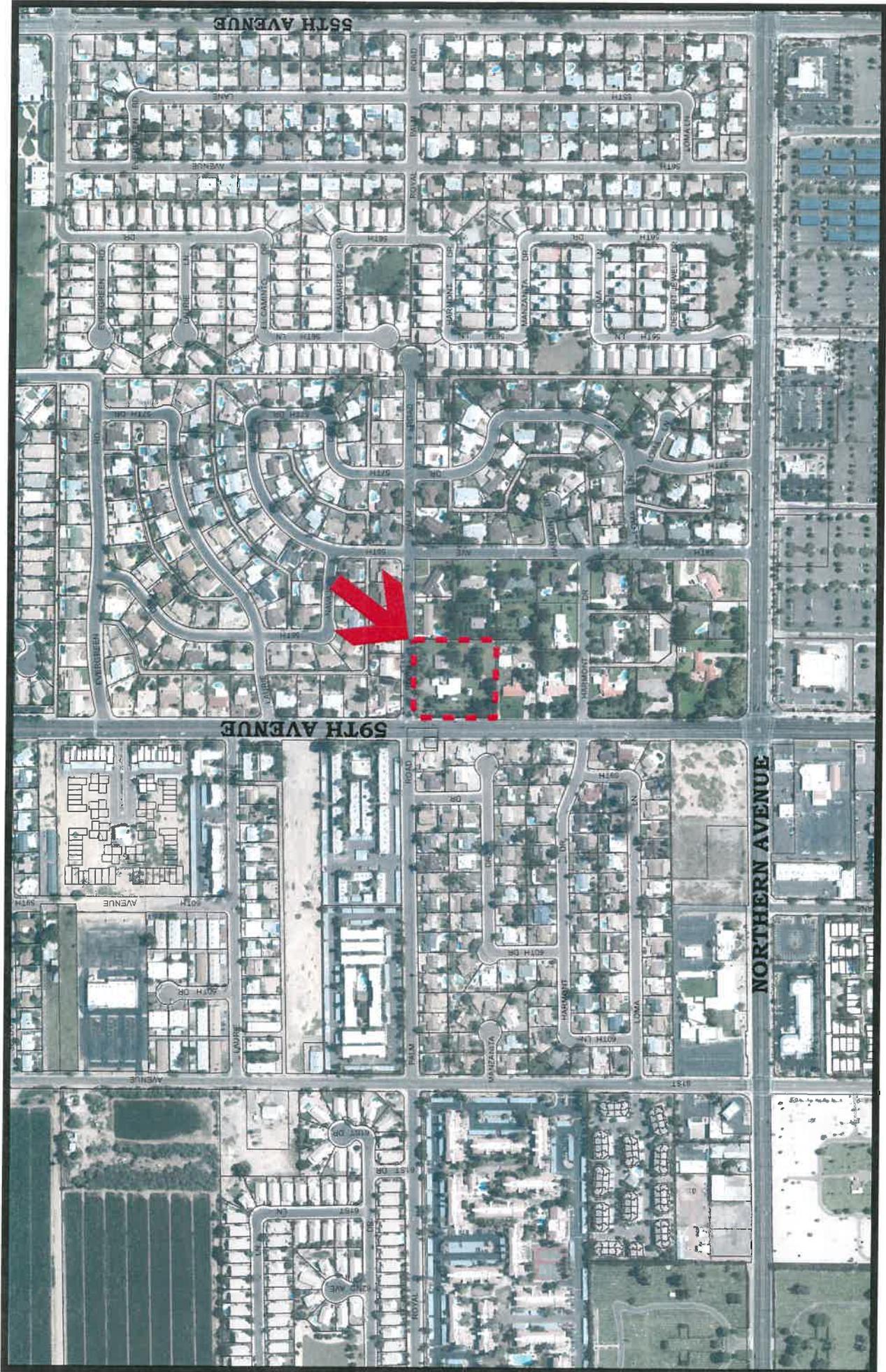
CASE NUMBER

CUP16-01



LOCATION

5841 W. ROYAL PALM ROAD



Aerial Date: October 2014



CASE NUMBER
CUP16-01





Planning Staff Report

DATE: May 5, 2016 **AGENDA ITEM:** 2

TO: Planning Commission

**FROM/
PRESENTED BY:** Tabitha Perry, Assistant Planning Director
Martin Martell, Planner

SUBJECT: **CONDITIONAL USE PERMIT (CUP) CUP16-03:
MORNINGSTAR OF GLENDALE – 6735 WEST GOLDEN
LANE**

REQUEST: Conditional Use Permit (CUP) approval to allow a congregate care and independent living facility, which will offer assisted living, skilled nursing, memory care, and independent living located in the R-5 (Multiple Residence) Zoning District that has a Senior Citizen Overlay (SCO).

APPLICANT/OWNER: David Lunn, on behalf of N-Shea Group, LLC.

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 CUP16-03 subject to the stipulation contained in the staff report.

PROPOSED MOTION: Move to approve application CUP16-03 per the findings and subject to the stipulations contained in the staff report.

SUMMARY: If approved, this request will allow for the development of a congregate care and independent living facility. The site will contain a total of 144 units that will consist of seventy one (71) units for assisted living, thirty-five (35) units for memory care, and thirty-eight (38) units for independent living. One of the unique aspects of this request is that the facility will allow an opportunity for patients to have a continuum of care that will specifically address the different stages of medical care for its patients.

COMMISSION ACTION: Motion made by Commissioner _____ to _____
CUP16-03 per the findings and subject to the stipulations contained in the staff report.
Commissioner _____ seconded the motion. The motion was _____ with a
vote of _ to _ .

DETAILS OF REQUEST:

General Plan Designation:

The property is designated as High Density Residential (HDR) – 12-20 density units per acre.

Property Location and Size:

The property is located on the southwest corner of 67th avenue and Golden Lane and is approximately 8.84 acres in size.

History:

As part of an eighteen (18) acre site, the property was rezoned by Zoning Case Z-00-13 from A-1 (Agricultural) and R-4 (Multiple Residence) to R-5 SCO (Multiple Residence with a Senior Citizen Overlay) on September 25, 2001.

Project Details:

Morningstar of Glendale is an assisted living, memory care, and independent living facility that will be developed on approximately 8.84 acres. Vehicular access is provided on both 67th Avenue and Golden Lane. The site is surrounded on the north and west side by the Golden Ridge Subdivision. The parcel is also adjacent to the Fairview Crossing Subdivision that is located on the east side of 67th Avenue and there is agricultural property to the south.

There will be two (2) primary components to this development. The main component will be housed in a two-story building that will contain one-hundred and six (106) living units, which will consist of seventy-one (71) assisted living units and thirty-five (35) units designed for residents needing special care due to memory impairments. Some units in the main building are designed to accommodate shared occupancy for a total of one hundred and seventeen (117) licensed assisted living memory care beds. In addition, this building will house a large common area, central dining hall, bistro, beauty parlor, exercise and activity rooms, and a movie theater/chapel.

The rest of the site will offer thirty-eight (38) units dedicated to independent living, a clubhouse, a swimming pool, parking, and a generous amount of lush landscaping. The thirty-eight (38) units of independent care will be housed in eight (8) single story semi-detached casitas each of which will be approximately 4,000 square feet in size. In addition, there will be a 2,500 square foot clubhouse designed to be an amenity offering an activity room for residents and guests.

The facility will employ approximately seventy (70) full-time and part-time staff, but the maximum number of staff on the site at any one time would be approximately twenty-five (25). Most of those employees who would typically work between the hours of 10:00 a.m. and 3:00 p.m.

The project is intended to provide a high-quality option for aging residents to stay in the City of Glendale regardless of their lifestyle or their care needs.

Site Plan and Operational Issues:

There is no site or operational issues that will affect the existing development or operation of the proposed uses.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On January 6, 2016, the applicant mailed one-hundred and thirty-eight (138) notification letters to adjacent property owners and interested parties regarding a scheduled neighborhood meeting held on January 25, 2016. Prior to the meeting Planning staff received two (2) telephone calls concerning this request and both of the respondents were in support of the request. The applicant, city staff and four (4) members of the public attended the neighborhood meeting. During the meeting all of the members of the public were in support of the applicant's proposal.

The applicant's Citizen Participation Final Report is attached.

Planning Commission Public Hearing:

A Notice of Public Hearing was published in *The Glendale Star* on April 14, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on April 15, 2016. The property was posted on April 14, 2016.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS:

General 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 Conditional Use Permit is only for the congregate care facility, nursing home, and independent living residential land uses identified as assisted living, skilled nursing, and memory care services;
- 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.

STAFF ANALYSIS:

- The current R-5 SCO zoning on the property that allows congregate care uses such as assisted living, nursing, and memory care requires a Conditional Use Permit.
- The land uses subject to an approved Conditional Use Permit will not be materially detrimental to the health, safety or general welfare of persons residing or working within the neighborhood of the proposed uses. These services will occur seven (7) days a week with twenty-four (24) hours of operation.
- The proposed site is adequate in size and shape to accommodate the intended land uses.
- Adequate access is provided to public streets and on-site circulation to support the type and quantity of traffic that may be generated by the proposed use. Overall, there will be access to the site on 67th Avenue and Golden Lane. In addition, the site is adjacent to public transportation on Valley Metro's Bus Route 67 that travels along 67th Avenue.
- The existing street circulation, public transportation link, and an appropriate amount of parking will be adequate to support traffic and parking the site will generate.
- All applicable city departments have reviewed the application and recommended approval.

RECOMMENDATION:

Staff supports the proposed land use request as it represents a quality living environment, medical and healthcare service. 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 site plan, date stamped April 8, 2016, floor plans, date stamped April 8, 2016, and the project narrative, date stamped April 8, 2016.
2. At any given time, the assisted living, skilled nursing and memory care component shall not exceed one-hundred and six (106) units. The total units provided shall not exceed one-hundred and seventeen (117) beds.

ATTACHMENTS:

1. Required Findings for a Conditional Use Permit.
2. Applicant's Narrative, date stamped April 8, 2016.
3. Site Plan, date stamped April 8, 2016.
4. Floor Plans, date stamped April 8, 2016.
5. Citizen Participation Final Report (without mailing labels), completed April 6, 2016.
6. Vicinity Zoning Map.
7. Aerial Photograph, October 2014.

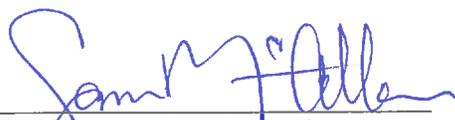
PROJECT MANAGER:

Martin Martell, Planner (623) 930-2597.
mmartell@glendaleaz.com

REVIEWED BY:



Planning Director



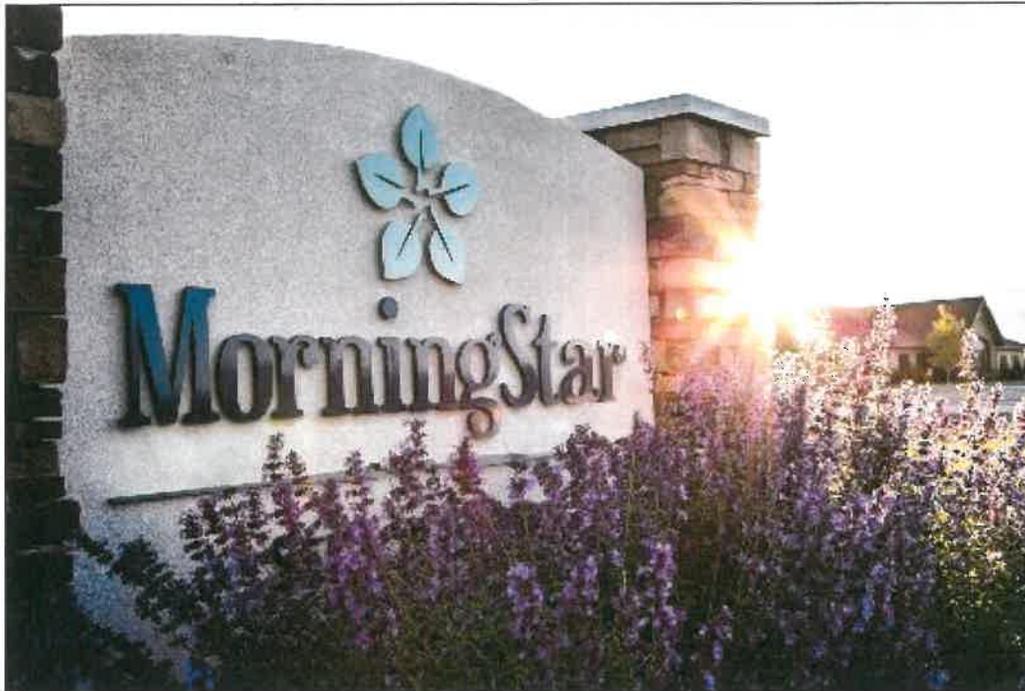
Development Services Director

MM/jd

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS

Section 3.904 of the Zoning Ordinance requires that the following findings be met before granting a Conditional Use Permit:

- A. That 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;
- B. That 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;
- C. That the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;
- D. That 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
- E. That adequate conditions or stipulations have been incorporated into the approval of the Use Permit to ensure that any anticipated detrimental effects can be mitigated.



