



Planning Commission Workshop Agenda

GLENDALE CITY HALL
CONFERENCE ROOM 2-A
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301

AUGUST 4, 2016
5:15PM

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).

I. CALL TO ORDER

II. WORKSHOP ITEM

DOWNTOWN ENTERTAINMENT DISTRICT

A request by the City of Glendale to discuss the potential creation of a Downtown Entertainment District.

At the May 3, 2016 City Council workshop, city staff presented the concept of creating a Downtown Entertainment District. It was suggested by Council that the Planning Commission should be given an opportunity to review the proposal and provide input. Staff Contact: Jon M. Froke, AICP, Planning Director

III. REPORTS AND COMMENTS

IV. 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.



Planning Commission Workshop Staff Report

DATE: August 4, 2016 **AGENDA ITEM:** 1

TO: Planning Commission

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Jon M. Froke, AICP, Planning Director
Jenna Goad, Intergovernmental Programs Administrator
Susan Matousek, Revenue Administrator

SUBJECT: **DOWNTOWN ENTERTAINMENT DISTRICT**

REQUEST: A request by the City of Glendale to discuss the potential creation of a Downtown Entertainment District.

REQUIRED ACTION: This is for discussion only.

SUMMARY: At the May 3, 2016 City Council workshop, city staff presented the concept of creating a Downtown Entertainment District. It was suggested by Council that the Planning Commission should be given an opportunity to review the proposal and provide input.

DETAILS OF REQUEST:

State law allows churches and schools to locate in any zoning district. State law prohibits issuing certain types of liquor licenses within 300 feet of a church or school. The prohibition applies to bar, beer & wine, liquor store, private club, and wine festival/fair license types; but does not impact existing licenses if a new school or church locates within 300 feet of an existing license. State law allows for an exemption to the 300 foot rule within a designated Entertainment District that is created by the city. Glendale may have no more than 2 districts and each must be no more than a square mile in total area and no less than 1/8 mile wide at any point. The designated area must contain a significant number of entertainment, artistic and cultural venues, restaurants, bars, or other related facilities.

Downtown Glendale attracts thousands of visitors each year as a result of our signature festivals, independent restaurants, and unique shops. However, the vacancy rates in the greater downtown area are higher than those citywide, with the most significant gap in the retail sector which includes bar/restaurant uses (13.5% as compared to 8% citywide). There are 26 known churches/schools located in the historic downtown area alone and there is continued interest in locating these uses in the area. As such, it is important to consider the tools available to the city that would support the cohesive existence of school, church, and entertainment uses to allow flexibility for business attraction to the area.

The creation of an Entertainment District must be adopted by a resolution of the City Council. To inform the Council's decision, staff is conducting comprehensive public outreach to gauge public opinion on the potential creation of an Entertainment District in downtown Glendale. The City Council is expected to consider the adoption of an Entertainment District in the fall of 2016 and, if approved, applicants locating in the district could then request an exemption to the 300 foot rule.

The creation of an Entertainment District would not change the process that a business must go through to obtain a liquor license which takes approximately 105 days. The existing process includes a 20 day public posting requirement on the premise; allows stakeholders located within a one-mile radius to file written arguments in favor or opposition; includes a thorough review of the application and background check including evaluation by Finance, Police, Fire, and Planning; and is ultimately considered by the City Council at a public meeting. Council's recommendation for approval or denial is then sent to the state Department of Liquor Licensing and Control which has the final authority to approve or deny liquor licenses.

Other communities such as Mesa, Peoria, Tucson, Lake Havasu, and Phoenix have adopted Entertainment Districts within their cities to help attract economic development to areas targeted for dining, entertainment, shopping, and tourism uses demonstrating successful coexistence of school, church, and entertainment uses.

Mesa has adopted a blanket exemption for all requests regardless of license type within 300 feet of a school or church. Staff worked with the Downtown Mesa Association (DMA) and existing Bars/Nightclubs to create "Good Neighbor Principles" and DMA agreed to be the first point of contact for responding to conflicts or community concerns. The Good Neighbor Principles are not adopted by rule or law and include:

- Keeping downtown clean and safe;
- Managing noise escaping from establishments at 11 p.m.;
- Respecting public and private property;
- Being available and responsive, within reason, to community comments or concerns; and,
- Partnering with the DMA and the City when needed to address and mitigate concerns.

Peoria allows requests for exemptions to be considered against formal criteria included in the adopted resolution as follows:

- **Compliant Use:** The use is compliant with the underlying zoning and if required, a Conditional Use Permit has been granted;
- **Compatibility:** Operational and performance characteristics of the business, including but not limited to: hours of operation, noise, odor, traffic, parking, and safety will not be detrimental to the health, safety, or welfare of affected churches/charter schools or unreasonably interfere with the use or enjoyment of said properties; and
- **Balance:** The use does not impair the appropriate balance of land uses ensuring that a single class of uses does not unduly harm or disrupt the character in the area. The use should be additive and function to complement and enhance the surrounding area.

In Tucson, requests for exemption are processed concurrently with the City's liquor license application process utilizing the current liquor license procedure to gather input from schools, churches, and neighborhoods within 300 feet of the establishment requesting an exemption. On the notification of the liquor license application posted on the premise, it also indicates that the license is requesting to be exempted from the 300 foot restriction. The city office responsible for processing applications includes an exemption request form along with the liquor license application materials for the Council. At the Council meeting, the exemption is considered first and if granted, the liquor license application is considered. If the exemption request is not granted, the liquor license application is not considered. The process does not define criteria for approving an exemption.

Lake Havasu City allows blanket exemption for all requests, and the resolution does not define criteria for approving an exemption.

Phoenix acknowledged that exemptions are granted to the location and would remain in effect in the event of a business or ownership change without any provision by the City to revoke the exemption. In order to maintain local control, Phoenix adopted a Zoning Text Amendment requiring a use permit for alcohol sales and service within an entertainment district for properties that require an exemption. The conditional use permit allows the city to stipulate conditions under which the business can operate. Phoenix also agreed that liquor store licenses (Series 9) would remain restricted within 300 feet of a church or school.

While it is always the responsibility of the applicant to prove that the granting of a license would be in the best interest of the public and/or that the granting of the license is required for the need and convenience of the public, the local governing body may only utilize the following criteria in the consideration of liquor applications. If a blanket exemption to the 300 foot rule is adopted, these are the only criteria that could be considered in the approval or denial of an application.

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
2. Number and types of licenses within one mile of the proposed premises;
3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
5. Residential and commercial population density within one mile of the proposed premises;
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
7. Effect on vehicular traffic within one mile of the proposed premises;
8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Council;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and,
12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

The attached map shows the boundary for the proposed Downtown Entertainment District.

CONCLUSION:

Staff is seeking input and guidance from the Commission regarding the creation of the Downtown Entertainment District, specifically:

Is there general support for the creation of an Entertainment District in the downtown area that would allow City Council, on a case-by-case basis, to consider an exemption to the 300 foot rule which would allow certain liquor licenses to be issued within 300 feet of a church or school?

Using the Peoria example, are there any criteria that the Planning Commission would suggest be considered by the Council when evaluating requests for exemptions?

Are there any suggestions or comments relative to the proposed district boundaries?

Are there any remaining concerns or need for any additional information on this topic?

ATTACHMENT: Draft Map of the Downtown Entertainment District.

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

REVIEWED BY:



Planning Director

JMF/df



Development Services Director



Glendale Centerline Entertainment District (Proposed)

Prepared by the Planning Division: July 2016

