

MINUTES
CITY OF GLENDALE PLANNING COMMISSION

CITY COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301

THURSDAY, AUGUST 4, 2011
7:00pm

CALL TO ORDER

The meeting was called to order at approximately 7:07pm.

Commissioners Present: Chairperson Kolodziej (Yucca), Commissioner Shaffer (Cactus), Commissioner Williams (Ocotillo), Commissioner Petrone (Cholla), and Commissioner Sherwood (Sahuaro)

Commissioners Absent: Vice Chairperson Spitzer (Barrel) and Commissioner Larson (Mayoral)

City Staff Present: Tabitha Perry, Principal Planner, Jon M. Froke, AICP, Planning Director, Deborah Robberson, Deputy City Attorney, Thomas Ritz, AICP, Senior Planner, Jim Colson, Deputy City Manager, and Diana Figueroa, Recording Secretary

APPROVAL OF MINUTES

Chairperson Kolodziej called for Approval of Minutes.

Commissioner Sherwood made a motion to approve the June 2, 2011, Workshop and Public Hearing minutes as well as the July 7, 2011 Workshop and Public Hearing minutes as written. Commissioner Petrone seconded the motion, which was approved unanimously.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEM

Chairperson Kolodziej called for staff's presentation.

ZTA09-01: A request by the City of Glendale Planning Commission to amend Article 7 General Development Standards. The proposed changes, if adopted, would amend sections of the zoning ordinance pertaining to Freeway Billboard Signs. Staff contact: Thomas Ritz, AICP, Senior Planner (City-Wide).

Mr. Jon Froke, AICP, Planning Director, made the PowerPoint presentation. He said staff has provided the Commission with a substantial amount of information regarding studies on safety and FBS. In addition, he said there were inquiries received after the staff report was distributed. These inquiries were provided to the Commission for their information. He said FBS are allowed under certain criteria and zoning. Approval of this request will establish definitions, rules of construction, and some general criteria with respect to placement of FBS on Loop 101, Northern Parkway, and Loop 303.

Mr. Froke displayed maps indicating the freeways located in Glendale. He explained the areas both north and south of Glendale Avenue. He noted where the existing FBS are located.

Mr. Froke said this item was advertised in The Glendale Star on July 14 and notification postcards were distributed to those in the City of Glendale's Interested Parties list on July 15. He said the new FBS section ensures the Citizen Participation process through a Conditional Use Permit process.

He said Westgate was approved by a PAD zoning request in the 2001-2002 timeframe. Mr. Froke said Westgate is a destination with local appeal but also regional and national appeal with the sports and entertainment activities that occur at the arena and stadium.

Mr. Froke continued his presentation by reviewing the most recent draft zoning text, which was distributed prior to the meeting.

Chairperson Kolodziej asked the Commission for questions.

Commissioner Petrone stated he has received no positive feedback from his neighbors to this proposed ordinance. He verified that through the CUP process interested parties will be contacted and will be given the opportunity to respond. Mr. Froke said that is correct.

Commissioner Williams explained an issue in Illinois where the state requested the light color be changed on the billboards. Mr. Froke said details similar to the light color would be addressed in the Design Review process and staff would work with the applicant to resolve an issue of this nature.

Chairperson Kolodziej questioned if the height of the sign was basically at industry standard. Mr. Froke said yes.

Chairperson Kolodziej opened the public hearing.

Mr. Jon Paladini, 16438 North 56th Place, Scottsdale, said he was focused on one issue which is the development requirement. He said this kind of requirement is anti competitive. Mr. Paladini said the City's Park and Ride Lot derive tax revenue from the billboards. According to the information received from the City of Glendale through a Public Records Request, the city derives 33% of the gross revenue if the revenue from the board is higher than \$125,000 per a year. He said there appears to be an effort to protect the revenue stream. Mr. Paladini believes the development requirement is unfair and inequitable to other property owners as well as stifles a competitive environment. He questioned if it is fair for government to follow one set of rules while applying a different set of rules to other property owners. Mr. Paladini said at the time the billboards were installed at the Park and Ride Lot was zoned parking, yet was subsequently rezoned PAD. He is unsure how the parking lot qualified under a PAD. In addition, he said the billboard located on the southern side does not meet the 330 foot separation requirement. He concluded private property owners should be allowed to the same rights as the government can do on their property. He quoted Jim Colson by saying that staff was looking for a consistent, fair, and defensible ordinance. Mr. Paladini said this is inconsistent, unfair, and is indefensible in that it

favors the city's existing billboards over the ability of private property owners in the area to meet the same standards the city had to meet prior to its billboards being installed. He asked the Commission to recommend rejection to the City Council.

Dr. Kathleen Goepfinger, Arrowhead Ranch resident and president of Midwestern University, 19968 North 76th Avenue, Glendale, stated she is opposed to this request. She felt this ordinance is inappropriate as it supports billboards in a residential area. She said the monster billboards are a terrible distraction in areas where people live. Again, she stated she is opposed to this request. Dr. Goepfinger felt that even with the citizen participation process with a Conditional Use Permit there may not be enough community support to understand the proposal. She said the ordinance would need to preclude allowing these signs in and near residential areas.

Commissioner Petrone asked if there were any areas along the Bell Road Corridor where she felt the billboards are palatable. Dr. Goepfinger said the height was so extreme that the signs can be seen from so far away. She said she does not wish these signs to infringe on any neighborhood. She questions why these signs are needed. She wondered if the sole purpose is to make money for the person renting their land and make additional revenue for the billboard company, is it enough to place these signs in an area where and they will impact neighborhoods and traffic safety.

