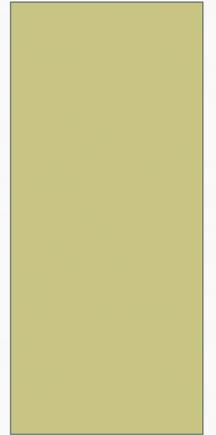


COUNCIL ITEM OF INTEREST

PALM CANYON PAD AMENDMENT



OVERVIEW

- Request
- Procedural Steps
 - Governing Principles
- Substantive Request
- Receive Council Direction

COUNCIL REQUEST

- The request is to have City Council consider rescinding/reconsider the previous denial of a rezoning application related to two Palm Canyon billboards and, if the vote is successful, reconsider the rezoning application at the same City Council Voting meeting.
- In an October 9, 2014 letter Council Member Sherwood advised City Manager Brenda Fischer he bringing forward the request.

GOVERNING PRINCIPLES

- Arizona Constitution
- Arizona Revised Statutes
- Glendale Charter
- Glendale Municipal Code
- Council Meetings Rules and Procedures
- City of Glendale Code of Ethics
- Robert's Rules of Order, 11th ed.

GLENDALE CITY CHARTER

Sec. 15. - Rules of procedure; journal.

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

GLENDALE MUNICIPAL CODE

- Silent as to general procedural steps outside of specific ordinal requirements.
 - land use hearing and notice provisions (State statute requirements as well).

GLENDALE MUNICIPAL CODE

- 3.808 - Conditional Zoning.
- The City Council may approve a zoning change containing conditions which must be met by the applicant and may specify a period of time for the applicant to meet the conditions. In the event the time period expires and the conditions have not been met, the ordinance shall not become effective and may be rescinded as follows:
- The Planning Director shall, by first class mail, notify the authorized applicant of its intention to hold a hearing to rescind the zoning change. The notice shall be made at least fifteen (15) days prior to the date of the scheduled hearing. At the hearing, the City Council shall consider evidence from all interested parties and after deliberation may rescind the ordinance or take an action to extend the time period.

GLENDALE MUNICIPAL CODE

3.806 - Public Notice.

The Planning Commission shall not recommend nor shall the City Council consider any amendment to this Zoning Ordinance until the request is presented during a public hearing. No public hearing shall be conducted without first providing notice to the affected parties.

A. notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.

B. All property owners within three hundred (300) feet of the exterior boundaries of the property subject to the application as shown on the last assessment of the property shall be sent notice by first class mail, postmarked at least fifteen (15) days prior to the date of the scheduled public hearing.

C. A notice shall be placed in the newspaper of general circulation of the area, or newspaper designated by the City Council for legal public notices, advertising the type and nature of the public hearing at least fifteen (15) days prior to the date of the scheduled public hearing, the changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.

D. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Planning Director for such public notice. The posted notice shall be placed on the property at least fifteen (15) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.

E. Notwithstanding the notice requirements set forth in Section 3.806, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

COUNCIL RULES OF PROCEDURE

Section 1.2

These rules and procedures are adopted by the Council of the City of Glendale, under the Council's authority provided by the Charter and by law to determine its own rules, order of business, and to regulate conduct of its meetings. Where not in consistent with these rules and procedures, the current version of Robert's Rules of Order will be used as a supplementary guideline and general parliamentary procedure will be observed in the conduct of the Council's meeting.

COUNCIL RULES OF PROCEDURE

Section 1.3

The Mayor, or a majority of the council, may suspend strict observance of these rules and procedures and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting.

COUNCIL RULES OF PROCEDURE

Section 2.2

- Mayor is the Chair
- Any decision by the Mayor on procedural matter in (sic) final, subject only to appeal to the whole Council as provided in Robert's Rules

GLENDALE CODE OF ETHICS

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commission.

ROBERT'S RULES OF ORDER

- Supplementary guideline
- Flexible document (can abandon/suspend) at any time
- Compliance with Robert's Rules of Order does not mean compliance with the law.
- Noncompliance with Robert's Rules of Order does not mean a violation of the law.

RESCISSION

- The motion to rescind is one of a group of motions that bring a question again before an assembly

Exceptions:

- Motions subject to reconsideration.
- Motions that have already be done. For example, a contractual arrangement that has been entered into.
- Motions that have been adopted to accept resignations, electing or expulsions.

RESCISSION

- Vote Requirements

- Needs a second
- 2/3 vote without previous notice
- Majority vote with previous notice

- Effect

- Places again before the assembly the question on which the vote is to be reconsidered. It comes before the assembly in the exact position it was in the moment before it was originally voted upon

RESCISSION

"I move to rescind the motion adopted at the
_____ meeting to _____"

PALM CANYON PAD AMENDMENT

REQUEST

To amend the existing PAD (Planned Area Development) zoning district to allow two static billboards. The property is located at the northwest corner of Bell Road and Loop 101 (.17 acres on a parcel generally known as Palm Canyon Business Park).

PALM CANYON PAD AMENDMENT

- February 25, 2014 noticed for consideration
 - Continued to allow for workshop
- March 18, 2014 discussed at a council workshop
- March 23, 2014 noticed for consideration and action.

PALM CANYON PAD AMENDMENT

Proposed Motion

Waive reading beyond the title, and approve an ordinance for ZON13-04, subject to the two stipulations as presented to the Planning Commission on February 6, 2014:

1. Development shall be in substantial conformance to the Palm Canyon Business Park Planned Area Development Amendment dated December 9, 2013.
2. Only one static billboard shall be erected prior to the first phase of development.

PALM CANYON PAD AMENDMENT

Motion (as made and amended).

- Councilmember Sherwood moved seconded by Councilmember Alvarez to approve Ordinance 2878 with the following three stipulations, (1) at least two of the freeway oriented faces, one in each direction, shall be digital and not static billboards, (2) lighting on the billboards to be turned off by 11 p.m., and ~~(3) no billboards be placed any further north of these two in Palm Canyon along the Loop 101 and Glendale jurisdiction.~~

PALM CANYON PAD AMENDMENT

- Motion Failed 2-5 (Sherwood and Alvarez).
- Item was not reconsidered

CONSIDERATIONS

- Rescission of previous decision
 - Implications/unintended consequences
- Notice requirements
 - November 24, 2014 meeting

PALM CANYON PAD AMENDMENT

Item:

Waive reading beyond the title, and approve an ordinance for ZON13-04, subject to the two stipulations as presented to the Planning Commission on February 6, 2014:

1. Development shall be in substantial conformance to the Palm Canyon Business Park Planned Area Development Amendment dated December 9, 2013.
2. Only one static billboard shall be erected prior to the first phase of development.

NOTICE REQUIREMENTS

1. The applicant should send certified letter to the 34 people who spoke at the March 24, 2014 public hearing
2. Planning will submit a Notice of Public Hearing to the Glendale Star should the City Council wish to have the case hear on November 24, 2014
3. Repost the property with Notice that the case will be hear on November 24, 2014. The property should be posted no later than November 9, 2014
4. Planning will send notification to adjacent property owners no later than November 7, 2014