



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, August 4, 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
April 7, 2016 Regular Meeting
April 23, 2016 Special Meeting
April 25, 2016 Special Meeting
May 5, 2016 Regular Meeting
4. WITHDRAWALS AND CONTINUANCES
 1. **GPA15-06:** A request by KB Home to amend the general plan from P/OS (Parks & Open Space), and OFC (Office) to Medium-High Density Residential (5-8 DU/AC) on 9.28 acres of vacant land. The site is located on the north side of Grandview Road at 73rd Avenue (7300 West Grandview Road) and is located in the Sahuaro District. Staff Contact: Jon Froke, AICP, Planning Director.
 2. **ZON15-15:** A request by KB Home to rezone the site from A-1 (Agricultural), and C-O (Commercial Office), to R1-4 PRD (Single Residence, Planned Residential Development) on 9.28 acres of vacant land. The site is located on the north side of Grandview Road at 73rd Avenue (7300 West Grandview Road) and is located in the Sahuaro District. Staff Contact: Jon Froke, AICP, Planning Director.
 3. **PP15-03:** A request by KB Home for Preliminary Plat approval for The Villas at Park Paseo, consisting of 50 single family lots on 9.28 acres of vacant land at a density of 6.08 DU/AC. The site is located on the north side of

Grandview Road at 73rd Avenue (7300 West Grandview Road) and is located in the Sahuaro District. Staff Contact: Jon Froke, AICP, Planning Director.

5. PUBLIC HEARING ITEMS

4. **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.
5. **CUP16-02:** A request by Archicon Architecture & Interiors for Conditional Use Permit approval for Bush's Chicken, a convenience use consisting of a 2,992 square foot freestanding building with three drive thru lanes. The site is located on the northwest corner of 73rd Avenue and Bell Road (7322 West Bell Road) and is located in the Sahuaro District. Staff Contact: Jon Froke, AICP, Planning Director.
6. **CUP16-07:** A request by Brelby Theater Company for Conditional Use Permit approval to operate a mixed-use performing arts center, which will consist of high quality performances, artistic endeavors, community enrichment, and education on a property in the Catlin Court PAD (Planned Area Development). The site is located northeast of the northeast corner of 59th and Glendale Avenues (7154 North 58th Drive) and is in the Ocotillo District. Staff Contact: Martin Martell, Planner.
7. **GPA16-02:** A request by Earl, Curley & Lagarde, P.C. representing Santé Partners, to amend the General Plan land use map from Medium Density Residential (3.5 to 5 du/ac) to Medium-High Density Residential (5-8 du/ac) and High Density Residential (20–30 du/ac) on a 19 acre parcel located at the southeast corner of 89th and Glendale Avenues (8847 West Glendale Avenue). The site is located in the Yucca District. Staff Contact: Tabitha Perry, Assistant Planning Director.
8. **ZON16-01:** A request by Earl, Curley & Lagarde P.C. representing Santé Partners, to rezone a 19 acre parcel from A-1 (Agricultural), C-O (Commercial Office) and R1-6 (Single Residence) to PAD (Planned Area Development). The proposal will allow for a master planned development titled "Westgate Village" consisting of land uses such as a senior independent living facility with several ancillary uses and a single-family residential subdivision. The site is located at the southeast corner of 89th and Glendale Avenues (8847 West Glendale Avenue). The site is located in the Yucca District. Staff Contact: Tabitha Perry, Assistant Planning Director.

9. OTHER BUSINESS

10. OTHER BUSINESS FROM THE FLOOR

11. PLANNING STAFF REPORT
12. COMMISSION COMMENTS AND SUGGESTIONS
13. NEXT MEETING: September 1, 2016
14. 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.

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

**THURSDAY, APRIL 7, 2016
6:00 PM**

CALL TO ORDER

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

Commissioners Present: Commissioners Rick Harper, Gary Hirsch, Jack Gallegos, Vice Chairperson Arthur Dobbelaere and Chairperson Steve Johnston were in attendance.

Commissioners Absent: None.

City Staff Present: Tabitha Perry, Assistant Planning Director, Thomas Ritz, AICP, Senior Planner, James Gruber, Assistant City Attorney, Doug Howard, Planner, and Diana Figueroa, Recording Secretary.

APPROVAL OF MINUTES

Chairperson Johnston called for Approval of Minutes.

Planning Commission Workshop – January 7, 2016 – Commissioner Hirsch made a motion to approve the Workshop minutes. Commissioner Harper seconded the motion, which was approved unanimously.

Planning Commission Public Hearing – January 7, 2016 - Commissioner Hirsch made a motion to approve the Workshop minutes. Vice Chairperson Dobbelaere seconded the motion, which was approved unanimously.

Planning Commission Public Hearing – February 4, 2016 - Commissioner Harper made a motion to approve the Workshop minutes. Commissioner Hirsch seconded the motion, which was approved unanimously.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

Chairperson Johnston called for staff's presentation.

Doug Howard, Planner, presented the next two cases jointly.

1. **GPA15-05:** A request by Bill Arsenault, Mays & Company Real Estate Development, LLC, representing 83rd and Camelback, LLC, for a General Plan Amendment changing 1.884 acres of the General Plan Land Use Map from Planned Commercial (PC) to Office (OFC). The site is located at the northwest corner of 83rd Avenue and Camelback Road (8310 West Camelback Road) and is in the Yucca District. Staff Contact: Doug Howard, Planner.
2. **ZON15-13:** A request by Bill Arsenault, Mays & Company Real Estate Development, LLC, representing 83rd and Camelback, LLC, to rezone 1.884 acres from Shopping Center (SC) to General Office (G-O). The site is located at the northwest corner of 83rd Avenue and Camelback Road (8310 West Camelback Road) and is in the Yucca District. Staff Contact: Doug Howard, Planner.

Doug Howard, Planner, stated this was a request by Bill Arsenault, Mays & Company Real Estate Development, LLC, representing 83rd and Camelback, LLC, for a General Plan Amendment changing 1.884 acres of the General Plan Land Use Map from Planned Commercial to Office. The site is located at the northwest corner of 83rd Avenue and Camelback Road and is in the Yucca District.

Mr. Howard stated that in order to construct an 8,300 square foot freestanding Emergency Room facility, the applicant is requesting to amend the General Plan Land Use Map for 1.884 acres from Planned Commercial to Office and to rezone the property from Shopping Center to General Office. He noted that in April 25, 2000, City Council approved a rezone for 15 acres at the northwest corner of 83rd Avenue and Camelback Road from Agricultural and Suburban Residence to Shopping Center. He explained that the proposed site has a net acreage of 1.51 acres. He indicated that the applicant is proposing to construct an 8,300 square foot building, thus the reason for the request. He said the site shall include approximately 40 parking spaces along 83rd Avenue and Camelback Road. He noted the building entrance will face Camelback Road. The building is approximately 25 feet in height with the company's signature tower element reaching 36 feet in height. He indicated the development will incorporate landscaping throughout the site with larger buffers around the perimeter for total landscape coverage of approximately 26,000 square feet, about 40% of the site.

Mr. Howard stated that on January 14 and January 27, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. He noted that the applicant did not receive any response regarding the request. Additionally, Planning did not receive any response regarding the request.

In conclusion, Mr. Howard stated these two requests appear to meet the required findings. Staff recommends approval of the two cases listed above, subject to the stipulations contained in the staff report. He asked if the Commission had any questions.

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

Chairperson Johnston called for the applicant to make a presentation.

Bill Arsenault, applicant's representative, and developer for this project, stated they represent a group of Arizona General Hospitals. He stated they had built one other facility here in Glendale located on 51st and Olive Avenues. He stated he did not have a formal presentation to provide, however, he was available for questions. He hopes the Commission gives them the opportunity to develop this project.

Chairperson Johnston asked for any comments or questions.

Commissioner Harper asked if this was an emergency walk-in facility or would ambulances also be allowed to bring patients into the facility. Mr. Arsenault explained that this was not that type of facility. However, should an emergency arise, an ambulance can be called to transport the patient to a hospital.

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

Chairperson Johnston called for a motion.

VICE CHAIRPERSON DOBBELAERE MADE A MOTION TO RECOMMEND APPROVAL OF GPA15-05 and ZON15-13 SUBJECT TO THE STIPULATIONS INCLUDED IN THE STAFF REPORT. COMMISSIONER GALLEGOS SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are not final and the Commission's recommendation will be forwarded to City Council for further action.

- 3. ZON15-12:** A request by Wendy Riddell, of Berry Riddell LLC, representing GPW Arrowhead LLC, to rezone approximately three acres from C-O (Commercial Office) to G-O (General Office) for the Honor Health facility. The site is located east of the northeast corner of Bell Road and 63rd Avenue at 6220 West Bell Road and is in the Sahuaro District. Staff Contact: Thomas Ritz, AICP, Senior Planner.

Mr. Thomas Ritz, AICP, Senior Planner, stated this was a request by Wendy Riddell, of Berry Riddell LLC, representing GPW Arrowhead LLC, to rezone approximately three acres from C-O (Commercial Office) to G-O (General Office) for the Honor Health facility. The site is located east of the northeast corner of Bell Road and 63rd Avenue at 6220 West Bell Road and is in the Sahuaro District.

Mr. Ritz indicated that this request was to rezone approximately a three-acre property with a 28,000 square foot recently completed medical office building to General Office to permit overnight patient stays. The General Office district is the only zoning district which permits overnight hospital stays.

He stated that the proposed is to rezone the property of General Office to permit overnight stays. He added that the proposed rezoning is consistent with General Plan designation of Office. The Commercial Office district does not permit overnight stays at the medical office building, thus

the rezoning is required. He noted that the Zoning Ordinance defines a hospital as a medical facility for the diagnosis and treatment of human patients including overnight housing of patients. He explained that the single story 28,000 square foot medical office building opened in December 2015 and primary vehicular access is provided from Bell Road. He indicated that the property is fully developed and that no modification to the building, parking, landscaping, or lighting is proposed.

Mr. Ritz stated that on December 3, 2015, the applicant mailed notification letters to adjacent property owners. On February 22, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant has met with and discussed this development with the property owner to the northeast. Issues include access, height of the screen wall, and easements. He said the applicant claims they have resolved these issues with the adjacent property owner. Planning also discussed the proposed rezoning with the neighborhood property owner. He noted that the Citizen Participation Final Report was attached, but does not include information concerning the issues raised or how they were resolved.

In conclusion, Mr. Ritz stated this request appears to meet the required findings. Staff recommends approval subject to the stipulation contained in the staff report. He asked if the Commission had any questions. There was none.

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

Chairperson Johnston called for the applicant to make a presentation.

Ms. Wendy Riddell, applicant's representative, explained the building was recently constructed and conforms to the existing zoning district. However, they wanted to have additional opportunities for this building. Therefore, because they wanted to incorporate overnight stays, they were here to ask for the property to be rezoned to General Office instead of Commercial Office. She added that they were not proposing any other changes to the property. She asked the Commission if they had any questions.

Chairperson Johnston asked for any additional comments or questions.

Vice Chairperson Dobbelaere inquired if the facility will be operating as a regular hospital with overnight stays. Ms. Riddell replied no. She explained that this could be used as a sleep lab if necessary or if someone needs to stay overnight, but not like a typical hospital.

Commissioner Hirsh asked how many overnight patients they would typically have at the facility. Ms. Riddell explained how the facility was set up, however, was unsure as to the number of overnight patients they would have at one time. Commissioner Hirsh asked if they were doing any other improvements to the building. Ms. Riddell stated that the only improvements to the building are the required by the building code for overnight stays.

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

Chairperson Johnston called for a motion.

COMMISSIONER HARPER MADE A MOTION TO RECOMMEND APPROVAL OF CASE ZON15-12 WITH THE STIPULATION INCLUDED IN THE STAFF REPORT. COMMISSIONER HIRSCH SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are not final and the Commission's recommendation will be forwarded to City Council for further action.

OTHER BUSINESS FROM THE FLOOR

Chairperson Johnston asked if there was any Business From The Floor. There was none.

PLANNING STAFF REPORT

Chairperson Johnston asked for the staff report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Johnston called for Comments and Suggestions.

Ms. Perry advised the Commission there would be two special Planning Commission meetings taking place in April regarding the General Plan Update.

NEXT MEETING: May 5, 2016

ADJOURNMENT

Chairperson Johnston called for a motion to adjourn.

COMMISSIONER GALLEGOS MADE A MOTION TO ADJOURN THE MEETING. COMMISSIONER HIRSCH SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 6:24pm.

**MINUTES
SPECIAL MEETING
CITY OF GLENDALE PLANNING COMMISSION
FOOTHILLS RECREATIONAL AND AQUATICS CENTER
GLENDALE, ARIZONA 85308
SATURDAY, APRIL 23, 2016
10:00 AM**

CALL TO ORDER

The meeting was called to order at approximately 10:00 a.m.

Commissioners Present: Commissioners Rick Harper, Gary Hirsch, Al Lenox, David Moreno and Vice Chairperson Arthur Dobbelaere were in attendance.

Commissioners Absent: Chairperson Steve Johnston and Commissioner Jack Gallegos were absent and excused.

City Staff Present: Tabitha Perry, Assistant Planning Director, Jon Froke, AICP Planning Director, James Gruber, Assistant City Attorney, Thomas Ritz, AICP, Senior Planner, and Diana Figueroa, Recording Secretary.

APPROVAL OF MINUTES

Vice Chairperson Dobbelaere called for Approval of Minutes. There were none.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

Vice Chairperson Dobbelaere called for staff's presentation. He noted that Jon Froke will be making the opening remarks.

1. **GPA16-01:** Major General Plan Amendment GPA16-01 – **Envision Glendale 2040.** This is a request by the City of Glendale to adopt a new general plan, Envision Glendale 2040. This is the Glendale General Plan Update and will apply city-wide, including the entire Municipal Planning Area. Every city and county in Arizona is required by state law to prepare and maintain a planning document called a general plan. Staff Contact: Thomas Ritz, AICP, Senior Planner.

ITEM WAS PRESENTED AS INFORMATIONAL ONLY; THUS, NO MOTION OR VOTE WAS REQUIRED.

Jon Froke, AICP, Planning Director, provided some opening remarks on this item. He stated that GPA16-01 was a request by the City of Glendale to adopt a new General Plan. He said the General Plan serves as the official statement of the city to guide the public and private development of the community by guiding new development and redevelopment initiatives. He noted that Ron Short, who retired from the city, had worked extensively on this project 15 years

ago and appreciates him being here as a Glendale resident. He added that by state law the city must conduct two public hearings to determine if this request is in the best long-term interest of the community. He explained that the Commission will not be voting today but only hearing testimony.

Mr. Froke also thanked the Commission and staff for their work and support of the project. He introduced the Planning Consultant, Matrix Design Group, to provide the presentation.

Ms. Celeste Werner, AICP, Project Manager, presented a power point presentation. She said she was glad to provide the final public draft document for the General Plan update. She provided an introduction of key staff from the Matrix Design Group who were involved in the development. She talked about the valuable input from the Steering Committee, as well as the role it played in making this process a success.

Ms. Werner explained that the General Plan Update is primarily an update rather than a complete rewrite of the plan. However, there are some changes to the General Plan. She noted that one change is where the general plan elements are now grouped. Within each theme, the general plan elements are arranged as follows: The Growth and Development Theme include the Land Use, Housing Growth Areas, Urban Design, and Military and Aviation elements.

- Growth and Development
- Community Preservation and Revitalization
- Economic Vitality
- Connectivity
- Public Facility and Services
- Environment Sustainability

Ms. Werner stated that changes to the land use map in the eastern part of the Municipal Planning Area include revisions to reflect the Aspera development, other changes to reflect existing land use and downtown land use pattern revised to reflect existing land use and add the new Downtown Mixed-Use category. Additionally, changes to the land use map in the western part of the Municipal Planning Area include a new Regional Mixed-Use category added to promote growth along the 303 corridor, Luke Air Force Base boundaries filled in as Public Facility, development residential areas updated to reflect existing and planned development and changes to reflect existing non-residential land use.

The current General Plan includes two existing mixed-use categories. Corporate Commerce Center describes mixed-use employment centers with a desired mix of 15 percent residential, 30 percent commercial and 55 percent office. The Entertainment Mixed-Use category is intended to host regional level sports, entertainment, shopping, and employment centers, a wide range of commercial and office and multi-family residential at a minimum of 18 dwelling units per acre.

Ms. Werner stated the proposed General Plan includes new mixed-use categories. The Downtown Mixed-Use is roughly bounded by Glenn Drive to the north, Land Road to the south, 51st Avenue to the east and 59th Avenue to the west. The Downtown Mixed-Use (DMU)

encourages a mix of residential and commercial in the historical downtown. The Regional Mixed-Use encourages new multi-modal, mixed-use development in regionally significant areas featuring an intensive use of land with a compact urban form along the Loop 303 corridor with minimized residential.

Ms. Werner continued remarking on the Public Comment Period. She stated that Public Draft of the General Plan was available for review and comment from February 9 to April 9, 2016. She added that the Draft Plan was also posted on Glendale 2040 web page. She said that three public draft workshops were held March 14, 24, and 30. Approximately 40 public comments were received from the public, along with several comments from city departments which were mostly editorial changes.

Ms. Werner stated the next steps in the process after the two public hearings were for City Council to vote on the General Plan this month followed by the Primary Election on Tuesday, August 30, 2016. In closing, she reviewed the major changes that were made in the General Plan which include: Introduction, Growth and Development, Community, Preservation and Revitalization, Economic Vitality, Connectivity, Public Facility and Services, and Environment Sustainability. She asked if the Commission had any questions.

Vice Chairperson Dobbelaere asked the Commission if they had any questions.

Commissioner Hirsch asked if the new downtown mixed-use proposal would have any impact on the centerline overlay. Ms. Werner stated that it does not but rather supports it. Commissioner Hirsch asked how it supports it. Ms. Werner explained stating that it supports the economic vitality of the downtown area as well as promotes the light rail that is coming in the future. She asked Mr. Froke if he had any additional comments. Mr. Froke added that this does support the downtown area and works nicely with the overlay district.

Commissioner Hirsch had a question in regards to a change with the area on Cotton Lane and Olive Avenue. Mr. Froke explained that the property owners were seeking the next step-up for density and Planning agreed. He said the owners were thinking of marketing the property and it was also an area the city would like to annex should the General Plan be approved.

Vice Chairperson Dobbelaere asked for any comments from the public.

Glendale resident Ron Short provided supporting comments. He said the General Plan is the official policy statement and a critical document to the future of the city. He thanked staff and Matrix Design for their outstanding work on this document.

Commissioner Moreno thanked everyone for all their hard work on this project.

OTHER BUSINESS FROM THE FLOOR

Vice Chairperson Dobbelaere asked if there was any Business From The Floor. There was none.

PLANNING STAFF REPORT

Vice Chairperson Dobbelaere asked for the staff report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Vice Chairperson Dobbelaere called for Comments and Suggestions. There were none.

NEXT MEETING: April 25, 2016

ADJOURNMENT

VICE CHAIRPERSON DOBBELAERE MADE A MOTION TO ADJOURN THE MEETING. COMMISSIONER HIRSCH SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 10:30 a.m.

DRAFT

**MINUTES
SPECIAL MEETING
CITY OF GLENDALE PLANNING COMMISSION
COUNCIL CHAMBERS
GLENDALE, ARIZONA 85301
MONDAY, APRIL 25, 2016
6:00PM**

CALL TO ORDER

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

Commissioners Present: Commissioners Rick Harper, Gary Hirsch, Al Lenox, David Moreno and Vice Chairperson Arthur Dobbelaere were in attendance.

Commissioners Absent: Chairperson Steve Johnston and Commissioner Jack Gallegos were absent and excused.

City Staff Present: Tabitha Perry, Assistant Planning Director, Jon Froke, AICP, Planning Director, James Gruber, Assistant City Attorney, and Thomas Ritz, AICP, Senior Planner.

APPROVAL OF MINUTES

Vice Chairperson Dobbelaere called for Approval of Minutes. There were none.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

Vice Chairperson Dobbelaere called for staff's presentation. He noted that Jon Froke, AICP, Planning Director will be making the presentation.

1. **GPA16-01:** Major General Plan Amendment GPA16-01 – **Envision Glendale 2040.** This is a request by the City of Glendale to adopt a new general plan, Envision Glendale 2040. This is the Glendale General Plan Update and will apply city-wide, including the entire Municipal Planning Area. Every city and county in Arizona is required by state law to prepare and maintain a planning document called a general plan. Staff Contact: Thomas Ritz, AICP, Senior Planner.

Jon Froke, AICP, Planning Director, provided a brief summary on the item. He stated that the Planning Commission must conduct two public hearings to determine if this request is in the best long-term interest of the community. He noted that the first public hearing was held Saturday, April 23rd at the Foothills Recreational and Aquatic Center. Mr. Froke thanked the Steering Committee for their tireless work on this project. He also thanked the Commission and staff for their work and support of the project. He introduced the Planning Consultant, Matrix Design Group, to provide the presentation.

Ms. Celeste Werner, AICP, Project Manager, gave a PowerPoint presentation. She said she was honored to provide the final public draft document for the General Plan update. She provided an introduction of key staff from the Matrix Design Group who were involved in the development. She talked about the valuable input from the Steering Committee and the role it played in making this process a success.

Ms. Werner explained that the General Plan Update is primarily an update rather than a complete rewrite of the plan. However, there are some changes to the General Plan. She noted that one change is where the general plan elements are now grouped. Within each theme, the general plan elements are arranged as follows: The Growth and Development Theme include the Land Use, Housing Growth Areas, Urban Design, and Military and Aviation elements.

- Growth and Development
- Community Preservation and Revitalization
- Economic Vitality
- Connectivity
- Public Facility and Services
- Environment Sustainability

Ms. Werner stated that changes to the land use map in the eastern part of the Municipal Planning Area include revisions to reflect the Aspera development, other changes to reflect existing land use and downtown land use pattern revised to reflect existing land use and add the new Downtown Mixed-Use (DMU) category. In addition, changes to the land use map in the western part of the Municipal Planning Area include a new Regional Mixed-use category added to promote growth along the 303 corridor, Luke Air Force Base boundaries filled in as Public Facility, development residential areas updated to reflect existing and planned development and changes to reflect existing non-residential land use.

The current General Plan includes two existing mixed-use categories. Corporate Commerce Center describes mixed-use employment centers with a desired mix of 15 percent residential, 30 percent commercial and 55 percent office. The Entertainment Mixed-Use category is intended to host regional level sports, entertainment, shopping, and employment centers, a wide range of commercial and office and multi-family residential at a minimum of 18 dwelling units per acre.