Ms. Suellen Brady-Nugent, 7609 West Escuda Drive, Glendale, stated she resides in a community which was constructed prior to the freeway being developed. She said if signs were allowed in this area they would be visible from her home and would be overpowering. Ms. Brady-Nugent said she is concerned this may be a safety issue and may confuse drivers. The highways already contain drivers that are texting and have road rage and she felt adding more distractions would be detrimental and she is very much opposed.

Mr. Ron Rovey, 7711 West Northern Avenue, Glendale, said his family has lived and farmed in the area for over 60-70 years. He said during this time his family has supported the City of Glendale in many ways. Mr. Rovey stated they own one half mile of frontage along the Loop 101. He questioned how the city can approve signs for itself and its partners and then use its power to regulate land use to impose requirements that essentially prohibit land owners from having the same rights as the city has. Why aren't the property owners allowed to derive revenues from their land as the city derives from its land. He said the FBS, located on the city's Park and Ride Lot, do not advertise any information relating to the Park and Ride Lot development. They are advertising general advertisements. He concluded by stating the proposed ordinance is unfair, inequitable, and prohibits competition for the benefit and in favor for the City of Glendale.

Chairperson Kolodziej closed the public hearing.

Chairperson Kolodziej asked the applicant if she had any closing comments.

Mr. Froke said this is a land use discussion not an economic discussion. He said many of the properties in the Sports and Entertainment District are zoned PAD with the Park and Ride Lot also being zoned PAD. He said staff feels this request is appropriate.

Chairperson Kolodziej asked if the one property was encompassed in the required notification area, would the homeowners association be notified as well. Mr. Ritz stated the notification process would include property owners, interested parties, and any affected homeowners associations. Mr. Froke added the notification area could be expanded if needed.

Commissioner Sherwood stated even with the Conditional Use Permit requirement which includes the citizen participation process, there may not be enough response from citizens whether in favor or opposed to these types of proposals.

With no comments from the Commission, Chairperson Kolodziej called for a motion.

Commissioner Shaffer made a motion to recommend approval of ZTA09-01 including staff's amendments. Commissioner Sherwood seconded the motion.

Commissioner Petrone disclosed that approximately one week after the June 2, 2011, Planning Commission workshop and meeting, Mr. Ron Rovey contacted staff indicating he wished to speak with him. With staff's knowledge, Commissioner Petrone agreed to contact Mr. Rovey and listened to his concerns. Commissioner Petrone wished to bring this information before the Commission. There was no further contact with Mr. Rovey.

Commissioner Williams stated he was concerned about the safety of these signs. He said the Minnesota Housing Department reached the conclusion that wherever there are billboards, there are more accidents. He said more crashes were noted when the signs contained neon. He stated he could not support this proposal.

Commissioner Shaffer proposed to make the following changes: page 2, #6, increase the separation to 1,320; item #8, sign height, change to 60 feet high from 80 feet; change width from no more than 50 feet to 40 feet; change the maximum area of the sign from 675 to 600 feet.

Commissioner Sherwood stated he still has concerns and would like to see additional information indicating where signs would be most appropriate for the community and safe.

Commissioner Petrone agreed with Commissioner Sherwood.

Chairperson Kolodziej thanked those in the audience for attending. He thanked the staff for all the information that was provided. He stated he doesn't notice any erratic driving due to the FBS along the sides of the freeways. Chairperson Kolodziej said he felt staff has compromised by offering the CUP for those that are not in PAD zoned properties. He stated he is in support of this amendment.

Mr. Froke stated that staff is recommending that this matter be continued to October 6, 2011, which will allow staff more time to work with residents and property owners.

Mr. Froke thanked the Chairman and Commission members. He said a lot of materials have been provided to the Commission. He said this is a complex issue as we discussed at workshop. A lot of the properties located in the Sports and Entertainment District have been zoned PAD for some

time. The Park & Ride lot, there has been a lot of discussion on that site over the summer. It is zoned PAD and one of the approved land uses on that PAD is a Freeway Billboard Sign, along the primary function as a park and ride lot. Mr. Froke stated staff appreciates the citizen comments over the past few days and the public testimony tonight.

Chairperson Kolodziej called for a motion.

Commissioner Petrone made the motion to continue ZTA09-01 to the Planning Commission meeting of October 6, 2011. Commissioner Williams seconded the motion, which was approved unanimously.

Ms. Deborah Robberson, Deputy City Attorney, stated this item will be discussed at the Planning Commission meeting of October 6, 2011.

OTHER BUSINESS

Chairperson Kolodziej called for Other Business.

Ms. Perry suggested that the Commission make a motion to vacate the September 1, 2011 Planning Commission Workshop and Public Hearing.

Commissioner Sherwood made the motion to vacate the meetings of September 1, 2011. Commissioner Petrone seconded the motion, which was approved unanimously.

OTHER BUSINESS FROM THE FLOOR

Chairperson Kolodziej called for Other Business From The Floor. There was none.

PLANNING STAFF REPORT

Chairperson Kolodziej called for the Planning Staff Report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Kolodziej called for Commission Comments and Suggestions.

Commissioner Petrone thanked Mr. Froke and his staff for their quick and responsive nature. This is city government at their absolute best.

ADJOURNMENT

With no further business, Commissioner Williams made a motion to adjourn the Meeting. Commissioner Shaffer seconded the motion, which was approved unanimously. The meeting adjourned at 8:14pm.

Respectfully submitted,


Diana Figueroa, Recording Secretary