

**MINUTES OF THE PLANNING COMMISSION
CITY OF GLENDALE, ARIZONA**

**COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE**

**THURSDAY, APRIL 1, 2010
7:00 PM**

CALL TO ORDER

Chairperson Kolodziej called the meeting to order at approximately 7:00 p.m. and explained the rules and procedures for the meeting and the process for those who wished to speak.

ROLL CALL

Chairperson Kolodziej introduced the members of the Commission and conducted roll call with the following results.

Commissioners Present: Chairperson Kolodziej (Yucca), Commissioner Sherwood (Sahuaro), Commissioner Spitzer (Barrel), Commissioner Hendrix (Ocotillo), Commissioner Shaffer (Cactus)

Vacant Seats from the Cholla and Mayoral Districts.

City Staff Present: Tabitha Perry, Principal Planner, Paul Li, Assistant City Attorney, Jon M. Froke, AICP, Planning Director, Deborah Mazoyer, Assistant Deputy City Manager, Bill Luttrell, Senior Planner, Crystal Miller, Senior Secretary, Marilyn Clark, Recording Secretary

APPROVAL OF MINUTES: None.

WITHDRAWALS AND CONTINUANCES

Chairperson Kolodziej asked if there were any withdrawals or continuances. Ms. Perry, Staff Liaison stated there were two requests for continuation and that each item would be called separately.

CUP09-05: A request by Maricopa County Financial L.P., for the approval of a conditional use permit to operate a pawn shop located at the southwest corner of 43rd Avenue and Bethany Home Road (4359 West Bethany Home Road) in the Fry's Plaza. The proposed business will occupy an existing freestanding building located in the most northwesterly portion of the shopping center. Staff Contact: Bill Luttrell, Senior Planner (Cactus District).

Ms. Perry stated the applicant submitted additional information to the Planning Commission for review at tonight's meeting, and as such, the applicant wanted to discuss this information point by point during his presentation. Since the Planning Commission did not have adequate time to review the documents prior to the meeting, staff is requesting that CUP09-05 be continued to the May 6, 2010 Planning Commission meeting.

Chairperson Kolodziej announced he received one speaker card from Mr. Gross on this request and asked if Mr. Gross wished to speak tonight or wait until the May 6, 2010 public hearing. Mr. Gross elected not to speak.

Chairperson Kolodziej asked to entertain a motion to move CUP09-05 to the May 6, 2010 Planning Commission public hearing. Commissioner Sherwood **MADE** a **MOTION** to **APPROVE**. Commissioner Hendrix **SECONDED the MOTION**. Chairperson Kolodziej called for a roll call vote. The Commission voted 5 to 0 to continue. **CUP09-05 was continued to May 6, 2010 Planning Commission Public Hearing.**

The second item for continuation was

ZTA09-01: A request by the City of Glendale Planning Commission to amend certain sections of text of the Zoning Ordinance. If adopted, the amendment will create a new comprehensive Zoning Ordinance. Adoption of the new Zoning Ordinance will only change the text of the document; it will not change the effect of current zoning on any properties within the City of Glendale. Staff Contact: Maryann Pickering, AICP, Zoning Administrator (Citywide).

Ms. Perry stated additional time is being requested tonight for ZTA09-01, and asked that this case be moved to the May 6, 2010 Planning Commission Public Hearing.

Chairperson Kolodziej asked to entertain a motion to move ZTA09-01 to the May 6, 2010 Planning Commission Public Hearing. Commissioner Sherwood **MADE** a **MOTION** to **APPROVE**. Commissioner Hendrix **SECONDED the MOTION**. Chairperson Kolodziej called for a roll call vote. The Commission voted 5 to 0 to continue. **ZTA09-01 was continued to May 6, 2010 Planning Commission Public Hearing.**

PUBLIC HEARING ITEMS

Chairperson Kolodziej explained the policies and procedures of the public hearing then called for the public hearing items to be presented.