Ms. Werner stated the proposed General Plan includes new mixed-use categories. The DMU is roughly bounded by Glenn Drive to the north, Land Road to the south, 51st Avenue to the east and 59th Avenue to the west. The DMU encourages a mix of residential and commercial in the historical downtown. The Regional Mixed-Use encourages new multi-modal, mixed-use development in regionally significant areas featuring an intensive use of land with a compact urban form along the Loop 303 corridor with minimized residential.

Ms. Werner continued remarking on the Public Comment Period. She stated that Public Draft of the General Plan was available for review and comment from February 9 to April 9 2016. She added that the Draft Plan was also posted on Glendale 2040 web page. She said that three public draft workshops were held March 14, 24, and 30, 2016. Approximately 40 public comments

were received from the public, along with several comments from city departments which were mostly editorial changes.

Ms. Werner stated the next steps in the process after these two public hearings, and if recommended by the Planning Commission, was for this initiative to go before City Council on Tuesday, April 26 to be voted on. If approved, it will then move forward to the Primary Election held Tuesday, August 30, 2016. She concluded her presentation and asked if the Commission had any questions.

Vice Chairperson Dobbelaere asked the Commission if they had any questions.

Commissioner Moreno asked if Bethany Home Road was going to open from 81st to 91st or 83rd. Mr. Froke explained that there was a plan to extend Bethany Home Road and complete the arterial street grid network between 83rd and 91st Avenues. He added that the mapping in the General Plan will be reflected to show that future infrastructure improvement.

Vice Chairperson Dobbelaere opened the public hearing. Since there was no one wishing to speak, he closed the public hearing.

Vice Chairperson Dobbelaere asked for a motion.

**COMMISSIONER LENOX A MOTION TO RECOMMEND APPROVAL of GPA16-01.
COMMISSIONER HARPER SECONDED THE MOTION, WHICH WAS APPROVED
UNANIMOUSLY.**

Vice Chairperson Dobbelaere asked for any additional comments.

Commissioner Hirsch thanked the members of the Steering Committee and provided words of praise for the incredible work they did on this project. He believes the community as a whole should be proud of the end result.

Vice Chairperson Dobbelaere also thanked the Matrix Design Group for all their work and the quality product they presented to the Commission.

Vice Chairperson Dobbelaere asked for the next step in the process.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are not final and the Commission's recommendation will be forwarded to City Council for further action.

OTHER BUSINESS FROM THE FLOOR

Vice Chairperson Dobbelaere asked if there was any Business from the floor. There was none.

PLANNING STAFF REPORT

Vice Chairperson Dobbelaere asked for the staff report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Vice Chairperson Dobbelaere called for Comments and Suggestions.

NEXT MEETING: May 5, 2016

ADJOURNMENT

Vice Chairperson Dobbelaere called for a motion to adjourn.

COMMISSIONER HARPER MADE A MOTION TO ADJOURN THE MEETING, COMMISSIONER HIRSCH SECONDED THE MOTION AND IT WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 6:31 p.m.

DRAFT

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

**THURSDAY, MAY 5, 2016
6:00 PM**

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

Commissioners Present: Commissioners Rick Harper, Gary Hirsch, Jack Gallegos, Al Lenox, David Moreno, Vice Chairperson Arthur Dobbelaere and Chairperson Steve Johnston were in attendance.

City Staff Present: Tabitha Perry, Assistant Planning Director, James Gruber, Assistant City Attorney, Doug Howard, Planner, Martin Martell, Planner and Julia Dominguez, Recording Secretary.

APPROVAL OF MINUTES

Chairperson Johnston stated there were no minutes for approval.

WITHDRAWALS AND CONTINUANCES

Chairperson Johnston called for any withdrawals and/or continuances. Tabitha Perry, Assistant Planning Director, stated that the applicant asked for a continuance of Case number CUP16-01.

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.

Chairperson Johnston called for questions from the Commission.

Commissioner Harper asked why the applicant asked for a continuance. Ms. Perry stated the applicant received staff's recommendation of denial and decided to go back and interact with the neighborhood and strengthen support for his application. However, any members of the public wishing to speak on this application will be heard. She added that they will also have the option to be heard when this case is re-heard in the future.

Chairperson Johnston called for questions from the Commission.

Commissioner Hirsch asked when the applicant had made the request for a continuance. Ms. Perry stated the applicant had made the request this past Tuesday, May 3, 2016.

Commissioner Hirsh asked for the original date of the application. Mr. Martin Martell, Planner, stated the original date was in October 2015.

Vice Chairperson Dobbelaere inquired if the applicant was currently prohibited from conducting business. Ms. Perry replied yes, until he receives a CUP approval.

Chairperson Johnston called for a motion on this item. There was no motion. Ms. Perry explained the protocol regarding an applicant asking for a continuance and the applicant's request to find support in the community for their application.

Commissioner Moreno asked if it was possible to listen to the speakers first and then make a decision.

James Gruber, Assistant City Attorney, stated the Commission can listen to testimony first, however, he advises against it since the applicant was not present.

Chairperson Johnston asked for a motion.

VICE CHAIRPERSON DOBBELAERE MADE A MOTION TO CONTINUE CUP16-01 TO THE PLANNING COMMISSION MEETING OF AUGUST 4, 2016. COMMISSIONER GALLEGOS SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 4 TO 3 (HIRSCH, HARPER, AND LENOX).

Chairperson Johnston stated that the motion passed and would be continued to the August 4, 2016 meeting. However, he welcomes anyone wishing to speak on this item since it was on the agenda.

Ms. Mickey Lund, speaker, stated her opposition to this application. She has lived in the Barrel District since 1979 and has been in real estate since 1980. She had concerns with property values which she has seen firsthand as a real-estate agent. She believed the applicant chose this property for this business without properly researching the zoning requirements. She said the applicant's unwillingness to inquire about zoning should not be imposed on the residents that live there. She expressed her concerns that this CUP will bring additional businesses into a residential area as well as traffic overcrowding. She added that bees have also become a problem in the area. She hopes the Planning Commission denies this request when it comes before them again.

Mr. James Farrar, speaker, stated his opposition to this application. He said he supports the previous speaker and would like to discuss a couple of incidents that have occurred because of this business. He related a story about a near accident because someone was making an illegal U-turn and almost hit another vehicle because of the traffic congestion in the area. He explained that next time this could happen to a pedestrian simply walking across the street. He said another incident that happened involved a suspect hiding in shrubbery on the property. He noted the

suspect was eventually found by a Police Dog. He explained that it was very hard to tell who lives there and who doesn't because of all the people coming in and out of the area.

Additionally, he indicated that he had spoken to the applicant and he has not stopped conducting business. The applicant stated he had to get rid of the trees he has now. Mr. Farrar also talked about his concerns regarding bees and the traffic in the area.

Chairperson Johnston thanked them for their comments and for attending the meeting.

PUBLIC HEARING ITEMS

Chairperson Johnston called for staff's presentation.

2. **CUP16-03:** A request by David Lunn, on behalf of N-Shea Group, LLC, for a Conditional Use Permit (CUP) to 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.

Martin Martell, Planner, stated this was a request by David Lunn, on behalf of N-Shea Group, LLC, for a Conditional Use Permit to operate a congregate care and independent living facility on a property in the R-5 SCO Zoning District. He said the site is located south of the southwest corner of 67th and Olive Avenues and is in the Barrel District. He noted that if approved this request will allow for the development of a congregate care and independent living facility. He stated the site will contain a total of 144 units that will consist of 71 units for assisted living, 35 units for memory care, and 38 units for independent living. He noted that 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 these patients.

Mr. Martell stated that on January 6, 2016 the applicant mailed 138 notification letters to adjacent property owners and interested parties regarding a scheduled neighborhood meeting held on January 25, 2016. He said that prior to the meeting Planning staff received two telephone calls concerning this request and both of the respondents were in support of the request. He explained that the applicant, city staff and four members of the public attended the neighborhood meeting. He noted that during the meeting all the members of the public were in support of the applicant's proposal. He stated that staff supports the proposed land use request as it represents a quality living environment medical and healthcare service.

In conclusion, Mr. Martell stated this request does appear to meet the required findings for a Conditional Use Permit. Staff recommends approval of the case listed above, subject to the two stipulations contained in the staff report. He asked if the Commission had any questions.

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

Chairperson Johnston called for the applicant to make a presentation.

Mr. David Lunn, applicant's representative, thanked the Planning Division staff for their guidance and assistance throughout this process. He introduced the project's team that was in attendance. He said this was their second project of this kind with the first being in Fountain Hills. He noted that the Fountain Hills facility was coming along nicely with a few rooms already starting to rent even before the facility was fully completed.

Mr. Matt Turner, Senior Living, stated he was available to answer any questions. He spoke a little about a similar facility called Morning Star at Arrowhead. He stated that Ken Jeager, his partner and himself, had started this company about 13 years ago. He noted they were founded on three principals. The first is to honor God in their business practices and relationships, second, to value all seniors as gifted and contributing individuals, and lastly, to invest generously in their team's ability to serve. He said he was happy to answer any questions from the Commissioners.

Chairperson Johnston asked the commission if they had any questions.

Chairperson Johnston commented on the site as an area that was very underserved for these types of services. He inquired how the site was selected. Mr. Turner agreed that this site was very underserved for seniors in the area and they wanted to rise to the challenge. Chairperson Johnston thanked Mr. Turner for bringing this project to the community.

Chairperson Johnston opened the public hearing.

Mr. Brad Hendrix, speaker, stated his support of this application. He stated that he had been at all four meetings and was very pleased with this project coming into the area. He appreciated the open discussion the applicant has had with the community and believed they would deliver a great product. He said his house was one of the ones that will be directly impacted by this project. However, he wanted to come here and give his stamp of approval as well as his support.

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

Chairperson Johnston called for a motion.

COMMISSIONER HIRSCH MADE A MOTION TO APPROVE CUP16-03 WITH STIPULATIONS LISTED IN THE STAFF REPORT. COMMISSIONER LENOX SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 7 TO 0.

Commissioner Hirsch thanked Mr. Hendrix for his comments. He also thanked Mr. Turner for bringing this much needed project into that area.

Chairperson Johnston asked for the next step in the legal process.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are final subject to a written appeal if filed within 15 days.

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.

Doug Howard, Planner, stated this was a request by Benjamin Graff, Withey Morris, PLC, representing Goodwill of Central Arizona and CP6GC, LLC, for a Conditional Use Permit to allow a thrift store in the C-2 Zoning District. The site is located at the northeast corner of 51st and Olive Avenues and is in the Cactus District. He stated 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 zoning district. He said the thrift store will remodel and occupy approximately 25,000 square feet within the existing shopping center, Glendale Center. He noted the hours of operation will typically be 9am to 9pm Monday through Saturday and 10am to 6pm on Sunday. He indicated donations will be accepted during business hours only, and will be dropped off on the western side of the building from a designated pull through lane. Additionally, there shall be no outside storage or processing of donations.

Mr. Howard stated that 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. He said that on February 17, 2016, a neighborhood meeting was held at the Glendale Public Library. He indicated that two citizens attended the meeting and asked questions relating to operating hours and employment opportunities. Staff received one phone call in support of the request from a citizen. He added there were no objections to this request during the citizen review period.

In conclusion, Mr. Howard stated this request appears to meet the required findings. Staff recommends approval of the case listed above, subject to the three stipulations contained in the staff report. He asked if the Commission had any questions.

Chairperson Johnston called for questions from the Commission.

Commissioner Gallegos asked what the screening height was. Mr. Howard stated staff was still going through the design process, therefore he does not have any specifics, however, the applicant was here and he might have more information.

Chairperson Johnston called for the applicant to make a presentation.

Benjamin Graff, applicant's representative stated they were very excited for the opportunity to bring the newest Goodwill store to Glendale and revitalize the area. He stated staff had provided a detailed presentation; therefore he did not have much to add. However, he talked about their outreach program and how they work with the community and neighborhoods to revitalize areas. He talked about the new model of Goodwill stores, which are not associated with the bad stigma of the old stores. He said the new stores are bright and vibrant and they have even done away with the old store logo. He noted they have never seen an increase in crime or diminished

property values where they have developed these new model Goodwill Stores. He talked about the expanded storage and process area the new stores now have since everything will be kept indoors. He thanked the Commission for their time and hopes they grant their application.

Chairperson Johnston asked for any comments or questions. There were none.

Chairperson Johnston opened the public hearing. He called the following speakers to come up; however they had already left the meeting.

Ms. Mickey Lund, yellow speaker card stated her support of this application.

Mr. Richard Lund, yellow speaker card stated his support of this application.

Chairperson Johnston closed the public hearing.

Chairperson Johnston called for a motion.

COMMISSIONER MORENO MADE A MOTION TO APPROVE CUP16-04 WITH STIPULATIONS LISTED IN THE STAFF REPORT. COMMISSIONER HARPER SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 7 TO 0.

Chairperson Johnston remarked this store will be a good addition for the area.

Chairperson Johnston asked for the next step in the legal process.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are final subject to a written appeal if filed within 15 days.

OTHER BUSINESS FROM THE FLOOR

Chairperson Johnston asked if there was any Business From The Floor. There was none.

PLANNING STAFF REPORT

Chairperson Johnston asked for the staff report.

Ms. Perry indicated there were no public hearing items scheduled for the June and July meetings. She suggested the Commission vacate these meetings.

Chairperson Johnston asked for a motion to vacate the meetings of June 2nd and July 7th, 2016.

VICE CHAIRPERSON DOBBELAERE MADE A MOTION TO VACATE THE MEETINGS OF JUNE 2ND AND JULY 7TH 2016. COMMISSIONER GALLEGOS SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Johnston called for Comments and Suggestions.

Chairperson Johnston commented on the Continuance agenda item earlier in the meeting. He said he appreciates the Commissioner's knowledge and respect of the issues and their willingness to serve the community they represent.

NEXT MEETING: August 4, 2016

ADJOURNMENT:

CHAIRPERSON JOHNSTON CALLED FOR A MOTION TO ADJOURN. COMMISSIONER MORENO MADE A MOTION TO ADJOURN THE MEETING. COMMISSIONER HARPER SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:09 p.m.

DRAFT



Planning Division Staff Report

DATE: August 4, 2016 **AGENDA ITEM:** 4

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 - 5841 WEST
ROYAL PALM ROAD**

REQUEST: This is a request for a 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: Beus Gilbert PLLC/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.

PREVIOUS ACTION: On May 5, 2016, the Planning Commission continued this item to its August 4, 2016 meeting at the applicant's request.

RECOMMENDATION: The Planning Commission should approve CUP16-01 with stipulations.

PROPOSED MOTION: Move to approve CUP16-01 per the findings and shall be subject to the stipulations contained in this staff report.

SUMMARY: The request has been modified from the original request to allow outside storage with sales of trees, plants, and treated soil on a residential property. The revised request is to allow a home business that will grow and store trees, plants, and treated soil on site for off-site sales.

COMMISSION ACTION: Motion made by Commissioner _____ to _____ CUP16-01, subject to stipulations. Commissioner _____ **SECONDED** the motion, which was approved with a vote of ___ to ____.

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:

- On May 5, 2016, a motion to continue CUP16-01 to the August 4, 2016 Planning Commission Hearing, was approved with a vote of four (4) to three (3), on behalf of a request by the applicant.
- Since the Final Notice was issued by Code Compliance there have been no complaints concerning this site.
- Subsequently, on March 16, 2016 the property owner was issued a Final Notice from Code Compliance 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.
- 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.
- On July 14, 2015, the applicant began the CUP process for the proposed home based business.

Project Details:

The original request was for growing, storing, and selling trees, plants, and treated soil on site. The revised request is to grow and store trees, plants, and treated soil on site without sales or customer traffic. All sales will occur off-site.

There will be deliveries of trees, plants, and treated soil to the property Monday through Thursday between the hours of 10:00 a.m. to 3:00 p.m. These deliveries are intended to last a few hours with minimal impact to the neighborhood. Deliveries to the property will be done by semi-tractor trailers and will be limited to occur four (4) to six (6) times per year. Also, there will be extraction of trees, plants, and treated soil once a week or less depending on the growing season or consumer demand for products. Like the deliveries of inventory to the subject site, the once per week extractions will occur during the week Monday through Thursday between 10:00 a.m. to 3:00 p.m. and will be transported by vehicles less than one (1) ton in size. The amount of traffic generated will be equal to typical traffic that is generated by a single family residence that has home deliveries once or twice a week.

The majority of the office operations for the homeowner's business will not occur at the subject site and all references of the Glendale location will not be listed on the business website. If required the applicant intends to obtain a City of Glendale Business License.

The applicant proposes that all of the inventory of trees will occur in the side and rear yards of the site, which will be in an area that takes up approximately 16 percent of the property. This area will be screened behind a six foot high wood fence and by landscaping. The trees and plants that will be stored on the property will be tropical varieties such as Mango, Avocado, Guava, Lychee, Starfruit, Longan, Jackfruit, and Barbados Cherry. The tropical trees and plants stored on the property will be in containers that are three to 65 gallons in size.

The homeowner is interested in keeping open communication between the neighborhood and the City of Glendale. Furthermore, the homeowner is interested in creating a home business that will have a minimal impact to the fabric of the historic neighborhood by screening the outside inventory area from street view and by eliminating sales and customer traffic from the subject site. The goal of Shamus O'Leary's Tropical Fruit Trees is to create a positive environment that will foster gardening and healthy eating.

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 telephone calls 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 scale semi-tractor trailers making deliveries to the site. Others were concerned with a drop in property values in their area if the CUP is approved. Planning staff also received a large amount of e-mails from those who were in support.

On June 27, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant's revised Citizen Participation Final Report is also attached. From these notification letters, the applicant received no responses. Also, since the second notification letters were distributed, Planning has received two phone calls concerning this second request. One caller was upset that notification of the second Neighborhood Meeting only arrived seven days prior to the meeting. Another phone call was from the homeowner's neighbor across the street with questions of how the revised request was different from the first request.

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 75 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. A majority of attendees were from areas located outside the neighborhood and were in support.

A second Neighborhood Meeting was held on Wednesday, July 6, 2016 at the Glendale Adult Center in Room No. 103 where 12 people attended. During this meeting the major issues discussed focused on land use and how the home business will operate. Of the 12 people who attended four were in favor of the proposed use, two were impartial, and six were opposed. The six that were opposed to this use were the same residents that were opposed to the first CUP request from the previous neighborhood meeting. Furthermore, these six opposing residents all had the same concerns that they had from the first neighborhood meeting.

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. On May 3, 2016, the applicant formally requested a continuance to the next Planning Commission Public Hearing Date. On May 5, 2016 the Planning Commission voted to continue CUP16-01 to the August 4, 2016 Planning Commission Public Hearing. The property was re-posted on July 14, 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 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 use is consistent with the policies, objectives, and land use map of the Glendale General Plan and the purpose of the SR-17 Zoning District in which the site is located. The proposed request will create no additions or modifications to the existing structures or increase the density on-site. Home Occupations (Class II) are permitted in all residential zoning districts, but only with an approved CUP.
- The proposed use will primarily consist of storage of trees, plants, and treated soil that will be designed in such a way as to have a minimal impact to the property itself, adjacent properties, surrounding neighborhood, and the City. Moreover, the days and hours that

deliveries and extractions will be made on the property will be during days and times of the week that typically have the least amount of vehicular traffic in this neighborhood.

- The subject site is slightly over an acre in size and since approximately 16 percent of the property will only be used for the storage of inventory; this will be more than adequate to accommodate the intended land use. All of the requirements and development standards for the SR-17 Zoning District will be met.
- The existing site has adequate and direct access to 59th Avenue and Royal Palm Road that are capable to handle the type and quantity of traffic which may be generated from the intended use on this property. On-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which are safe and efficient.
- All applicable City departments have reviewed the application and approved the proposed use.
- This CUP request will have adequate conditions or stipulations incorporated into the approval of the CUP to ensure that any anticipated detrimental effects can be mitigated. Moreso, 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 appears to meet the required findings for CUP approval.

Staff recommends approval of CUP16-01, subject to the following stipulations:

1. Development shall be in substantial conformance with the revised project narrative, dated July 6, 2016 and revised site plan, dated June 28, 2016.
2. There shall be no sales or customer traffic on the site at any time.
3. There shall be no storage of inventory in the front yard of the homeowner's property or on any adjacent property.
4. The delivery of inventory shall be limited to six (6) times per year.
5. Any inventory extracted from the subject site for sales by vehicles shall not exceed one (1) ton in weight.
6. At all times, the applicant shall keep a log of deliveries and extraction of inventory to be made available to City of Glendale upon request.
7. If the property is sold the CUP shall terminate automatically.

- ATTACHMENTS:**
1. Required Findings for Conditional Use Permits.
 2. Applicant's Narrative, completed April 8, 2016.
 3. Revised Narrative, completed July 6, 2016.
 4. Site Plan, completed April 8, 2016.
 5. Revised Site Plan, completed June 28, 2016.
 6. Citizen Participation Final Report (without mailing labels), completed April 8, 2016.
 7. Revised Citizen Participation Final Report (without mailing labels), completed July 8, 2016.
 8. Compliance Order from Code Compliance, dated March 7, 2016.
 9. Final Notice from Code Compliance, dated March 16, 2016.
 10. Vicinity Zoning Map.
 11. Aerial Photograph, dated October 2014.

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

REVIEWED BY:



Planning Director

MM/df



Development Services Department Director
for Sam McAllen

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.



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.





Shamus O'Leary's Tropical Fruit Trees
Urban Farm · Landscaping

Conditional Permit Project Narrative

Respectfully submitted: **March 28th, 2016**
Version 2



COMPLETED
08 APR 16

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.



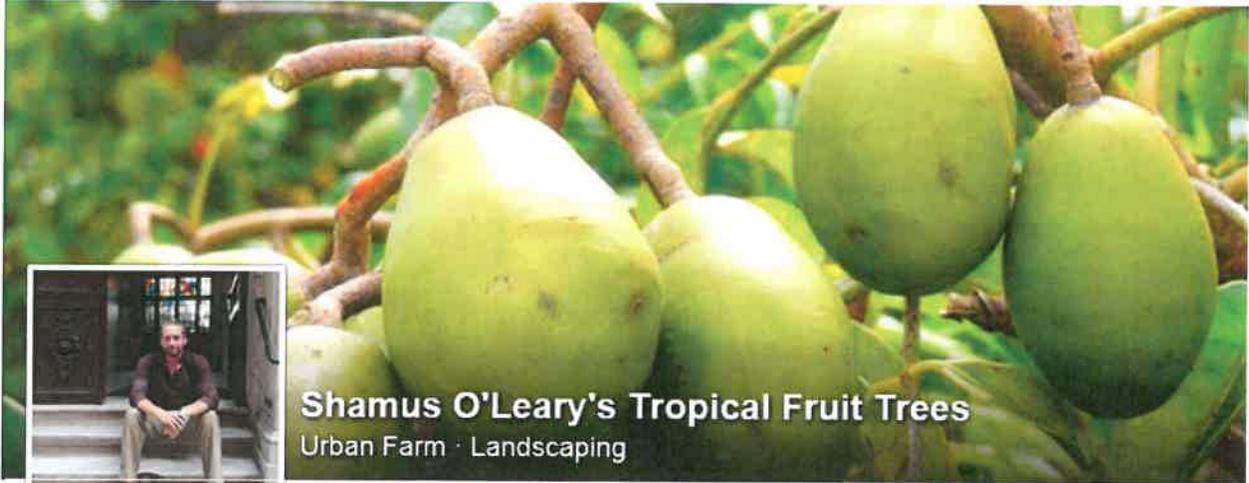
- Patrons will be advised to park in the driveway only and not on the street. Any Patron that does park in the street will be advised to move their car into the driveway prior to service being rendered. If any patron observes that the driveway parking area is full, they will know they have to leave the 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.





