

Transcript April 28, 2022 Planning & Zoning Meeting

The video of this meeting can be accessed at this link:

<https://glendaleaz.new.swagit.com/videos/170883>

b. GPA22-01 and ZON22-01-PC Village 83 Multifamily - Minor General Plan Amend/Rezone - N of NWC 83rd and Camelback - A request by Jon Froke and Adam Froke on behalf of Froke Urban Planning LLC, representing Dorothy Keith and Teresa Zaddack, for a minor amendment to the Glendale General Plan from LDR-2.5 (Low Density Residential - 2.5 units/acre) to HDR-20 (High Density Residential - 20 units/acre); and for a rezoning from SR-17 (Suburban Residential 17,000 square foot minimum lot size) to R-3 (Multiple Family Residential) for 5.03 acres. The site is located along the west side of North 83rd Avenue, approximately 1,000 feet north of its intersection with West Camelback Road (Address: 5136 North 83rd Avenue); and is in the Yucca District. Staff Contact: George Gehlert, Senior Planner.

VC – Chairperson Vernon Crow, Planning Commission, Cactus District

GG – George Gehlert, Senior Planner, City of Glendale

JF – Jon Froke, representing the property owner

JC – John Crow (no relation to Vernon Crow), Planning Commissioner, Mayoral appointment

TC – Tom Cole, Planning Commissioner, Barrell District

GH – Gary Hirsch, Planning Commissioner, interim representing the Cholla District

MN – Martin Nowakowski, Planning Commissioner, Yucca District

JG – John Guers, Planning Commissioner, Ocotillo District

TP – Tabitha Perry, Interim Planning Department Administrator, City of Glendale

JG – James Gruber, City Attorney, City of Glendale

**Note 7 member Planning Commission is short one member as there is a Sahuaro District appointee position currently vacant.

Begins at 37 min., 37 sec. mark of the meeting

VC: “OK. Our next case item is GP 22-01 and ZON 22-01. Mr. Gehlert will present the case.”

Mr. Gehlert receives assistance in setting up the media presentation

39:25. GG: “Good evening, Mr. Chair, members of the Commission, George Gehlert, City of Glendale planning staff, here to review with you the proposal for Village 83, multifamily community located at 5136 N. 83rd Avenue. The request before you has two parts. The first is a Minor General Plan Amendment from LDR 2.5 to HDR-20. The second part has to do with a rezoning from SR-17 to R-3 or multifamily. The project is a little over 5 acres in size. The applicant is Jon Froke and Adam Froke with Froke Urban Planning LLC for the owners, Dorothy Keith and Teresa Zuddick.

This is the location of the subject property (he will be referring to visuals during his presentation). It's about 1,000 feet north of the intersection of 83rd Avenue and Camelback. The site is depicted by the General Plan as LDR 2.5 (Low Density Residential, 2.5 units to the acre), depicted with the yellow rectangle and is surrounded to the north and the east also by LDR 2.5, LDR 1 designated on the street to the east as well as the medium density residential subdivision to the west known as Camelback Village. To the south we have a developing commercial plaza designated General Commercial. Similarly, the zoning map for the site again depicted in yellow is SR-17 (Suburban Residential, 17,000 SF lot size) current zoning. Also it is applied to the areas to the north, northeast and to the east on the east side of 83rd Avenue. The zoning to the west, part of the Camelback Village, a residential area, is R 1-10 (10,000 SF lot size). The zoning to the south is PAD (Planned Area Development).

This is an aerial depiction of the site. What you're looking at there, is the 5-acre parcel in the center of the screen as well as the low-density residential areas to the north and east. You can kinda see the green depicting the lower density area. You can see the developing Camelback Village subdivision to the west and the commercial plaza to the south.

This is a site depiction of the project proposal supplied by the applicant. What you're looking at there is a community of town homes style, multifamily, residential units gathered around a central looping corridor that acts as, provides a single primary access from the west side of 83rd Avenue. There's also an accessory emergency access to the south that would be shared with the emergency access that precedes between 83rd Avenue and Camelback Village to the west. The residential area, this would be a gathering of 2 story units, again, around the looping access. This would be surrounded by open space areas. The minimum setback requirement in the R-3 zone would be 20 feet.