MorningStar of Glendale

Located at 6735 West Golden Lane

A Conditional Use Permit request for a proposed Independent Living, Assisted Living & Memory Care Project

Applicant

N-Shea Group, LLC
14555 N Scottsdale Rd., Suite 240
Scottsdale, AZ 85254

Conditional Use Permit Application

1st Submittal

COMPLETE
08 APR 16

APPLICANT

N-Shea Group, LLC
14555 N. Scottsdale Rd., Suite 240
Scottsdale, AZ 85254
(480) 315-0154 - Phone
(480) 315-9091 - Fax

DEVELOPMENT TEAM

Developer

N-Shea Group LLC
14555 N. Scottsdale Rd., Suite 240
Scottsdale, AZ 85254
(480) 315-0154 - Phone
(480) 315-9091 - Fax

Architect

Landmark Design Architects
14555 N. Scottsdale Rd., Suite 240
Scottsdale, AZ 85254
(480) 719-9003- Phone
(480) 315-9091 –Fax

Landscape Architect

Campbell Collaborative
111 E. Dunlap Avenue
Ste. 1-278
Phoenix, AZ 85020
(602) 266-1644 - Phone

Civil

DNA, Inc.
340 E. Willetta St.
Phoenix, AZ 85004
(602) 271-9911 - Phone
(602) 271-9985- Fax

Attorney

DKL Law, PLLC
14555 N Scottsdale Rd
Suite 240
Scottsdale, Arizona 8254
(480) 500-1360 - Phone
(602) 500-7341- Fax

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INTRODUCTION

1. Applicant Background.

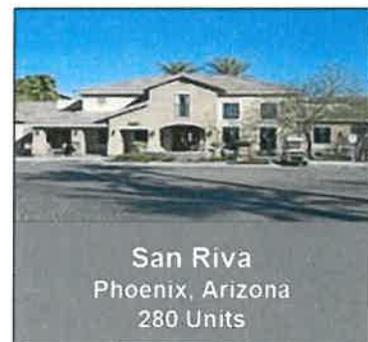
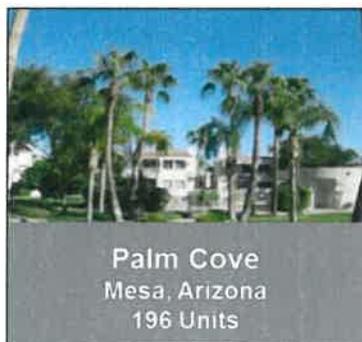
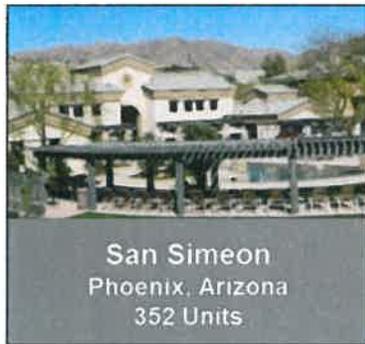


N-Shea Group, LLC (NSG) is a privately-held real estate investment, development and management company based in Arizona. We specialize in development, management and acquisition/disposition of commercial, multi-family and senior housing facilities. The company has successfully transacted and developed over \$1 Billion in asset value and managed over 16,000 units of Senior and Multi-Family housing.

The Principals have 75 years in combined experience of developing Retirement, Assisted Living, Memory Care, and Multi-Family Properties. The members of the organization have been recognized for developing many landmark communities throughout the southwest. By combining their decades of leadership in development, construction, and management, the firm leverages the strength of our principals to maximize asset potential and above average returns on investment.

NSG's leadership team is not only well-respected and tenured, but also committed to elevating quality and productivity throughout the senior and multi-family housing industry. Whether it's our ability to build faster and less expensively than the competition because of our experience subcontracting for large, multi-phase production projects and managing high-volume trades; or our proven capacity for training management talent that builds and maintains resident loyalty, NSG brings incomparable credentials.

Partial List of Completed Developments



2. Project Summary MorningStar of Glendale

MorningStar of Glendale is planned as a new class-A, institutional Independent Living, Assisted Living and Memory Care community strategically located in Glendale, Arizona to provide a high-quality senior living option to the established, growing, and underserved areas of Glendale, Peoria, and the North and Western areas of Phoenix. The project will be developed (along with NSG) and managed by MorningStar Senior Living (“MorningStar”), a highly experienced and successful owner, operator and developer of similar communities. The campus will consist of one and two-story structure totaling approximately 160,000 gross square feet. The 106 unit main building will be comprised of 71 Assisted Living (“AL”) rental units (82 licensed beds) and 35 units will be Memory Care - rental units (35 licensed beds) designed specifically for residents needing special care for Alzheimer’s and other memory impairments (“Memory Care” or “MC”). Additionally, there will be 38 Independent Living (IL) casitas spread over 8 separate buildings with a community clubhouse and outdoor pool. The Community will include state-of-the-art design and significant amenity space and will be well positioned from a location and pricing perspective to meet the substantial demand for senior housing and care in the area. All of the units in the development will be rentals with no entrance fees or “buy-ins”.

Services & Amenities

The Independent Living casitas are spread out over eight buildings and will feature full kitchens with private garages in a community setting, with access to a state of the art clubhouse and outdoor pool. The clubhouse will have a full kitchen and entertaining space as well as a workout area and locker rooms for the residents to use. Independent Living residents will also have access to meals, housekeeping, transportation, and the many other amenities in the main building of the community.

Assisted Living services are intended for seniors who need assistance with the activities of daily living, including eating, bathing, dressing and medication management, but do not require 24-hour care. Working closely with residents, their family members and physicians, MorningStar staff members create individualized personalized care plans intended to meet each resident’s specific needs and preferences.

MorningStar offers communities that wow the senses, lifestyles fitted to senior needs, and a holistic attitude of genuine care. Residents enjoy amenities like salons, spa baths, theaters and libraries as well as meals, social activities, housekeeping and other services. Memory Care will be provided in a secure homelike environment by impassioned staff members who are specifically trained to understand and meet the unique needs of residents suffering from Alzheimer’s and other dementia-related diseases.



Both Assisted Living and Memory Care residents may select private or companion suites from a variety of floorplans and may select from a menu of services including meals, housekeeping, transportation and others. The MorningStar resident units are not like a typical dwelling unit found in a senior apartment building. Since all meals are served restaurant style in the common dining room, the units are designed as bedroom suites without cooking facilities. The commercial kitchen which serves the community is centrally located.

In addition to the common dining area, the building offers residents a variety of common living spaces that complement the resident's individual bedroom suite. These common living spaces,



such as a parlor, library, bistro, theater and other activity areas, create the very comfortable, residential setting for which MorningStar Senior Living communities are known. MorningStar of Glendale will employ approximately 70 full-time and part-time staff, but the maximum number of staff on site at any one time will be approximately 25, which occurs between the hours of 10:00 a.m. and 3:00 p.m. when meal service and a number of activities are being offered.

The exterior amenities provided at MorningStar of

Glendale will include:

- Large community porches for year-round use
- Secured courtyard and walking path for Memory Care residents
- Grand lobby entrance and lounge area
- Bistro, as well as full dining room facility
- High quality exterior building elements
- Beautiful professionally-maintained landscaping
- On-grade parking for immediate use of visitors and staff

The interior amenities of the building will include common spaces and finish details such as:

- Elegant sitting rooms
- A private dining room for family gatherings and celebrations
- Several specially-designed activity/programming areas
- Large community activities room
- Massage room
- Fitness and wellness center with physical therapy room
- Barber and beauty salon
- Convenience shop
- Theater/chapel

Main building unit amenities will include the following:

- 9' Ceilings
- Large windows allowing significant natural lighting
- Sink and Full-Size Refrigerator
- Interior spaces finished by high-caliber interior design firm specializing exclusively in senior living
- Cable and internet wiring for each unit
- Individually controlled air conditioning/heating
- 24-hour emergency response system will utilize a state-of-the-art resident call system that allows residents to alert staff that help is needed 24 hours a day from any location on the premises.
- Large roll-in shower with seat

Independent unit amenities will include the following:

- Approximately 1,000 sq. feet of living space;
- 9' Ceilings;
- Large windows allowing significant natural lighting;
- Full kitchens, i.e., full size refrigerator, dishwashers, sinks, and range;
- Interior spaces finished by high-caliber interior design firm specializing exclusively in senior living;
- Cable and internet wiring for each unit;
- Individually controlled air conditioning/heating;
- 24-hour emergency response system will utilize a state-of-the-art resident call system that allows residents to alert staff that help is needed 24 hours a day from any location on the premises;
- Large roll-in shower with seat;
- One car attached garage;
- Access to community pool and the 3,315 sq. foot clubhouse

Assisted Living and Memory Care Services:

- Individualized direct care based on each resident's assessed needs
- Full-time wellness and activities directors providing social, cultural and educational programs
- Scheduled transportation

- Nursing coverage by RNs and/or LPNs seven days/week
- 24-hour caregiver staff
- Basic cable TV and utilities
- Weekly housekeeping, laundry and flat linen service
- Reception and message service
- Three daily meals and snacks
- Reminders for meals and activities
- Maintenance staff to ensure the building and grounds are attractive, clean and safe

The following optional services will be made available for a nominal charge:

- Concierge service
- Personal transportation
- Massage therapy
- Short-term respite care
- Barber and beauty salon service
- Guest meals

3. Operations – MorningStar Senior Living

This community will be MorningStar’s 18th ground-up community and the 35th new community opening for MorningStar. The principals of MorningStar have decades of combined experience in real estate investment, development, finance, construction, and operations.

Additionally, the MorningStar principals have designed, developed, financed or operated senior housing projects similar to MSG comprising several billion dollars in value.



Relevant Experience for MorningStar Senior Living

- **MorningStar of Littleton:** 85-unit Assisted Living community with secured Memory Care. Ground-up development sourced, designed, constructed (with development partner), opened and operated by MorningStar. Leased to 100% in 11 months using approximately half of budgeted operating reserves. Sold to institutional buyer in 2009 resulting in an IRR to invested equity exceeding 30%. Sold again in 2012 to institutional buyer at approximately 7% cap rate and industry-leading price per unit. Currently operated by MorningStar and consistently maintains 90%+ occupancy and achieves operating margins in excess of 40%.

- **MorningStar at Applewood:** 107-unit Assisted Living and Memory Care community in Lakewood, Colorado. Ground-up development sourced, designed, constructed (with development partner), opened and operated by MorningStar. Opened in August 2008 and consistently maintained operating margins exceeding 40% prior to sale to an institutional investor in 2013 for a record-breaking price for the Denver metro market reflecting nearly \$500,000 per unit and a 6% cap rate.
- **MorningStar of Parker:** 64-unit Assisted Living community with secured Memory Care. Opened September 2012, it has maintained 95%+ occupancy and operating margins exceeding 40% since stabilizing nine months after opening. Ground-up development sourced, designed, constructed (with development partner), opened and operated by MorningStar.
- **MorningStar at Mountain Shadows:** 64-unit Assisted Living and Memory Care community in Colorado Springs, Colorado. Ground-up development sourced, designed, constructed (with development partner), opened and operated by MorningStar. Opened in September 2013, the community is 98% leased/occupied as of January 2016.
- **MorningStar at Jordan:** 84-unit Assisted Living and Memory Care community in Centennial, Colorado. Ground-up development sourced, designed, constructed (with development partner), opened and operated by MorningStar. Opened in August 2014, the community is 80% leased/occupied as of January 2016.
- **MorningStar at Bear Creek:** 48-unit Memory Care community in Colorado Springs, Colorado. Ground-up development sourced, designed, constructed (with development partner), opened and operated by MorningStar. Opened in September 2014, the community is 65% leased/occupied as of January 2016.
- **MorningStar at Arrowhead:** 85-unit Assisted Living and Memory Care community in Glendale, Arizona. Ground-up development sourced, designed and developed by MorningStar (with development partner). Opened in July 2015, the community is 39% leased/occupied as of January 2016.
- **MorningStar of Boulder:** 94-unit Assisted Living and Memory Care community in Boulder, Colorado. Ground-up development sourced, designed and developed by MorningStar (with development partner). Opened in July 2015, the community is 45% leased/occupied as of January 2016.
- **MorningStar of Fort Collins:** 79-unit Assisted Living and Memory Care community in Fort Collins, Colorado. Ground-up development sourced, designed and developed by MorningStar (with development partner). Opened in November 2015 and is 22% leased/occupied as of January 2016.
- **MorningStar of Albuquerque:** 69-unit Assisted Living and Memory Care community in Albuquerque, New Mexico. Ground-up development sourced, designed and developed by MorningStar (with development partner). Opened in December 2015.
- **MorningStar of Wheat Ridge:** 64-unit Assisted Living and Memory Care community in Wheat Ridge, Colorado. Ground-up development sourced, designed and developed by MorningStar (with development partner). Under construction as of May 2015 with a planned opening of March 2016.
- **MorningStar of Fountain Hills:** 91-unit unit Assisted Living and Memory Care community in Fountain Hills, Arizona. Ground-up development sourced, designed and developed by MorningStar and NSG. Under construction as of July 2015 with a planned opening of November 2016.