Shamus O'Leary's Tropical Fruit Trees
Urban Farm · Landscaping

Conditional Use Permit Project Narrative

Submitted: March 28th, 2016

Resubmitted: July 6th, 2016

COMPLETED

6 July 16

Glendale Planning Division

Project Narrative:

Shamus O'Leary's Tropical Fruit Trees

July 6, 2016

Applicant:

Jeffrey Blilie
Beus Gilbert PLLC
701 N. 44th St.
Phoenix, AZ 85008
(480)-429-3030

SUPPLIER LEGAL NAME:

Shamus O'Leary's Tropical Fruit Trees

Location:

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

Introduction & Request

Shamus O' Leary's is respectfully requesting a Conditional Use Permit (CUP) for a home occupation (Class II) as an accessory use. Since this proposed use involves outside storage of vegetation we are required to apply for a Conditional Use Permit, because this use will occur in a residential zoning district (5841 W. Royal Palm Road, SR-17 (Suburban Residential Zoning)).

Shamus O' Leary's previously applied for a Conditional Use Permit to allow sales of fruit trees on the property. With this new revised request there will be no sales of fruit trees on the property and no customer traffic.

Business Model

- 1) Shamus O' Leary's will raise and cultivate tropical fruit trees at the Glendale location.
- 2) The sale of tropical trees will only occur at our Phoenix site (3601 W. Kings Avenue, Phoenix, AZ 85053) or farmer's markets throughout the valley.
- 3) Shamus O' Leary's will limit the product delivery from a large scale truck 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 of the neighborhood.
- 4) Deliveries will only occur between the hours of 10 am to 3pm, Monday-Thursday.

A City of Glendale business license will be obtained if required. There will be no office operations run from the Glendale site and all references to the Glendale address will be removed from the website. Private sales of trees will only occur at the Phoenix location by arrangement, and general sales of trees will occur at various times and at various farmers' markets throughout Maricopa County. Trees will be transported from the Glendale site typically either by car or small truck, generally once each week during normal delivery hours (between 10 a.m. to 3 p.m., Monday-Thursday). The amount of traffic generated from transporting trees will be less than typical traffic generated by a single family residence, because one additional trip per week has no affect in comparison to the typical overall single-family weekly traffic count.

Conformance with Conditional Use Permit Criteria

The Planning Commission shall make the following findings before granting a conditional use permit:

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 zoning district in which the site is located;**

Response: 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. This request proposes no additions or modifications to structures or increase in density on the site. The nature of this request will have no affect on the low density land use character, in fact, it will maintain the existing large lot character. Home occupations (Class II) are permitted in this zoning district with a Conditional Use Permit. Moreover, the proposed use is the type of home occupation envisioned by the City when it created the Conditional Use Permit process for home occupations (Class II).

- 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;**

Response: The proposed use will consist of the storage of tropical trees and plants that will be designed in such a way as to have a minimal impact to the property, adjacent properties, surrounding neighborhood, and the city itself.

- 3. That 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;**

Response: 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 site is approximately 38,000 square feet, of which only a small portion of the side and rear yards is expected to contain new potted or planted trees.

- 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;**

Response: The proposed site has adequate access to 59th Avenue and Royal Palm Road to carry the type and quantity of traffic which may be generated by the subject use, and on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient.

- 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.**

Response: 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.

Project Narrative Summary

Our goal in obtaining the Conditional Use Permit is to establish and build Shamus O'Leary Tropical Fruit Trees 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.



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

[Signature]
Notary Public

My Commission Expires:

May 19, 2016

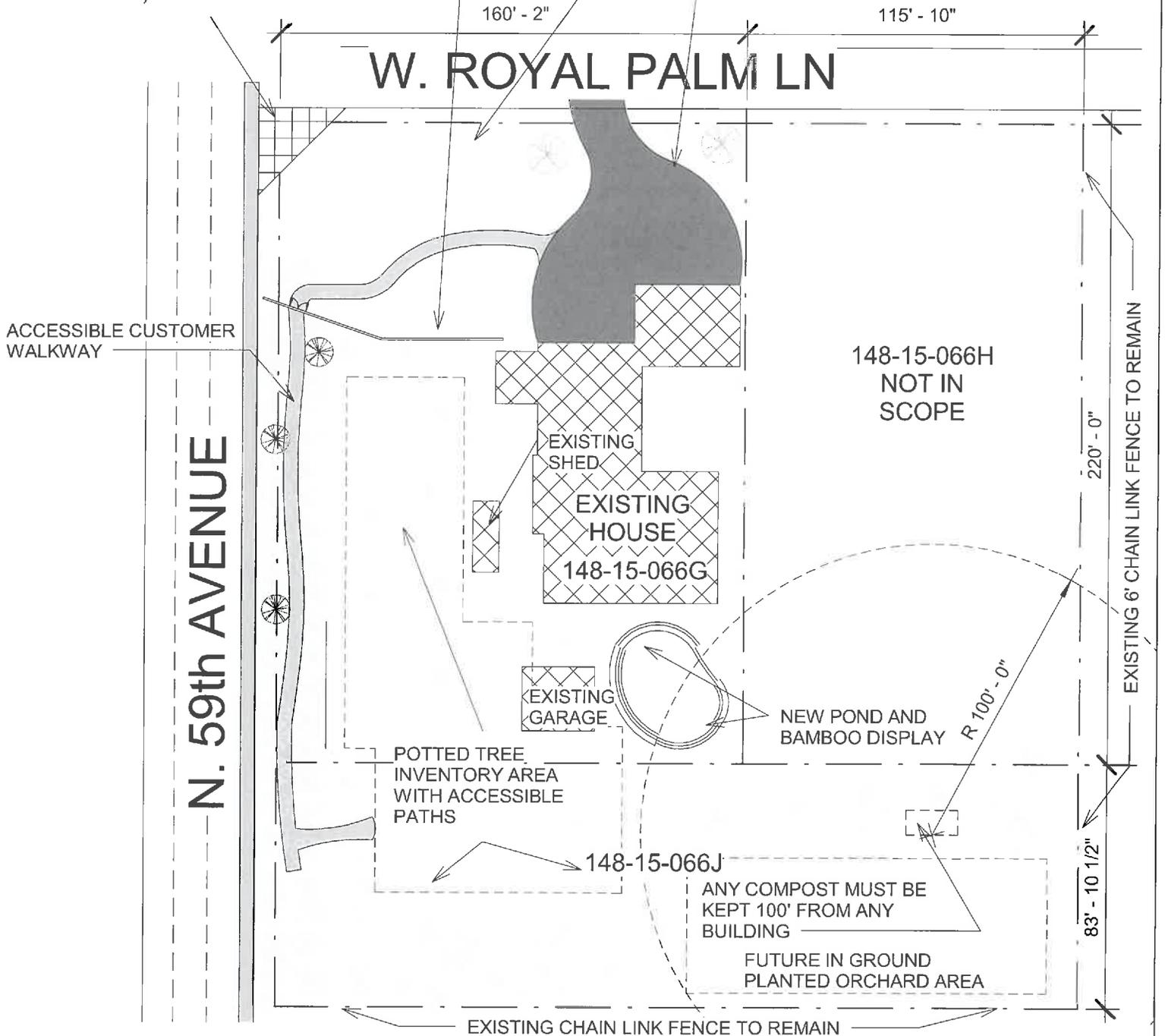


NEW GATE IN EXISTING FENCE ON HOLD OPEN DURING BUSINESS HOURS OR BY APPOINTMENT

30' x 30' CORNER VISIBILITY WILL BE MAINTAINED (REPRESENTED BY TRIANGLE)

NEW IN GROUND ORCHARD PLANTINGS

EXISTING GRAVEL DRIVEWAY TO REMAIN: VISITOR PARKING IN DRIVEWAY ONLY. NO STORAGE OF PRODUCT IN FRONT YARD



PROPERTY IS ALREADY FENCED, THUS ALL FENCING IS EXISTING TO REMAIN. FRUITING AND FLOWERING VINES WILL BE PLANTED TO COVER VISIBLE EXISTING FENCES. ALL TREES SHOWN ON THIS DRAWING ARE EXISTING. PLEASE SEE PROJECT NARRATIVE IN ATTACHED LETTER FOR MORE INFORMATION



DON OLSON

SITE PLAN

www.MODIFYconcepts.com

SR15-0089
Complete

Project number SR15-0089

Date 03/29/2016

Drawn by Author

Checked by Checker

A200

Scale 1" = 50'-0"

08APR16

2/20/2016 9:47:00 PM

NEW GATE IN EXISTING FENCE ON HOLD

30' x 30' CORNER VISIBILITY WILL BE MAINTAINED (REPRESENTED BY TRIANGLE)

NEW IN GROUND ORCHARD PLANTINGS

EXISTING GRAVEL DRIVEWAY TO REMAIN:

NO STORAGE OF PRODUCT IN FRONT YARD

160' - 2"

115' - 10"

W. ROYAL PALM LN

ACCESSIBLE WALKWAY

148-15-066H
NOT IN SCOPE

N. 59th AVENUE

EXISTING SHED

EXISTING HOUSE
148-15-066G

EXISTING GARAGE

POTTED TREE INVENTORY AREA WITH ACCESSIBLE PATHS

NEW POND AND BAMBOO DISPLAY

R 100' - 0"

148-15-066J

ANY COMPOST MUST BE KEPT 100' FROM ANY BUILDING

FUTURE IN GROUND PLANTED ORCHARD AREA

220' - 0"

83' - 10 1/2"

EXISTING 6' CHAIN LINK FENCE TO REMAIN

EXISTING CHAIN LINK FENCE TO REMAIN

COMPLETED
28 June 16
Glendale Planning Division

PROPERTY IS ALREADY FENCED, THUS ALL FENCING IS EXISTING TO REMAIN. FRUITING AND FLOWERING VINES WILL BE PLANTED TO COVER VISIBLE EXISTING FENCES. ALL TREES SHOWN ON THIS DRAWING ARE EXISTING.



www.MODIFYconcepts.com

DON OLSON

SR15-0089

SITE PLAN

Project number SR15-0089

Date 03/29/2016

Drawn by Author

Checked by Checker

A200

Scale 1" = 50'-0"



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

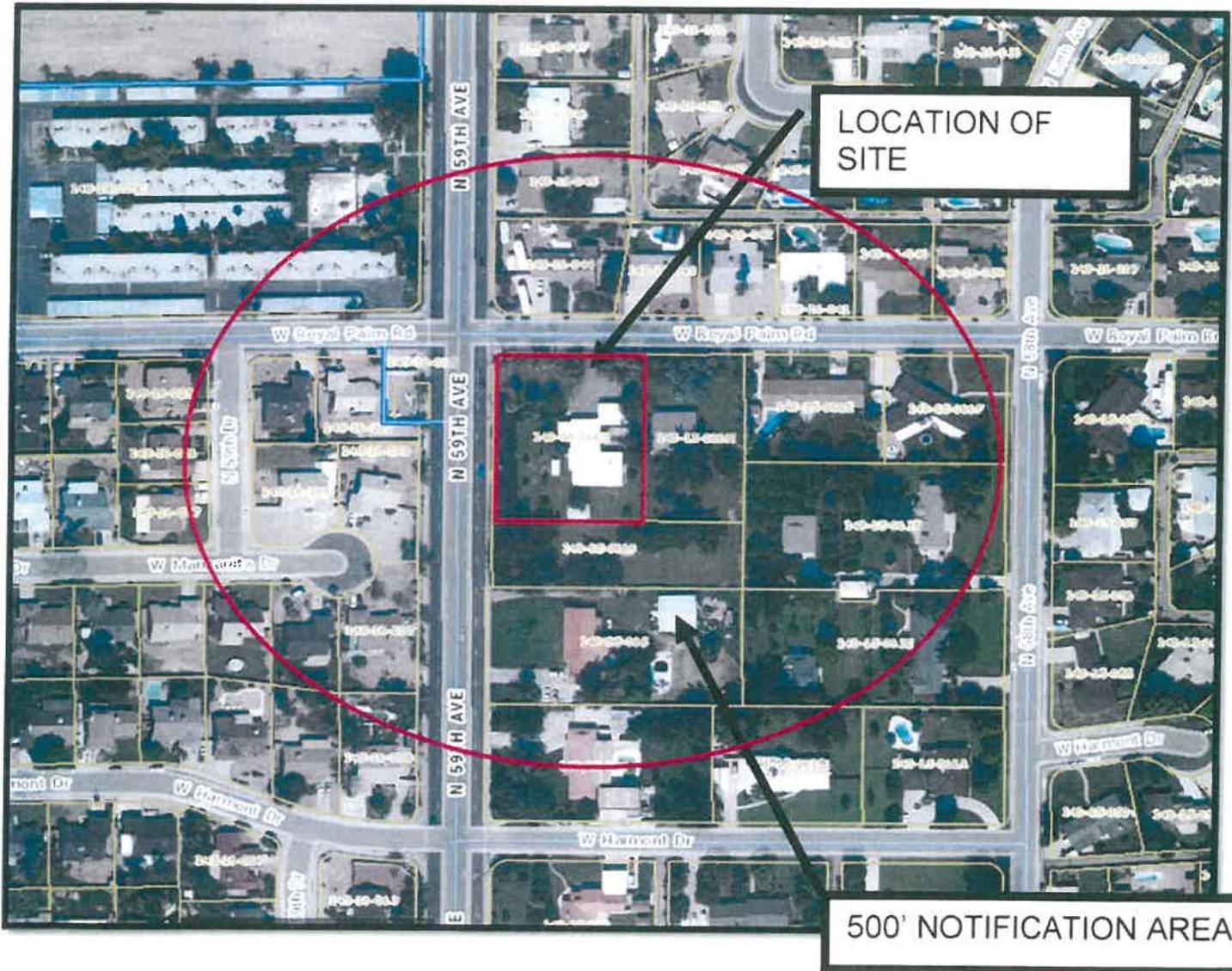
NAME OF REQUEST: DON OLSON CONDITIONAL USE PERMIT

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



NORTH



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:

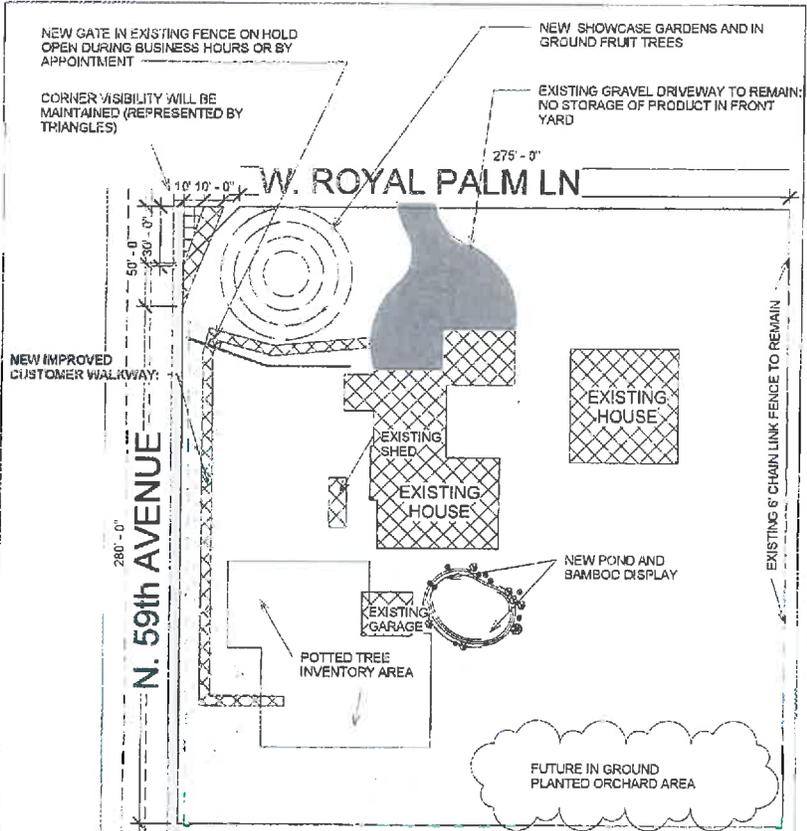
“Don Olson, Current Owner of Shamus O'Leary's Tropical Fruit Trees, is seeking to relocate his small home based business from Phoenix to Glendale. He has been successfully operating this business from a residential property in Phoenix for several years. He has purchased the subject parcel in hopes to 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 01/28/2016 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: 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 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,

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.

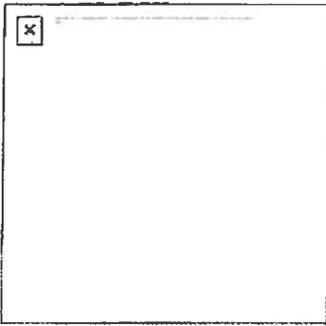
Thank you for your time, Kevin Werwinski

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

Good morning Kevin,

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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

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.

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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 Olson/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

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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 neighborhood! 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>

Mon, Mar 14, 2016 at 12:17 PM

To: Kristin Parsons <kristin@modifyconcepts.com>

Cc: "azleatherking@aol.com" <azleatherking@aol.com>

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 Martelli

Planner

City of Glendale, AZ

Planning Division

mmartell@glendaleaz.com

[\(623\) 930-2597](tel:(623)930-2597)

From: Maxine Shipley <mshiple2@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 E: (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 ♡ (5 of us)	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 A. Hansen	Tempe	X	
Shiraj Mamun	Phoenix	X	
XXXXXXXXXX	Phoenix		
JOE FUZY	QUEEN CREEK	X	
Nathan B. Poirer	Phx	X	
Guy Helstrom	Elkhart	X	
Pamela Mace	Tempe	X	
Breanna Adams	PHX	X	
Joeh Adams	PHX	X	
Dyan Chidester	Phx	X	
William Schmitt	Glendale	X	
Gretha Foster	Glendale	X	
Aaina Phongsouvanh	Phoenix	X	
Myrna Manriquez	Phoenix	X	
Jake Mace	Tempe	X	
Vonne Kanindi	Glendale	X	
Zenaida Ann Hoffman	Glendale	X	
Anna Granata	Glendale	X	
Kent Wilson	Glendale	X	
Loceano Othman	Glendale	X	

Citizen Participation Final Report

Shamus O' Leary's Tropical Fruit Trees CUP16-01

5841 West Royal Palm Road
Glendale, AZ 85302

Final Submittal: July 8, 2016

COMPLETED

8 July 16

Glendale Planning Division

Introduction & Description of Proposal

Shamus O' Leary's is respectfully requesting a Conditional Use Permit (CUP) for a home occupation (Class II) as an accessory use. Since this proposed use involves outside storage of vegetation we are required to apply for a Conditional Use Permit, because this use will occur in a residential zoning district located at 5841 W. Royal Palm Road in the SR-17 (Suburban Residential Zoning District).

Shamus O' Leary's previously applied for a Conditional Use Permit to allow for the storage and sales of fruit trees on the property. With this new revised request there will be no sales of fruit trees on the property and no customer traffic. The applicant worked to meet one on one with several neighbors between the first and second request to address and resolve their concerns. Subsequently, this latest request has been updated to address those concerns from Neighborhood Meeting #2.

The applicant has met all the required and suggested notification criteria identified in the Citizen Participation Plan Process Packet. A total of 129 property owners within 500 feet and interested parties were mailed by US Mail a letter and site plan attachment informing them of the proposed request and inviting their input at a neighborhood meeting on July 6, 2016. (See Appendices for Notification List) and have been available to meet or discuss concerns with neighbors or interested parties throughout the process.

Overview of Public Participation Efforts

- **Neighborhood Meeting #1: (*1st Request*)**
May 2, 2016
Glendale Community College
6000 W. Olive Ave.
Glendale, AZ 85302
HT1 Computer Commons Building
- **Notification Letters:** Mailed 129 Notification Letters to invite participants to Neighborhood Meeting #2 by First Class US Mail on June 27, 2016 to surrounding property owners within 500 feet and to additional interested within the Barrel Cactus District and citywide (See attached Appendix A, B, and C).
- **Neighborhood Meeting #2: (*Updated Request*)**
July 6, 2016 at 6:00 PM
Glendale Adult Center Room #103
5970 W. Brown St.
Glendale, AZ 85302
(See attached meeting notes)

129 letters were mailed on June 27, 2016 to property owners within 500 feet and interested parties by US Mail (See attached Appendix A, B, and C).

Concerns or Issues from Participants Meeting #1:

During Meeting #1 on May 2, 2016, residents directly adjacent to and across the street from the subject residence were opposed for the following reasons:

- 1) Neighborhood Traffic Flow.
- 2) Parking of Patrons on Royal Palm Road.
- 3) Large trucks unloading tropical trees and tree products in the front of the house.
- 4) Property values of Thunderbird Estates Homes being negatively impacted.

Resolution to Concerns: In response to the issues raised at the first meeting the applicant severely curtailed his CUP request and eliminated the most controversial aspect of the CUP, namely sales of trees from the property. The elimination of sales basically eliminates all additional traffic that would have been created by the CUP.

The concerns raised about impacts on property values were simply statement made without any empirical evidence. The curtailed operation, which consists only of growing and propagating tropical fruit trees in the back yard of the lot that is almost 2 acres in size should not only have no impact on property values but be virtually undetectable by any of the neighbors in the area.

In an effort to reach a compromise and solution to the concerns of the first meeting, a new request was submitted and 129 neighbors and interested parties were notified by mail on June 27, 2016 and invited to attend Meeting #2 held on July 6, 2016.

Concerns or Issues from Participants Meeting #2:

12 people attended Meeting #2 held on July 6, 2016. The major issues discussed focused on land use and business operations. The following questions and answers were discussed at this meeting:

Q: Does Don Olson live at the subject property?

A: Don and his wife are in the process of remodeling the casita for their residence, temporarily Don's parents-in-law live at the property.

Q: How can you say that this new CUP request will be innocuous?