This is a photograph of the site looking from 83rd Avenue, looking right down the driveway to the primary residence. There's a single residence on the property and surrounded by a series of horse pens to the backside. This is looking north to the single-family residential areas. Again, this is the subject property to the left side of the screen. Low density residential to the north along 83rd Avenue. This is a shot of the residential areas to the east across 83rd Avenue. Looking from 83rd Avenue toward the commercial plaza to the south. That's the EOS fitness building. Since this photograph was taken, I believe we have an urgent care located at the hard core of that intersection. The site in front of you is also developing presently. There's an additional commercial pad just to the right of that access driveway as well. You can see the subject property depicted to the right of the screen.

With regard to public involvement notification of this proposal there have been two neighborhood meetings. The first one was on-site. Was held on June of last year, was regarding a similar project proposal not quite the same one. It was a lower density. I believe it was 36 units. The same type of development, multifamily, town home style, attached, 2 story units. The applicant decided to revise, went through a couple of different iterations, and came back with the one before you, the higher density design. That was the subject of a second neighborhood meeting on February 16th of this year. It was a virtual online meeting. Notice of both of those meetings to the adjacent property owners two weeks in advance of those meetings. And with regard to the hearing this evening we've advertised the hearing in the Arizona Republic. The site has been posted and the adjacent property owners have also received notice two weeks in advance of the meeting. There's a citizen participation plan, final

report, attached to your packet and with that you'll notice that we received about 10 emails and/or letters in opposition to the request.

With regard to staff's review of the proposal, staff finds that the site is basically located in a part of the community where infrastructure exists. It provides another level of housing variety in the community and the resulting traffic impact is not really significant enough to warrant any substantial traffic improvement. That's basically just a routine, ya know, right of way and dedication of easements along the front of the property.

The one thing that concerned staff primarily has to do with the, this may just be too much of a contrast for the adjacent low density residential areas to the north and east. We believe that this might be a good site for some kind of transitional development. Although what's being proposed here is, we believe, a little bit excessive in way of density. The current density allowance is 2.5 units to the acre. Again, we've got commercial areas to the south, very low-density areas to the north what, from staff level, I believe what we'd be looking for is something a little bit more in-between. Maybe a mixture of both low density and medium density residential development.

Again, ya know, given that this a 2-story development, that might be a little bit out of character, given the location. I think one of the things, you know, we often hear from residents is, that they don't want the 2 story houses up against the one-story houses and you know, there might be an opportunity here to kinds redesign this, come up with something that's a little more, maybe a combination of one and 2 story.

At this point, staff is recommending denial of the request for GPA 22-01 and ZON 22-01. That concludes my presentation, Mr. Chairman, I understand the applicant also has a presentation for you but I'd be happy to respond to any questions you have at this time." (end at 47:45 mark)

47:47 VC: "Commissioners, anything for Mr. Gehlert?"

47:52 JG: "Mr. Chairman, I have a question."

47:52: VC: "Mr. Guers."

47:56: JG: " As soon as I find the slide. On the property that's being constructed by the fitness center, there's one area on slide #11, the area that's all fenced off, what is planning to go into there?"

48:18 GG: "I don't believe we have a proposal on that parcel yet. I believe we have one to the left of the screen."

48:29 JG: "Ok. Cause it's all fenced off. It's got signs..."

48:29 GG: "Yes it is."

48:31 JG: "But it's commercial. Thank you."

48:38 VC: "Commissioner Hirsch."

48:38 GH: "Thank you Chairman Crow. Mr. Gehlert, this is a participation process and as you noted there were 10 emails based off the notification these objections included traffic, impact to schools, parking, emergency access and potential for short term rentals and building heights. So, let me, let's first address building heights. These are proposed to be 2 story?"

49:20 GG: "Yes sir."

49:22 GH: "Ok. What is the building height of the existing commercial property to the south, the EOS health? Isn't it something like 35 or 40 feet tall?"

49:32 GG: "I honestly don't know. I'd be guessing. I'd have to look that up but that's probably about right."

49:37 GH: "Ok and a 2-story building would be then, conceivably half of that height?"