MorningStar Community Photos:



A. PROPOSED CONDITIONAL USE PERMIT

The site is located on 345,430 square feet (7.93 acres) and a Conditional Use Permit for an “Assisted Care Facility” is hereby requested. The property is located in the R-5 SCO (Multiple Residence Senior Citizen Overlay) zoning district, where our proposed use requires a conditional use permit as per section 5.444(E) of the Zoning Ordinance. The site plan for the MorningStar community proposed for the subject site has been designed to carefully locate the two-story building with 8 single-level buildings. Four of the single level buildings will align with the western boundary of the site and the eastern boundary of the residential homes. The main building buffered by parking, abuts West Golden Lane to the north. The southern portion of the site will be adjacent to an existing single family residence and agricultural property. The 106 unit main building will be comprised of 71 Assisted Living rental units (82 licensed beds) and 35 units will be Memory Care - rental units (35 licensed beds) designed specifically for residents needing special care for Alzheimer’s and other memory impairments. There will also be 38 Independent Living (IL) casitas spread over 8 separate buildings with a community clubhouse and outdoor pool. Some units are designed to accommodate shared occupancy (both related and unrelated parties) for a total of 117 licensed Assisted Living and Memory Care beds.

B. DEVELOPMENT PLAN

1. Proposed Name of Development:

MorningStar of Glendale
6735 West Golden Lane
Glendale, Arizona 85503

2. Applicant Information:

N-Shea Group, LLC
14555 North Scottsdale Road, Suite 240
Scottsdale, Arizona 85266
PH: 480.315.0154

* The property is currently owned by Sierra Builders, LLC. The N-Shea Group, LLC currently controls the property through an active/executed Purchase and Sale Agreement.

3. Legal Description:

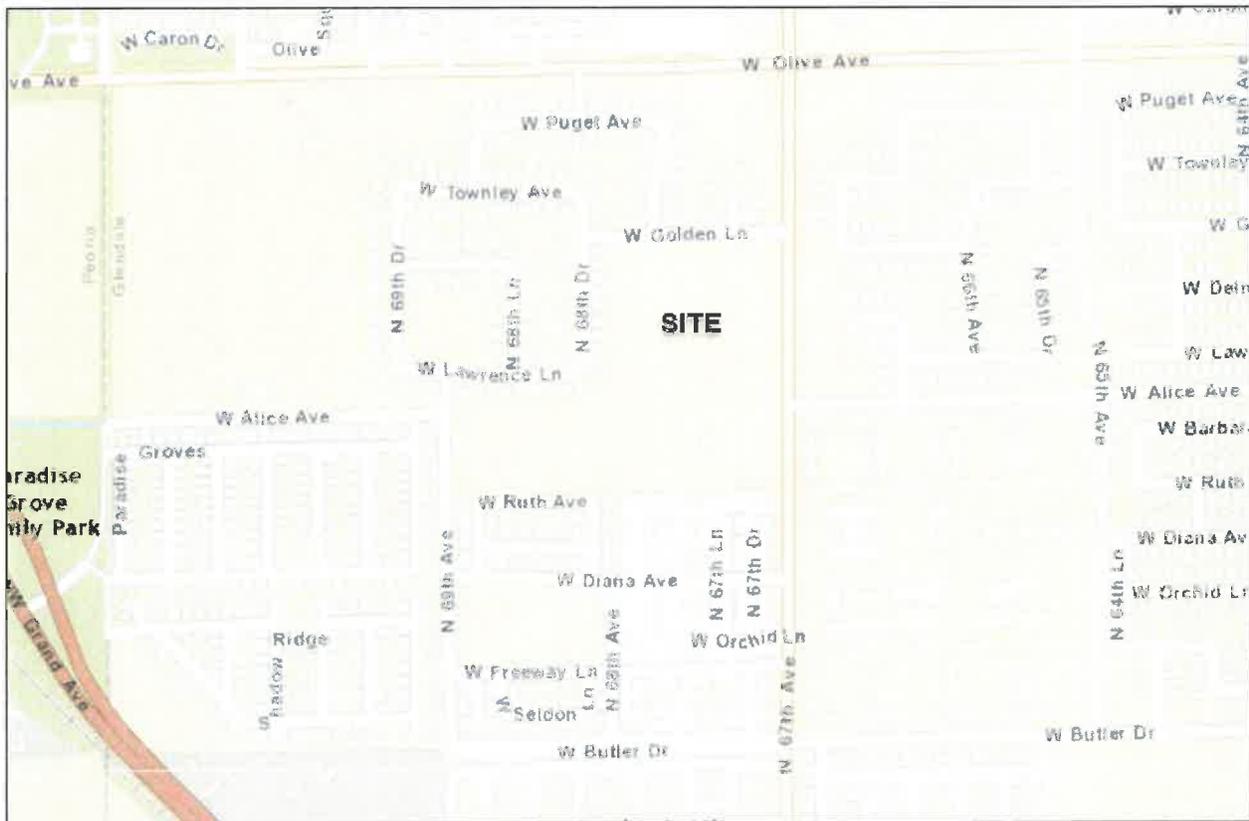
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF TH NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

EXCEPT THE EAST 55 FEET

APN: 143-20-010

4. Generalized Location Map:



4. Generalized Location Map – Continued:



5. Site Conditions

“MorningStar of Glendale” is planned as a maximum 144 unit Independent Living (“IL”), Assisted Living (“AL”) and Memory Care (“MC”) community consisting of a two story AL and MC building totaling approximately 106 units, with some units offering shared occupancy for a total of 117 licensed Assisted Living and Memory Care beds. Additionally, the community will have approximately 38 IL casitas spread over 8 separate single story buildings. American Seniors Housing Association and The National Investment Center for Seniors Housing defines an "Assisted Care Facility" as a State regulated rental property where supportive care is provided by trained employees to residents who are unable to live independently and require assistance with activities of daily living (ADL). MorningStar of Glendale will offer central dining, access to meals, housekeeping, linen service and transportation. Additional (ADLs) will include management of medication, bathing, dressing, toileting, ambulating and eating services.

MorningStar of Glendale will act as an effective transition project between higher-impact retail, commercial and high-density residential areas. While the assisted living use is commercial in nature due to its operations and scale, the extremely low traffic impact, noise and activity surrounding the building and operation, along with the heavily landscaped grounds, high-quality exterior materials and relatively low parking requirements create an effective buffer to transition (or “step down”) from higher-impact uses (which, based upon traffic, noise, activity volume and light impact are not a desirable neighbor for lower-density residential) to lower-impact residential.

The general character of the area is an area in transition with a mix of commercial and residential uses.

- North:
The property to the north is a single family residential development that is zoned R1-6 PRD (Single Residence Planned Residential Development).

- East:
The property to the east across 67th Avenue is a single family residential development zoned R 1-6 PRD (Single Residence Planned Residential Development).

- South:

The properties to the south are zoned R-5 (Multiple Residence) with a SCO overlay and R-4 (Multiple Residence).

- West:
The property to the west is a single family residential development that is zoned R1-6 PRD (Single Residence Planned Residential Development).

a. Topographic Contours

See attached.

b. There are no known Saguaro cacti or other significant vegetation on the site.

c. There are no known intermittent streams or water ponding areas.

d. The site is currently used for agricultural purposes. The site sheet drains west to east.

e. Location of all site walls, which are no greater than 6' in height, are shown on the civil construction plans and architectural site plan.

f. There are no known natural features.

g. There are no known hillside disturbances and Hillside Protection Easements (H.P.E.)

h. There are no known existing agreements. All previous agreements have been abandoned or terminated.

6. Proposed Land Use Areas

a. Proposed unit type, total land area and maximum density are shown on the architectural site plan and architectural floor plan – 1st and 2nd level.

b. Proposed uses, total land area and maximum lot coverage are as follows:

Site Information

Address: 6735 West Golden Lane
APN: 143-20-010
Gross Lot Area: 345,430 square feet (7.93 acres)
Project Data:
 Current Zoning: R-4 with a SCO overlay
 Proposed Zoning: R-4 with a SCO overlay with Conditional Use Permit
 Lot Size: 345,430 square feet (7.93 acres)
Lot Coverage: 119,037 square feet (34.5% Provided)
Actual Usage: 115,557 square feet
 Assisted Living/
 Memory Care: 75,450
 4Plex Casitas: 46,816
 10Plex Casita: 16,720
 Clubhouse: 3,315
 Common Area: 19,407
Total Roof Area: 161,708

- c. New ROW improvements will be installed along west side of 67th Avenue and along the south side of Golden Lane.
- d. Building heights, lot area and setbacks are shown on architectural site plan according to the following:

			Building Setbacks				
District	Lot Area (Acres)	Bldg. Height	Front	West Side	East Side	Rear	Lot Coverage
R4-SCO	7.93	30	20'	20'	20'	20'	34.58

- e. Building elevations and architectural renderings showing architectural theme colors and type of exterior building materials for each structure are shown on the Exterior Elevations and Colored Exterior Elevations, along with the following Narrative

Architectural Theme

The proposed architectural style is "Contemporary Southwest" residential with flat concrete tile covered pitched roofs in variegated colors. The stucco buildings are proposed to utilize southwest color variations of muted earth tones. Colors will be used to accent building projections and recesses to add visual interest. Exterior applied moldings, window recesses and roof overhangs enliven the facades through the interplay of light and shadow. The overall design of the project with its rhythm of projecting and receding building masses further contributes to the architectural interest of the proposed facility.

Color Palette for Builders

The colors and materials proposed for this project were designed to be compatible with the desert tones and Mediterranean elements used in the adjacent developments. The predominant material for both buildings will be stucco. The stucco colors for the Building are cream color with contrasting accent mix of light and dark beige tones, with the tile roof using similar earth tones.

- f. A graphic representation of the proposed landscaping treatment, plant materials, fences, walls and other site plan and open space improvements are shown on the Landscape Plans, along with the following narrative:

Landscape Theme

The entire grounds of the facility will be paved or landscaped. The landscape plant palette includes native desert species in combination with flowering accent trees and shrubs. Well shaded and landscaped outdoor seating areas are located along the walks and within the courts of buildings. The resident outdoor amenity areas may include umbrellas, trellises, benches, tables and chairs. The interior courts may also include planter boxes for residents to plant vegetables or cut flowers. The landscape design includes a combination C.M.U. and wrought iron fencing along the public rights-of-ways and xeriscape landscaping utilizing indigenous plant material.

- g. New sidewalk curb and gutter to be installed along the west side of 67th Avenue and the south side of Golden Lane.
- h. There are no known lands proposed to be dedicated for public purpose.
- i. Master water, sewer and drainage plans are shown on the civil construction plans, along with the following narrative:

Utilities

Extension of existing utilities from existing right-of-ways will be developed with site improvements and placed underground. Water service will be provided by City of Glendale. Wastewater service will be provided by City of Glendale. Existing stub-outs are in place for each parcel.

Drainage

The property will be responsible to provide on-site detention for runoff from a 100-year 2-hour storm event through the use of detention basins will then bleed water to existing roadway catch basins.

- j. Traffic impact statement is provided within the appendix under exhibit A.

7. Parking Plan and Circulation Patterns

The location, numbers of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access way and pedestrian walkways are shown on the Architectural Site Plan, along with the below narrative.

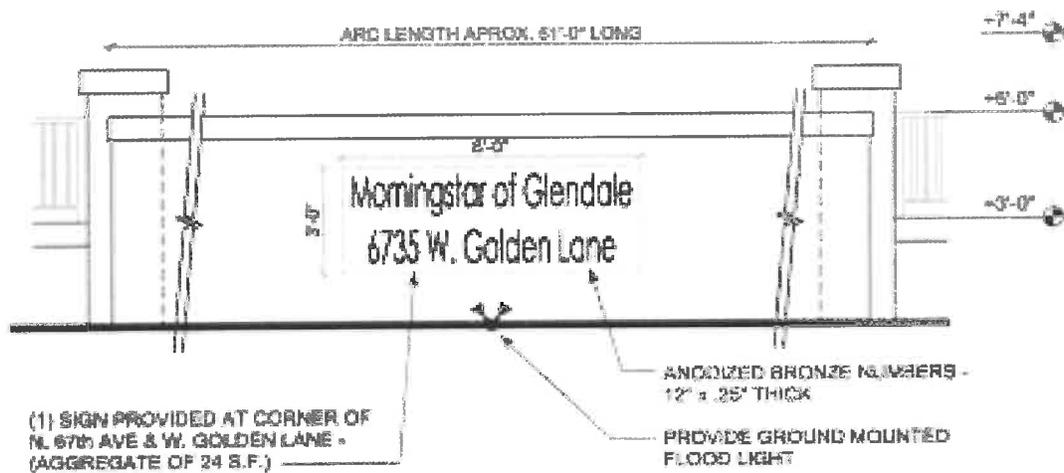
Traffic and Circulation

Parking

Parking is provided around the perimeter of the property with 18 covered spaces and 110 surface spaces, with 6 handicapped spaces for a total of 128 spaces. The parking is screened from the public rights-of-way by a three (3) foot low screen walls and landscaping.