A: This will just be the storage of trees and plants on the property for sales at a Phoenix location & various farmers' markets instead of at the Glendale property, since sales and customer traffic was the major complaint.

Q: Will sales still be done at this site?

A: No.

Q: Why do you need a CUP to grow trees?

A: Growing trees in containers on this property for sales elsewhere is outdoor storage and by having

deliveries to and from the property triggers the requirement for a CUP.

Q: How do we prevent this CUP from riding on this property for the next homeowner?

A: We can suggest a stipulation in place that states that this CUP shall cease with this property owner only.

Q: How do we prevent this use from dropping our property values?

A: This will be a quiet and hidden land use that should not have a negative impact on property values.

Q: Online Don Olson has painted a picture that this is a large property with a large inventory, how can we prevent this use from getting to large?

A: We have scaled this use down by removing sales from the property.

Q: How big are the trucks that will visit the site?

A: It can be vans, pick-up trucks, small moving trucks, large moving trucks, to semi-trucks.

Q: You mention that large scale truck deliveries will take place 4-6 times per year, but how can we prove this or prevent more times per year?

A: Neighbors will continue to monitor activities at the site and code enforcement. We also propose including a stipulation for a review of the CUP after the first year of operation as well as a stipulation limiting the number of deliveries.

Q: Will there be employees at the site?

A: No

Q: How did you (Don) not know that you needed a CUP to start this type of business out of your home?

A: Don stated that he did not know he needed one or had ever heard of such a thing.

Q: How can we prevent this proposed use from getting out of control?

A: We propose including a stipulation for a review of the CUP after the first year of operation.

Q: What type of trees will be on the property?

A: Tropical fruit trees that are generally grown from infancy to 5 gallon size. (Other sizes of trees may range from 3-36 gallon in size on site)

Resolution to Concerns Meeting #2:

Most of the discussion was directed at Don Olson directly and a general lack of trust by the few neighbors who attended. Additionally, there was some concern about the enforcement of number of deliveries made to the property. In order to further assuage the neighbor concerns expressed at meeting #2 we suggest the following stipulations:

1. Deliveries of trees to the property shall be limited to a maximum of 6 per year.

2. Trees removed from the property for sale elsewhere shall be transported in vehicles of a size not exceeding a one ton truck.
3. This CUP shall be personal to the applicant and shall not run with the land; in the event the applicant sells the property to a third party this CUP shall immediately terminate.
4. This CUP shall be reviewed on its one year anniversary by the Planning Director for compliance.

In addition to the compromises made by the applicant, the applicant is unwilling to address the concerns raised about impacts on property values were simply statement made without any empirical evidence. The curtailed operation, which consists only of growing and propagating tropical fruit trees in the back yard of the lot that is almost 2 acres in size should not only have no impact on property values but be virtually undetectable by any of the neighbors in the area.

Appendix A

Notification List

Appendix B

Notification Letters

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:

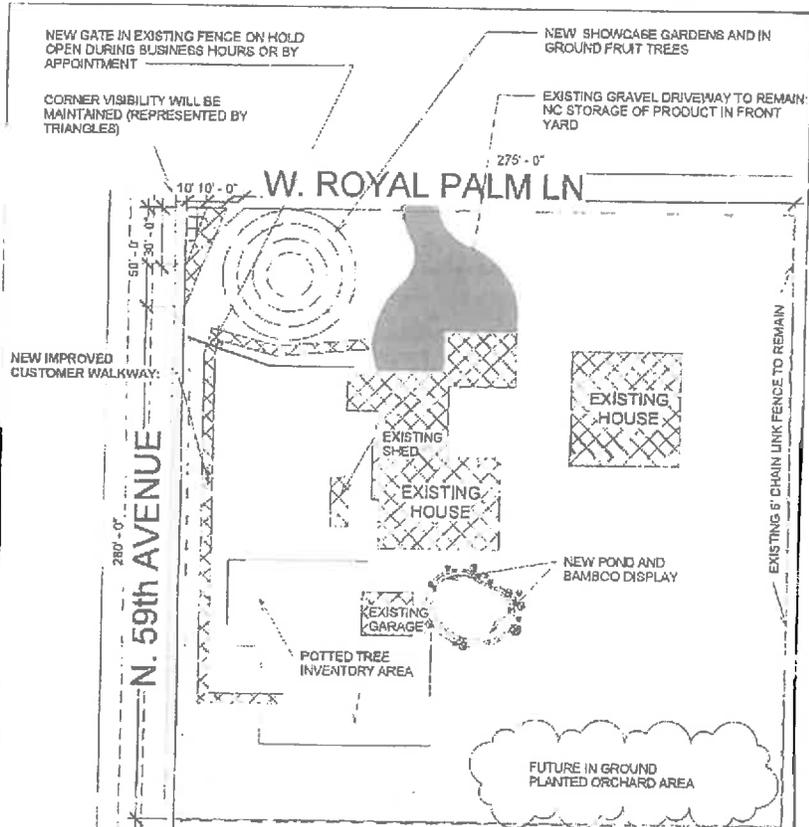
"Don Olson, Current Owner of Shamus O'Leary's Tropical Fruit Trees, is seeking to relocate his small home based business from Phoenix to Glendale. He has been successfully operating this business from a residential property in Phoenix for several years. He has purchased the subject parcel in hopes to 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: 01/26/2015 Drawn by: Author Checked by: Checker, Scale: 1" = 50'-0"
	A200	

1/28/2016 4:32:22 PM



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: 

STATE OF ARIZONA

SS.

COUNTY OF MARICOPA

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


Notary Public

My Commission Expires:

May 19, 2016



BEUS GILBERT

PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
(480) 429-3000
FAX (480) 429-3100

June 27, 2016

Jeffrey M. Blilie
701 N. 44th St.
Phoenix, AZ 85008
jblilie@beusgilbert.com

Subject: Proposed Conditional Use Permit: Shamus O' Leary's

Dear Neighbor:

This letter is to inform you that our office is applying for a Conditional Use Permit application on behalf of our client Shamus O' Leary's Tropical Fruit Trees with the City of Glendale. The property is located at 5841 W. Royal Palm Road in the Barrel District and is located in the SR-17 (Suburban Residential) Zoning District.

Previously, Shamus O' Leary's had applied for a Conditional Use Permit which would have allowed raising fruit trees with sales of trees on property. With this new revised request, we are seeking a Conditional Use Permit for a home occupation (Class II) to allow for the raising and propagating of tropical fruit trees, without a sales component or customer traffic, which is what the original request was for.

According to the City of Glendale zoning ordinance a home occupation is an accessory use, such as an occupation or profession that is done on a property in a residential zoning district. Since this proposed use involves outside storage of vegetation the property owner is required to apply for a Conditional Use Permit.

A neighborhood meeting will take place:

**Wednesday, July 6th, 2016
6:00 P.M.
Glendale Adult Center
5970 W. Brown St.
Glendale, AZ 85302
Room #103**

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 the project planner Martin Martell with the City of Glendale at (623) 930-2697 or mmartell@glendaleaz.com.

Sincerely,



Jeffrey M. Blilie
Beus Gilbert PLLC

Enclosed: Site Plan

NEW GATE IN EXISTING FENCE ON HOLD

NEW IN GROUND ORCHARD PLANTINGS

EXISTING GRAVEL DRIVEWAY TO REMAIN:

NO STORAGE OF PRODUCT IN FRONT YARD

30' x 30' CORNER VISIBILITY WILL BE MAINTAINED (REPRESENTED BY TRIANGLE)

160' - 2"

115' - 10"

W. ROYAL PALM LN

ACCESSIBLE WALKWAY

148-15-066H
NOT IN SCOPE

N. 59th AVENUE

EXISTING SHED

EXISTING HOUSE

148-15-066G

EXISTING GARAGE

NEW POND AND BAMBOO DISPLAY

R 100' - 0"

POTTED TREE INVENTORY AREA WITH ACCESSIBLE PATHS

148-15-066J

ANY COMPOST MUST BE KEPT 100' FROM ANY BUILDING

FUTURE IN GROUND PLANTED ORCHARD AREA

220' - 0"

83' - 10 1/2"

EXISTING 6' CHAIN LINK FENCE TO REMAIN

EXISTING CHAIN LINK FENCE TO REMAIN

PROPERTY IS ALREADY FENCED, THUS ALL FENCING IS EXISTING TO REMAIN. FRUITING AND FLOWERING VINES WILL BE PLANTED TO COVER VISIBLE EXISTING FENCES. ALL TREES SHOWN ON THIS DRAWING ARE EXISTING.



www.MODIFYconcepts.com

DON OLSON

SR15-0089

SITE PLAN

Project number SR15-0089

Date 03/29/2016

Drawn by Author

Checked by Checker

A200

Scale 1" = 50'-0"



Planning

NEIGHBORHOOD NOTIFICATION LETTER

AFFIDAVIT OF MAILING

Case No. (if available) _____

Project Name: SHAMUS D' LEARY'S TROPICAL TREES

I, Andrew Armstrong 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

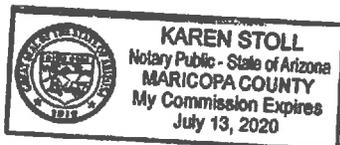
SS.

COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me this 27th day of June, 2016.

Karen Stoll
Notary Public

My Commission Expires:



Appendix C

Notification Mailing Map



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 a license</u>	<u>3-8-16</u>
ZO 7.103(A-M) Illegal Signs/Banners		
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 license</u>	<u>3-8-16</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.



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 on 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.



CASE NUMBER

CUP16-01

REQUEST

A CONDITIONAL USE PERMIT TO ALLOW
 A CLASS II HOME OCCUPATION TO GROW
 AND STORE TREES IN THE REAR YARD
 OF THE PROPERTY



LOCATION

5841 W. ROYAL PALM ROAD



Aerial Date: October 2014



CASE NUMBER
CUP16-01





Planning Staff Report

DATE: August 4, 2016 **AGENDA ITEM:** 5

TO: Planning Commission

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Jon M. Froke, AICP, Planning Director

SUBJECT: **CONDITIONAL USE PERMIT (CUP) APPLICATION CUP16-02:
BUSH'S CHICKEN – 7322 WEST BELL ROAD**

REQUEST: CUP approval to allow a drive-thru for a fast food restaurant in the PAD (Planned Area Development) zoning district.

APPLICANT/OWNER: Archicon Architecture & Interiors, L.C. / H-H Arrowhead, 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 CUP16-02 subject to the one stipulation contained in the staff report.

PROPOSED MOTION: Move to approve CUP16-02 subject to the one stipulation contained in the staff report.

SUMMARY: Bush's Chicken is requesting a conditional use permit to allow a drive thru for a fast food restaurant. The site was originally developed with a Bill Johnson's Big Apple restaurant building. That building will be demolished and a new 2,992 square foot freestanding restaurant will be constructed.

COMMISSION ACTION: Commissioner _____ made a motion to _____ CUP16-02 subject to the one stipulation 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 PC (Planned Commercial).

Property Location and Size:

The property is located at the northwest corner of 73rd Avenue and Bell Road and is .94 acres in size.

History:

The site was developed as a freestanding restaurant in 1995.

Design Review:

DR16-08 was submitted concurrently with the CUP application.

Project Details:

Bush's Chicken plans to demolish the existing restaurant building and construct a new 2,992 square foot restaurant with a drive thru. Three drive-thru lanes are planned beneath an architecturally integrated canopy. The site plan depicts 30% landscape coverage and provides adequate onsite parking with 32 spaces. Three bicycle racks are proposed. The drive-thru lanes will be adequate in length to accommodate a queuing of more than six vehicles. Traffic will flow in a counterclockwise direction around the building. Ingress and egress to the site will be provided from existing driveways to the adjacent shopping center. Customers leaving this location will have full access to Bell Road at the traffic signal on 73rd Avenue. This will ensure a more efficient traffic flow to and from the site.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On March 25, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response to the notification. Planning did not receive any response regarding the request either. 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 July 14, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on July 15, 2016. The property was posted by the applicant on July 15, 2016.

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 PAD zoning district;
- 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 existing PAD zoning is compatible with the General Plan designation of PC. The zoning allows for a convenience use subject to CUP approval.
- The proposed use is compatible with adjacent uses in the vicinity. The property is located near the intersection of an arterial street (Bell Road) and a collector street (73rd Avenue) and within the Bell Road Corridor.
- Approval of the CUP request will not have an adverse effect on the adjacent properties or the surrounding community. The applicant completed the Citizen Participation process without receiving any opposition.
- The site is adequate in size and shape to accommodate the intended use of the site as a restaurant with a drive-thru lane. The building setbacks meet the zoning ordinance standards. The onsite landscaping exceeds the zoning ordinance standards by 5%.
- The proposed drive-thru does not adversely affect the function of the site. The drive-thru lanes can accommodate a queuing of more than six vehicles. On-site circulation will allow for safe and efficient vehicular circulation and parking.
- All applicable city departments have reviewed the application and recommend approval.

RECOMMENDATION:

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

1. Development shall be in substantial conformance with the site plan dated March 14, 2016, and the project narrative, subject to design review (DR16-08) approval by the Development Services Department.

ATTACHMENTS:

1. Required Findings for Conditional Use Permits.
2. Applicant's Narrative, date stamped June 27, 2016.
3. Site Plan, dated June 27, 2016.
4. Citizen Participation Final Report (without mailing labels), dated April 19, 2016.
5. Vicinity Zoning Map.
6. Aerial Photograph, dated October 2014.

PROJECT MANAGER: Jon M. Froke, AICP, Planning Director (623) 930-2585
jfroke@glendaleaz.com

REVIEWED BY:



Planning Director

JMF/df



Development Services Director

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.



ARCHICON ARCHITECTURE & INTERIORS, L.C.

Bush's Chicken Project Narrative

This project will consist of demolishing an existing 5,000 sq. ft. restaurant building and construct a new 3,000 sq. ft. building for similar use as a restaurant. The new pad building architecture is intended to introduce the corporate identity of the Bush's Chicken and follow the architectural design of the existing shopping center, including painted single-scored and standard CMU masonry veneer and wainscot, earth-tone colored stucco, and steel tube window canopies. There will also be a steel tube covered drive thru canopy extending out over the three (3) drive thru lanes that will provide a six (6) car stack at a distance of twenty feet per car, per lane.

This project will also modify the shape of the existing traffic "pork-chop" along 73rd Avenue. A new trash enclosure will be provided to the north side of the building facing the interior Shopping center drive aisle. The site will also include additional landscape coverage and extended parking screen wall along the south and east sides to screen the drive thru and additional parking provided on this site.

We would also like to provide a quick overview for the Bush's Chicken concept.

Bush's Chicken is a Quick Service Drive-Thru restaurant chain based in Waco, Texas. Keith Bush developed a high quality and tasty chicken recipe that reflects southern fried chicken perfectly. Along with his outstanding recipe, Bush's offer various side dishes such as French Fries, Mashed Potatoes with Cream Gravy, Fried okra, Macaroni and Cheese, Baked Beans, Corn on the Cob, and Cheddar Stuffed Jalapenos. To top things off, we use a high quality tea leaf to brew a mellow balanced iced tea fresh throughout the day.

Though Bush's offer a traditionally larger dining room than other chicken competitors, their main key service driver is their unique drive thru design. They avoid the old loudspeaker design and have their service staff go directly to the customer's car windows. This offers a friendly one on one approach with their staff that allows them to make sure the meal selected perfectly meets the customer's needs. Bush's target a service time of two (2) minutes and thirty (30) seconds for every order which has allowed Bush's to be named the quickest drive thru in the service industry. These factors combine to make 60% of their customers who make a quick stop at Bush's Chicken drive thru for their dining needs.

No restaurant can hope to be successful without an excellent staff to service guest's needs. Bush's is no exception. Their dedicated team of employees are the backbone of not only their company, but their culture as well. From the first job of a high school student to their schedule specific parent-shift, Bush's value the hard work and dedication their team puts into ever box of chicken. Bush's average employee count is 30 employees per store with half of these being full-time jobs. Bush's operating hours are generally from 10:30 am until 10:00 pm, 7 days a week. This allows a student to be off work shortly after closing and is one of the greatest things parents say about their kids working for Bush's.

RECEIVED

JUN 27 2016

CITIZEN
PARTICIPATION
FINAL REPORT

BUSH'S CHICKEN
7322 W. BELL ROAD
GLENDALE, AZ
CUP16-02

PREPARED BY:
ARCHICON ARCHITECTURE &
INTERIORS, L.C.

DATE: 04-19-2016

1. Brief Description of Bush's Chicken overall project:

We are requesting a Conditional Use Permit to allow a Drive Thru for a new Bush's Chicken restaurant which will be located at 7322 W. Bell Road in Glendale, AZ in the Sahuaro District. The General Plan Designation for this existing property is Planned Commercial (PC) and the current Zoning for the property is PAD (Planned Area Development). This proposed use of a property to be used as a restaurant with a drive thru requires a Conditional Use Permit.

This project will consist of demolishing an existing 5,000 sq. ft. restaurant building and construct a new 3,000 sq. ft. restaurant structure for similar use. The new PAD building architecture is intended to introduce the corporate identity of Bush's Chicken and follow the architectural design of the existing shopping center, which will include single-scored and standard CMU masonry veneer and wainscot, earth-tone colored stucco, and steel tube window canopies. There will also be a steel tube covered drive thru canopy extending out over the three (3) drive thru lanes that provide a six (6) car stack at a distance of twenty feet per car, per lane.

With reference to the site plan, this project will modify the shape of the existing traffic "pork-chop" that currently exists along 73rd Avenue. The existing parking spaces will be readjusted and reduced to provide ample parking for this project. A new trash enclosure, meeting City of Glendale Design Standards, will be placed on the North side of the building facing the interior drive aisle of the shopping center. The existing parking screen wall, currently along Bell Road will remain and be extended to the west to provide required screening for the new drive thru lanes. The overall onsite and offsite landscaping will be revised to follow City of Glendale Landscape Ordinance and a minimum of 20% of the site will be provided with required landscaping coverage.

2. Brief Description of Bush's Chicken:

Bush's Chicken is a Quick Service Drive-Thru restaurant chain that is based in Waco, Texas. Keith Bush developed a high quality and tasty chicken recipe that reflects southern fried chicken perfectly. Along with his outstanding recipe, Bush's also offer various side dishes such as French Fries, Mashed Potatoes with Cream Gravy, Fried Okra, Macaroni and Cheese, Baked Beans, Corn of the Cob, and Cheddar Stuffed Jalapenos. To top things off, Bush's use a high quality tea leaf to brew a mellow-balanced iced tea throughout the day.

Though they offer a traditionally larger dining room than other Chicken Competitors, their main key service driver is their unique drive thru design. Bush's avoid the old loudspeaker design, but instead they have their service staff go directly to each and every car in the drive thru to provide the ultimate customer service. This offers a friendly one on one approach with service staff that allows Bush's to make sure that each and every meal selected perfectly meets the customer's expectations and needs. Bush's target a service time of two (2) minutes and thirty (30) seconds for every order which has allowed Bush's to be named the quickest drive thru in the service industry. These factors combine to make up 60% of their customers who make a quick stop at Bush's Chicken Drive Thru for their dining needs.

Citizen Participation Final Report

No restaurant can hope to be successful without an excellent staff to service guest's needs. Bush's is no exception. Bush's dedicated team of employees are the backbone of not only their company, but their culture too. From the first job of a high school student to our schedule specific parent-shift, we value the hard work and dedication our team puts into every hot box of chicken. Bush's average employee count is thirty (30) employees per store with half of these being full time jobs. Their operating hours are generally from 10:30 am until 10:00 pm, 7 days a week. This allows for their student workers to get off work shortly after closing and is one of the greatest things parents rave about when asked about their kids working for Bush's Chicken.

3. Brief Overview of the elements of the Citizen Participation Plan:

The Planning Department had determined that a Notification Letter was the most appropriate public notification technique for this project. A copy of the Notification Letter (exhibit "a") which includes the Letter, proposed Site Plan and Exterior Elevation is included at the end of this report. This letter was sent out to various lists of individuals, such as Property Owners, Home Owner Associations and Interested Parties and is provided at the end of this report. The list for the Property Owners and Home Owners Associations is (exhibit "b") and the Interested Parties List is (exhibit "c").

4. Notification Letters:

The Notification Letters, as well as a proposed Site Plan and Exterior Elevation were mailed out to each of the individuals and associations as mentioned above on March 25, 2016. They were provided with 21 calendar days to respond with any concerns and/or comments that they may have for this proposed project. The list below was our timeline for coordination of Citizen Participation Plan and Notification Letters:

- 1-15-16 Submit Citizen Participation Plan to Planner for Approval
- 03-25-16 Mail Notification Letters
- 04-15-16 Deadline to receive comments from Notification Letters
- 04-19-16 Submit Citizen Participation Final Report to Planner for approval.

5. Outlined Map of the Specific Areas where residents and property owners who were notified are located.

The overall area that was targeted to send out the Notification Letters encompassed a 500' notification radius around the proposed project property. See the Notification Map attached to the end of the Report as (exhibit "d").

6. Total number of Notification Letters and Responses:

Citizen Participation Final Report

There were a total of 81 Notification packets that were sent out to listed recipients. There were no responses that were received at the City of Glendale or at our office (Archicon Architecture and Interiors).

Since we have not heard from any of the 81 recipients that were notified during this process, we are under the determination that there is no concern for moving this project forward. There were four (4) returned, undeliverable addresses. We have copied the undeliverable envelopes for your reference as (exhibit "e").

Sincerely,



Keith D. Green – LEED GA

Project Manager

Archicon Architecture and Interiors

EXHIBIT "A"
#1



ARCHICON ARCHITECTURE & INTERIORS, L.C.

Notification Letter

Date: 03-25-2016

Tim Rasnake
5055 E. Washington Street, Suite 200
Phoenix, AZ 85034
TimR@archicon.com

Subject: New Bush's Chicken Drive Thru

Dear Neighbor:

This letter is to inform you that I am applying for a Use permit application for a convenience use for a drive-thru for a new Bush's Chicken facility with the City of Glendale. The property is located at 7322 W. Bell Road in the Sahuaro District.

The project will consist of demolishing an existing 5,000 sf. restaurant building and construct a new 3,000 +/- sf. Building for similar use as a restaurant. The new pad building architecture is intended to introduce the corporate identity of the Bush's Chicken and follow the architectural design of the existing shopping center, including single-scored and standard CMU masonry veneer and wainscot, earth tone colored stucco, and steel tube window canopies. There will also be a steel tube covered drive thru canopy extending out over the three (3) drive thru lanes that provide a six (6) car stack at a distance of twenty feet per car, per lane.

This project will also modify the shape of the existing traffic control pork chop along 73rd Avenue. A new trash enclosure will be provided to the north side of the building facing the interior Shopping center drive aisle. The site will also include additional landscape coverage and extended screen wall along the South side to screen the drive thru ordering arrangement.

