

**CITY OF GLENDALE
PLANNING COMMISSION**

**CITY COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, JANUARY 15, 2009
7:00 P.M.**

COMMISSIONERS PRESENT: Patrick Sutliff
Doug Ward
Ron Abrahams
John Kolodziej
Raymond Spitzer
Michele Tennyson, Vice Chairperson
Natalie Stahl, Chairperson

CITY STAFF: Jim May, AICP, Deputy Director for Current Planning
Karen Stovall, Senior Planner
Remigio Cordero, Planner
Peter Kulikowski, Associate Planner
Garn Emery, Deputy City Attorney
Diana Figueroa, Recording Secretary

Chairperson Stahl stated the Planning Commission is a citizen body whose members are appointed by the City Council. The Commission is empowered to make final decisions on certain matters, with those decisions being appealable to the City Council. On other matters, the Commission acts in an advisory capacity to the Council, which makes the final decision.

Chairperson Stahl called for approval of the minutes from the December 4, 2008, Planning Commission Public Hearing, and the minutes of the December 11, 2008, Special Planning Commission Public Hearing.

Commissioner Ward MADE a MOTION to APPROVE the minutes of the December 4, 2008, Planning Commission Public Hearing, and the minutes of the December 11, 2008, Special Planning Commission Public Hearing. Commissioner Sutliff SECONDED the MOTION. The motion passed unanimously.

Chairperson Stahl asked staff if there were any requests for withdrawals or continuances.

Mr. Jim May, AICP, Deputy Director for Current Planning, stated that there were three cases with requests for continuances. He stated that the applicant has asked staff to continue application case ZON08-15, to February 19, 2009, which will be a special meeting. In the cases of GPA08-09 and ZON08-14, the applicant has asked to continue the cases to the April 2, 2009 Planning Commission Public Hearing. The cases are as follows:

ZON08-14: A request by Gammage & Burnham representing John F. Long Family Revocable Living Trust to rezone from M-1 (Light Industrial) to PAD (Planned Area Development). The site is located at the southwest corner of Glendale Avenue and Glen Harbor Boulevard (11401 West Glendale Avenue). Staff contact: Maryann Pickering, AICP, Zoning Administrator (Yucca District).

ZON08-15: A request by Gammage & Burnham representing John F. Long Family Revocable Living Trust to approve a SUD (Special Use District) to allow sand and gravel excavation. The site is located at the southwest corner of Glendale Avenue and Glen Harbor Boulevard (11401 West Glendale Avenue). Staff contact: Maryann Pickering, AICP, Zoning Administrator (Yucca District).

GPA08-09: A request by Gammage & Burnham representing John F. Long Family Revocable Living Trust to amend the General Plan land use map from LI (Light Industry) to BP (Business Park). The site is located at the southwest corner of Glendale Avenue and Glen Harbor Boulevard (11401 West Glendale Avenue). Staff contact: Maryann Pickering, AICP, Zoning Administrator (Yucca District).

Commissioner Sutliff MADE a MOTION to CONTINUE Cases No. GPA08-09, ZON08-15, and ZON08-20 as recommended by staff. Commissioner Kolodziej SECONDED the motion. The motion passed 7 to 0.

Chairperson Stahl called for the Public Hearing items.

CUP08-18: A request by FM Group, representing Victory Outreach Christian Church for a Conditional Use Permit to allow a child care center in the SR-17 (Suburban Residential) zoning district. The property is located west of the northwest corner of 83rd Avenue and Camelback Road (8380 West Camelback Road). Staff Contact: Peter Kulikowski, Associate Planner (Yucca District).

Mr. Peter Kulikowski, Associate Planner, presented the staff report. He stated that the applicant mailed notification letters to adjacent property owners. Staff did not receive any responses regarding the request. This request appears to meet the required findings for approval and should be approved, subject to stipulations as listed in the staff report. 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. Staff recommends the Planning Commission approve this request.

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

Chairperson Stahl asked the applicant to come forward and make a presentation.

Mr. "JD" Berryman, applicant's representative with the FM Group Inc., stated that staff's presentation had been very good and he really had nothing to add, however, he would answer any questions.

Chairperson Stahl asked for any comments from the Commission. There were none.

Chairperson Stahl opened the public hearing. As there were no comments from the public, the public hearing was closed.

Chairperson Stahl asked for any additional comments from the Commission. There were none.

Chairperson Stahl called for a motion on CUP08-18.

Commissioner Kolodziej MADE a MOTION to APPROVE Case No. CUP08-18 subject to the stipulations as recommended by staff. Commissioner Abrahams SECONDED the motion. The motion passed 7 to 0.