49:43 GG: "20, 22, 25 feet."

49:46 GH: "So roughly, in general terms, roughly height of what we believe the existing commercial property is. Short term rentals. Is there anything in the code that directs the Planning Commission to consider whether something is rental or owner occupied for residential dwelling?"

50:13 GG: "That would be a tough thing to enforce for one thing. The other, I don't believe we have the ability to do that."

50:20 GH: "Yeah. I'm not aware of anything. I'm just wondering if staff can make me aware. I'm not sure that we can consider, even consider, a concern over rental versus owner occupied when we're considering zoning."

50:39 GG: "Well, the only thing I'd like to point out is that this is a multifamily environment. It's all owned by a single entity. The Physical site and buildings and these would, we would refer to town home style. There's no individual ownership and they would be rented. That's not to say they couldn't come back and file a condo plat. That's completely apart from all of this but..."

51:16 GH: "I understand all that. However, there's nothing in the Glendale code that give the Planning Commission discretion to decline something on the basis of being a rental. I'm unaware of any condition that requires us to consider rental as... Is that right?"

51:30 GG: "That's right."

51:31 GH: "Ok. I want to make sure. So, that kinda takes that topic off the table completely. Schools. In my packet I have a sign off which I believe from the school district stating they have

adequate facilities to accommodate the projected number of new students. Signed on April 6th, 2022. So this letter from the school district definitely ties directly to this particular proposal. Is that correct?"

52:04 GG: "Yes, that's correct."

52:05 GH: "Ok, so have approval of the impact to the schools. Is there adequate parking in the design as required?"

52:18 GG: "Yes and that's something we'll be looking at again through the design review process. Should they move forward they would have to satisfy the code."

52:25 GH: "Ok and then there was a question about emergency access. Is there not an existing emergency access route on the south side of their property that extends into the neighboring development which I believe..."

52:44 GG: "Yes sir. Depicted along the south boundary of the property there is an easement that overlays both sides of the property boundary."

52:49 GH: "Ok and then I noticed that in the staff findings, development of the subject site would encourage development within a portion of the community where infrastructure, employment and services already exist. Promotes housing objectives by adding a variety of housing stock. You have pointed out that neighboring zoning is much larger lots. Quite frankly, during my tenure on the Planning Commission I am unaware that we've been approving any development of two and a half acres or two and a half residents per acre. I think that's sort of a passe product. For those that own it, it's precious. It can never be duplicated but I think it's fair to say that's no longer a product that we're actively seeing a lot of activity. People aren't coming in to develop. Is that a fair statement?"

54:06 GG: "I don't think I've seen any in the three and a half years that I've been here."

54:09 GH: "Ok. I notice there's reference to traffic statement and the submitted traffic statement suggested that at build out total traffic volume generated by this proposal would not warrant a right turn d-cel lane and in reading the traffic report that accompanies the packet I find that actually, if I remember the verbiage correctly, that this didn't even really warrant a study. The anticipated traffic levels are so low that there was really no requirement to do a traffic analysis. Is that correct?"

55:13 GG: "Ah, there's a traffic statement."

55:13 GH: "Ok, not a full analysis. Ok but did the city ask the applicant to pay for that statement or analysis?"

55:23 GG: “The applicant is here. He can correct me if wrong. I believe they were...we have required that as part of the pre application process when they make a submittal. They have to provide that.”

55:31 GH: “Ok. But that was done whether mandatory or not and the findings were that there’s no negative impact?”

55:45 GG: “That’s right.”

55:45 GH: “Ok. So I’m kinda like a dog chasin’ my tail here. We’ve got commercial development popping up all over the place in this area which is drawing employment. We’ve got existing housing stock in every direction that includes second story buildings. I drove a half a mile in every direction this week and I don’t know, I didn’t count them, it wasn’t every second home or every third home or every home but there’s ample 2 story structures throughout the surrounding area regardless of the lot sizes. So, I’m struggling with why staff has a recommendation to decline just, solely based on the feeling that maybe you’re jumping too many levels. Yet this is a five acre site. When you look at the site map, you drive the location, what is ever gonna get built in here? I think we’re lucky to find somebody that’s interested in developing this piece and I don’t find it unusual that a townhouse would be a buffer between the large commercial structure of 35, 40 feet and a more traditional single family. Of the packet, of the 10 emails, 5 of them came out of a new development to the west that this Planning Commission just approved in 2016, which also required a change in density and so, those people are now complaining about a new neighbor but they wouldn’t be here if the Planning Commission hadn’t been flexible on density a few years ago. So, I’m struggling with the idea that there’s a denial on this when the need for affordable housing stock, it couldn’t be more, couldn’t be clearer. Am I missing something?”