I have included a site plan with this letter for your review. Please provide any comments to my City of Glendale Planner by Friday, April 15, 2016. Please write, email, or call me at the contact information above. You may contact Thomas Ritz, City Planner with the City of Glendale at (623) 930-2588.

Sincerely,

Tim Rasnake

Enc: Site Plan



ARCHICON ARCHITECTURE & INTERIORS, L.C.

EXHIBIT "A"

#2

Master CUP Application – Detailed Information

Date: 03-25-2016

CUP Request: We are requesting a Conditional use Permit approval for a convenience use for a three-lane drive thru for a new Bush's Chicken located at 7322 W. Bell Road (N.W.C. of Bell Road and 73rd Ave) in Glendale, AZ.

Features of this New Facility:

Bush's Chicken is a Quick Service Drive-Thru restaurant chain based in Waco, Texas. Keith Bush developed a high quality and tasty chicken recipe that reflects southern fried chicken perfectly. Along with his outstanding recipe, we offer various side dishes such as French fries, Mashed Potatoes with Cream Gravy, Fried Okra, Macaroni and Cheese, Baked Beans, Corn on the Cob, and Cheddar Stuffed Jalapenos. To top things off we use a high quality tea leaf to brew a mellow balanced iced tea fresh throughout the day.

Though we offer a traditionally larger dining room than other chicken competitors, our main key service driver is our unique drive thru design. We avoid the old loudspeaker design and have our service staff come directly to the customer's car window. This offers a friendly one on one approach with our staff that allows us to make sure the meal selected perfectly meets the customer's needs. We target a service time of two (2) minutes and thirty (30) seconds for every order which has allowed Bush's to be named the quickest drive thru in the service industry. These factors combine to make up 60% of our customers who make a quick stop at Bush's Chicken drive thru for their dining needs.

No restaurant can hope to be successful without an excellent staff to service guest's needs. Bush's is no exception. Our dedicated team of employees are the backbone of not only our company, but our culture too. From the first job of a high school student to our schedule specific parent-shift, we value the hard work and dedication our team puts into every hot box of chicken. Bush's average employee count is 30 employees per store with half of these being full time jobs. Our operating hours are generally from 10:30 am until 10:00 pm, 7 days a week. This allows a student to be off work shortly after closing and is one of the greatest things parents say about their kids working with us.

EXHIBIT #2

ARCHICON
ARCHITECTS & INTERIORS, LLC
1000 W. WASHINGTON STREET
SUITE 300
PHOENIX, ARIZONA 85001
PH: 602.254.0000
WWW.ARCHICON.COM

BUSH'S CHICKEN
7322 W BELL ROAD
N WC BELL RD & 73RD AVE
GLENDALE, ARIZONA

PROJECT NO. 10000000000000000000
DATE 10/15/2010
BY J. J. JENSEN
CHECKED BY J. J. JENSEN

DATE

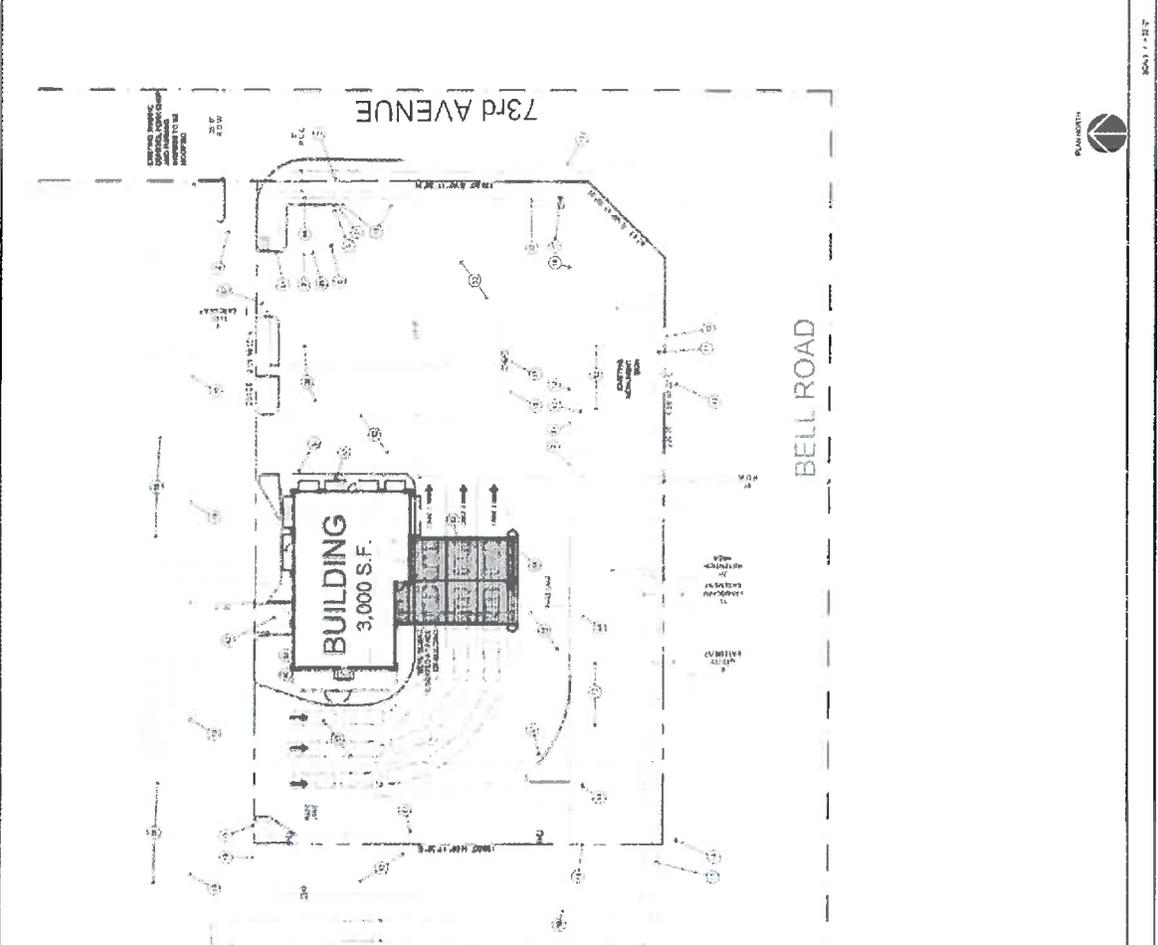
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PROJECT DATA
PROJECT: BUSH'S CHICKEN RESTAURANT BUILDING AND LANDSCAPE ARCHITECTURE
SITE: 7322 W BELL ROAD, GLENDALE, ARIZONA
OWNER: BUSH'S CHICKEN, INC.
ARCHITECT: ARCHICON ARCHITECTS & INTERIORS, LLC
DATE: 10/15/2010
BY: J. J. JENSEN
CHECKED: J. J. JENSEN
CONTACT: 602.254.0000

PROJECT TEAM
ARCHITECT: ARCHICON ARCHITECTS & INTERIORS, LLC
1000 W. WASHINGTON STREET
SUITE 300
PHOENIX, ARIZONA 85001
PH: 602.254.0000
WWW.ARCHICON.COM
CONTACT: 602.254.0000

VICINITY MAP

- KEYNOTES**
1. IDENTIFY ALL EXISTING UTILITIES AND STRUCTURES.
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 96. IDENTIFY ALL EXISTING AND PROPOSED DRIVEWAYS AND DRIVEWAYS.
 97. IDENTIFY ALL EXISTING AND PROPOSED DRIVEWAYS AND DRIVEWAYS.
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 99. IDENTIFY ALL EXISTING AND PROPOSED DRIVEWAYS AND DRIVEWAYS.
 100. IDENTIFY ALL EXISTING AND PROPOSED DRIVEWAYS AND DRIVEWAYS.



SCALE: 1" = 20'

(1) SITE PLAN

EXHIBIT #A

A300

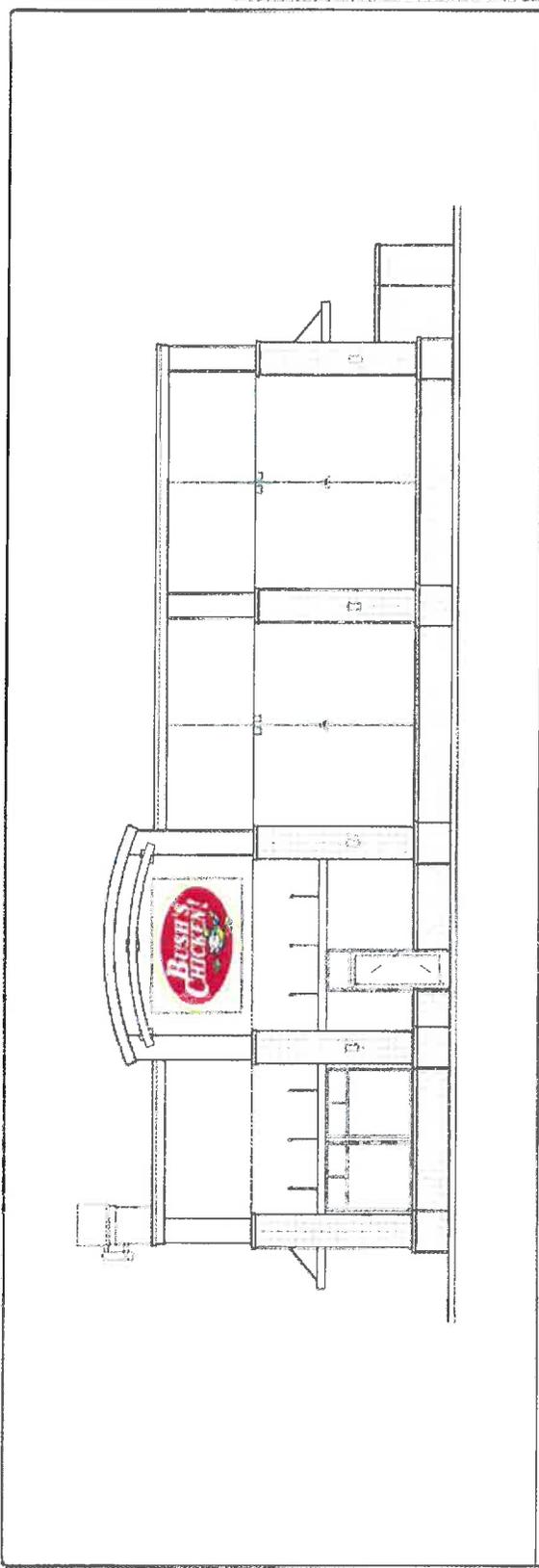
27/11/2015

ARCHICON
 ARCHITECTURAL & INTERIOR DESIGN
 1001 N. UNIVERSITY AVENUE, SUITE 100
 PHOENIX, ARIZONA 85024
 TEL: 602.955.1100
 WWW.ARCHICONAZ.COM

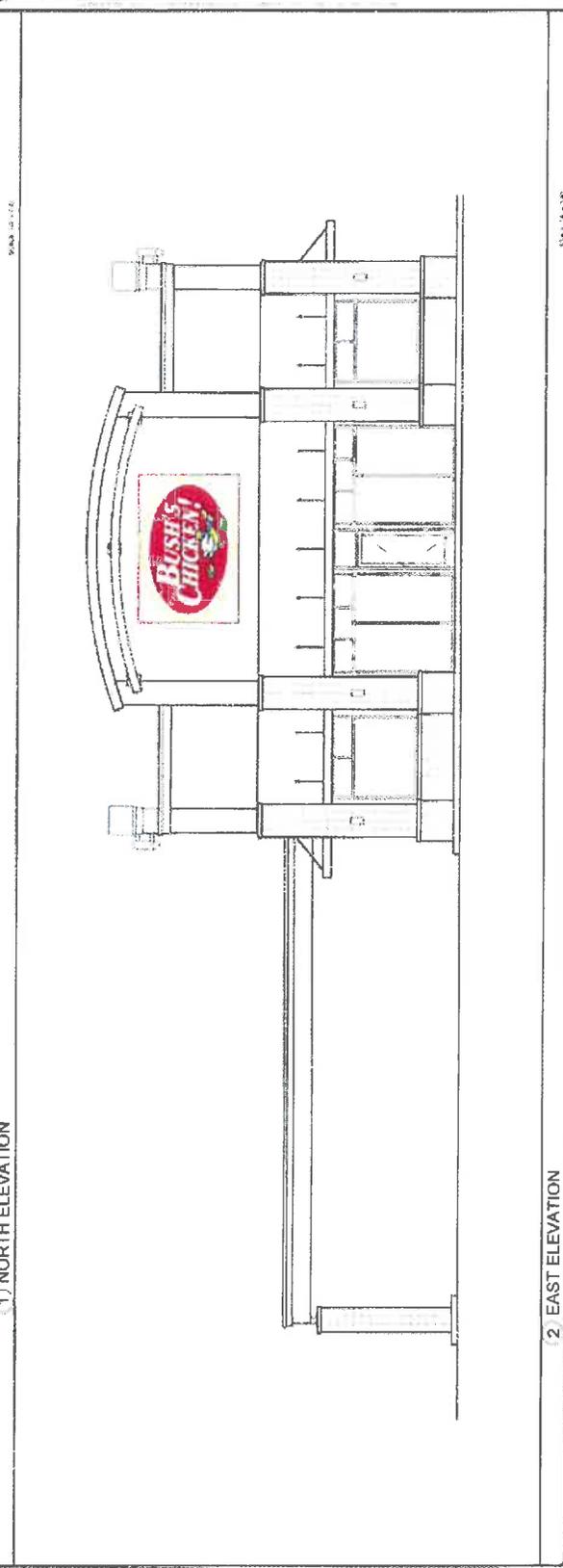
BUSH'S CHICKEN
 7322 W. BELL ROAD
 N W/C BELL RD & 73RD AVE
 GLENDALE, ARIZONA

12/20/15
 4 SHEETS
 8 JOINTS

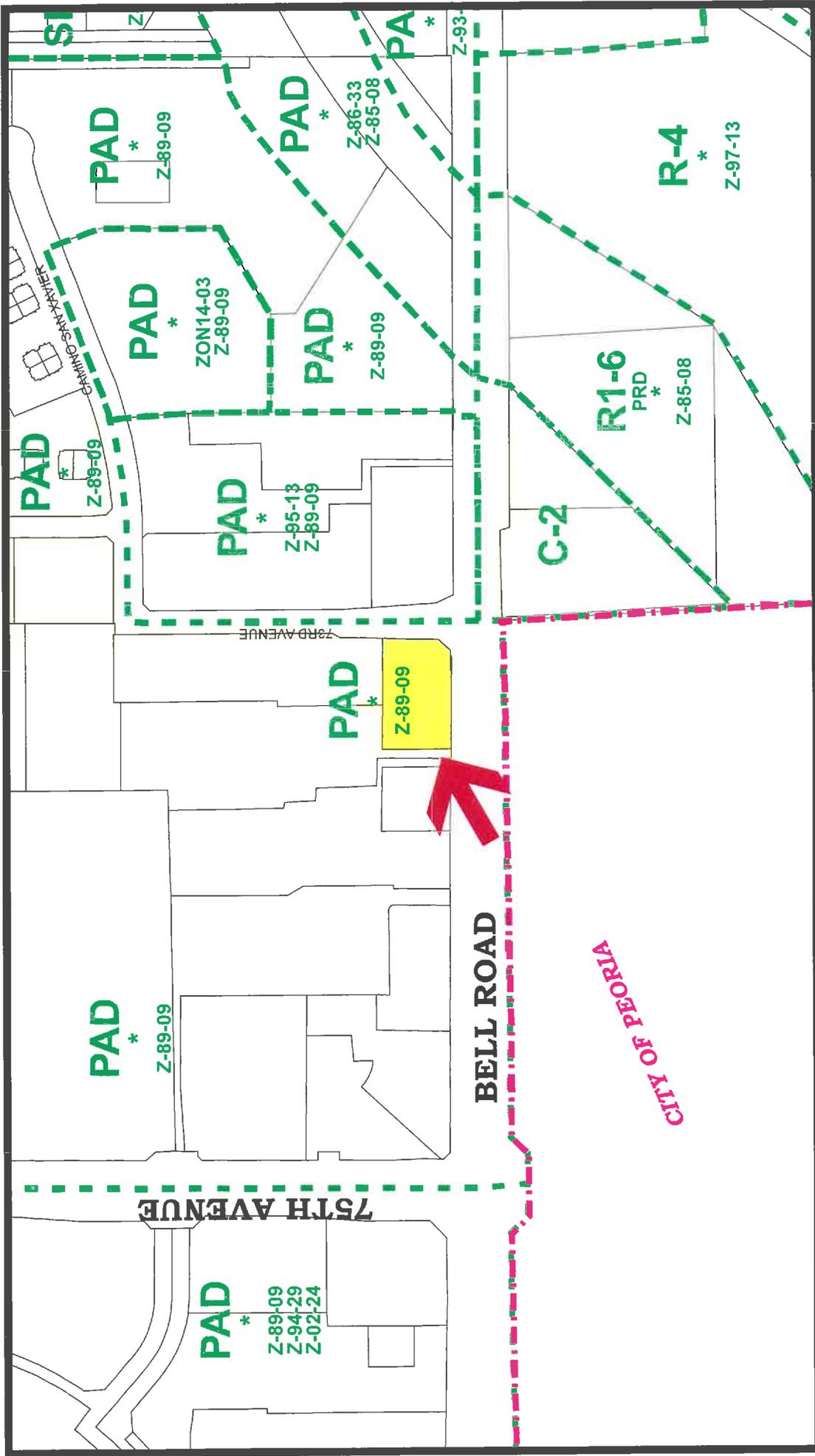
ARCHICON
 ARCHITECTURAL & INTERIOR DESIGN



(1) NORTH ELEVATION



(2) EAST ELEVATION

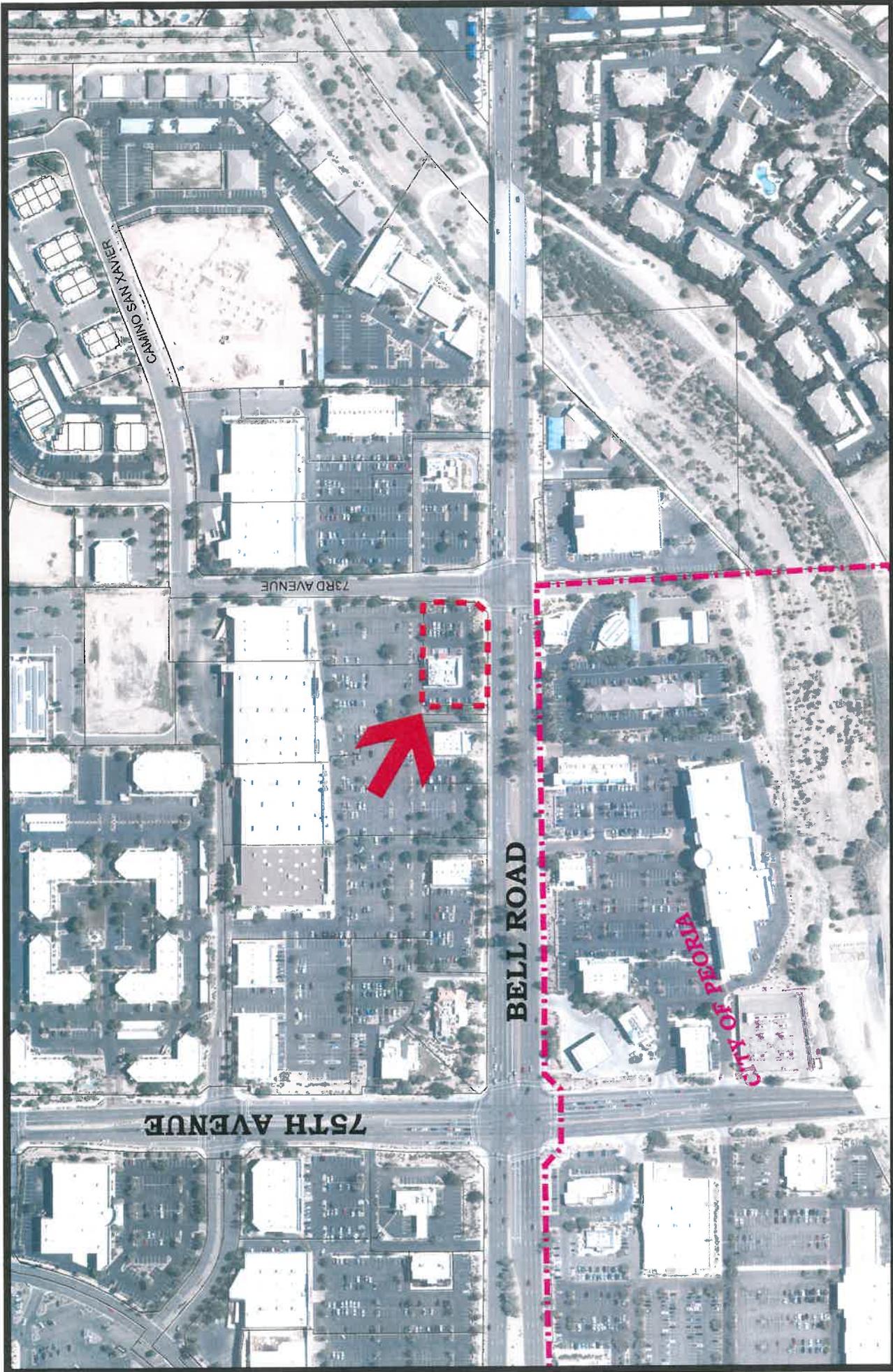


CASE NUMBER
CUP16-02



REQUEST
A CONDITIONAL USE PERMIT FOR A CONVENIENCE USE.

LOCATION
7322 W. BELL ROAD



Aerial Date: October 2014



CASE NUMBER

CUP16-02





Planning Staff Report

DATE: August 4, 2016 **AGENDA ITEM:** 6

TO: Planning Commission

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

SUBJECT: **CONDITIONAL USE PERMIT (CUP) APPLICATION CUP16-07:
 BRELBY THEATRICAL PLAYHOUSE – 7154 NORTH 58TH
 DRIVE**

REQUEST: CUP approval to allow a performing arts center in an existing building located within the Catlin Court PAD (Planned Area Development) Zoning District.

APPLICANT/OWNER: Shelby and Brian Maticic/Brelby Theatre Company.

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 CUP16-07, subject to the stipulation contained in the staff report.

PROPOSED MOTION: Move to approve CUP16-07 per the findings and subject to the stipulation contained in the staff report.

SUMMARY: The applicant is requesting CUP approval for a mixed-use performing arts center that will offer a wide range of live theatrical events, various artistic endeavors, and thespian educational workshops in an existing building that is located in the Catlin Court PAD Zoning District.