GPA09-04: A request by Earl, Curley & Lagarde P.C., representing Cherokee Partners, to amend the General Plan Land Use Map from HDR (High Density Residential, 12-20 dwelling units per acre) and LDR (Low Density Residential, 0-1 and 1-2.5 dwelling units per acre). The site is located at the southwest corner of the Loop 101 Freeway and the Beardsley Road alignment (8195 West Beardsley Road) (Cholla District). Staff Contact: Bill Luttrell, Senior Planner.

GPA09-05: A request by Earl, Curley & Lagarde P.C., representing Cherokee Partners, for a General Plan Amendment from P/OS (Parks and Open Space) to CCC (Corporate Commerce Center). The site is located at the southwest corner of the Loop 101 Freeway and the Beardsley Road alignment (8195 West Beardsley Road) (Cholla District). Staff Contact: Bill Luttrell, Senior Planner.

ZON09-06: A request by Earl, Curley & Lagarde P.C., representing Cherokee Partners, to rezone approximately 30 acres from A-1 (Agricultural), R1-6 PRD (Single Residence Planned Residential Development) and R-4 (Multiple-Residence) to PAD (Planned Area Development). The site is located at the southwest corner of the Loop 101 Freeway and the Beardsley Road alignment (8195 West Beardsley Road) (Cholla District). Staff Contact: Bill Luttrell, Senior Planner.

Bill Luttrell presented all three applications. He stated this request was of the law firm Earl, Curley, & Lagarde P.C. for the approval of amendments to the General Plan Land Use Map and the rezoning of approximately 30 acres. The property is located on the southwest corner of the Beardsley Road alignment and the Loop 101 Freeway. He stated the first of the three applications, GPA09-04, is a Minor General Plan Amendment from high density residential, 12-20 dwelling units per acre, and low density residential, which is from 0-1 and 1-2.5 dwelling units per acre, to Corporate Commerce Center, which encompasses approximately 13 acres of land.

The second Minor General Plan Amendment, GPA09-05, requests the change from Parks and Open Space to Corporate Commerce Center for approximately 16 acres of land.

The third application, ZON09-06, is a request to rezone the entire acreage from A-1 Agricultural, R1-6 PRD, and R-4 Multiple Residence all to PAD (Planned Area Development). The PAD zoning district is an appropriate zoning district designation for the mixed-use development at this location. The PAD development will create a development unified by architecture, landscaping, signage, lighting, and complimentary land uses. Design standards have been incorporated into the manual regarding conceptual site and architectural design, materials, color guidelines, and landscaping guidelines. The developer shall construct a 14-foot wide multiuse path adjacent to the New River, which runs north and south along the entire far west side of the property. Mr. Luttrell stated that access to the site will be from the frontage road and restricted to a location approximately 1,815 feet south of the Beardsley Road alignment and that stipulation #2 in the staff report had been amended to read, "The additional access points for the proposed project shall be approved by the controlling agency and/or agencies." A memorandum with this revision was provided to the Commission prior to this meeting.

Mr. Luttrell stated letters were mailed to the surrounding property owners and there was no opposition to the proposal. He said the three requests meet the finding for amending the General Plan and rezoning of the property and subsequently should be approved. Therefore, staff recommends that the Planning Commission forward to the City Council a recommendation for approval of GPA09-04, GPA09-05, and ZON09-06, subject to the stipulations included in the staff report.

Chairperson Kolodziej asked if there were any questions from the Commission. As there were none, he asked the representative of the project to come forward.

Mike Curley of Earl, Curley & Lagarde P.C. stated his name and address of 3101 North Central, Phoenix, Arizona for the record. He gave a brief background of the firm's three-year experience working with city staff on zoning cases and other development issues.