Vice Chair Tennyson commented that she believes the surrounding neighbors will welcome this facility. She added that working mothers will greatly appreciate the extended hours. Chairperson Stahl agreed.

Mr. Garn Emery, Deputy City Attorney, stated that the action taken by the Commission is final on behalf of the City of Glendale. He said that anyone wishing to appeal the action must do so by filing a written Notice of Appeal with the Planning Department within 15 days.

CUP08-02: A request by Withey Morris P.L.C., representing Hayscale LLC, for a Conditional Use Permit to allow a convenience use (drive-thru pharmacy) in the C-2 (General Commercial) zoning district. The property is located at the southwest corner of 51st and Olive Avenues (5125 West Olive Avenue). Staff Contact: Karen Stovall, Senior Planner (Barrel District).

Ms. Karen Stovall, Senior Planner, presented the staff report. The Planning Department mailed 228 notification letters to adjacent property owners and interested parties inviting them to a neighborhood meeting held on November 5, 2008. There was no opposition to the notification process and no interested parties attended. This request appears to meet the required findings for approval and should be approved, subject to stipulations as listed in the staff report. 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. Staff recommends the Planning Commission approve this request.

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

Chairperson Stahl asked the applicant to come forward and make a presentation.

Mr. Jason Morris, applicant's representative, with Withey Morris P.L.C, stated that staff had given an excellent presentation and he had nothing to add other than they agreed with all of staff's stipulations as amended. He noted that this application had been well reviewed by staff and had had no opposition from the public.

Commissioner Abrahams inquired as to the date of when they will be starting construction. Mr. Morris explained that they first need to move forward through site review and civil design. He noted that at this point, it would be close to four to six months before they move forward on the project.

Chairperson Stahl opened the public hearing. As there were no comments from the public, the public hearing was closed.

Chairperson Stahl asked for any additional comments. There were none.

Chairperson Stahl called for a motion on CUP08-02.

Commissioner Sutliff MADE a MOTION to APPROVE Case No. CUP08-02 subject to the stipulations as recommended by staff. Commissioner Kolodziej SECONDED the motion. The motion passed 7 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the action taken by the Commission is final on behalf of the City of Glendale. He said that anyone wishing to appeal the action must do so by filing a written Notice of Appeal with the Planning Department within 15 days.

CUP08-11: A request by Carl Schaffer, representing Bob Lopez, to approve of a Conditional Use Permit to allow a convenience use (drive-thru restaurant) in the C-2 (General Commercial) zoning district. The property is located at the northwest corner of 43rd and Olive Avenues (4302 West Olive Avenue). Staff contact: Remigio Cordero, Planner (Cactus District).

Mr. Remigio Cordero, Planner, presented the staff report. He stated that the applicant mailed notification letters to adjacent property owners. Staff did not receive any responses regarding the request. This request appears to meet the required findings for approval and should be approved, subject to stipulations as listed in the staff report. 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. Staff recommends the Planning Commission approve this request.

Chairperson Stahl called for questions from the Commission.

Commissioner Ward asked whether the new building footprint was the same size as the existing one. Mr. Cordero replied that it was.

Commissioner Abrahams asked what the advantage was to tearing down the building, only to build it up again. Mr. Cordero referred the question to the applicant.

Chairperson Stahl asked for any additional comments. There were none.

Chairperson Stahl asked the applicant to come forward and make a presentation.

Mr. Doug Tener, applicant's representative, with Ideation Technology Design Group, stated that staff had done a good job in presenting and really had nothing to add. However, in answer to Commissioner Abrahams' question, the building is very old and the maintenance on it is currently very high. He noted that it made sense to remodel the building.

Chairperson Stahl opened the public hearing. As there were no comments from the public, the public hearing was closed.

Chairperson Stahl asked for any additional comments. There were none.

Chairperson Stahl called for a motion on CUP08-11.

Commissioner Abrahams MADE a MOTION to APPROVE Case No. CUP08-11 subject to the stipulations as recommended by staff. Commissioner Ward SECONDED the motion. The motion passed 7 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the action taken by the Commission is final on behalf of the City of Glendale. He said that anyone wishing to appeal the action must do so by filing a written Notice of Appeal with the Planning Department within 15 days.

CUP08-12: A request by Jeff Welker, representing SC Glendale LLC, to approve a Conditional Use Permit to allow a self storage facility in the C-2 (General Commercial) zoning district. The property is located south of the southwest corner of 51st and Peoria Avenues (10550 North 51st Avenue). Staff contact: Remigio Cordero, Planner (Barrel District)

Mr. Remigio Cordero, Planner, presented the staff report. He stated that the applicant mailed notification letters to adjacent property owners. Staff did not receive any responses regarding the request. This request appears to meet the required findings for approval and should be approved, subject to stipulations as listed in the staff report. 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. Staff recommends the Planning Commission approve this request.