COMMISSION ACTION: Commissioner _____ made a motion to _____ CUP16-07 subject to the stipulations contained in the staff report. Commissioner _____ seconded the motion. The motion was _____ to _____.

DETAILS OF REQUEST:

General Plan Designation:

The property is designated as EMU (Entertainment Mixed-Use).

Property Location and Size:

The property is located northeast of the northeast corner of 59th and Glendale Avenues (7154 North 58th Drive). The lot is 100 feet wide by 140 feet deep.

History:

- The site is identified as Lot No. 2 of Block No. 3 on North First Avenue on the Glendale Townsite Plat, which was approved on July 8, 1895.
- The structure on this property is a contributing historic property of the Glendale Townsite/Catlin Court Historic District and the building was built in 1917 in the Bungalow-Craftsman Architectural Style.
- The previous land uses have been a wedding venue, a doll store, a museum, and originally a church.

Project Details:

Currently, the Brelby Theatre Company is located at 6831 North 58th Avenue a half a block south of Glendale Avenue. Since its inception, the Brelby Theatre has become a destination for those who are looking for live quality theatrical entertainment. Due to the theatre's increasing audience size the company is looking to expand their operation to a larger facility. Recently, the Brelby Theatre Company purchased property located at 7154 North 58th Drive. This new location will give the Brelby Theatre Company an opportunity to create a mixed-use performing arts center, which will provide high quality live performances, such as plays, musicals, improvisation shows, and showcases. In addition to performances, the Brelby Theatre Company will provide thespian educational classes, workshops, and summer camp programs for ages six and up.

The new theatre will be housed in an existing building that is approximately 2,575 square feet with a full basement, which will accommodate the proposed use. There is a 119 square foot area in the theatre which will be used to sell bottled beverages and snacks during performances and there are restrooms for patrons, employees, and the performers. In addition, there will be a 305 square foot backstage area, green room, and dressing room for the performers. Downstairs in the basement is a large area that will be primarily devoted for thespian classes and workshops. Once the interior is fully remodeled the new theatre will seat 90 audience members comfortably.

The majority of the performances will be between 7:30 p.m. to 10:00 p.m. on Friday and Saturday evenings. Also, there will be matinee shows on Sunday afternoon between 2:00 p.m. to 4:00 p.m. These planned performances will involve rehearsals Monday through Thursday evenings between 6:30 p.m. to 10:00 p.m. These days and hours during the week will benefit this part of the City by drawing in residents and visitors to the Historic Downtown Glendale area.

Brelby Theatrical Playhouse will be a place that not only produces top quality entertainment; it will cultivate and foster community involvement. Moreover, Brelby Theatre Company constantly serves as an incubator for new artistic works and endeavors by producing original plays from up and coming Arizona and Southwest playwrights. By locating a new theatre within Catlin Court it will increase the amount of visitors to Historic Downtown Glendale.

Operational Issues:

The only potential operational issue that the new location for the Brelby Theatrical Playhouse would be is parking; however, there are no parking requirements for any business or residence in the Catlin Court PAD Zoning District. Ample public parking is available within walking distance of the site.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On May 16, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. Planning did receive one response regarding the request, which was from a resident who had concerns that this new use will cause an increase of traffic and parked vehicles to this area, especially during City festivals. On June 6, 2016, a Neighborhood Meeting was held at the subject site and a total of 28 individuals attended. All who attended the Neighborhood Meeting were in full support of the CUP request and the 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 July 14, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on July 15, 2016. The property was posted by the applicant on July 17, 2016.

STAFF ANALYSIS:

- All applicable city departments have reviewed the application and recommend approval of the application.
- The proposed land use for this property as a mixed-use performing arts center is in accordance with the intention of the EMU (Entertainment Mixed-Use) General Plan Designation and is consistent with the policies, objectives, and the land map of the General Plan.
- Since there will not be any modification of the exterior of the building or on the property itself, there will be no significant change to the appearance of this site. Moreover, with an intended audience size of 90 patrons attending performances during the weekend this proposed land use will be significantly less intense than when this property was a wedding venue that served approximately 200 patrons during wedding ceremonies that was held at various times during the week. In addition, the days and hours of operation will be consistent with other performing arts venues throughout the City.
- The building is in conformance with all of the development standards of the Catlin Court PAD and the structure does have adequate space for the planned activities that will take

place in the proposed new use. This proposed use will be adjacent to several on-street parking areas and several parking facilities located within 400 feet of the subject site.

- The subject property is located along North 58th Drive and will have adequate access to both 59th and Myrtle Avenues. The site has access to Grand Avenue via Myrtle Avenue and access to Glendale Avenue via 59th Avenue. The subject site itself does have adequate on-site circulation and access to both 58th Drive and a rear alley for parking and loading requirements that can be done in a safe and efficient manner.
- There are three major parking facilities within 400 feet of the subject site. In addition, there are numerous on-street parking spaces throughout the Catlin Court PAD.
- Adequate conditions or stipulations have been incorporated into the approval of this CUP to insure that any anticipated detrimental effects can be mitigated.

RECOMMENDATION:

This request appears to meet the required findings for CUP approval and should be approved, subject to the following stipulation:

1. Development shall be in substantial conformance with the site plan, completed June 9, 2016, floor plans, completed June 9, 2016, and the project narrative, completed June 15, 2016.

ATTACHMENTS:

1. Required Findings for Conditional Use Permits.
2. Applicant's Narrative, completed June 15, 2016.
3. Site Plan, completed June 9, 2016.
4. Floor Plans, completed June 9, 2016.
5. Citizen Participation Final Report (without mailing labels), completed June 15, 2016.
6. Vicinity Zoning Map.
7. Aerial Photograph, dated October 2014.

PROJECT MANAGER:

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

REVIEWED BY:



Planning Director

MM/df



Development Services Department Director
for Sam McAllister

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.



Located at 7154 N 58th Drive Glendale, AZ 85301

A Conditional Use Permit request for the Brelby Theatre Company to establish a permanent Theatrical Playhouse

Brian Maticic & Shelby Maticic
Brelby Theatre Company
6753 W. Ironwood dr.
Peoria, AZ 85345

Conditional Use Permit Application
1st Submittal

COMPLETED
15 Jun 16
Glendale Planning Division

1. Applicant Background

Brelby Theatre Company (LLC) is a privately owned theatre company, based in Glendale, AZ. Now in our 8th season of production, we focus on fostering the talent and skills of our members, and provide opportunities to local artists for the development of their craft. The Brelby Theatre Company serves as a new works incubator, producing and developing original plays from Arizona and Southwest playwrights. Operating year round, Brelby produces live theatrical performances including plays, musicals, improvisation theatre, and showcases. In addition to performances, Brelby provides educational offerings for ages six and up, in the form of classes, workshops and summer camps. Brelby has been producing from their current location in historic downtown Glendale for the past three seasons, and is pleased to call this community our artistic home.

The organization was co-founded and is co-owned by Brian Maticic and Shelby Maticic. The two have 16 years in combined experience in arts management in the Arizona theatre community. Under their leadership the organization has grown to an artistic base of over 200 performers, directors, designers, writers, technicians and volunteers, with productions reaching in excess of 5000 community members per season and growing.

Brelby has gained a reputation as a quality performing arts organization, having been recognized twice by Arizona Foothills Magazine as the Best of Our Valley, once by Phoenix Magazine's Best of the Valley issue, and receiving nominations from both broadwayworld.com and the ariZoni awards for outstanding theatrical productions. In addition, Artistic Director, Shelby Maticic was recognized in 2014 as one of Phoenix New Time's 100 Creatives to Watch.

The Brelby Theatre Company is an organization that not only produces quality entertainment, it cultivates community involvement.

2. Project Summary

The Brelby Playhouse is planned as a mixed use performing arts center utilizing the existing structure and layout of the current Manor at Catlin Court located in the Catlin Court PAD (Planned Area Development) in Downtown Glendale to provide high quality performances, artist, community enrichment, and education to Glendale and the West Valley. The Brelby playhouse will be managed and operated by the Brelby Theatre Company who has established itself as a leader in the Arizona arts community and cultural landscape with a growing following.

3. Reason for the Request

The site is on a 7,000 square foot parcel in the Catlin Court PAD. According to the permitted land uses of this PAD a Conditional Use Permit (CUP) is required for Performing Arts Centers, such as what the Brelby Playhouse will be. In the Brelby Playhouse, the Brelby Theatre Company will offer a wide range of live theatrical events including but not limited to plays and musicals, improvisation performances, cabarets and creative challenges, and artist showcases, as well as a wide offering of workshops, classes, and camps for artist. Because of these unique aspects a CUP is required to ensure that there will be as little impact as possible for our neighbors.

4. Required Findings for a CUP

A CUP is approved by a Planning Commission and as such the Planning Commission bases their approval of CUP by the following 5 findings:

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;

Brelby's use of this location as a performing arts venue is in conformance with the General plan as it is within the Entertainment Mixed Use. By applying for the CUP this use will be in conformance with the Catlin court PAD.

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;

The use of this location as a performing arts center will not be detrimental, or have adverse effects on the property or neighborhood. No major changes to the exterior or structure of the property are planned, and the exterior appearance will remain largely unchanged. With an intended audience size of 90 or less seats, the traffic created by our customers will have a much lower impact than that of the business that was previously operating at this location regularly servicing parties of nearly 200. The hours of operation and use will be consistent with other arts and entertainment organizations.

C. That 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.

All setbacks, walls, landscaping, and buffer yards are in accordance with the listed requirements in the Catlin Court District Plan PAD booklet. The Building has adequate space for the planned activities in the proposed use.

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;

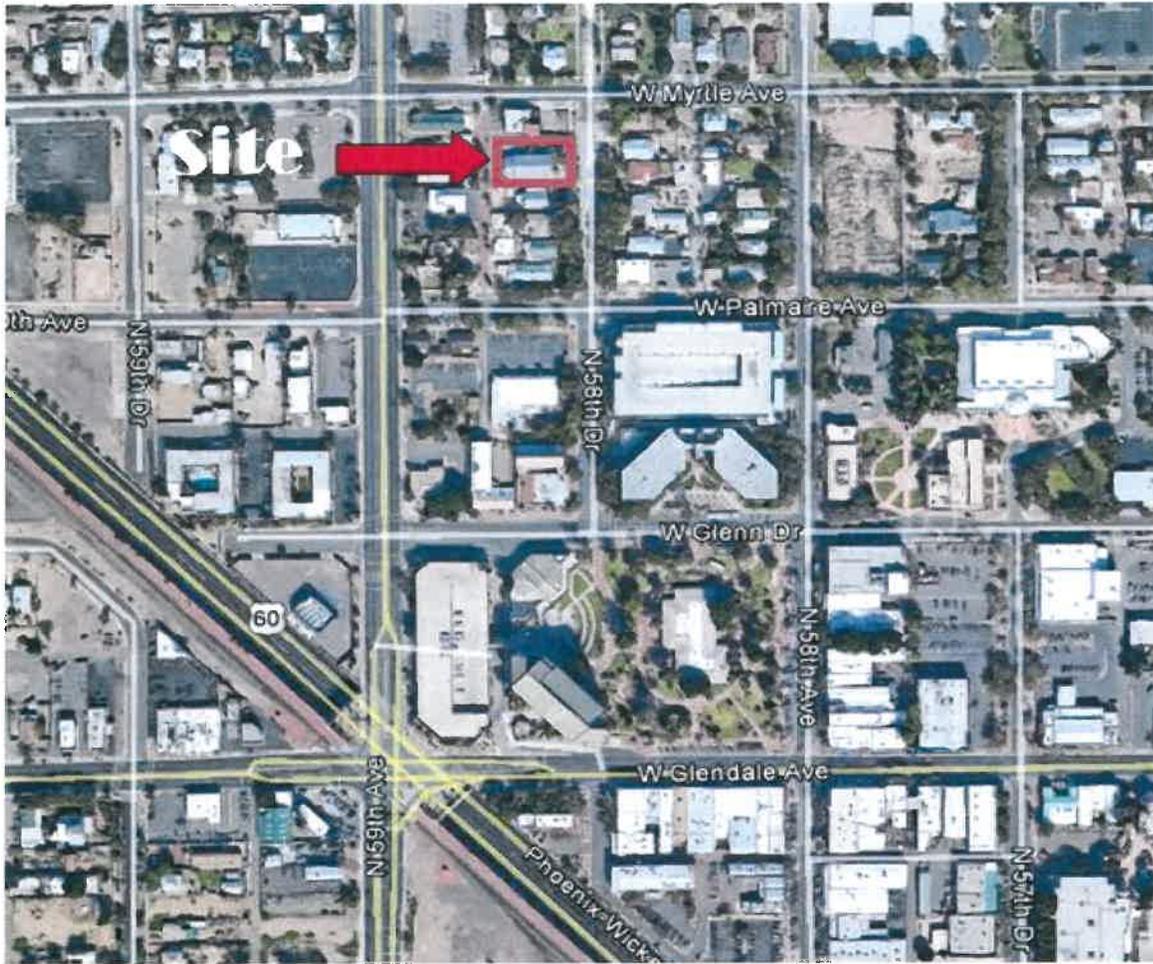
The Catlin Court PAD has no onsite parking requirements, however ample public parking is available in the area including the public Garage at the intersection of Palmaire avenue and 58th Drive. The property has access to 59th avenue by way of Myrtle or Palmaire Avenue providing more than adequate access public streets that can carry the quantity of traffic the property's use will require.

E. That adequate conditions or stipulations have been incorporated into the approval of the CUP to insure that any anticipated detrimental effects can be mitigated;

5. Building Information

Brelby will install modular seating risers, modular theatrical lighting, and modular curtains that will require no construction to create a performance space on the upper floor of the building. As the building was recently renovated to accommodate dressing rooms, large groups for weddings and special events, and meet fire safety and ADA regulations, no construction is proposed. With the exception of changing signage, no changes to the outward appearance of the building are currently planned. Any future changes planned for the exterior of the building will be pursued with care and attention to the aesthetic of the Catlin Court PAD. These future changes include the eventual addition of an ADA ramp to the basement level for use as a second, intimate performance studio and classroom space.

6. Generalized Location Map



7. Site Conditions

The Brelby Playhouse will be used as a performance venue, as well as a location to host classes for the community. The building is surrounded on all sides by mix use pedestrian retail and office space in accordance with Catlin Court PAD. The site is fully landscaped, and the new owners have no planned changes to the site. The venue will promote more consistent foot traffic for the neighboring shops.

8. Parking

There are no on-site parking requirements in the Catlin court PAD.

9. Signage

Brelby plans to update signage on the building to reflect the new ownership, as well as some modular signage for the day of performances. All signs will be designed and implemented within the Catlin Court PAD requirements.

9. Development Schedule

As no construction is proposed and no changes will be made to exterior of the building, there is no development schedule. The Brelby Theatre Company will begin operation of the Brelby Playhouse upon approval of the CUP and any other required permits or construction documents.



Planning

NEIGHBORHOOD NOTIFICATION LETTER

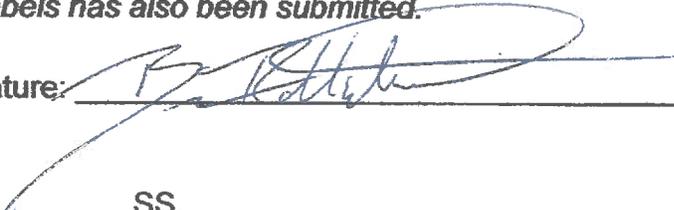
AFFIDAVIT OF MAILING

Case No. (if available) _____

Project Name: Brelby Playhouse

I, Brian R. Maticec 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.

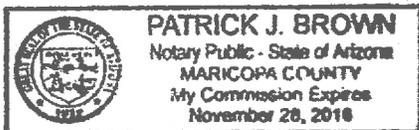
COUNTY OF MARICOPA

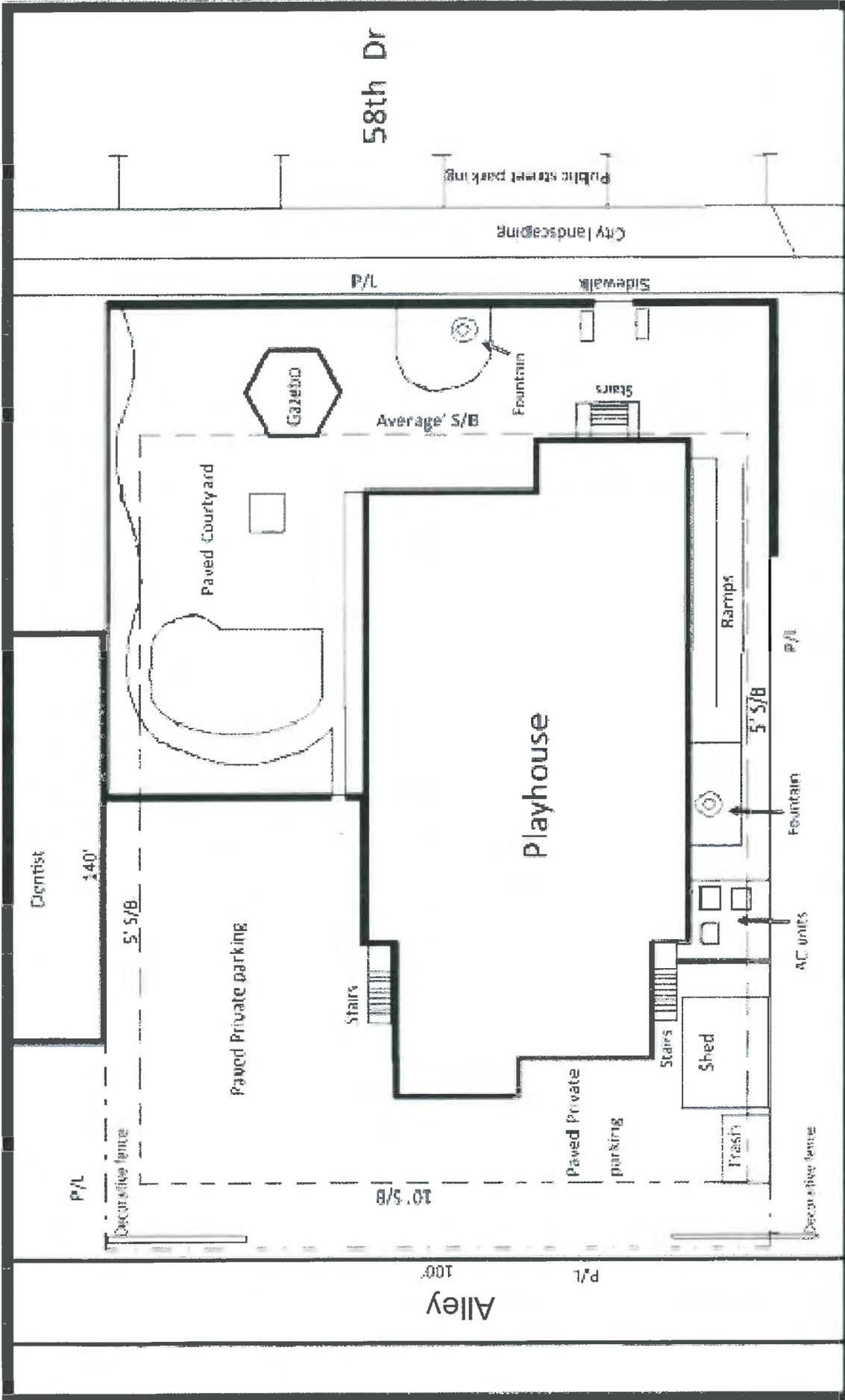
The foregoing instrument was acknowledged before me this 31 day of May, 2016.