Mr. Curley explained the history of the site, which provided details of the annexation/de-annexation of the property with the City of Glendale and the City of Peoria, and how both cities worked together with ADOT to approve access to the site through the "Beardsley Road Connector" project. He provided information on the proposed two minor General Plan Amendments, the first changing approximately 13 acres of High Density Residential and Low Density Residential land use designations to Corporate Commerce Center and the second consisting of approximately 16 acres from Parks and Open Space to Corporate Commerce Center. Mr. Curley also reviewed the Companion Rezoning requests and explained how the proposed requests would better meet the goals and objectives set forth in the General Plan. Mr. Curley identified the benefits of the proposals listed in the project's narrative, saying the request is appropriate and compatible with the surrounding development and land uses. He stated the intent of the proposals would allow for a sustainable and unique high end development that provides for employment and an opportunity for tax generation. The unique site location with the recently approved access frontage on the freeway provides good access and high visibility that would allow the site the opportunity to attract businesses.

He thanked the Commission and staff and stated he would be happy to answer any questions.

Commissioner Shaffer asked what mitigation is being taken into consideration for possible flooding.

Mr. Curley stated by virtue of the bank stabilization, the property was rendered developable so there will not be flooding. It is channelized in the engineering design, and the solution of the engineering design of the channel was to keep the 100-year flood within the channel boundaries.

Chairperson Kolodziej was concerned with the amount of open space in the proposal.

Mr. Curley explained the state of the wash as it stands now is unusable space and non-functional in terms of the public being able to use it. Through the expense of the bank stabilization the public will be able to use it in terms of the trail system and that they are fully on board with staff in terms of agreeing with that stipulation.

Commissioner Spitzer asked what the time line was on the project.

Mr. Curley stated it is probably a ways away; the bank stabilization has to occur first so we have a developable area, but once the economy comes around it should be filled in quickly.

Chairperson Kolodziej asked if the proposed 20 percent open space would change to the development standard of 25 percent for open space with the stipulations that will be put in for the trial.

Mr. Curley said their thought process is that by dedicating the open space within the river bottom that would be a significant portion of the open space, and as each project goes in, open space would be analyzed by staff for each portion of those projects. They understand that they would have to provide open space within each portion of those projects.

As there were no further questions, Chairperson Kolodziej thanked Mr. Curley and stated there was one member of the audience who wished to speak on this item.

Marsha Von Aschersleben stated her name and address of 19315 North 83rd Avenue, Peoria, Arizona for the record. She had several concerns regarding the development of the wash area, freeway access to the project, the number of spaces available for the public to get into the businesses, the height development for the project, and what types of development would be included in the Planned Area Development.

Mr. Curley stated they were only dealing with the east side of the river, jurisdictionally in Glendale, not the west side of the river, which is in Peoria. They are not changing anything as it relates to the trail system, via this application, this is an implementation of that trail system. City staff was conservative with the building heights and we abided with their recommendations. The uses of the PAD would allow for multi-family residential, office, retail, a storage facility, and employment uses. Mr. Curley showed on the map the two access points into the property, the first point being in the middle of the project and the other point towards the top of the map between commercial A and commercial B allocations.

Chairperson Kolodziej asked Ms. Perry if there were any final comments or procedural guidance. Ms. Perry answered no.

Chairperson Kolodziej closed the public hearing and asked for a motion on GPA09-04. A **MOTION** was **MADE** by Commissioner Hendrix to recommend **APPROVAL** of GPA09-04 subject to the stipulations contained in the staff report. The **MOTION** was **SECONDED** by Commissioner Shaffer. Chairperson Kolodziej called for a roll call vote. **The motion was recommended for Approval 5 to 0.**

Chairperson Kolodziej asked Mr. Li to state the next step in the approval process. Mr. Li stated that the Planning Commission's action on General Plan Amendment GPA09-04 is a recommendation, which is forwarded to City Council for final approval.

Chairperson Kolodziej asked to entertain a motion on GPA09-05. A **MOTION** was **MADE** by Commissioner Hendrix to recommend **APPROVAL** of GPA09-05 subject to the stipulations contained in the staff report. The **MOTION** was **SECONDED** by Commissioner Shaffer. Chairperson Kolodziej called for a roll call vote. **The motion was recommended for Approval 5 to 0.**

Chairperson Kolodziej asked Mr. Li to state the next step in the approval process. Mr. Li stated that the Planning Commission's action on General Plan Amendment GPA09-05 is a recommendation, which is forwarded to City Council for final approval.

