

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION
CITY COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, MAY 5, 2016
6:00 PM**

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

Commissioners Present: Commissioners Rick Harper, Gary Hirsch, Jack Gallegos, Al Lenox, David Moreno, Vice Chairperson Arthur Dobbelaere and Chairperson Steve Johnston were in attendance.

City Staff Present: Tabitha Perry, Assistant Planning Director, James Gruber, Assistant City Attorney, Doug Howard, Planner, Martin Martell, Planner and Julia Dominguez, Recording Secretary.

APPROVAL OF MINUTES

Chairperson Johnston stated there were no minutes for approval.

WITHDRAWALS AND CONTINUANCES

Chairperson Johnston called for any withdrawals and/or continuances. Tabitha Perry, Assistant Planning Director, stated that the applicant asked for a continuance of Case number CUP16-01.

1. **CUP16-01:** A request by Don Olson for a Conditional Use Permit (CUP) to operate a home occupation (Class II) business in a private backyard of a residence, which will mainly consist of growing trees and selling trees to customers with appointments on a property in the SR-17 (Suburban Residence) Zoning District. The site is located north of the northeast corner of 59th and Northern Avenues (5841 West Royal Palm Road) and is in the Barrel District. Staff Contact: Martin Martell, Planner.

Chairperson Johnston called for questions from the Commission.

Commissioner Harper asked why the applicant asked for a continuance. Ms. Perry stated the applicant received staff's recommendation of denial and decided to go back and interact with the neighborhood and strengthen support for his application. However, any members of the public wishing to speak on this application will be heard. She added that they will also have the option to be heard when this case is re-heard in the future.

Chairperson Johnston called for questions from the Commission.

Commissioner Hirsch asked when the applicant had made the request for a continuance. Ms. Perry stated the applicant had made the request this past Tuesday, May 3, 2016.

Commissioner Hirsh asked for the original date of the application. Mr. Martin Martell, Planner, stated the original date was in October 2015.

Vice Chairperson Dobbelaere inquired if the applicant was currently prohibited from conducting business. Ms. Perry replied yes, until he receives a CUP approval.

Chairperson Johnston called for a motion on this item. There was no motion. Ms. Perry explained the protocol regarding an applicant asking for a continuance and the applicant's request to find support in the community for their application.

Commissioner Moreno asked if it was possible to listen to the speakers first and then make a decision.

James Gruber, Assistant City Attorney, stated the Commission can listen to testimony first, however, he advises against it since the applicant was not present.

Chairperson Johnston asked for a motion.

VICE CHAIRPERSON DOBBELAERE MADE A MOTION TO CONTINUE CUP16-01 TO THE PLANNING COMMISSION MEETING OF AUGUST 4, 2016. COMMISSIONER GALLEGOS SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 4 TO 3 (HIRSCH, HARPER, AND LENOX).

Chairperson Johnston stated that the motion passed and would be continued to the August 4, 2016 meeting. However, he welcomes anyone wishing to speak on this item since it was on the agenda.

Ms. Mickey Lund, speaker, stated her opposition to this application. She has lived in the Barrel District since 1979 and has been in real estate since 1980. She had concerns with property values which she has seen firsthand as a real-estate agent. She believed the applicant chose this property for this business without properly researching the zoning requirements. She said the applicant's unwillingness to inquire about zoning should not be imposed on the residents that live there. She expressed her concerns that this CUP will bring additional businesses into a residential area as well as traffic overcrowding. She added that bees have also become a problem in the area. She hopes the Planning Commission denies this request when it comes before them again.

Mr. James Farrar, speaker, stated his opposition to this application. He said he supports the previous speaker and would like to discuss a couple of incidents that have occurred because of this business. He related a story about a near accident because someone was making an illegal U-turn and almost hit another vehicle because of the traffic congestion in the area. He explained that next time this could happen to a pedestrian simply walking across the street. He said another incident that happened involved a suspect hiding in shrubbery on the property. He noted the

suspect was eventually found by a Police Dog. He explained that it was very hard to tell who lives there and who doesn't because of all the people coming in and out of the area.

Additionally, he indicated that he had spoken to the applicant and he has not stopped conducting business. The applicant stated he had to get rid of the trees he has now. Mr. Farrar also talked about his concerns regarding bees and the traffic in the area.

Chairperson Johnston thanked them for their comments and for attending the meeting.