Chairperson Stahl called for questions from the Commission.

Vice Chair Tennyson commented that she was pleased with the amount of landscaping on this project.

Chairperson Stahl asked for any additional comments. There were none.

Chairperson Stahl asked for the applicant to come forward and make a presentation.

Mr. Jeff Welker, representing SC Glendale LLC, stated that he was pleased with the staff report and agreed 100% with the stipulations listed in the report. He asked for any questions from the Commission.

Commissioner Abrahams commented on the other storage facility which was close by. Mr. Welker explained that the other facility was about 2½ miles away and believes it will not be a problem.

Vice Chair Tennyson inquired as to the color scheme and appearance of the building since they had not been privilege to any photographs. Mr. Cordero stated that the designs have gone through the review process and had been approved. He added that it was a southwest theme with earth tone colors.

Chairperson Stahl opened the public hearing. As there were no comments from the public, the public hearing was closed.

Chairperson Stahl asked for any additional comments. There were none.

Chairperson Stahl called for a motion on CUP08-12.

Commissioner Sutliff MADE a MOTION to APPROVE Case No. CUP08-12 subject to the stipulations as recommended by staff. Commissioner Spitzer SECONDED the motion. The motion passed 7 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the action taken by the Commission is final on behalf of the City of Glendale. He said that anyone wishing to appeal the action must do so by filing a written Notice of Appeal with the Planning Department within 15 days.

Chairperson Stahl stated that the following cases will be presented together by Mr. Remigio Cordero, Planner.

GPA08-06: A request by Snell & Wilmer representing Habitat for Humanity to amend the general plan land use designation from HDR (High Density Residential 20-30 dwelling units per acre) to MHDR (Medium High Density Residential 5-8 dwelling units per acre). The property is located south of the southeast corner of 54th and Myrtle Avenues (7136 North 54th Avenue). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

ZON08-20: A request by Snell & Wilmer representing Habitat for Humanity to rezone vacant property from R-3 (Multiple Residence) to R1-4 PRD (Single Residence, Planned Residential Development). The property is located south of the southeast corner of 54th and Myrtle Avenues (7136 North 54th Avenue). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Remigio Cordero, Planner, presented the staff report. He stated that these two cases had the same applicant. This request appears to meet the required findings for approval and should be approved, subject to stipulations as listed in the staff report. 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. Staff recommends the Planning Commission recommend approval of this request.

Chairperson Stahl called for questions from the Commission.

Vice Chair Tennyson commented that she was pleased there was a Home Owners Association (HOA), however, was concerned how this would impact resident's fees since there were not many homes and the homeowners had money restraints. Mr. Cordero explained that this issue had been discussed and the HOA has been found to be satisfactory. He noted that he would like the applicant to speak further on this issue.

Commissioner Ward inquired as to the rental terms on these homes. Mr. Cordero referred the question to the applicant.

Chairperson Stahl asked for any additional comments. There were none.

Chairperson Stahl asked the applicant to come forward and make a presentation.

Mr. Nick Wood, applicant's representative with the law firm of Snell & Wilmer, stated that he did not have a big presentation this evening, however, supports staff stipulations and will answer any questions they may have. He stated that in regards to Vice Chair Tennyson's concerns, he explained that one of the criteria that Habitat for Humanity uses in determining qualifications for people to buy these homes, was their ability to not only pay their rent, but to make any contributions necessary to handle common expenses. He noted that they do not have any problems in that area. He explained in regards to Commissioner Ward's question, that in their CC&R, they had restrictions on how others can use the properties. He stated that they were limited to one year or longer on the lease and they also had a right of first refusal, in the event there was ever a sale. He remarked that this development will be a great asset to the community.

Commissioner Abrahams asked for clarification on the renting issue. Mr. Wood stated that it was unusual for these units to be leased, however, there were certain rights that people had when they own their own homes. He explained that prohibiting the residents to rent their homes would not be legal. He added that in their experience, very few have ever been leased out.

Commissioner Kolodziej stated that he agreed with Vice Chair Tennyson's concerns on HOA fees. He asked if it was common practice to have fees on these homes. Mr. Wood reiterated his comments on the ability of the homeowners to be able to pay common expenses. He stated that the fees were not that significant, because the area did not have any club houses or like common amenities.