58:04 GG: “I guess what staff is responding to is the existence of single family, one story homes to the north and you know, our thinking is that there could be a better mix here. Maybe you could develop the north half of the property to something similar to that as a way to buffer them and maybe the south half could be a high density. You know, to just paint it all as 2 story houses, 70 units on 5 acres, that’s about 14 units to the acre. The subdivision to the west is more like 5 units to the acre.”

58:30 GH: “Yeah. We’re only talking about a 5-acre parcel. So how do you crunch the numbers and make it, build anything with a ... If the density’s too low you can’t build anything. The money isn’t there. Certainly, we have need for the housing stock. So, alright. Well, I’m sure I’ll have some questions after the applicant’s presentation. Thank you.”

59:07 GG: “Certainly.”

59:09 VC: “Commissioners, any questions for Mr. Gehlert?” Commissioner Nowakowski.”

59:13 MN: “Thank you, Mr. Chair. I’m reading the notes here. There was a first meeting held on June 21st, 2021, in which they were proposing medium high density residential, 36 attached, 2 story, 2 and 3 bedroom units. Fast forward, 8 months later and after neighborhood input, after opposition, 8 months later of you know, let’s redraw this, let’s refigure this, let’s sharpen our pencil, what resulted was a 70 unit, multifamily project, high density residential. Is there a story between those 8 months, June 21st and February 15th? Why the developer felt they needed higher density?”

1:00:17 GG: “Sure and I think the applicant can respond to that better than I can but I, just simply put, yeah, there was a perceived response from the neighborhood. I think the applicant went away, did some thinking about it, considered the notion of maybe a subdivision more like the one to the west and/or even something akin to like a senior living facility. In the end came back with the one before you. Perhaps for the reasons that Commissioner and that you were citing, had to do with the cost.”

1:01:05 VC: “Commissioner Crow.”

1:01:06 JC: “The staff findings says the proposal ‘may not be consistent with the Glendale General Plan’s policies relating to density.’ ‘May’ is a pretty weak word, isn’t it?”

1:01:16 GG: “It’s a subjective call on our part for sure but our perception, I guess, is that there’s a better medium here.”

1:01:25 JC: “Ok, because we just heard the other Commissioner go through parking and go through traffic and go through schools and go through all of those things that you found were in compliance and then we’ve this weakly worded ‘may not be consistent’. That is what I am wrestling with when we’re denying a property owner his right to develop a property. That’s it, Chair.”

1:01:56 VC: “Thank you sir. Commissioners?”

1:02:01 JG (city attorney): “Chair. As the (unintelligible) the only point I was going to make was to remind you that in Arizona, courts have determined that a rezoning or zoning is a legislative function and when municipal governments are acting in their legislative capacity, they have a pretty broad amount of authority. So the question about rentals versus home ownership, not saying that was part of or informed staff’s decision, I don’t know but that is something theoretically a council could take into account in reaching a decision and in your making a recommendations to the Council with respect to its authority.”

1:02:45 VC: “Thank you Mr. Gruber. Commissioners, anything else for Mr. Gehlert? Thank you, Mr. Gehlert.”

1:02:53 GG: “Sure.”

1:02:54 VC: “Will the applicant or the applicant’s representative please come forward, state your name for the record and make your presentations, please.”

1:02:58 JF: Asks for assistance to set up his slide presentation to which he refers during his presentation.