8. Signage

The location, dimensions, height, area, materials and lighting of signage are shown below, along with the below narrative.



Monument signage shall comply with the proposed monument sign exhibit below.

9. Lighting

The location, height and type of outdoor lighting are shown on the Electrical Plans. Exterior site lighting shall conform to the illumination results shown on the Electrical Plans. At no time shall the amount of light leaving the property be greater than zero lumen. A detailed photometric study is provided as part of this application

C. DEVELOPMENT SCHEDULE

The project will be developed in one phase. Upon Conditional Use Permit approval from the Planning Commission and immediately after the issuance of building permits, MorningStar of Glendale shall commence construction in the spring of 2016 and open the facility in the fall/winter of 2017.

D. ECONOMIC IMPACT ON THE CITY OF GLENDALE

The proposed senior Assisted Living community is a very low intensity use with considerably less impact than alternative commercial uses that would be allowed on the site under its current zoning. The community for seniors will be an ideal neighbor to surrounding residential neighbors with minimal traffic generation and site activity. Specifically, the project is expected to generate less than two cars every five minutes during peak traffic hour. Because very few Assisted Living residents continue to own and drive cars, the traffic generated by the project is limited primarily to employees and visitors. In addition, employee shift changes occur at “off-peak” times, which further mitigates traffic impacts to the surrounding area.

While MorningStar of Glendale will generate exceptionally low impacts to the surrounding area and the City as a result of its low traffic generation, minimal reliance on schools, police, fire and other infrastructure, will create a meaningful economic engine that will benefit the City of Glendale both immediately and through recurring tax revenue and long-term employment.

MorningStar of Glendale will create over 70 brand new full-time and part-time direct permanent jobs resulting in an annual payroll exceeding \$2,000,000 before considering benefits, payroll taxes and other employment costs. Notably, consistent with MorningStar’s foundational principle of “Investing Generously in Our Employees’ Ability to Serve,” full health benefits will be available to all employees working a minimum of only 24 hours per week, the cost of which will be paid 75% by MorningStar.

In addition to long-term direct job creation and the resulting economic impacts, the construction of the project is expected to generate over 100 direct construction jobs with total construction wages exceeding \$5,000,000. Further, near-term taxes and fees resulting from the development and construction process are expected to exceed \$1,400,000.

Perhaps most importantly, MorningStar of Glendale will provide the City with another housing choice for seniors whose needs for assistance with activities of daily living have increased, yet who want to remain in the community. We believe the MorningStar of Glendale Assisted Living Community will be an asset to the neighborhood in this area of Glendale.

APPENDIX

Architectural Plans

Preliminary Site Plan & Master Fire Access Plan	PS1
Site Details	DS1
Exterior Elevations – Bldg Type ‘Main’, 1 st Level	EE1
Exterior Elevations – Bldg Type ‘Main’, 2 nd Level	EE2
Architectural Floor Plan – Bldg Type ‘Main’, 1 st Level	FP1
Architectural Floor Plan – Bldg Type ‘Main’, 2 st Level	FP2
Architectural Floor Plan – Bldg Type ‘B1’	FP3
Architectural Floor Plan – Bldg Type ‘B2’	FP4
Colored Elevations – Bldg Type ‘Main’	CE1
Colored Elevations – Bldg Type ‘B1’	CE2

Civil Construction Plans

Conceptual Grading & Drainage Plan - Cover	1 of 2
Conceptual Grading & Drainage Plans	2 of 2

Landscape/Signage Plans

Overall Landscape Plan	L3.0
Enlarged Landscape Plan	L3.1
Enlarged Landscape Plan	L3.2
Enlarged Landscape Plan	L3.3

Electrical

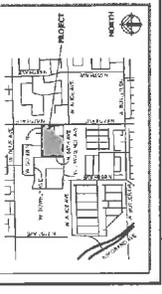
Electrical Site Photometric Plan	E1.1
Electrical Outdoor Lighting Cut Sheetsr	E1.2

DATE:	REVISIONS:
4/15/14	
	1. CITY OF GLENDALE REVIEW COMMENTS
	2. CITY OF GLENDALE REVIEW COMMENTS
	3. CITY OF GLENDALE REVIEW COMMENTS
	4. CITY OF GLENDALE REVIEW COMMENTS

PROJECT SUMMARY	
OWNER:	MORNINGSTAR OF GLENDALE 1500 N. GLENDALE BLVD. SUITE 100 GLENDALE, AZ 85304 CONTACT: (602) 957-5544
APPLICANT:	MORNINGSTAR OF GLENDALE 1500 N. GLENDALE BLVD. SUITE 100 GLENDALE, AZ 85304 CONTACT: (602) 957-5544
ARCHITECT:	LANDMARK DESIGN 1500 N. GLENDALE BLVD. SUITE 100 GLENDALE, AZ 85304 CONTACT: (602) 957-5544
CIVIL ENGINEER:	DAVID W. HARRIS 1500 N. GLENDALE BLVD. SUITE 100 GLENDALE, AZ 85304 CONTACT: (602) 957-5544

BUILDING AREA/LOT COVERAGE			
DESCRIPTION	BL. 252	15.11%	15.11%
MAX. BLDG. TYPE	1	15.11%	15.11%
MAX. BLDG. TYPE	2	15.11%	15.11%
MAX. BLDG. TYPE	3	15.11%	15.11%
MAX. BLDG. TYPE	4	15.11%	15.11%
MAX. BLDG. TYPE	5	15.11%	15.11%
MAX. BLDG. TYPE	6	15.11%	15.11%
MAX. BLDG. TYPE	7	15.11%	15.11%
MAX. BLDG. TYPE	8	15.11%	15.11%
MAX. BLDG. TYPE	9	15.11%	15.11%
MAX. BLDG. TYPE	10	15.11%	15.11%

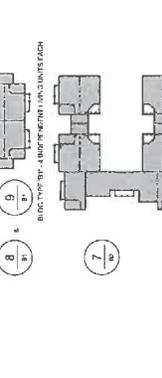
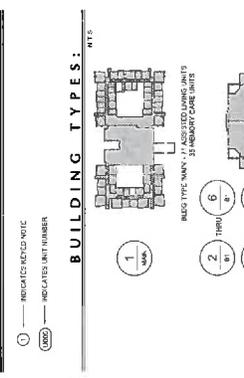
OPEN SPACE/LANDSCAPE			
DESCRIPTION	BL. 252	15.11%	15.11%
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MAX. BLDG. TYPE	3	15.11%	15.11%
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MAX. BLDG. TYPE	7	15.11%	15.11%
MAX. BLDG. TYPE	8	15.11%	15.11%
MAX. BLDG. TYPE	9	15.11%	15.11%
MAX. BLDG. TYPE	10	15.11%	15.11%



Morningstar of Glendale
GLENDALE, ARIZONA
Sept. 15, 2015 sheet **PS1**

- GENERAL NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GLENDALE ZONING ORDINANCES AND THE CITY ENGINEER'S REQUIREMENTS.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF GLENDALE AND THE ARIZONA DEPARTMENT OF WATER RESOURCES.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ARIZONA DEPARTMENT OF WATER RESOURCES.
 4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ARIZONA DEPARTMENT OF WATER RESOURCES.
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 9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ARIZONA DEPARTMENT OF WATER RESOURCES.
 10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ARIZONA DEPARTMENT OF WATER RESOURCES.

- KEYED NOTES:**
1. SEE GENERAL NOTES FOR CONSTRUCTION REQUIREMENTS.
 2. SEE GENERAL NOTES FOR CONSTRUCTION REQUIREMENTS.
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 9. SEE GENERAL NOTES FOR CONSTRUCTION REQUIREMENTS.
 10. SEE GENERAL NOTES FOR CONSTRUCTION REQUIREMENTS.



PRELIMINARY SITE PLAN & MASTER FIRE ACCESS PLAN
MORNINGSTAR OF GLENDALE
GLENDALE, ARIZONA

SCALE: 1" = 40'-0"

08 APR 16

APR 08 2016 11:23 AM
MORNINGSTAR OF GLENDALE
GLENDALE, ARIZONA

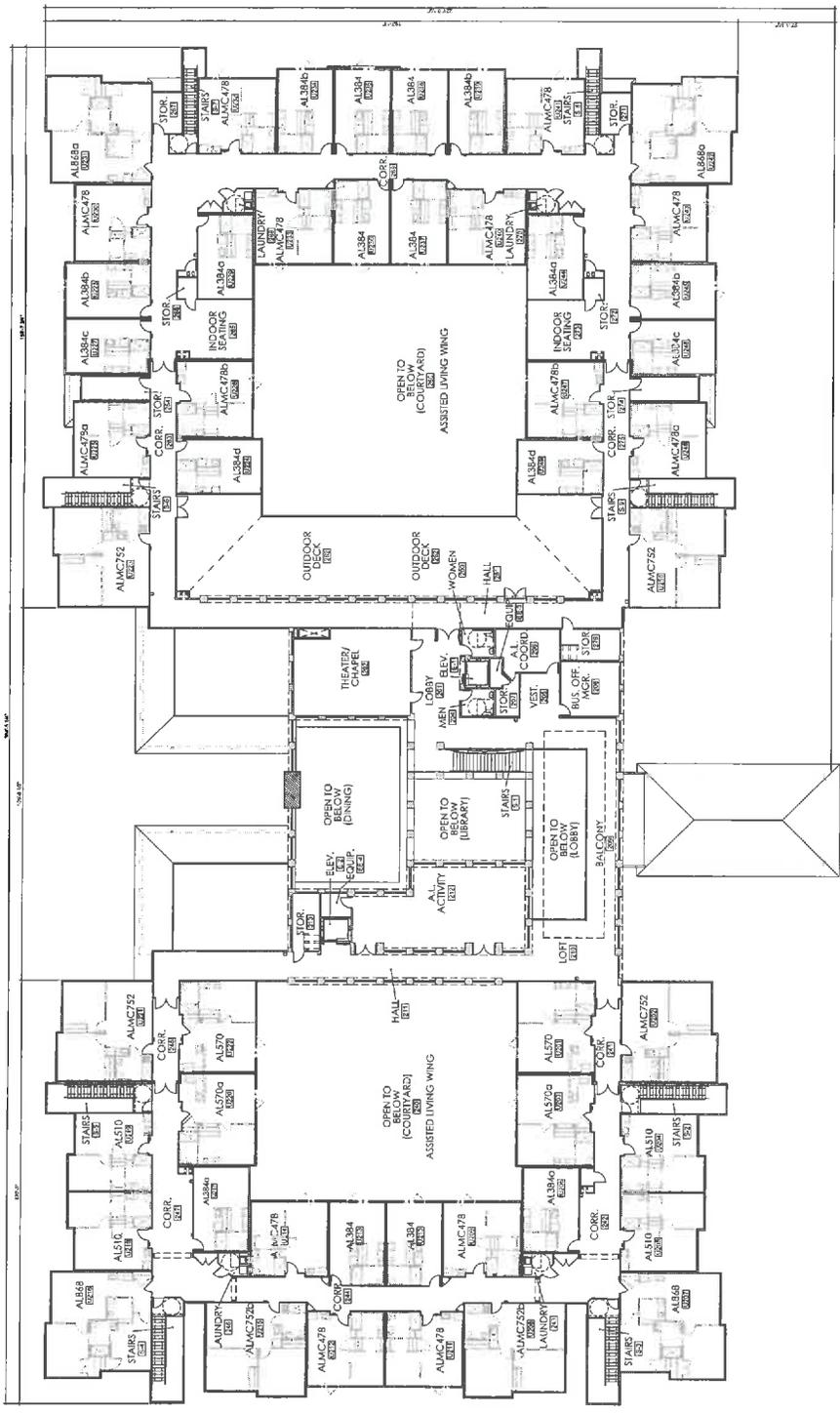
NO.	DATE	REVISIONS:
1		
2		
3		
4		
5		

DIVIDING UNIT COUNT			
RESIDUAL	ADMITTED	MEMORY	TOTAL
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3	1	8	10
4	1	8	10
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7	1	8	10
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100	1	8	10



11000 N. Scottsdale Rd., Suite 200, Scottsdale, AZ 85254
 Morningside of Glendale
 GLENDALE, ARIZONA
 15-205 rev. Sept 15, 2015 sheet FP2