Chairperson Kolodziej asked to entertain a motion on ZON09-06. A **MOTION** was **MADE** by Commissioner Hendrix to recommend **APPROVAL** of ZON09-06, subject to the stipulations contained in the staff report. The **MOTION** was **SECONDED** by Commissioner Shaffer. Chairperson Kolodziej called for a roll call vote. **The motion was recommended for Approval 5 to 0.**

Chairperson Kolodziej asked Mr. Li to state the next step in the approval process. Mr. Li stated that the Planning Commission's action for rezoning is a recommendation, which is forwarded to City Council for final approval.

Chairperson Kolodziej called for the next item to be presented.

GPA08-10: A request by LVA Urban Design Studio, representing Cardinal Land Holdings II, LLC, to amend the General Plan from BP (Business Park) and PC (Planned Commercial) to EMU (Entertainment Mixed Use). The site is located at the southwest corner of 95th and Missouri avenues (5406 North 95th Avenue). (Yucca District)

ZON08-23: A request by LVA Urban Design Studio, representing Cardinal Land Holdings II, LLC, to rezone from BP (Business Park) and CSC (Community Shopping Center) to PAD (Planned Area Development). The site is located at the southwest corner of 95th and Missouri avenues (5406 North 95th Avenue). (Yucca District)

Bill Luttrell, Senior Planner stated that these applications would be presented in combination. He stated this was a request by LVA Urban Design Studio for the property at 5406 North 95th Avenue which is a 45-acre property located at the southwest corner of 95th and Missouri avenues. The property is currently vacant and is bordered by the Loop 101 Freeway to the west, 95th Avenue to the east, an existing shopping center to the south, and vacant land to the north. These requests are to amend the General Plan designation from Business Park and Planned Commercial to Entertainment Mixed Use and to rezone the site from Business Park and Community Shopping Center to Planned Area Development. The conceptual development plan breaks up the plan into four land uses that are summarized in the staff report in blocks A to F.

Block A includes residential condominium units; Block B includes apartment units, Block C proposes commercial and office uses; Block D indicates residential condominiums, commercial, office and hotel uses; Block E will contain only office uses, and Block F includes multi-family row home and commercial.

The development plan proposes two streets off 95th Avenue (Georgia Avenue and Colter Street) and one off Missouri Avenue (96th Avenue). All streets internal to the project are private and are to be constructed and maintained by the property owners' association.

The PAD provides design elements for each of the land uses, which define the character of the built environment envisioned for Urban 95. When Design Review occurs for individual projects within the development, each project will be required to comply with the design elements in order to create a unified theme.

A neighborhood meeting was held on January 14, 2010. Issues discussed included vehicular circulation, proposed land uses, and the design of residential buildings. The applicant also received one e-mail in response to the notification. The e-mail states that the individual wishes that Missouri, Marshall, and San Miguel avenues remained closed east of 95th Avenue. The design of the PAD would not require that vehicular traffic be allowed to travel eastward on these streets. The proposed General Plan designation of Entertainment Mixed Use is appropriate for this site and the proposed development plan for Urban 95. This land use category provides for regional employment centers with related commercial and public/quasi-public amenities. Specific land uses permitted under this designation include public plazas, parking garages, offices, retail establishments, and urban style housing, all of which are proposed for Urban 95.

Urban 95 is consistent with several of the goals of the General Plan including the land use, housing, economic development, and growth area elements. The PAD zoning district is the most appropriate zoning district for implementing the proposed Entertainment Mixed Use, General Plan land use designation, and developing a mixed-use project. The development plan will create a project unified by architecture, landscaping, signage, and lighting with complementary land uses.