Commissioner Spitzer asked who the actual owner of the house was. Mr. Wood explained that there were separate individual owners that acquire the fee with Habitat for Humanity being the mortgage owner.

Vice Chair Tennyson asked what the square footage of the home was. Mr. Wood stated that the homes were between 1,200 to 1,325 square feet. Vice Chair Tennyson commented that the homes were very nice and this was a great infill opportunity.

Commissioner Sutliff asked when they anticipated it being fully completed and occupied. Mr. Wood stated that they will be moving forward very quickly. He said that they will be back next month with a plan as well as moving forward for Council approval in the next couple of weeks.

Chairperson Stahl opened the public hearing.

Mr. Roger Schwierjohn, President and CEO of Habitat for Humanity of Central Arizona, stated that he would like to further explain a few issues discussed tonight. He discussed how Habitat for Humanity was known for its infill opportunities. He remarked on the many areas in which these homes had been a success in communities. He explained that HOA's were not uncommon and provided details on the many Habitat areas that have an HOA and have been very successful. He explained the screening process and requirements that a family must have in order to repay a loan. He noted that they serve the very low to moderate income people. He added that they do factor the ability to pay things like maintenance and HOA fees. He noted that they do monitor HOA meetings.

Mr. Schwierjohn stated that in regards to the rental issue, he explained that their loan documents require home ownership and owner occupied. He noted that in the event they do lease, it would trigger an event of default. He stated that they would then collect on the first loan and the silent second. He explained that this protects the families, donors and volunteers from some buyers coming in, only to flip the property.

Commissioner Ward inquired as to the percentage of homeowners remaining in the homes for five or ten years. Mr. Schwierjohn stated that although their track record was very good, not all families stay in the homes. He explained that some leave because of relocation, divorce or health reasons. He noted that in the last three years less than 17 families have sold, out of 700 homes.

Commissioner Kolodziej commented that he had helped out on a Habitat for Humanity home this Saturday. He stated that it had been very rewarding and would gladly do it again.

Vice Chair Tennyson stated that she was proud to welcome this Habitat for Humanity home into the City of Glendale. She said that this will be a wonderful asset to the community and stated that she had also had the privilege of having helped out on these homes. Mr. Schwierjohn thanked Vice Chair Tennyson for her kind words, however added they had built over 40 homes in the Glendale area already. He remarked on the LEED Platinum homes built by Habitat for Humanity.

Chairperson Stahl inquired what would happen if an owner of a home became a criminal and started selling drugs out of their home. She asked if they had anything in place that would address that issue. Mr. Schwierjohn replied that they did not. He added that they were a lender that had to abide by the Arizona revised statutes. The issue would be forwarded to the proper authorities.

Commissioner Sutliff asked if the prospective homeowners go through a background check. Mr. Schwierjohn explained that they not only do a background and credit check but they also educated the families on credit counseling and home buying.

Chairperson Stahl closed the public hearing.

Chairperson Stahl asked for any additional comments.

Commissioner Ward commented that he admires Habitat for Humanity's remarkable efforts.

Chairperson Stahl called for a motion on GPA08-06.

Vice Chair Tennyson MADE a MOTION to RECOMMEND APPROVAL of Case No. GPA08-06 as recommended by staff. Commissioner Kolodziej SECONDED the motion. The motion passed 7 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the Planning Commission's actions are not final. He explained that the Commission's recommendations will be forwarded to the City Council for further action.

Chairperson Stahl called for a motion on ZON08-20.

Vice Chair Tennyson MADE a MOTION to RECOMMEND APPROVAL of Case No. ZON08-20 subject to the stipulations as recommended by staff. Commissioner Kolodziej SECONDED the motion. The motion passed 7 to 0.

Mr. Garn Emery, Deputy City Attorney, stated that the Planning Commission's actions are not final. He explained that the Commission's recommendations will be forwarded to the City Council for further action.

Mr. Jim May, AICP, Deputy Director for Current Planning, reported on upcoming meetings and asked for the Planning Commission to vacate the February 5, 2009 Workshop and Planning Commission Public Hearing meetings.

Commissioner Kolodziej MADE a MOTION to VACATE the February 5, 2009 Workshop and Planning Commission Public Hearing meetings. Commissioner Ward SECONDED the motion. The motion passed unanimously.

Next Meeting: February 19, 2009, Special Public Hearing at 7:00 p.m.
Chairperson Stahl called for Commission Comments and Suggestions.

Chairperson Stahl welcomed new Commission member Raymond Spitzer.

Chairperson Stahl called for Other Business. There was none.

Since there was no further business, the meeting was adjourned at 8:02 p.m.


Diana Figueroa, Recording Secretary