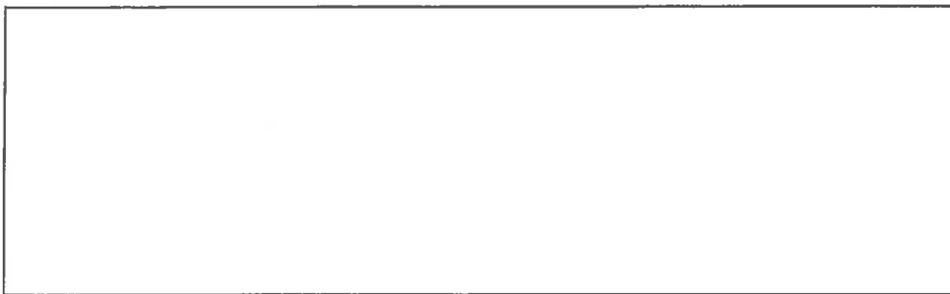
BUILDING TYPE 'MAIN' - FLOOR PLAN, SECOND LEVEL



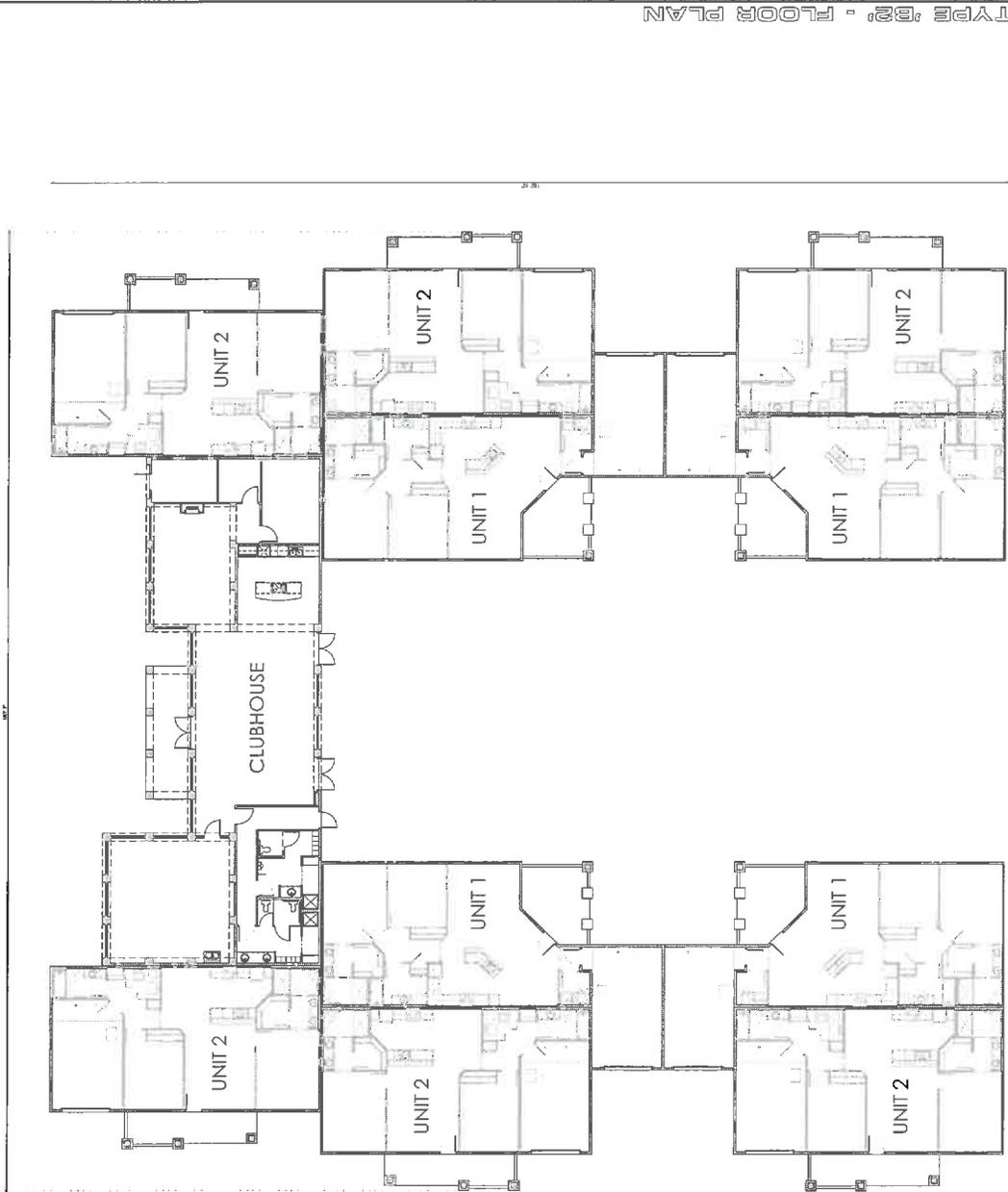
BUILDING TYPE 'MAIN' - FLOOR PLAN, SECOND LEVEL
 SCALE: 1/8"=1'-0"
 08 APR 16

COMPLETED
8 Aug 16
 Glendale Planning Division

DATE:	REVISIONS:



Monington
 of Glendale
 GLENDALE, ARIZONA
 15-205 rev. Sept 15, 2015 sheet FP 4



BUILDING TYPE 'B2' - FLOOR PLAN

north 
 08 APR 16
 BUILDING TYPE 'B2' - FLOOR PLAN
 SCALE: 3/32" = 1'-0"

COMPLETED
8 Apr 16
Glendale Planning Division

**CITIZEN PARTICIPATION PLAN
FINAL REPORT
APPLICATION FOR CONDITIONAL USE PERMIT
ALLOWING ASSISTED LIVING FACILITY IN R-5 SCO ZONING
DISRICT**

Project: MorningStar of Glendale

Location: The Project is located at the Southwest Corner 67th Avenue
and Golden Lane in Glendale, Arizona

Case No.: SR15-0143

Prepared by: David W. Lunn
N-Shea Group, LLC
14555 N. Scottsdale Road, Suite 240
Scottsdale, Arizona 85254
(480) 315-0154

Date: February 12, 2016

**COMPLETED CP
FINAL REPORT
06APR16**

Brief Description of Proposed Project:

This current joint project is located at the Southwest Corner 67th Avenue and Golden Lane in Glendale, Arizona. The development is going to be a high-quality senior living community. Although the main facility is technically an institutional use, the residents and their visitors will enjoy living at and visiting a country club feel setting.

The project will span over approximately 9.17 acres. Access to the development will be from 67th Avenue and from Golden Lane. The northern most portion of the site abuts West Golden Lane. The western boundary of the site is aligned with the eastern portion of the property lines of the homes that currently exist on North 68th Drive. The southern portion of the site will be adjacent to existing agricultural property.

There will be two primary components of the development. The main structure will be a two-story building that is expected to be approximately 90,000 total square with an approximate 45,000 footprint. That building will contain 106 Class "A" living units. Of those units, 35 will be used for memory care residents and the remaining 71 units will be used for assisted living.

The development will also contain 38 independent living units. Those units will consist of 10 different single level buildings that are approximately 4,000 square feet. There will be 4 independent living units in each building, each containing approximately 1,000 feet of living space. The development will also contain a clubhouse and a community pool for use of the residents and their guests.

Elements of Citizen Participation Plan

As part of the participation plan, the applicant sent written notices to all property owners who owned property within 500' of the subject site. A copy of the map showing the notification area is attached here as **Appendix A**. A copy of the Notification Letter is attached hereto as **Appendix B**.

In addition to sending the Notification Letter to property owners within 500' of the subject site, the Notification Letter was also sent to the following:

City of Glendale Mayor's Office

Glendale City Council Office

Mayor Weiers
5850 W. Glendale Avenue
Glendale, AZ 85301

Council member Turner
5850 W. Glendale Avenue
Glendale, AZ 85301

Martin Martell, Planner
Planning
5850 W. Glendale Ave., Suite 212
Glendale, AZ 85301

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

The Notification Letter was sent to the list of addresses attached as **Appendix C** hereto and the Affidavit of Mailing is attached as **Appendix D** hereto.

The Public Meeting

The neighborhood meeting occurred on January 25, 2016 in the multipurpose room at the Sundance Elementary School, located at 7051 W. Cholla Street, Peoria, AZ 85345. Although the Notification letter indicated that the neighborhood meeting was to occur at the Sahuaro Ranch Elementary School located at 10401 N. 63rd Avenue, Glendale, Arizona, after the notice was mailed, without notice, the School District changed the location of the meeting. Rather than create confusion by sending an amended notice changing the location, because both schools were very close to each other, N-Shea Group, LLC had one of its representatives posted at the Sahuaro Ranch Elementary School a half-hour prior to the neighborhood meeting until after the neighborhood meeting ended, rerouting individuals who showed up to attend the meeting.

Attendance at Meeting

The meeting was attended by the four (4) members of the public, Council Member Turner's representative and two staff representatives from the City of Glendale. Attached as **Appendix E** is the meeting sign-in sheet.

Areas of Concerns, Issues Raised at Meeting

Generally, the areas of concerns, issues and problems addressed included: (1) what will happen to the PAD "A" in the future; (2) will N-Shea Group be purchasing the property to the south to develop; (3) will Golden Lane be widened; and (4) will there be a shuttle service to various Glendale amenities. All of the visitors were in favor of the proposed development.

How Concerns Were Addressed

Question 1: The vacant PAD may be retail down the road, perhaps a drugstore or something along those lines depending on market demands.

Question 2: N-Shea Group, LLC is considering acquiring the adjacent parcel for development, but such discussions are at the preliminary stages.

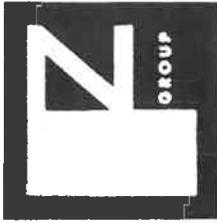
Question 3: Golden Lane will be fully developed to City of Glendale standards.

Question 4: The facility, when developed, will provide transportation for its residents.

The Meeting Summary is attached as **Appendix F**.

APPENDIX A

APPENDIX B



N-SHEA GROUP

January 5, 2016

David W. Lunn
N-Shea Group, LLC
14555 N. Scottsdale Road, Suite 240
Scottsdale, Arizona 85254
(480) 315-0154

Re: 67th AVENUE and GOLDEN LANE ASSISTED LIVING DEVELOPMENT

Dear Neighbor:

This letter is to inform you that we are applying for a Conditional Use Permit application with the City of Glendale. Once approved, the Conditional Use Permit will allow an assisted living facility in the R-5 SCO (Multiple Residence, Senior Citizen Overlay) zoning district. The property is located at the Southwest Corner of 67th Avenue and Golden Lane in the Barrel Council District.

MorningStar Senior Living and N-Shea Group, LLC, are once again teaming up to develop and operate an assisted living facility. This current joint project is located at the Southwest Corner 67th Avenue and Golden Lane in Glendale, Arizona. The development is going to be a high-quality senior living community. Although the main facility is technically an institutional use, the residents and their visitors will enjoy living at and visiting a country club feel setting.

The project will span over approximately 9.17 acres. Access to the development will be from 67th Avenue and from Golden Lane. The northern most portion of the site abuts West Golden Lane. The western boundary of the site is aligned with the eastern portion of the property lines of the homes that currently exist on North 68th Drive. The southern portion of the site will be adjacent to existing agricultural property.

APPENDIX C

APPENDIX D



Planning

NEIGHBORHOOD NOTIFICATION LETTER

AFFIDAVIT OF MAILING

Case No. (if available) SR 15- 0143

Project Name: 67th Avenue and Golden Lane Assisted Living Development

I, David W. Lunn certify that I am the authorized applicant I representative to the City of Glendale for the above application, and do hereby affirm that notice as required for the case noted above has been completed in accordance with the Citizen Participation Process in the City of Glendale's Zoning Ordinance, and a copy of the letter and mailing labels has also been submitted.

Applicant/Representative Signature:

STATE OF ARIZONA

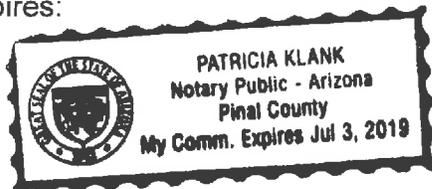
SS.

COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me this 6th day of January, 2016.

Notary Public

My Commission Expires:



APPENDIX E

APPENDIX F

**GLENDALE PLANNING DEPARTMENT
CITIZEN PARTICIPATION
MEETING SUMMARY**

COUNCIL DISTRICT: Barrel

PROJECT: Morningstar of Glendale

APPLICATION NUMBER: SR15-0143

DATE OF MEETING HELD: 01.25.16

TIME: 6 p.m.

LOCATION/ADDRESS OF MEETING: Sundance Elementary School
7051 W. Cholla Street
Peoria, AZ 85345

MEETING SPONSORED BY: N-Shea Group & Morningstar

COUNCIL MEMBER ATTENDED: [] Yes [X] No, just his representative

CITY STAFF ATTENDED: 2

NUMBER ATTENDED: 4

NUMBER INVITED: TBD on CP Plan

MAJOR ISSUES DISCUSSED:

Q: What will happen to PAD 'A' in the future? **A:** vacant now perhaps retail someday.

Q: Will your company purchase the land south of your development?
A: Would like to perhaps will be a different product may rezone the parcel.

Q: What about security for the memory care residents? **A:** 24 hour security and CCTV cameras, and security doors/windows.

Q: Since Golden Lane is a half street will it be widened? **A:** Yes and it will be fully developed to City of Glendale standards

Q: Will there be shuttle services to various Glendale amenities? **A:** Yes

ADDITIONAL COMMENTS:

All of the visitors to the meeting were in favor of the proposed development.