Notary Public

My Commission Expires:

11-28-2016



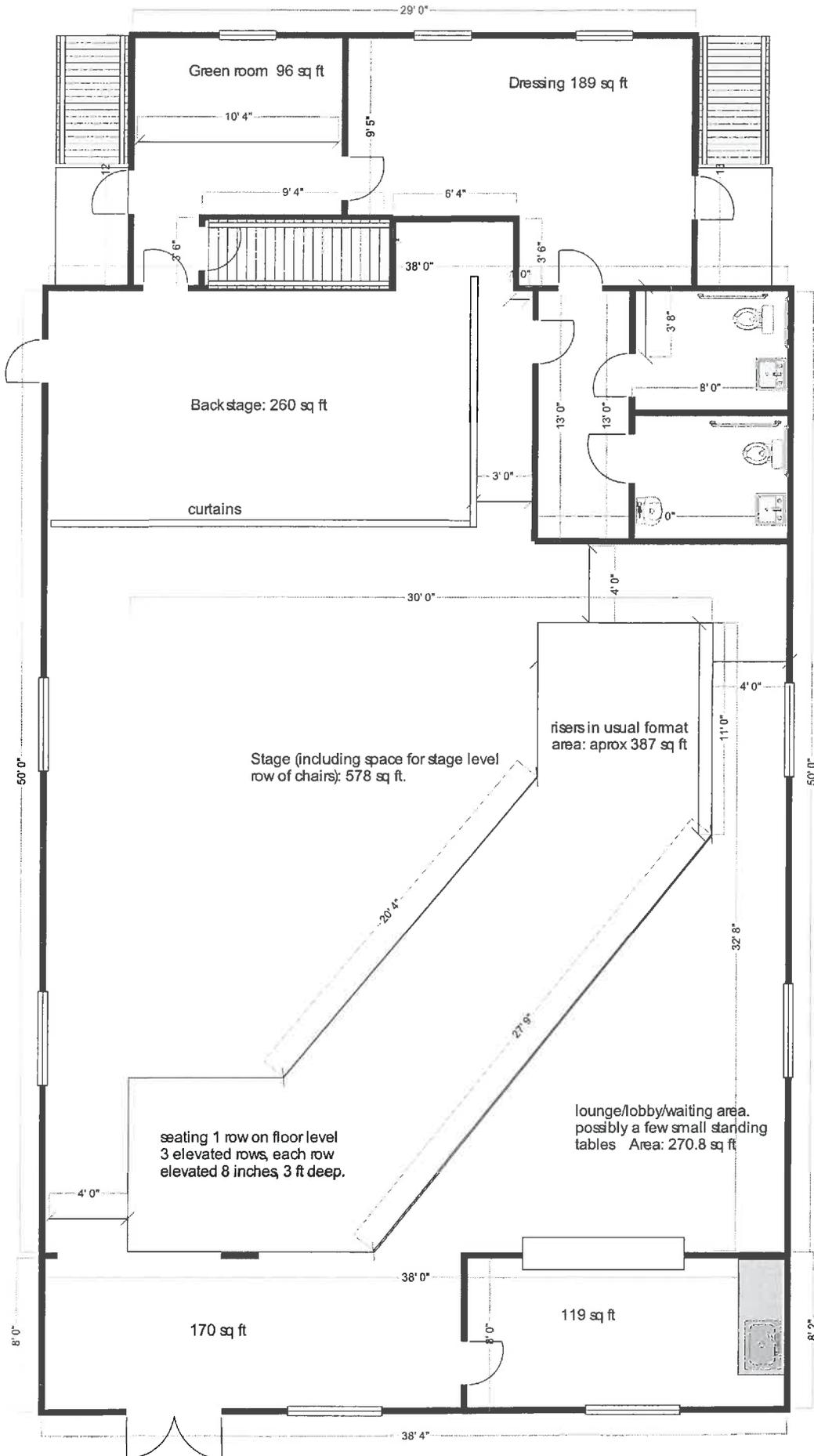


Site Plan: Breiby Playhouse
 7154 N 58th Dr
 Glendale, AZ
 85301147-26-031B

COMPLETED

MM 9 June 16

Glendale Planning Division

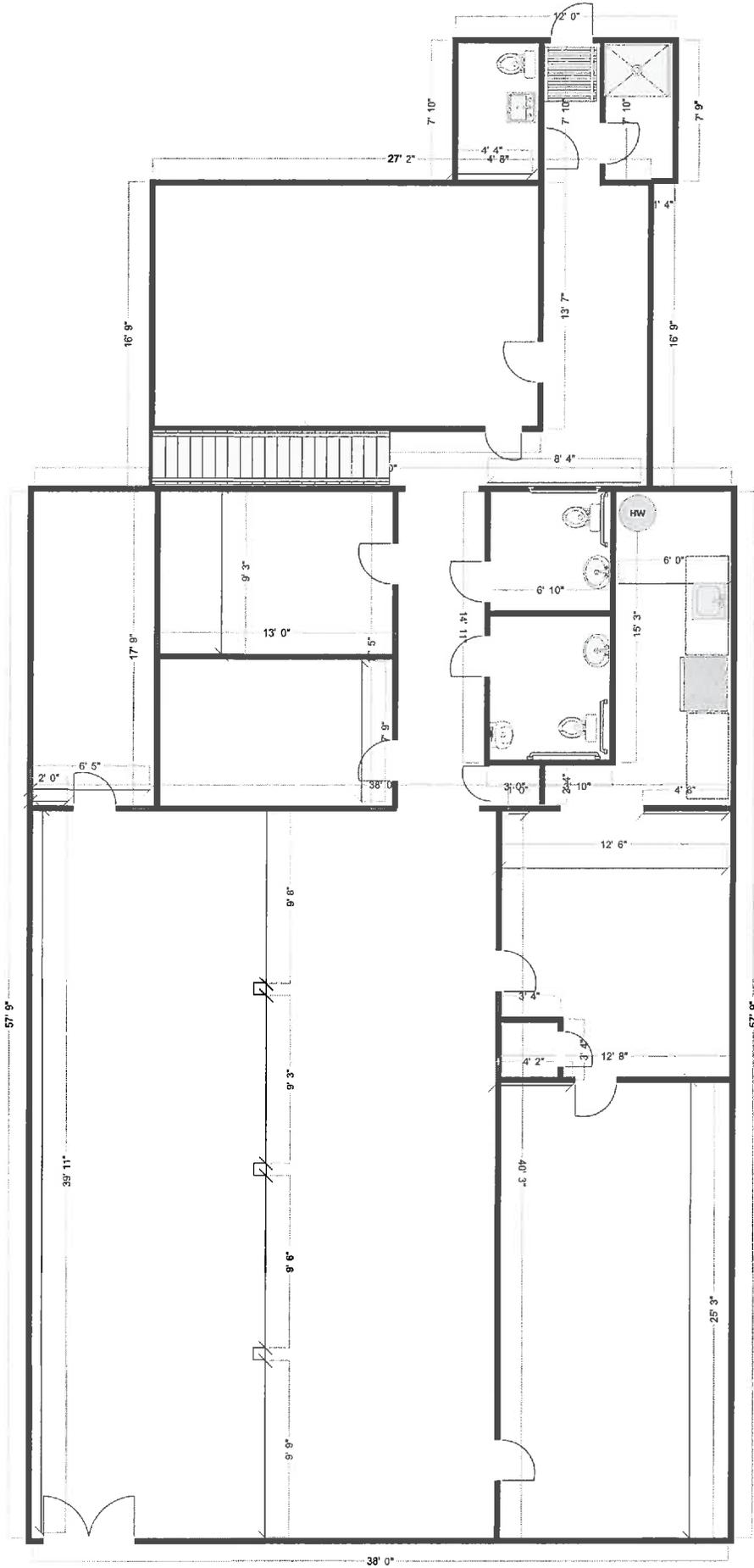


Upstairs Floorplan with square footage

COMPLETED

MM June 16

Glendale Planning Division



Downstairs floor plan

COMPLETED

MM 9 June 16

Glendale Planning Division

Citizen Participation Final Report

Brelby Playhouse

7154 N 58th Drive

Glendale, AZ 85301

COMPLETED

15 JUNE 16

Glendale Planning Division

1. Brief description

The Brelby Playhouse is planned as a mixed use performing arts center utilizing the existing structure and layout of the current Manor at Catlin Court located in the Catlin Court PAD (Planned Area Development) in Downtown Glendale to provide high quality performances, artist, community enrichment, and education to Glendale and the West Valley. The Brelby Playhouse will be managed and operated by the Brelby Theatre Company who has established itself as a leader in the Arizona arts community and cultural landscape with a growing following.

2. Brief overview of citizen participation plan

In line with Brelby Theatre's Citizen Participation Plan they notified neighbors, neighboring property owners, and interested parties of the intended CUP application so that they can participate in the process. Notification included mailing a Public Notification Letter to all property owners within 500 feet of the project, as well as sending a volunteer from Brelby to each physical location within 500 feet of the project to extend a personal invite to the neighborhood meeting. A neighborhood meeting was held on June 6, 2016 to discuss the project and address any questions or concerns.

3. Dates notification letters and meeting notices were mailed, newsletters, and other publications were posted and or advertised are as follows:

- i. Notification letters mailed: 5/16-5/21
- ii. Door to door personal outreach and invitation: 6/4/16
- iii. Public meeting: 6/6/16

4. Outlined map of the area where residents and property owners who were notified are located



5. Names of individuals on the district's "interested parties" list who were notified, and individuals on the additional notification list who were notified.

6. Dates and locations of all meetings where citizens were invited to discuss the proposal was as follows:

A public meeting was held on Monday, June 6, 2016 at 7154 N. 58th Drive, Glendale AZ 85301

7. Provide the total number of individuals noticed and the number of people that actually participated in the process.

Number invited: 198

Number attended 28

8. List concerns, issues, and problems expressed by the participants

- a. Parking

- b. What happens during city festivals?

- c. Will you have daytime hours to generate foot traffic for the other merchants?

9. State how each concern, issue, and problem has been addressed and how applicant intends to continue to address them.

- a. Parking-

We have acknowledged this concern. the Catlin Court PAD does not have on-site parking requirements and all customers or theatre goers in this case must park on the street or use the adjacent multi-storied parking garage that is 300 feet away. This is within the quarter mile walking shed, which typically is the distance the majority of individuals will be willing to walk without complaint.

- b. City Festivals-

This issue was raised as a question rather than a concern. We acknowledged that Plan to offer events and productions during festivals. Opening weekend of Glitters typically does not have full productions so that we are able to facilitate performing at the opening ceremony, or do community outreach. However, we as noise pollution at this new location is significantly reduced, we are open to exploring performances during opening weekend. Further we are

eager to participate in all neighborhood and city festivals, and are in favor of events that block off the street in favor of additional pedestrians in front of our business.

c. Driving traffic to neighboring retail/restaurants-

Our primary business of producing plays will take place evenings and weekends. However, we explained that typically theatre patrons arrive to the area early to shop and dine before performances. Further, we plan to offer classes and workshops throughout the year, and all day summer camps for teens and youth during the summer. We will also offer a number of special events such as "artist fairs" throughout the year with daytime hours. Additionally, at the meeting a few neighboring businesses expressed interest in expanding their hours on Show nights to capitalize on the additional foot traffic, and support the theatre by providing more options to patrons. We encourage this type of collaboration and working with our neighbors to improve the appeal of the area as a whole.

10. State concerns, issues, and problems the applicant is unable or unwilling to address and why.

None

11. Specifically identify how the proposal has been revised to address public concerns.

No changes necessary

12. Attach copies of letters, affidavits, meeting invitations, newsletters, publications, sign-in sheets, petitions received in support or against the proposed project and any other materials pertaining to the notification process.

See Appendix

13. Attach a complete mailing list used which includes all individuals located in the notice area, homeowner's associations, registered neighborhood groups/associations, individuals on the district's "Interested Parties" list and individuals on the Additional Notification List.

The mailing list is attached as appendix A.

Appendix B

Email Responses

Papa Ed's Ice Cream

Jun 6 (3 days ago)

to me

Brian,

I am not available to attend the community meeting on Monday but wanted to send this statement showing our support from Papa Ed's Ice Cream. Hope you get it in time!

Papa Ed's Ice Cream welcomes the addition of Brelby Theatre Co. to our Historic Catlin Court community. I have enjoyed working with you and your group. Such a professional group of artists. And I am looking forward to the new energy and partnership opportunities you are bringing to our area.

Sincerely
Linda Moran-Whittley

Papa Ed's Ice Cream

The Spicery <1895spicery@gmail.com>

May 31 (9 days ago)

to Shelby, me, Martin

[Shelby](#),

Thanks for the quick response and your detailed plans for food and drink.

[Martin](#),

Not sure if there is a YES/NO vote on the CUP, but if there is I vote YES for granting the CUP to Brelby Theatre.

Thanks,

[Matt](#)

From: Shelby Maticic [mailto:shelby@brelby.com]

Sent: Tuesday, May 31, 2016 5:00 PM

To: The Spicery; Brian Maticic

Cc: Martell, Martin

Subject: Re: I recieved your letter today about your meeting on June 6th at 6 PM

Hi Matt,

Thanks for the email!

We don't currently have any plans to serve food. If we do in the future it would be very simple items that don't require cooking...more like concessions during a show. We do hope to get a liquor license eventually, once we're open for performances we'll start pursuing that process.

Thank you,

On Tue, May 31, 2016 at 4:57 PM, The Spicery <1895spicery@gmail.com> wrote:
Shelby,

I got your letter today about your CUP for Brelby Theatre within Catlin Court and I am very excited about you joining our community.

I hope to make the meeting on Monday June, 6th at 6PM but just in case something comes up.

My only concern is what if any food you plan on serving at the new theater complex, so I can understand how it may impact the restaurant.

Thanks,

Matt

Appendix D

Comment card responses:

Name	Address	Bussiness	Support or Concerns?	Comments
Sara Yarrow	7163 N. 58th Dr.	Spinning Wheel Antiques	Support	I'm very excited about having Brelby here in Catlin Court. Seeing this nice floor, I wonder if you would have any artist to teach dance or have dances. Best wishes to you all. We may be open on your show nights.
Mae Cullins	7153 N. 59th Ave.	Kimberly Ann's Tea Room and Cafe	Support	Will be willing to work with you anyway and can even stay open late on Sundays if needed. Would really appreciate doing business with you...I'm right behind your building
Colleen Carnahan	16044 N. 25th Ave. Phx, AZ 85023		Support	
Travis Bovard	1823 N. 70th ST. # 3 Scottsdale, AZ		Support	
Sheri Audette	7142 N. 58th Dr. Glendal, AZ 85301		Support	Welcome to the neighborhood
Carolyn McBurney	9831 S. Forest Ave. 85284		Support	Brelby will be a tremendous asset to the Catlin Court area. They bring an energy and enthusiasm for collaboration that will serve the community well.
Bob Yarrow	7163 N. 58th Dr. Glendale, AZ 85302	Spinning Wheel Antiques	Support	A wonderful addition to Catlin Court
Marian Fritsch-Gerl	5842 W. Myrtle Ave		Support	So glad you're here! :) Welcome and best of fortune to you :)
Andrew Gerl	9808 N. 56th Ave. Glendale 85302		Support	This will be a great asset to Catlin Court!
Coit & Valerie Burner	7146 N. 58 Dr. Glendale, AZ 85301	Bears and More	Support	Hooray!! :)
Matt Borowski	7141 N. 59th Ave. Glendale, AZ 85301	The Spicery in Our 1895 Home	Support	Welcome!
Samantha-Elise Tennant	2301 N. Los Altos Dr. Chandler, AZ 85224		Support	Great job guys! This venue is beautiful
Cherlynn Berry	7142 N. 58th Dr. Glendale, AZ 85301	2 Share Gifts	Support	

Cody Goulder	4507 N. 35th Place Phx, AZ 85018	Support
John Perovich	13948 N. 135th Lane Surprise, AZ 85379	Support
Mia Passarella	1225 N. 36th St. Phx, AZ 85008	Support
Luke Gomez	2671 S. 158th Dr. Goodyear, AZ 85338	Support

I go out of my way to enjoy Downtown
Glendale because of this theatre. A
business with lots of potential only has room
to grow. And Glendale should be with that
growth.

Appendix E

Responses Called into the city:

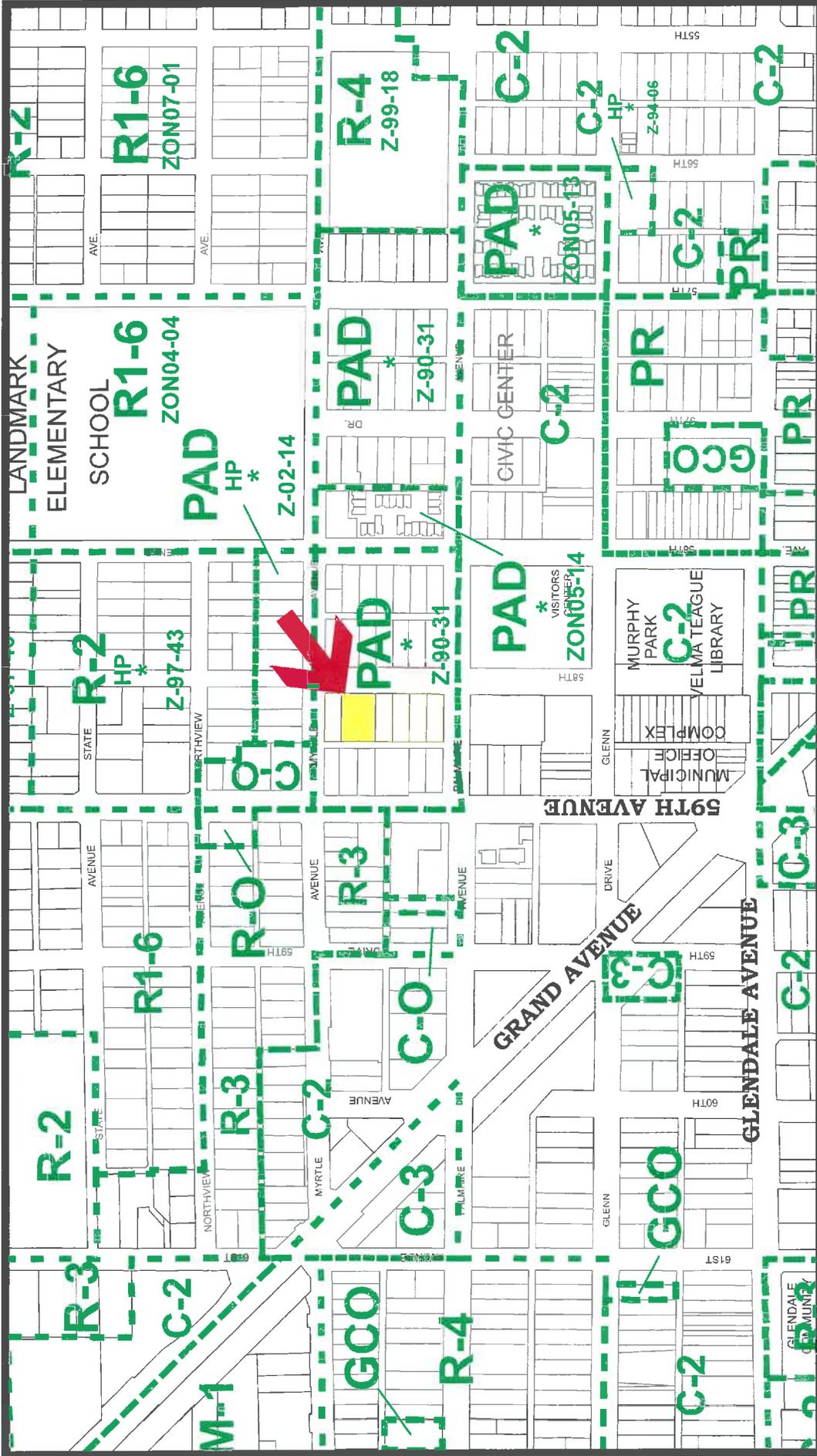
Martell, Martin

Jun 3 (6 days ago)

to me, Shelby, Jean

Good afternoon Brian and Shelby,

I received a phone call today from a resident who lives one block north of the future Brelby Playhouse will be located. She mentioned that she received the Neighborhood Notification Letter and she was opposed to your proposal because she feels a theater in Catlin Court will cause parking chaos in front of her property and the surrounding neighborhood. You will need to include this information into your future Citizen Participation (CP) Final Report after the CP Plan and the Neighborhood Meeting is complete.



CASE NUMBER

CUP16-07

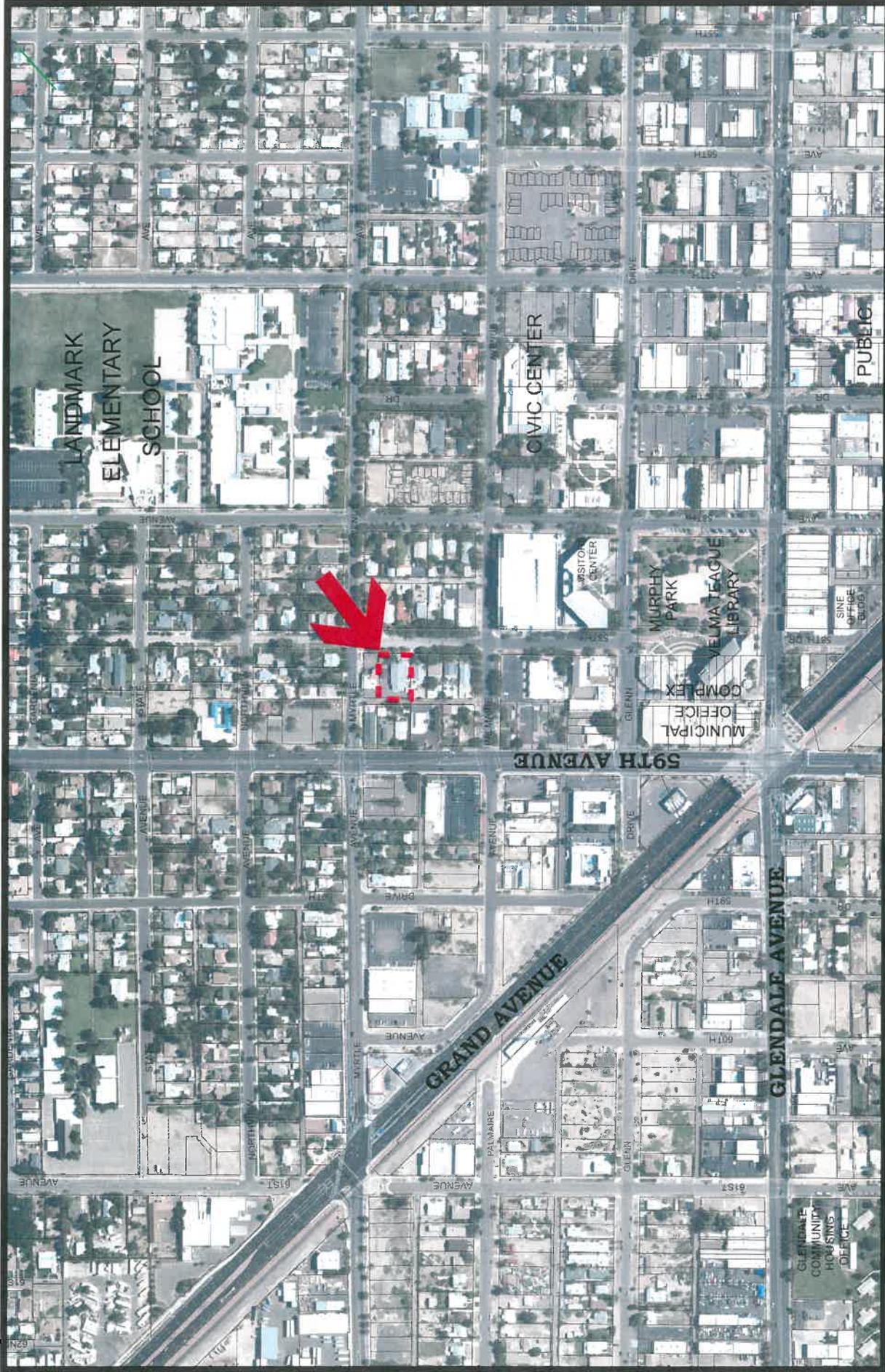
REQUEST

A CONDITIONAL USE PERMIT TO ALLOW
 A PERFORMING ARTS FACILITY IN THE
 CATLIN COURT PAD (PLANNED AREA
 DEVELOPMENT)



LOCATION

7154 N. 58TH DRIVE



Aerial Date: October 2014



CASE NUMBER
CUP16-07





Planning Staff Report

DATE: August 4, 2016

AGENDA ITEM: 7/8

TO: Planning Commission

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

SUBJECT: **GENERAL PLAN AMENDMENT (GPA) GPA16-02 AND
REZONING (ZON) APPLICATION ZON16-01: WESTGATE
VILLAGE – 8847 WEST GLENDALE AVENUE**

REQUESTS: Amend the General Plan land use designation on approximately 19 acres from Medium Density Residential (3.5 to 5 du/ac) to Medium High Density Residential (5 to 8 du/ac) and High Density Residential (20 to 30 du/ac).

Rezone 19.81 acres from A-1 (Agricultural), C-O (Commercial Office), and R1-6 (Single Family Residence) to PAD (Planned Area Development).

APPLICANT/OWNER: Earl, Curley, & Lagarde, P.C./Various Owners.

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

RECOMMENDATION: The Planning Commission should recommend approval of GPA16-02, as written, and ZON16-01, subject to the stipulations contained in the staff report.

PROPOSED MOTION: Move to recommend approval of GPA16-02, as written, and ZON16-01, subject to the stipulations contained in the staff report.

COMMISSION ACTION: Motion made by Commissioner _____ to recommend _____ of GPA16-02. Motion seconded by Commissioner _____. The Motion was _____ with a vote of _____ to _____.