PUBLIC HEARING ITEMS

Chairperson Johnston called for staff's presentation.

- CUP16-03:** A request by David Lunn, on behalf of N-Shea Group, LLC, for a Conditional Use Permit (CUP) to operate a congregate care and independent living facility on a property in the R-5 SCO (Multiple Residence Senior Citizen Overlay) Zoning District. The site is located south of the southwest corner of 67th and Olive Avenues (6735 West Golden Lane) and is in the Barrel District. Staff Contact: Martin Martell, Planner.

Martin Martell, Planner, stated this was a request by David Lunn, on behalf of N-Shea Group, LLC, for a Conditional Use Permit to operate a congregate care and independent living facility on a property in the R-5 SCO Zoning District. He said the site is located south of the southwest corner of 67th and Olive Avenues and is in the Barrel District. He noted that if approved this request will allow for the development of a congregate care and independent living facility. He stated the site will contain a total of 144 units that will consist of 71 units for assisted living, 35 units for memory care, and 38 units for independent living. He noted that one of the unique aspects of this request is that the facility will allow an opportunity for patients to have a continuum of care that will specifically address the different stages of medical care for these patients.

Mr. Martell stated that on January 6, 2016 the applicant mailed 138 notification letters to adjacent property owners and interested parties regarding a scheduled neighborhood meeting held on January 25, 2016. He said that prior to the meeting Planning staff received two telephone calls concerning this request and both of the respondents were in support of the request. He explained that the applicant, city staff and four members of the public attended the neighborhood meeting. He noted that during the meeting all the members of the public were in support of the applicant's proposal. He stated that staff supports the proposed land use request as it represents a quality living environment medical and healthcare service.

In conclusion, Mr. Martell stated this request does appear to meet the required findings for a Conditional Use Permit. Staff recommends approval of the case listed above, subject to the two stipulations contained in the staff report. He asked if the Commission had any questions.

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

Chairperson Johnston called for the applicant to make a presentation.

Mr. David Lunn, applicant's representative, thanked the Planning Division staff for their guidance and assistance throughout this process. He introduced the project's team that was in attendance. He said this was their second project of this kind with the first being in Fountain Hills. He noted that the Fountain Hills facility was coming along nicely with a few rooms already starting to rent even before the facility was fully completed.

Mr. Matt Turner, Senior Living, stated he was available to answer any questions. He spoke a little about a similar facility called Morning Star at Arrowhead. He stated that Ken Jeager, his partner and himself, had started this company about 13 years ago. He noted they were founded on three principals. The first is to honor God in their business practices and relationships, second, to value all seniors as gifted and contributing individuals, and lastly, to invest generously in their team's ability to serve. He said he was happy to answer any questions from the Commissioners.

Chairperson Johnston asked the commission if they had any questions.

Chairperson Johnston commented on the site as an area that was very underserved for these types of services. He inquired how the site was selected. Mr. Turner agreed that this site was very underserved for seniors in the area and they wanted to rise to the challenge. Chairperson Johnston thanked Mr. Turner for bringing this project to the community.

Chairperson Johnston opened the public hearing.

Mr. Brad Hendrix, speaker, stated his support of this application. He stated that he had been at all four meetings and was very pleased with this project coming into the area. He appreciated the open discussion the applicant has had with the community and believed they would deliver a great product. He said his house was one of the ones that will be directly impacted by this project. However, he wanted to come here and give his stamp of approval as well as his support.

With no further questions, Chairperson Johnston closed the public hearing..

Chairperson Johnston called for a motion.

COMMISSIONER HIRSCH MADE A MOTION TO APPROVE CUP16-03 WITH STIPULATIONS LISTED IN THE STAFF REPORT. COMMISSIONER LENOX SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 7 TO 0.

Commissioner Hirsch thanked Mr. Hendrix for his comments. He also thanked Mr. Turner for bringing this much needed project into that area.

Chairperson Johnston asked for the next step in the legal process.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are final subject to a written appeal if filed within 15 days.

3. **CUP16-04:** A request by Benjamin Graff, Withey Morris, PLC, representing Goodwill of Central Arizona and CP6GC, LLC, for a Conditional Use Permit (CUP) to allow a thrift store in the C-2 (General Commercial) Zoning District. The site is located at the northeast corner of 51st and Olive Avenues (5080 W Olive Avenue) and is in the Cactus District. Staff Contact: Doug Howard, Planner.