Aerial Date: October 2014



CASE NUMBER
CUP16-03





Planning Staff Report

DATE: May 5, 2016 **AGENDA ITEM:** 3

TO: Planning Commission

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Doug Howard, Planner

SUBJECT: **CONDITIONAL USE PERMIT (CUP) APPLICATION CUP16-04:
GOODWILL STORE AND DONATION CENTER – 5080 WEST
OLIVE AVENUE**

REQUEST: CUP approval to allow a thrift store in the C-2 (General Commercial) zoning district.

APPLICANT/OWNER: Benjamin Graff – Withey Morris, PLC / CP6GC, LLC

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 CUP16-04 subject to the stipulations contained in the staff report.

PROPOSED MOTION: Move to approve CUP16-04 subject to the stipulations contained in the staff report.

SUMMARY: The property owner is seeking a CUP to allow a thrift store for a Goodwill Store and Donation Center to be located at 5080 West Olive Avenue in a C-2 (General Commercial) zoning district. The thrift store will remodel and occupy approximately 25,000 square feet within the existing shopping center, Glendale Center.

COMMISSION ACTION: Motion made by _____ to _____ CUP16-04, subject to the stipulations contained in the staff report. Motion seconded by _____. The motion was _____ to _____.

DETAILS OF REQUEST:

General Plan Designation:

The property is designated as PC (Planned Commercial).

Property Location and Size:

The subject site is located near the northeast corner of 51st and Olive Avenues addressed as 5080 West Olive Avenue.

Design Review:

A design review application (DR16-07) has been submitted and is currently under review.

Project Details:

Goodwill of Central Arizona is planning on occupying approximately 25,000 square feet of retail space in the Glendale Center shopping center and will operate a Goodwill Store and Donation Center.

The hours of operation will typically be 9am to 9pm Monday through Saturday and 10am to 6pm on Sunday. Donations, accepted during business hours only, will be dropped off on the western side of the building from a designated pull through lane. This pull through lane is depicted on the exhibit site plan attached to this report. All Donors are greeted by Goodwill employees. Donations are accepted, brought immediately inside, and then processed. There shall be no outside storage or processing of donations.

Due to the adjacency to 51st Avenue, the donation drop-off area shall be appropriately screened from view. Screening and redesigned building elevations shall be approved by staff through the Design Review process.

Goodwill maintains 24-hour monitored video surveillance in order to provide safety and to ensure that any unauthorized donation drop-offs are promptly removed, as no outside storage will be permitted.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Plan:

On January 25, 2016, the applicant mailed notification letters to adjacent property owners and interested parties notifying them of a neighborhood meeting to discuss their CUP proposal. On February 17, 2016, a neighborhood meeting was held at the Glendale Public Library, located at 5959 West Brown Street. Two citizens chose to attend the meeting. Questions were related to operating hours and employment opportunities. Staff received one phone call in support of the request from a citizen on the "Interested Parties" notification list. No objections to this request were raised during the citizen review period. The applicant's Citizen Participation Final Report is attached.

Planning Commission Public Hearing:

A Notice of Public Hearing was published in *The Glendale Star* on April 14, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on April 15, 2016. The property was posted by the applicant on April 14, 2016.

In response to the notification postcards, staff received one call expressing opposition to the CUP request. The citizen expressed concerns about the negatives that they have seen with other Goodwill sites. The citizen specifically mentioned increase in crime, diminishing property value, and poor maintenance and lack of cleanliness of the site. They also mentioned that there are other neighbors that have the same concerns. As of the completion of this staff report, staff has not received any communication from the other concerned citizens.

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:

- The proposed thrift store is consistent with the policies of the General Plan and the purpose of the C-2 zoning district. Thrift stores are permitted in this zoning district subject to CUP approval.
- The proposed use will not be materially detrimental to or have an adverse effect on the surrounding neighborhood or the city. The donation area will be screened and no outside storage will be permitted. This location is adequate in size for the operation of a retail thrift store. This site was previously occupied by a Safeway groceries store. Screening, landscaping, and new building elevations shall be reviewed by staff through the Design Review process.
- This is an existing site, which utilizes existing city infrastructure, existing onsite parking, existing ingress and egress. No significant changes are being proposed as a part of this request.

- All applicable city departments have reviewed the application and recommend approval of the application.
- Three (3) stipulations have been recommended by staff and are listed in the following section of this report. Since there is some citizen opposition existing, staff believes these stipulations should mitigate concerns over approving a CUP for a thrift store.

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 site plan, dated February 17, 2016, and the project narrative, dated February 29, 2016, subject to design review approval by the Development Services Department.
2. No outside storage or processing shall be permitted.
3. Donations shall be accepted during business hours only. Any unauthorized donations during non-business hours shall be removed at the reopening of business or within 12 hours, whichever comes first.

ATTACHMENTS:

1. Required Findings for Conditional Use Permits.
2. Applicant's Narrative, dated February 29, 2016.
3. Site Plan, dated February 17, 2016.
4. Completed Citizen Participation Final Report (without mailing labels), dated February 29, 2016.
5. Vicinity Zoning Map.
6. Aerial Photograph, dated October 2014.

PROJECT MANAGER: Doug Howard, Planner (623) 930-2810
dhoward@glendaleaz.com

REVIEWED BY:



Planning Director



Development Services Department Director

DH/df

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS

Section 3.904 of the Zoning Ordinance requires that the following findings be met before granting a Conditional Use Permit:

- A. That 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;
- B. That 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;
- C. That the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;
- D. That 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
- E. That adequate conditions or stipulations have been incorporated into the approval of the Use Permit to ensure that any anticipated detrimental effects can be mitigated.



PHONE: 602-230-0600

FAX: 602-212-1787

2525 E. Arizona Biltmore Circle, Suite A-212, Phoenix, AZ 85016

February 29, 2016

RECEIVED

FEB 29 2016

Via Hand Delivery

Glendale Planning Dept.

City of Glendale, Planning Commission
Development Services Department
5850 West Glendale Avenue
Glendale, AZ 85301

Re: Conditional Use Permit – Project Narrative – NEC Olive & 51st Avenue

Dear Planning Commissioners:

Please accept this letter and the attached application documents as formal written request for a Conditional Use Permit for a Goodwill Store and Donation Center at the above reference property located in the General Commercial (C-2) district.

INTRODUCTION

The subject property is located at 5080 West Olive Avenue, at the northeast corner of 51st Avenue and Olive Avenue, Maricopa County Assessor's parcel No. 148-08-002P (the "Property"), as shown on the aerial map attached at **TAB 1**. The Property is roughly 4.2 acres and located within the larger +/-11.1 acre commercial center commonly referred to as "Glendale Center." The Property has a General Plan designation of Planned Commercial (PC) and is zoned General Commercial (C-2).

USE PERMIT REQUEST

The Applicant intends to locate a Goodwill Store and Donation Center on the Property. The new use will occupy an existing, but currently vacant building at the west edge of the center. Per the Glendale Zoning Ordinance, Section 5.754 (*Uses Subject to Conditional Use Permit*), the C-2 district allows "Thrift Stores" with the acquisition of a Conditional Use Permit.

ABOUT GOODWILL

As one of the oldest and largest non-profit agencies in Arizona, Goodwill of Central Arizona is nationally recognized as the leader in empowering people to achieve their highest level of personal and economic independence. The operating revenue for this

charitable organization is generated primarily from the clothing and household goods gathered from their donation centers and sold at their 60+ retail stores throughout the greater Phoenix metro area. In recent years, Goodwill has invested in a massive rebranding, re-design, and upgrading of existing and new stores to further compete in the retail store market. These dramatic changes have been well-received by customers and help to ensure a clean, bright, and well-organized store for an enjoyable shopping and donation experience.

Standard Operating Procedures

The hours of operation for typical Goodwill stores are 9am to 9pm Monday through Saturday with shortened hours on Sunday (typically 10am to 6pm). The largest proportion of building space is dedicated to the display and sale of retail merchandise. Donations are received at a designated area near the rear of the building and processed internally.

Donations

Donations are only accepted during business hours and signs are posted near donation receiving areas to further highlight this standard. Donors are typically greeted within thirty (30) seconds by an attendant and their donations are unloaded by and attendant. Donations are brought into the store and sorted into bins. . If donations are left outside during non-business hours, the donations are removed at the reopening of business or within twelve (12) hours, whichever comes first. No outdoor storage or processing is permitted.

Surveillance and Security Devices

Goodwill installs and maintains 24-hour monitored video surveillance cameras. This provides further safety and assurance that any potential donations left in the Shopping Center are promptly removed. Additional security lighting and motion activated voice commands are also incorporated. The lighting is chosen to be compatible with the existing center and set and maintained so as not to shine onto adjacent properties. The automated voice commands alert people that after-hours donations are not permitted. The alert is set in a manner to be audible, but not exceed the ambient volume of the center or nearby traffic. If a donor still leaves items outside of the store afterhours, Goodwill will dispatch a truck to pick up the items.

Prohibition Against Outside Storage

Goodwill will not store any items outside the tenant space nor will they utilize storage containers at this location. Goodwill does not operate donation boxes

Trash Control

Any trash generated by the use is kept internally within the tenant space before proper disposal within a trash compactor

None of Tenant's trash and/or pallets shall be permitted outside of the Premises.

All trash containers used by Tenant in the Shopping Center shall have their lids closed and locked, except when used by Tenant or Goodwill's trash hauler. Goodwill's trash hauler shall comply with the hour restrictions in local laws.

ABOUT THE DEVELOPMENT

Goodwill will improve and occupy 25,000 sqft of the existing and vacant 54,791 sqft building. See site plan attached at **TAB 2**. A major interior tenant improvement will bring the interior of the space up to modern standards that today's retail shoppers have come to expect. The majority of the store (25,000 sqft) is dedicated to the retail showroom floor, dressing rooms and checkout areas. The back-of-house operations consist of a large internalized sorting area as well as employee office and break areas. Goodwill's commitment to constructing a larger, internalized sorting area than would be seen in other second-hand stores is a key reason why Goodwill is able to maintain its premises in a clean and pristine condition, without the need to store donated items outside of the store. The exterior of the building will be upgraded with new paint, new fascia, doors, signage and associated improvements. The pull thru drop-off area will be located on the west side of the building. New, automatic sliding doors will be installed for drop off on the west elevation.

APPROVAL CRITERIA

Zoning ordinance Section 3.904 *Findings*, regarding Conditional Use Permits provides the following five (5) criteria for consideration when evaluating requests:

- 1. That the proposed use is consistent with the policies, objectives, and land use map of the Glendale General Plan and the purpose of the zone district in which the site is located;**

The proposal adheres to the Property's General Plan designation as well as the zoning district designation. The site has already been developed under the policies and objectives of the Planned Commercial (PC) designation of the General Plan. Per the General Plan, PC properties should provide neighborhood, community and regional destination shopping. The center has been developed for such uses and a Goodwill Store provides such shopping opportunities. Additionally, Goal No. 5 of the General Plan Land Use Element (Encourage Infill Development) states as an objective to "re-use existing commercial buildings." Goodwill will remodel and re-use the existing commercial building which has been vacant.

The stated purpose of the General Commercial (C-2) district is to accommodate integrated or freestanding commercial uses and services. Additionally the C-2 Ordinance states the wide range of retail uses provide should operate within enclosed buildings and the orientation should be towards major streets. The

center adheres to these intents and a Goodwill Store and Donation Center will continue that conformance while improving the overall center.

- 2. That 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 use is similar to most typical retail uses and will not be materially detrimental to the health safety or general welfare or have an adverse effect on surrounding properties or neighborhood. On the contrary, the use will add a convenient and beneficial use to the area, enabling opportunities for retail shopping and/or employment opportunities. The use represents a significant investment in the shopping center and therefore the neighborhood. Once vacant or underutilized space will be improved and occupied with a successful, proven business which is conscience and respectful of its neighbors. The character, size and hours of operation are all in line with the expectation of a commercial retail center.

Additionally, the aforementioned Goodwill Operating Standards ensure the site will remain clean and well-kept. Donated items are never stored outside. Goodwill employees are required to greet donors in their cars within 30 seconds of arrival, place all donated items in bins, and move the items into the interior of the store. Even if a donor were to drop off items in the middle of the night, outside of store hours, all Goodwill stores are now equipped with a 24-hour camera monitoring system. After-hours donations are first greeted by a live audio feed from a Goodwill employee who is monitoring the back of store through the camera feed. Donors are kindly asked to come back during normal store hours. If, however, the donations are still left onsite, the Goodwill employee monitoring the situation will dispatch a truck to pick up the items within two hours, Therefore, fellow tenants and adjacent neighborhoods will never wake up to a blighted or obstructed parking lot. Goodwill dedicates a great deal of time and effort to the cleanliness and professionalism of the exterior and exterior of their locations.

- 3. That the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;**

As previously noted, the center is already fully developed and previously deemed by the City to be appropriate in size and shape to accommodate a commercial retail center. The building to be occupied by Goodwill was previously occupied by a grocer use which was a more intense use of the building/site and adjacent

parking. Therefore the proposed site will continue to be adequate to facilitate the proposed use.