The proposed development plan meets the intent of the PAD zoning district by creating a mixed use development that encourages innovative development concepts for all proposed land uses to provide a greater variety and intensity of land uses.

Mr. Luttrell stated the Planning Commission should recommend approval of GPA08-10 and should recommend approval of ZON08-23, subject to the stipulations contained in the staff report. He stated the Commission would need to make separate motions on these two items. In conclusion, Mr. Luttrell stated he would be happy to answer any questions.

As there were no questions for Mr. Luttrell, Chairperson Kolodziej asked the applicant to come forward to make his presentation.

Mr. Nick Wood of Snell & Wilmer located at One Arizona Center, 400 East Van Buren stated his name and address for the record and said he represented the owner of the property, Cardinal Holdings II.

Mr. Wood explained the concept of Urban 95. The plan provides a live-work style development that allows individuals to live and work within the development while also providing the necessary amenities that are required to sustain it. He explained how the close proximity to the sports facilities, Loop 101 Freeway, and other mixed-use projects would assist the City of

Glendale in achieving its vision of an Entertainment Mixed Use core in Glendale's Western Area.

Mr. Wood also discussed the site location, the existing development in the area, and accessibility to the site. He agreed with staff's recommendations and would be happy to answer any questions.

Chairperson Kolodziej called for public participation from the audience. Three people spoke in favor of the project:

Cynthia Halsey residing at 9420 West Missouri Avenue, Glendale, Arizona 85305

Chris John residing at 9404 West Missouri Avenue, Glendale, Arizona 85302

Mike Curley 3101 North Central Avenue, Phoenix, Arizona 85012

With the conclusion of the audience participation, Chairperson Kolodziej asked the applicant to come forward for closing remarks.

Mr. Wood stated how important it was to his client to approach this case with dignity and respect and thanked everyone for their support.

Chairperson Kolodziej asked Ms. Perry if there were any final comments or procedural guidance. Ms. Perry answered there was no additional information to provide the Commission.

Chairperson Kolodziej asked to entertain a motion for GPA08-10. A **MOTION** was **MADE** by Commissioner Spitzer to recommend **APPROVAL** of GPA08-10 under the stipulations contained in the staff report. The **MOTION** was **SECONDED** by Commissioner Hendrix. **The motion was recommended for Approval 5 to 0.**

Chairperson Kolodziej asked Mr. Li to state the next step in the approval process. Mr. Li stated that the Planning Commission's action on General Plan Amendment GPA08-10 is a recommendation, which is forwarded to City Council for final approval.

Chairperson Kolodziej asked to entertain a motion for ZON08-23. A **MOTION** was **MADE** by Commissioner Spitzer to recommend **APPROVAL** of ZON08-23, subject to the stipulations contained in the staff report. The **MOTION** was **SECONDED** by Commissioner Hendrix. Chairperson Kolodziej called for a roll call vote. **The motion was recommended for Approval 5 to 0.**

Chairperson Kolodziej asked Mr. Li to state the next step in the approval process. Mr. Li stated that the Planning Commission's action for rezoning is a recommendation, which is forwarded to City Council for final approval.

Chairperson Kolodziej closed the public hearing and called for the next agenda item.

OTHER BUSINESS

Chairperson Kolodziej called for other business and invited those present an opportunity to speak. Ms. Perry stated there was no other business for discussion.

PLANNING STAFF REPORT

Chairperson Kolodziej called for Planning Staff Report. Ms. Perry stated the next Planning Commission meeting was scheduled for 7:00 p.m. on May 6, 2010.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Kolodziej called for Commission Comments and Suggestions. Commissioner Spitzer complimented Chairperson Kolodziej on a job well done for this being his first meeting as Chairperson for the commission.

NEXT MEETING:

Chairperson Kolodziej announced the date of May 6, 2010, for the next Planning Commission meeting.

ADJOURNMENT

The meeting adjourned at approximately 8:05 p.m.

Respectfully submitted,



Marilyn Clark, Recording Secretary