Doug Howard, Planner, stated this was a request by Benjamin Graff, Withey Morris, PLC, representing Goodwill of Central Arizona and CP6GC, LLC, for a Conditional Use Permit to allow a thrift store in the C-2 Zoning District. The site is located at the northeast corner of 51st and Olive Avenues and is in the Cactus District. He stated the property owner is seeking a CUP to allow a thrift store for a Goodwill Store and Donation Center to be located at 5080 West Olive Avenue in a C-2 zoning district. He said the thrift store will remodel and occupy approximately 25,000 square feet within the existing shopping center, Glendale Center. He noted the hours of operation will typically be 9am to 9pm Monday through Saturday and 10am to 6pm on Sunday. He indicated donations will be accepted during business hours only, and will be dropped off on the western side of the building from a designated pull through lane. Additionally, there shall be no outside storage or processing of donations.

Mr. Howard stated that on January 25, 2016, the applicant mailed notification letters to adjacent property owners and interested parties notifying them of a neighborhood meeting to discuss their CUP proposal. He said that on February 17, 2016, a neighborhood meeting was held at the Glendale Public Library. He indicated that two citizens attended the meeting and asked questions relating to operating hours and employment opportunities. Staff received one phone call in support of the request from a citizen. He added there were no objections to this request during the citizen review period.

In conclusion, Mr. Howard stated this request appears to meet the required findings. Staff recommends approval of the case listed above, subject to the three stipulations contained in the staff report. He asked if the Commission had any questions.

Chairperson Johnston called for questions from the Commission.

Commissioner Gallegos asked what the screening height was. Mr. Howard stated staff was still going through the design process, therefore he does not have any specifics, however, the applicant was here and he might have more information.

Chairperson Johnston called for the applicant to make a presentation.

Benjamin Graff, applicant's representative stated they were very excited for the opportunity to bring the newest Goodwill store to Glendale and revitalize the area. He stated staff had provided a detailed presentation; therefore he did not have much to add. However, he talked about their outreach program and how they work with the community and neighborhoods to revitalize areas. He talked about the new model of Goodwill stores, which are not associated with the bad stigma of the old stores. He said the new stores are bright and vibrant and they have even done away with the old store logo. He noted they have never seen an increase in crime or diminished

property values where they have developed these new model Goodwill Stores. He talked about the expanded storage and process area the new stores now have since everything will be kept indoors. He thanked the Commission for their time and hopes they grant their application.

Chairperson Johnston asked for any comments or questions. There were none.

Chairperson Johnston opened the public hearing. He called the following speakers to come up; however they had already left the meeting.

Ms. Mickey Lund, yellow speaker card stated her support of this application.

Mr. Richard Lund, yellow speaker card stated his support of this application.

Chairperson Johnston closed the public hearing.

Chairperson Johnston called for a motion.

COMMISSIONER MORENO MADE A MOTION TO APPROVE CUP16-04 WITH STIPULATIONS LISTED IN THE STAFF REPORT. COMMISSIONER HARPER SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 7 TO 0.

Chairperson Johnston remarked this store will be a good addition for the area.

Chairperson Johnston asked for the next step in the legal process.

James Gruber, Assistant City Attorney, stated the Planning Commission's actions are final subject to a written appeal if filed within 15 days.

OTHER BUSINESS FROM THE FLOOR

Chairperson Johnston asked if there was any Business From The Floor. There was none.

PLANNING STAFF REPORT

Chairperson Johnston asked for the staff report.

Ms. Perry indicated there were no public hearing items scheduled for the June and July meetings. She suggested the Commission vacate these meetings.

Chairperson Johnston asked for a motion to vacate the meetings of June 2nd and July 7th, 2016.

VICE CHAIRPERSON DOBBELAERE MADE A MOTION TO VACATE THE MEETINGS OF JUNE 2ND AND JULY 7TH 2016. COMMISSIONER GALLEGOS SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Johnston called for Comments and Suggestions.

Chairperson Johnston commented on the Continuance agenda item earlier in the meeting. He said he appreciates the Commissioner's knowledge and respect of the issues and their willingness to serve the community they represent.

NEXT MEETING: August 4, 2016

ADJOURNMENT:

CHAIRPERSON JOHNSTON CALLED FOR A MOTION TO ADJOURN. COMMISSIONER MORENO MADE A MOTION TO ADJOURN THE MEETING. COMMISSIONER HARPER SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:09 p.m.