- 4. That 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;**

The Property is located at an Arterial-to-Arterial intersection (51st Avenue and Olive Avenue) and has adequate and easy access to and from the site for the type and quantity of traffic generated by the use. As noted above, the building was previously occupied by a grocer use which would typically generate greater traffic than the proposed use. Additionally the site has been zoned, built and planned for commercial uses for a long time and traffic patterns are well established in the area. On-site circulation will be unchanged by the proposed use.

- 5. That adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to insure that any anticipated detrimental effects can be mitigated.**

As noted above, no detrimental effects result from the proposed use. Nonetheless, Goodwill is always receptive to stipulations consistent with the above stated operating procedures or other such conditions in line with the goals of Goodwill and the City of Glendale.

In addition to the standard Conditional Use Permit criteria, Thrift stores are also subject to the following three (3) conditions:

- 1. A storage area must be provided for all discarded items. All storage areas for individual items, including collection receptacles, shall be entirely enclosed or screened and not visible from the public right-of-way or from adjacent residential areas.**

As noted above, Goodwill does not store items outside the tenant space nor will they utilize storage containers at this location. Goodwill will utilize exterior trash collection and a trash compactor. Goodwill does not operate donation boxes Goodwill Donations are received at a designated area of the building and processed internally.

- 2. All collection receptacles shall be secure from public access during nonbusiness hours.**

Again, Goodwill does not store items outside the tenant space nor will they utilize storage containers at this location. Goodwill Donations are received at a

designated area of the building and processed internally, secure from public access during nonbusiness hours.

3. No materials, goods, or merchandise may be stored outside of an approved collection receptacle unless it is within an approved screened area.

As previously stated, Goodwill does not store items outside the tenant space nor will they utilize storage containers at this location. Goodwill does not operate donation boxes Goodwill Donations are received at a designated area of the building and processed internally.

CONCLUSION

The proposed Goodwill Store and Donation Center meets or exceeds the Conditional Use Permit approval criteria as well as the additional conditions specified by ordinance for Thrift Store uses. The approval of this request will not be detrimental to any adjacent properties or uses – in fact, the use represents a significant investment in the existing shopping center and an investment in the area as a whole.

Please feel free to contact me if you have any questions, or if you need any additional information. Thank you.

Sincerely yours,
WITHEY MORRIS, P.L.C.

By 
George Pasquel III

Tab 1

Aerial Map



NEC Olive and 51st Avenue



Tab 2

Citizen Participation – Final Report

**Goodwill Store & Donation Center
Conditional Use Permit**

NEC of Olive & 51 Avenue
(CUP16-04)

Prepared by:

Withey Morris, PLC
2525 East Arizona Biltmore Circle
Suite A-212
Phoenix, Arizona 85016

Submitted to:

City of Glendale
Planning Department
5850 West Glendale Avenue
Suite 212
Glendale, AZ 85301

February 29, 2016

COMPLETED
February 29, 2016

1. Project Description

Withey Morris, PLC, on behalf of Goodwill of Central Arizona ("Goodwill"), is requesting a Conditional Use Permit to enable a Goodwill Store and Donation Center at 5080 W. Olive Avenue in the City of Glendale. Per Ordinance Section 5.754, *Uses Subject to a Conditional Use Permit*, the C-2 District allows "Thrift Stores" with the acquisition of a Conditional Use Permit.

The Property is located at 5080 West Olive Avenue, at the northeast corner of 51st Avenue and Olive Avenue, Maricopa County Assessor's parcel No. 148-08-002P (the "Property"), as shown on the aerial map attached at **TAB 1**. The Property is roughly 4.2 acres and located within the larger +/-11.1 acre commercial center commonly referred to as "Glendale Center." The Property has a General Plan designation of Planned Commercial (PC) and is zoned General Commercial (C-2).

2. Implementation of Citizen Participation Plan

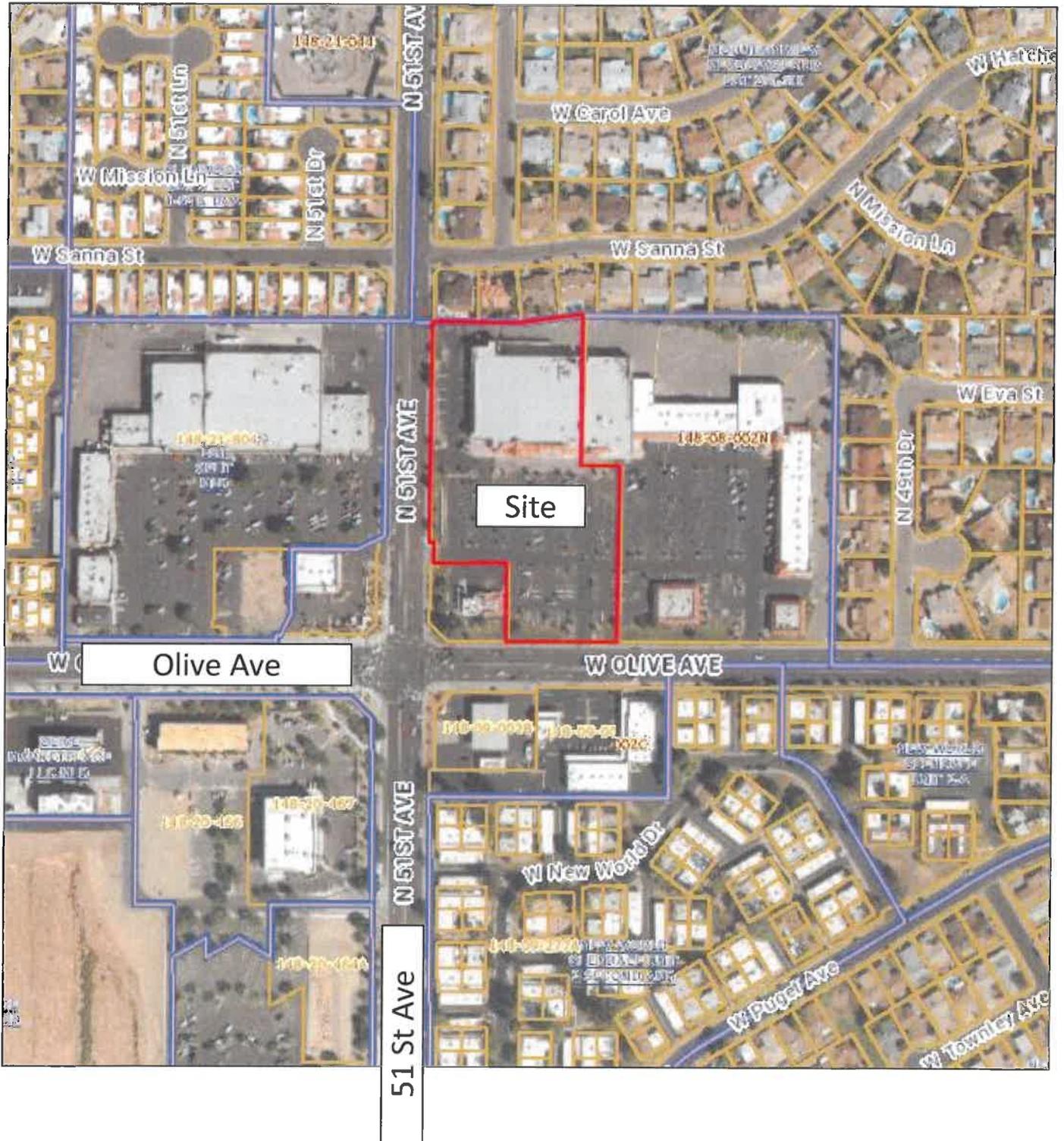
On January 25, 2016, first class letters were mailed to property owners within 500 feet of the property as well as any identified "Interested Parties," and Home Owner's Associations and Additional Notifications addresses as provided by the City. See notification area map, mailing list and mailing affidavit attached at **TAB 2**. The notification letters described the application and invited the recipient to attend a neighborhood open house meeting regarding the project. The letter also included contact information for the Applicant as well as the City. See first class letter and exhibits attached at **TAB 3**.

On February 17, 2016, a neighborhood open house was held at the Glendale Public Library at 5959 West Brown Street in Glendale. Exhibits depicting the Property and surrounding area, the area of the Conditional Use Permit request and elevations depicting the planned improvements were on display. We were very pleased Vice Mayor Ian Hugh and City Planner Doug Howard personally attended the meeting. Representatives of the property owner as well as the proposed tenant (Goodwill of Central Arizona) and a member of the design and development team were present to provide information and answer questions. Information regarding Goodwill was also made available. A sign-in sheet was provided along with business cards with contact information for any follow up questions. See sign-in sheet and sample exhibits attached at **TAB 4**. Only two (2) members of the public chose to attend the open house meeting. One individual who lived just north of the site was generally interested, but not concerned about the project. The neighbor asked questions related to the hours of operation and delivery schedules. The second neighbor brought a resume and inquired as to how to apply for a job with Goodwill once the store was opened. All questions were addressed and the attendees appeared satisfied and supportive of the project.

During the full Citizen Review period, the Applicant received only one (1) call regarding the proposal. The caller noted that she lived near the shopping center and was completely in support of the request. The neighbor also noted that she planned to call the City to express her support.

Tab 1

Aerial Map



NEC Olive and 51st Avenue



Tab 2



Planning

NEIGHBORHOOD NOTIFICATION LETTER

AFFIDAVIT OF MAILING

Case No. (if available) SR-15-0153

Project Name: Goodwill CUP Olive & 51

I, GEORGE PASQUEL III certify that I am the authorized applicant /

representative to the City of Glendale for the above application, and do hereby affirm that notice as required for the case noted above has been completed in accordance with the Citizen Participation Process in the City of Glendale's Zoning Ordinance, and a copy of the letter and mailing labels has also been submitted.

Applicant/Representative Signature: _____

STATE OF ARIZONA

SS.

COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me this 8 day of

February, 2016.

Notary Public

My Commission Expires:



Tab 3



January 25, 2016

Re: 5080 West Olive Avenue – Conditional Use Permit

Dear Neighbor:

Our firm represents Goodwill of Central Arizona with regard to the property at 5080 West Olive Avenue at the northeast corner of Olive Avenue and 51st Avenue, within the shopping center commonly referred to as “Glendale Center,” as shown on the attached aerial map. The purpose of this letter is to introduce ourselves and to inform you we are applying for a Conditional Use Permit to locate a Goodwill Store and Donation Center in one of the currently vacant suites within the shopping center. The City of Glendale Zoning Ordinance requires a Goodwill Store and Donation Center to obtain a Conditional Use Permit to operate within the existing General Commercial (C-2) zoning district.

As one of the oldest and largest non-profit agencies in Arizona, Goodwill of Central Arizona is nationally recognized as the leader in empowering people to achieve their highest level of personal and economic independence. The operating revenue for this charitable organization is generated primarily from the clothing and household goods that are sold in over 50 of their retail stores throughout the greater Phoenix metro area.

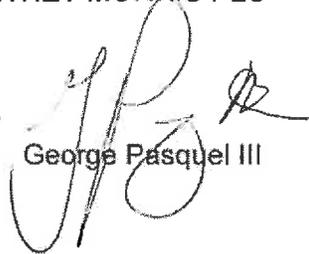
In recent years, Goodwill has invested in a massive rebranding, redesign, and upgrading of existing and new stores to further compete in the retail store market. These dramatic changes have been well-received by customers and surrounding neighborhoods and help to ensure a clean, bright, and well-organized store for an enjoyable shopping and donation experience. The donation drive-up drop-off location for this site is along the west side of the building. Donations are only accepted during business hours and donors are typically greeted by an attendant within 30 seconds. The donations are unloaded by the attendant and immediately moved into the store for processing. No outdoor storage is used and Goodwill does not allow any outdoor donation bins often seen blighting some commercial centers. Goodwill installs 24-hour video surveillance, security lighting, and motion-activated voice commands to further inform people that after-hours donations are not accepted. Simply put, this is a great use representing a significant investment in the shopping center, and therefore the neighborhood, while providing convenient shopping and employment opportunities.

In order to answer any questions you may have regarding this application, we have scheduled a neighborhood open house on Wednesday, February 17, 2016 starting at 6pm at the Glendale Public Library, Large Meeting Room, at 5959 W. Brown Street, Glendale 85302. Please feel free to stop by at any time. If you cannot attend, we would be happy to speak with you individually. You can contact George Pasquel III at 602.230.0600 or by email at George@WitheyMorris.com. You may also contact Doug Howard with the City of Glendale at 623.930.2810.

Thank you for your time and consideration.