Motion made by Commissioner _____ to recommend _____ of ZON16-01 subject to the stipulations contained in the staff report. Motion seconded by Commissioner _____. The Motion was _____ with a vote of _____ to _____.

SUMMARY: The proposed development would allow for a master planned development titled “Westgate Village”. The development would be comprised of a mixed-use project with such land uses as a senior independent living facility and a single family residential subdivision consisting of 63 lots.

DETAILS OF REQUEST:

Property Location and Size:

The 19.81 acre property is an assemblage of seven parcels located at the southeast corner of 89th and Glendale Avenues.

Design Review:

Design review approval will be required prior to construction of any portion of the proposed site. A Design Review Application (DR16-06) is currently under review for Westgate Village Independent Senior Living Facility and is subject to GPA16-02 and ZON16-01 approval.

Project Details:

The property is currently designated in the General Plan as Medium Density Residential, 3.5 to 5 dwelling units per acre. The request to amend the land use designation to Medium-High Density Residential, 5 to 8 dwelling units per acre and High Density Residential, 20 to 30 dwelling units per acre. A concurrent rezoning request has been submitted to rezone the 19.81 site from A-1 (Agricultural), C-O (Commercial Office), and R1-6 (Single Family Residence) to PAD (Planned Area Development).

If the General Plan Amendment and Rezoning applications are granted, the applicant proposes a mixed-use development titled “Westgate Village”. Conceptually, the proposed development will consist of three areas in with the development:

Area A is depicted as approximately 5.97 acres located on the northwest corner of the property adjacent to 89th and Glendale Avenues. The proposed development is for a 3-story multiple residence senior independent living facility with a maximum approximate total of 175 units specifically designed to meet the needs of residents desiring an active lifestyle.

Area B is identified as approximately 2.75 acres fronting onto Glendale Avenue. The primary emphasis is for expansion of the senior independent living community with smaller scale senior living units with reduces a height and density, such as senior cluster homes, senior cottages or senior townhomes. An alternative appropriate land use could be a small scale single level professional office development.

To accommodate an active lifestyle the proposal provides amenities, such as bistro, salon/barber shop, outdoor pool, fountain(s), library/reading areas and courtyard gardening to be utilized by the senior residents which will be located on the interior and exterior of the main 3-story building.

Area C is presented to be developed with 63 detached single-family homes on an approximately 11.08 acre parcel, at a density of 5.8 units per acre. The entrance will be located on 89th Avenue. Development standards for the proposal will consist of a minimum lot size of 4,000 square feet, maximum lot coverage at 55%, and a minimum active open space of 17.5%, in addition to other development standards outlined in the proposed PAD Booklet.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:

The applicant has spoken with a representative for the Pendergast Elementary School District and the Tolleson Union High School District to ensure that there are adequate elementary and high school facilities in the respective school district. In accordance with Section 3.812 (Adequate School Facilities) of the Zoning Ordinance, the applicant has provided city staff with a copy of the required Certificate for Adequate School Facilities signed by a representative for the Pendergast Elementary School District and the Tolleson Union High School District.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On April 25, 2016, the applicant mailed notification letters to adjacent property owners and interested parties inviting them to a neighborhood meeting held on May 11, 2016. Excluding city staff and applicant/developers, five individuals attended the meeting and expressed an overall positive perspective for the project. General questions were answered and no concerns were expressed. 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 July 14, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on July 15, 2016. The property was posted on July 15, 2016.

STAFF FINDINGS AND ANALYSIS:

General Plan Amendment

Findings:

- The amendment is consistent with the policies and objectives of the rest of the General Plan; and
- The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale.

Analysis:

- Amendment to the land use designation from Medium Density Residential, 3.5 to 5.0 du/ac to Medium-High Density Residential, 5 to 8 du/ac and High Density Residential, 20 to 30 du/ac will be compatible with the general area.
- The senior living facility proposed for Area A, various land use options for Area B, and the minimum lot dimensions for the subdivision lots identified in Area C provide for an

integral development. The proposed Medium to Medium-High Density is in response to an increase in local demand by empty nesters, singles, and those starting families.

- This request to amend the General Plan is consistent with Land Use Goal 1 - Relate residential areas with work places, of the Land Use Element of the General Plan by creating additional residents to support nearby existing commercial development, and offering a variety of housing opportunities.
- The requested General Plan Amendment is consistent with Goal 2 - Provide the citizens of Glendale choices from a wide variety of housing types, of the Housing Element of the General Plan. The project provides a range of housing unit diversity to promote socio-economic balance, foster a blending of single family and multi-family housing units based on market needs and potentially a development with vehicular and non-vehicular traffic circulation.

Rezoning

Findings:

- The amendment is consistent with the policies and objectives of the Glendale General Plan;
- The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale; and
- If the amendment is to the official Zoning Map, the proposed change will include any conditions necessary to mitigate any adverse impacts on the businesses, person, or properties adjacent to the requested amendment.
- A finding is made that there are adequate school facilities, if the amendment is to the Official Zoning Map, and if Section 3.812 (Adequate School Facilities) is applicable.

Analysis:

- The applicant's proposed land uses, site plan, and design concept are compatible with the surrounding area. The site is near existing single family residential subdivisions and vacant land zoned for residential and commercial development in the future.
- Appropriate development standards have been proposed to develop with variations in lot arrangement, circulation patterns, and landscaping patterns to correlate with existing development.
- Rezoning the property to PAD, as proposed, would support community needs for diversity in housing options and additional pedestrian support to the surrounding businesses.
- The proposed Westgate Village PAD meets the intent of a mixed use development consisting of residential and nonresidential development options.
- Representatives from the appropriate school districts have confirmed adequate school facilities to accommodate the proposed 63 lot subdivision.
- All applicable city departments have reviewed the application and recommend approval, subject to stipulations.

RECOMMENDATION:

General Plan Amendment

The Planning Commission should recommend approval of GPA16-02.

Rezoning

The Planning Commission should recommend approval of ZON16-01, subject to the following stipulations:

1. Development shall be in substantial conformance with the development plan outlined in the PAD document, date stamped July 22, 2016.
2. LED Streetlights shall be required on all streets and plans shall be submitted with construction drawings submittal.
3. Completion of 89th Avenue with curb, gutter, and sidewalk is required to provide connectivity to the south.
4. All applicable city standards shall be applied to the related General Plan Amendment and Rezoning Application. Other applicable city standards will be analyzed and applied during Design Review and Preliminary Plat application submittal and review.

ATTACHMENTS:

1. Applicant's Westgate Village PAD Booklet, date stamped July 22, 2016.
2. Citizen Participation Final Report (without mailing labels), dated July 8, 2016.
3. Certification of Adequate School Facilities.
4. Vicinity General Plan Map.
5. Vicinity Rezoning Map.
6. Aerial Photograph for Rezoning, dated October 2014.

PROJECT MANAGER:

Tabitha Perry, Assistant Planning Director
(623) 930-2596 tperry@glendaleaz.com

REVIEWED BY:



Planning Director



Development Services Director

**Certification of Adequate School Facilities
for
Residential Rezoning – Glendale, Arizona
Revised November 2001**

Glendale City Ordinance No. 2104 applies to applications for residential rezoning which will increase the projected number of students for any school district's attendance area. This includes applications for rezoning which change zoning classifications from non-residential to residential and rezonings, which change residential zoning classifications to a higher density classification.

To be completed by City Staff

City Application Number: GPA16-02 & ZON16-01

City Staff Contact: Tabitha Perry Telephone: (623) 930-2596

Property Address: 8847 West Glendale Avenue (Southeast corner of Glendale Avenue & 89th Avenue)

Property Size: Over all master plan is +/- 19 acres (Single-Family residential portion is +/- 11 acres)

Existing Zoning: A-1, C-O and R1-6 Proposed Zoning: PAD (Planned Area Development)

Existing Dwelling Unit Potential: Single Family: 58-83 Multi-Family: N/A

Proposed # of Dwelling Units: Single Family: 63 Multi-Family: Senior Living units +/-130

Net Increase in Dwelling Units from Existing Zoning:
Single Family: 63 Multi-Family: Senior Living units +/-130

Affected School District(s): Elementary: Pendergast Elementary School District

Middle: Pendergast Elementary School District

High School: Tolleson Union High School District #214

Impacted School(s): Elementary: Desert Mirage Elementary School

Middle: Desert Mirage Elementary School

High School: Copper Canyon

Applicant/Contact for Rezoning Application: Stephen Earl or Ricardo Toris of Earl, Curley & Lagarde

Address: 3101 N. Central Avenue, Suite 1000, Phoenix, Arizona 85012

Telephone: (602) 265-0094 Fax: (602) 265-2195

Email: searl@ecllaw.com or rtoris@ecllaw.com

Sent for Certification to: Superintendent-Dr. Lily Matos DeBlieux

Referred Date: June 21, 2016

Response Deadline: July 22, 2016

If no response is received by this date, it will be assumed that there are adequate school facilities for the proposed rezoning.

Response Date: July 11, 2016

**Certification of Adequate School Facilities
for
Residential Rezoning – Glendale, Arizona
Revised November 2001**

To Be Completed By School Official (Choose One)

1. The school district has adequate facilities to accommodate the projected number of new students within the school district attendance area that will be generated by this rezoning request.
2. The school district will have adequate school facilities by a planned capital improvement to be constructed within one (1) year and located within the school district's attendance area affected by this residential rezoning request.
3. The school district has determined an existing or proposed charter school can provide adequate school facilities.
4. The applicant and the school district have entered into an agreement to provide, or help to provide, adequate school facilities in a timely manner within the school district's attendance area affected by this residential rezoning request. Details of this agreement are not required.
5. The school does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

If response number five (5) is selected, please provide specific details regarding the factors contributing to the lack of adequate facilities as related to the School Facilities Board Guidelines. Indicate where facilities are not adequate. Attach additional details as necessary.

- A. School Site
- B. Academic Classroom Space
- C. Classroom Fixtures and Equipment
- D. Libraries and Media Centers
- E. Auditoriums and Multipurpose Rooms
- F. Technology
- G. Transportation
- H. Science Facilities
- I. Arts Facilities
- J. Vocational Educational Education Facilities
- K. Physical Education-Comprehensive Health Program
- L. Other School Facility Areas and Equipment
 - a. Compliance with Building Codes
 - b. Building Systems
 - c. Building Soundness
 - d. Minimum Gross Square Footage
 - e. Critical Health or Safety Issues

School District Pendergast Elementary School District
 Representative Name (Please Print) Brian Mee
 Representative Signature Brian Mee
 Title Chief Business Officer Date 7-11-16 Application No. GPA16-02/ZON16-01

The completed Certification of Adequate School Facilities should be forwarded to:
 Tabitha Perry, Assistant Planning Director
 City of Glendale Planning
 5850 West Glendale Avenue, Suite 212
 Glendale, Arizona 85301

**Certification of Adequate School Facilities
for
Residential Rezoning – Glendale, Arizona
Revised November 2001**

Glendale City Ordinance No. 2104 applies to applications for residential rezoning which will increase the projected number of students for any school district's attendance area. This includes applications for rezoning which change zoning classifications from non-residential to residential and rezonings, which change residential zoning classifications to a higher density classification.

To be completed by City Staff

City Application Number: GPA16-02 & ZON16-01
City Staff Contact: Tabitha Perry Telephone: (623) 930-2596
Property Address: 8847 West Glendale Avenue (Southeast corner of Glendale Avenue & 89th Avenue)
Property Size: Over all master plan is +/- 19 acres (Single-Family residential portion is +/- 11 acres)
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Existing Dwelling Unit Potential: Single Family: 58-83 Multi-Family: N/A
Proposed # of Dwelling Units: Single Family: 63 Multi-Family: Senior Living units +/-130
Net Increase in Dwelling Units from Existing Zoning:
Single Family: 63 Multi-Family: Senior Living units +/-130
Affected School District(s): Elementary: Pendergast Elementary School District
Middle: Pendergast Elementary School District
High School: Tolleson Union High School District #214
Impacted School(s): Elementary: Desert Mirage Elementary School
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High School: Copper Canyon
Applicant/Contact for Rezoning Application: Stephen Earl or Ricardo Toris of Earl, Curley & Lagarde
Address: 3101 N. Central Avenue, Suite 1000, Phoenix, Arizona 85012
Telephone: (602) 265-0094 Fax: (602) 265-2195
Email: searl@ecllaw.com or rtoris@ecllaw.com
Sent for Certification to: Superintendent-Dr. Lexi Cunningham
Referred Date: June 21, 2016
Response Deadline: July 22, 2016

If no response is received by this date, it will be assumed that there are adequate school facilities for the proposed rezoning.

Response Date: _____

**Certification of Adequate School Facilities
for
Residential Rezoning – Glendale, Arizona
Revised November 2001**

To Be Completed By School Official (Choose One)

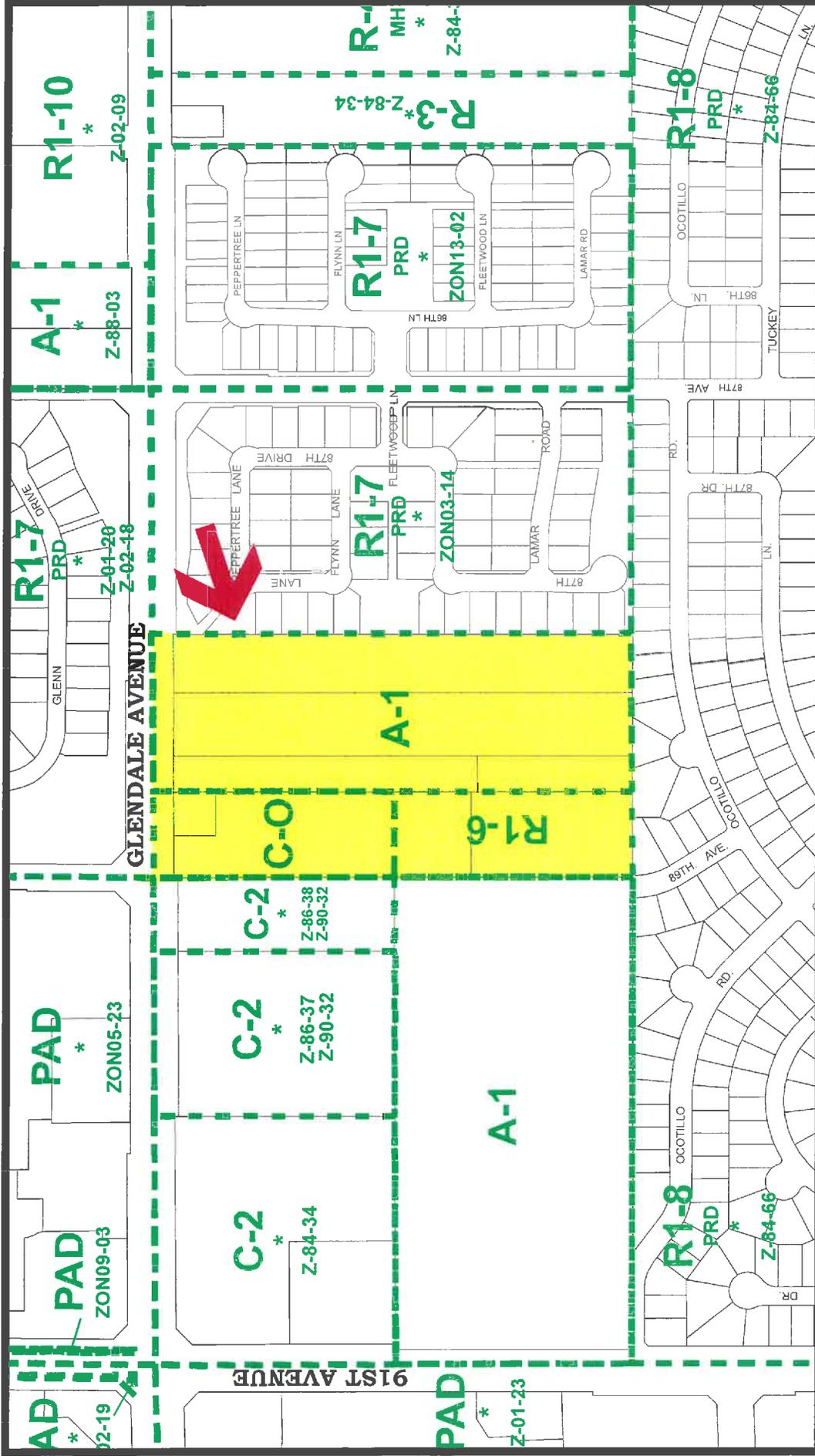
1. X The school district has adequate facilities to accommodate the projected number of new students within the school district attendance area that will be generated by this rezoning request.
2. _____ The school district will have adequate school facilities by a planned capital improvement to be constructed within one (1) year and located within the school district's attendance area affected by this residential rezoning request.
3. _____ The school district has determined an existing or proposed charter school can provide adequate school facilities.
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5. _____ The school does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

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- | | |
|--|-------|
| A. School Site | _____ |
| B. Academic Classroom Space | _____ |
| C. Classroom Fixtures and Equipment | _____ |
| D. Libraries and Media Centers | _____ |
| E. Auditoriums and Multipurpose Rooms | _____ |
| F. Technology | _____ |
| G. Transportation | _____ |
| H. Science Facilities | _____ |
| I. Arts Facilities | _____ |
| J. Vocational Educational Education Facilities | _____ |
| K. Physical Education-Comprehensive Health Program | _____ |
| L. Other School Facility Areas and Equipment | _____ |
| a. Compliance with Building Codes | _____ |
| b. Building Systems | _____ |
| c. Building Soundness | _____ |
| d. Minimum Gross Square Footage | _____ |
| e. Critical Health or Safety Issues | _____ |

School District Tolleson Union High School District
 Representative Name (Please Print) DR: LEXI CUMMINGS
 Representative Signature [Signature]
 Title SUPERINTENDENT Date 6-27-10 Application No. GPA16-02/ZON16-01

The completed Certification of Adequate School Facilities should be forwarded to:
Tabitha Perry, Assistant Planning Director
City of Glendale Planning
5850 West Glendale Avenue, Suite 212
Glendale, Arizona 85301



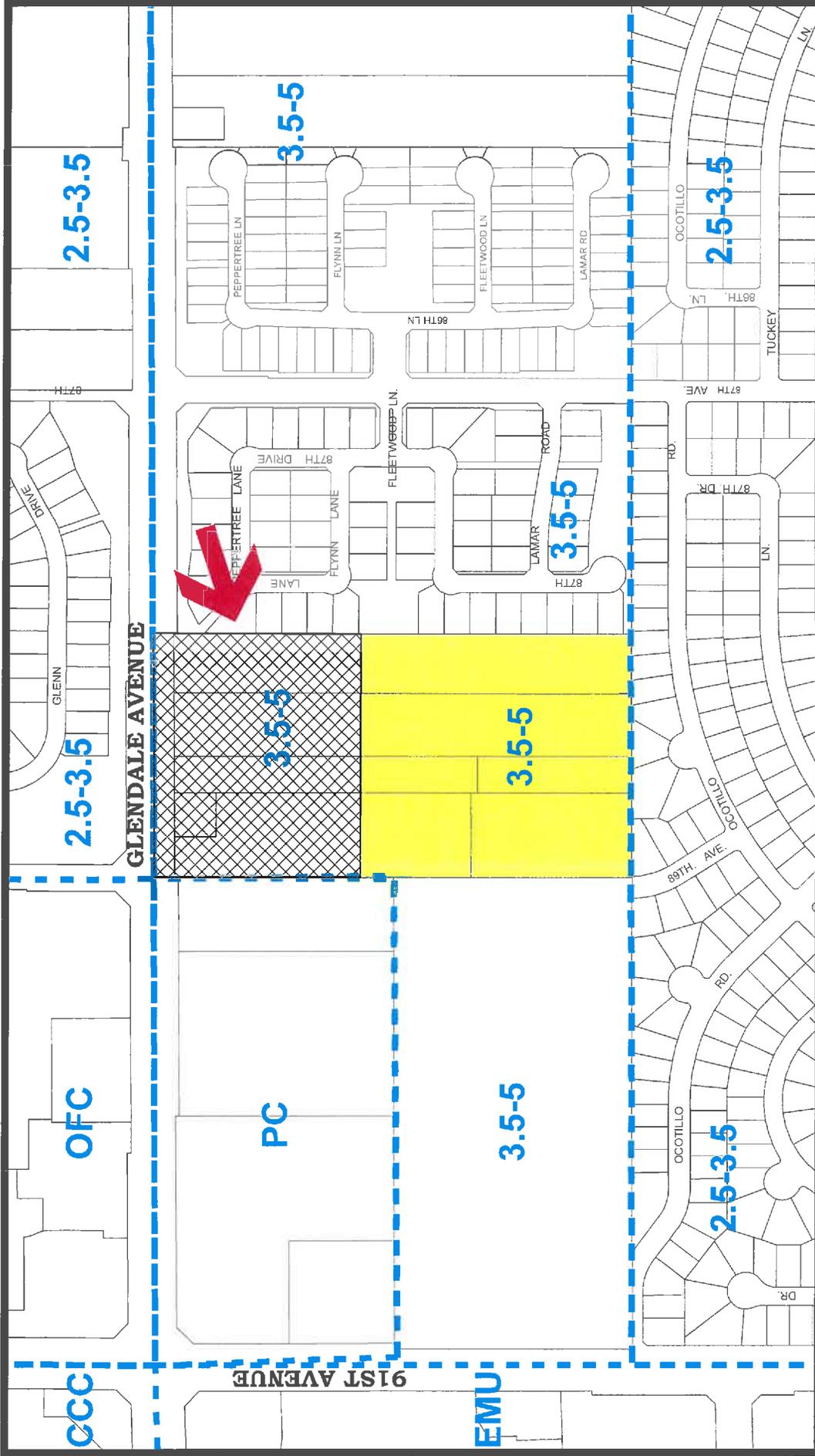
CASE NUMBER
ZON16-01



REQUEST

REZONE A 19 ACRE PARCEL FROM A-1 (AGRICULTURAL), C-O (COMMERCIAL OFFICE) AND R1-6 (SINGLE FAMILY RESIDENTIAL) TO PAD (PLANNED AREA DEVELOPMENT).

LOCATION
8847 W. GLENDALE AVENUE



CASE NUMBER

GPA16-02

REQUEST

AMEND THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL (3.5-5 DU/AC) TO  MEDIUM-HIGH DENSITY RESIDENTIAL (5-8 DU/AC) AND  HIGH DENSITY RESIDENTIAL (20-30 DU/AC).



LOCATION

8847 W. GLENDALE AVENUE



Aerial Date: October 2014

CASE NUMBER

**GPA16-02
ZON16-01**