Sincerely yours,
WITHEY MORRIS PLC

By



George Pasquel III

Enclosure: aerial map, site plan

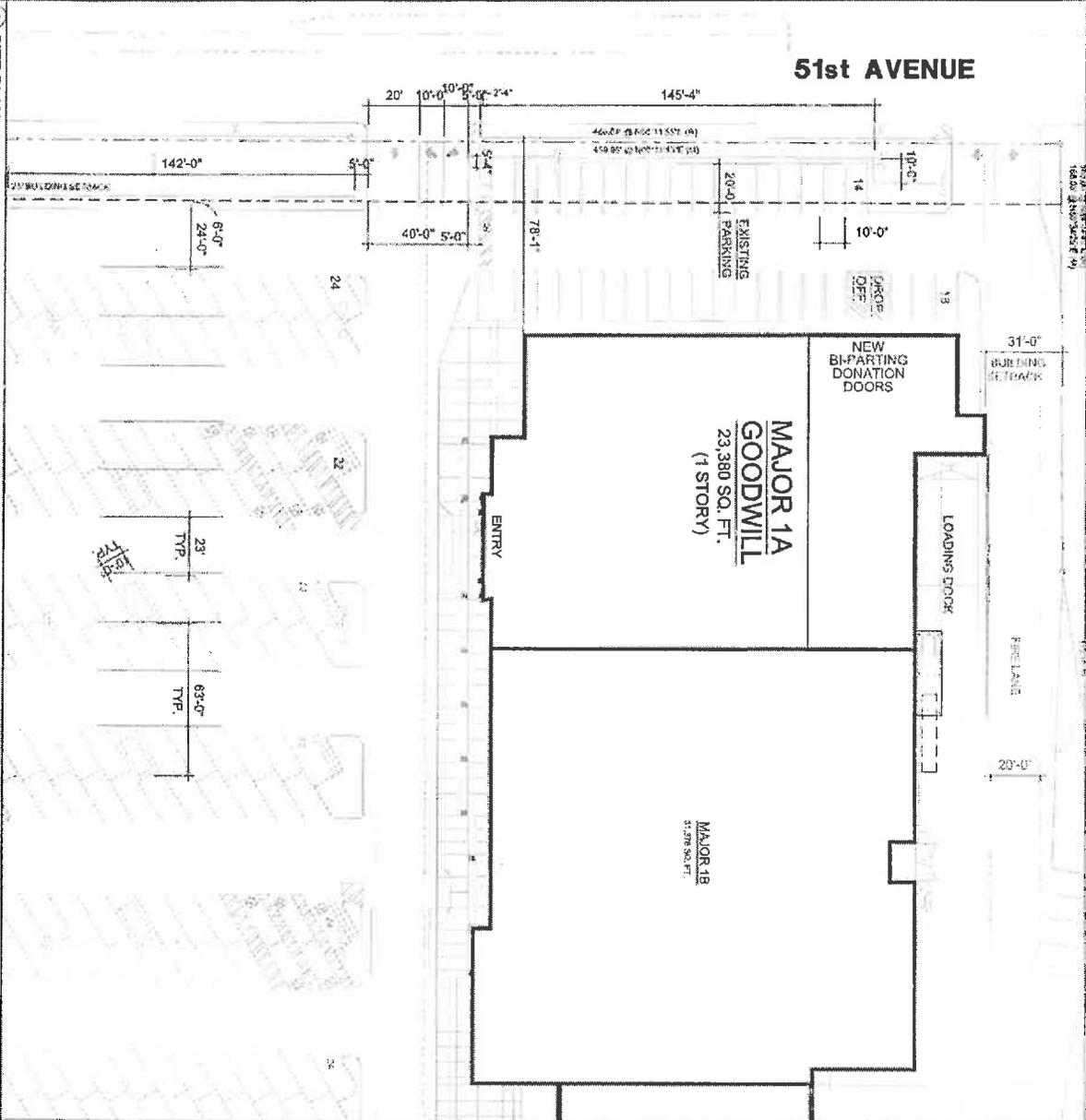
Aerial Map



NEC Olive and 51st Avenue



1 SITE PLAN

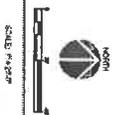
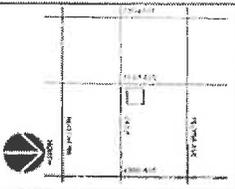


51st AVENUE

MAJOR 1A
GOODWILL
23,380 SQ. FT.
(1 STORY)

MAJOR 1B
51,276 SQ. FT.

5 VICINITY MAP



	<p>GOODWILL</p> <p>N.E.C. 51ST AVE & OLIVE</p> <p>GLENDALE, ARIZONA</p>	<p>ARCHON ARCHITECTURAL FIRM, L.L.C. 1000 N. CENTRAL AVENUE SUITE 100 PHOENIX, ARIZONA 85004 TEL: 602.955.1234 WWW.ARCHONAZ.COM</p>
	<p>CUP2</p> <p>DATE: 02.04.2015</p>	

Tab 4

SIGN-IN

GOODWILL OF CENTRAL ARIZONA
NORTHEAST CORNER OF OLIVE & 51ST AVENUE
NEIGHBORHOOD OPEN HOUSE MEETING
FEBRUARY 17, 2016 – GLENDALE PUBLIC LIBRARY – 5959 W. BROWN STREET -- 6:00 PM

NAME (Please Print)	ADDRESS	PHONE NO.	E-MAIL ADDRESS	Homeowner Assoc Name
<i>Isabellana Jackson</i>	<i>Glendale Az 85302 9913 N 51st Drive</i>	<i>603-244-5012</i>	<i>babes_6584@yaho.com</i>	
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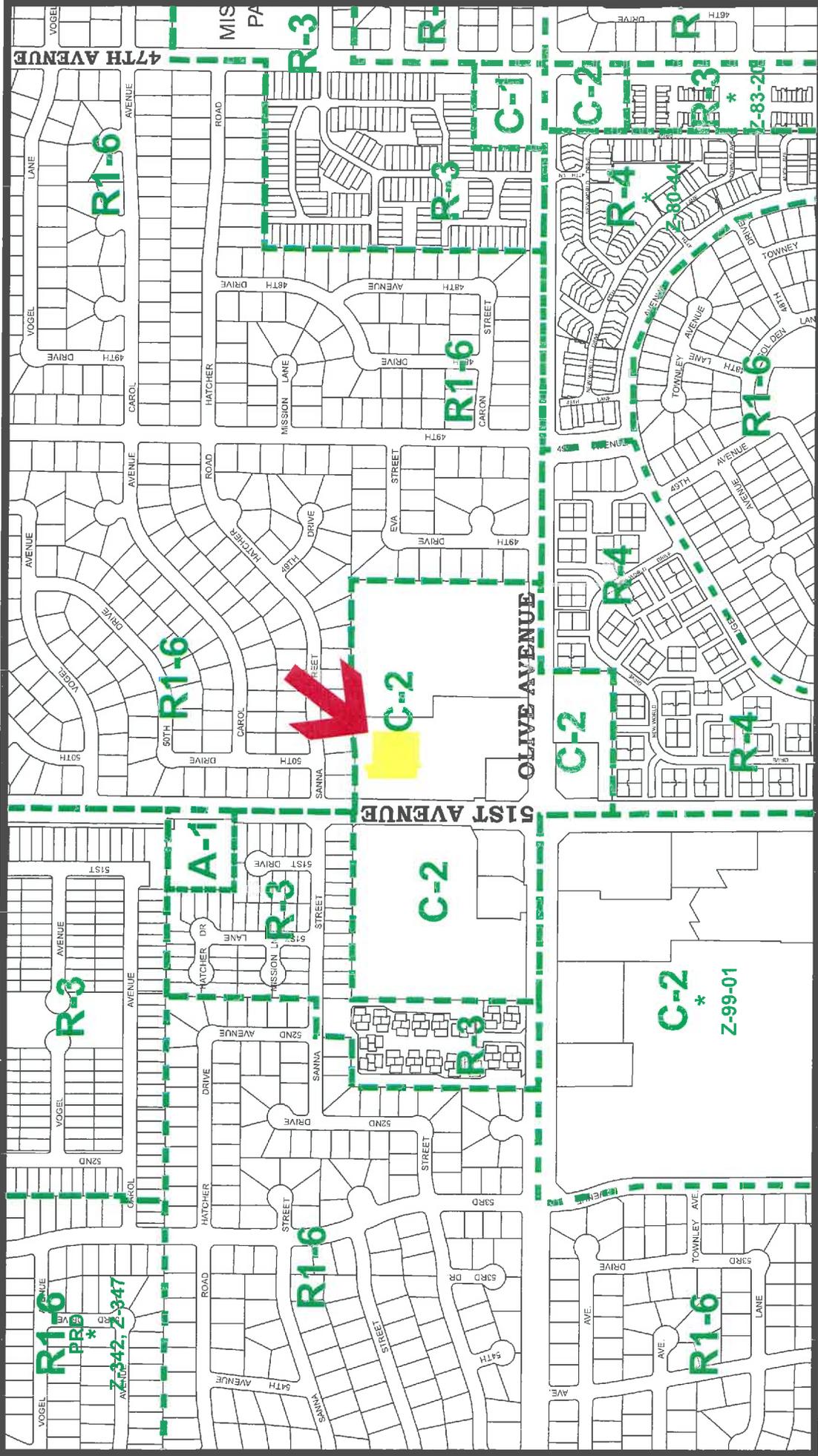
GOODWILL STOREFRONT
PRELIMINARY RENDERING
GLENDALE - ARIZONA

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CUP 4
DATE ISSUED: 02.17.2016



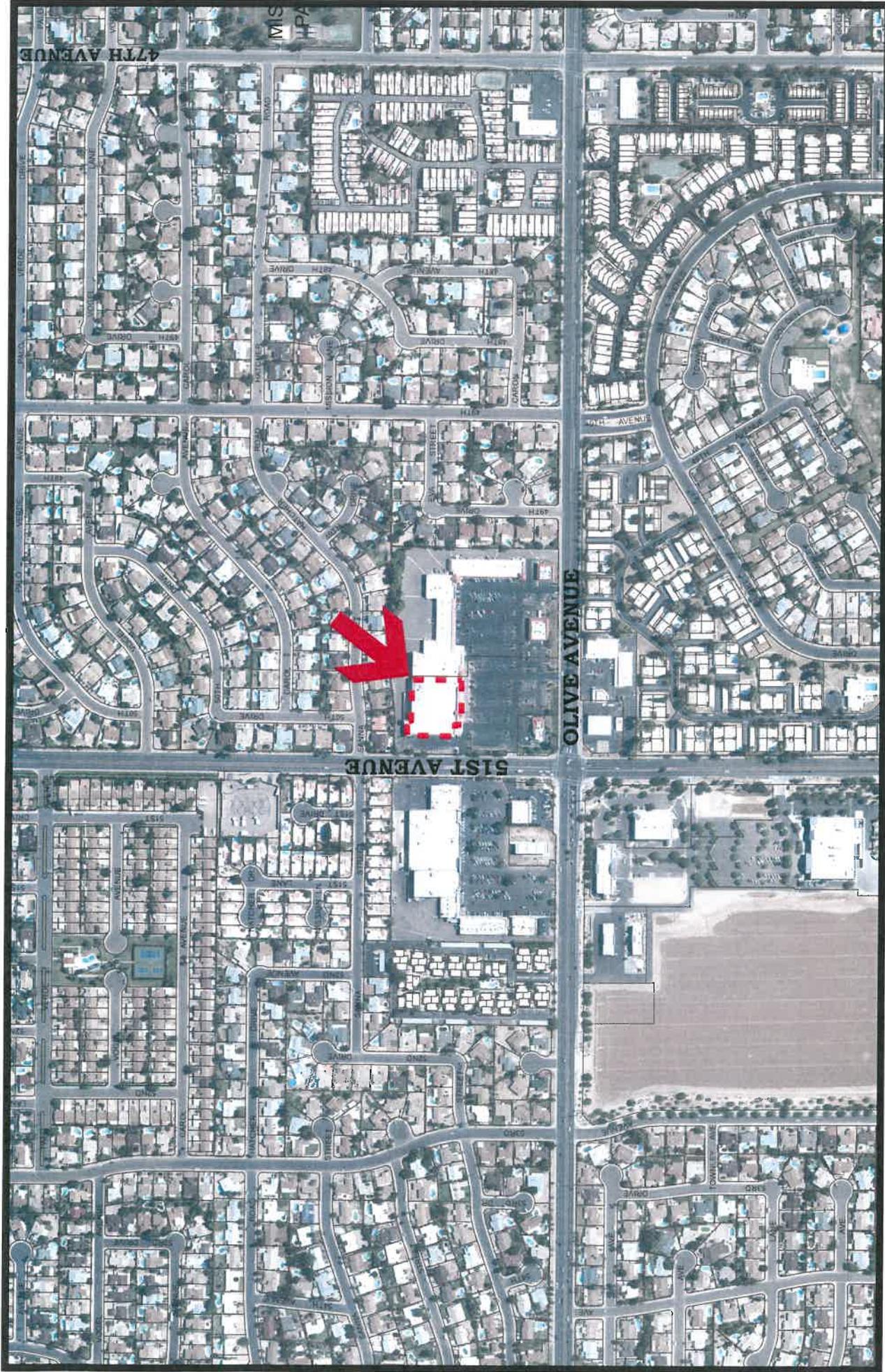
CASE NUMBER
CUP16-04



LOCATION
5080 W. OLIVE AVENUE

REQUEST

A CONDITIONAL USE PERMIT TO ALLOW
A THRIFTSTORE IN THE C-2 (GENERAL
COMMERCIAL) ZONING DISTRICT.



Aerial Date: October 2014



CASE NUMBER
CUP16-04