1:03:48 JF: “Good evening, Chair, members of the Planning Commission. Jon Froke. I’m here to represent, by the way, the Phoenix Suns won tonight, so it’s a good thing. Maybe you didn’t want to know that. I’m here representing the family that owns the property. Her name is Dorothy Keith. I’ve been working for the last 14,15 months with the two adult children. And so, we’re here. I’m here tonight with our real estate professional, Jeremy McArthur, to present what we think is a really good infill project. I’ve got a very brief presentation that I’d like to go through. I want to thank staff for getting this on the agenda and through a process that we all know that everybody’s busy. So, we appreciate the effort by Mr. Gehlert, Tabitha and Lisa to get us at least an audience with the Planning Commission.

So, the two land use applications, general plan amendment and zoning application and I’ll speak to Commissioner Nowakowski’s question or statement regarding what happened between June and February. So, we’re asking for a General Plan Amendment, a minor amendment from residential to residential. The category of 20 to the acre is a little, that’s the category we had to go to, to effectuate our site plan. I’ll get into that in a minute. We don’t want to do 20 units to the acre. It’s too dense. The rezoning is from SR-17 to R-3. That’s one of 4 or 5 different zoning categories that are available for property owners in Glendale to utilize for different forms of residential. We are proposing 70 units and I’ll get into that in a minute. The bottom line with Village 83, that’s the working title for the project. This is an infill housing project. It’s gated. If you don’t live here there’s no reason for you to go into Village 83. We specifically designed it to be gated. That way, unless you’re a visitor or the pizza deliver person or the package delivery person, there’s really no reason for it, unless you live there, for you to enter the site. The property self-parks. That came up at the neighborhood meeting, the second neighborhood meeting that we did on June. I’ll get into that again in a minute. We don’t think this is an impact, a negative impact to the neighborhood. Again, I’ll get into that in a moment. We do have 30% open space. I think the residential category for a development of this type would be 20%. We did do 2 neighborhood meetings. We did one in June at the property. It was fairly well attended. We did it out in Mrs. Keith’s front yard with, I had help from her two children, Teresa Zaddick, who is not here tonight and the son, Neil, who is not here tonight either and we were in the middle of a review process with planning and with transportation and all the other reviewing agencies and this is before got a, I’m not a real estate expert by any means, but finally we got to the point where we felt like we needed to do some analysis on really what could fit on 5 acres. You saw the parcel configuration on George’s PowerPoint. We’re very isolated from our neighbors. If you’ll look at an aerial photo it looks like we are in the middle of a neighborhood, and we are. Again, I’ll get into the details in that.

We got Jeremy McArthur on board. He’s behind me and if needed, he can speak tonight, to actually look at the numbers. We all know construction costs, labor, materials, getting people to work, is becoming more difficult and so the big difference between June 21st and February 16th when we did our second neighborhood meeting is we crunched some numbers and with 5 acres

there just isn't, the property doesn't pencil. I guess what I should have said at the beginning, Mrs. Keith is, she's owned the property since 1979. That's 43, 44 years. I'm not very good at math, 43 years ago, 44 years ago. She's made the decision with her family that it's time to move from a farming, rural character into a more manageable situation for her personal lifestyle.

And so, over the last 40 years things have changed and she's not really in a position to maintain the property anymore. I won't go into a lot of detail on the traffic impact statement. So, we fast forward, we withdrew the application at the request of staff last fall, last summer, fall. We started over basically in, and that's where the TIS (traffic impact statement) came in. We were happy to hire, I'm a land planner, we were happy to hire a transportation traffic engineer, prepared the plan and submitted on February 4th. The results of that and EPS Group is our traffic engineer. They're a good firm. They've done work all over Glendale. They are familiar with the city's transportation department. The anticipated traffic generation for Village 83 is very minor and the 504-ADT that refers to average daily traffic which would be generated by the project does not warrant a criteria for a right turn lane. There's a question early on, well, 83rd Avenue should have a right turn lane into the development. It's really not warranted by our traffic study.

That's the site plan as George indicated. It's gated, Again, unless you live there or have reason to be in there, guests, visitors, delivery person, emergency personnel, there's no reason to be in the community.

We do have a buyer for the property. Somebody that would actually be developing the property and building a very nice community here. This site plan layout is very conceptual. It would be subject to design review as George indicated. I guess no good deed goes unpunished. So, before I got involved, the Village 83 neighborhood to the west, somebody has approached Mrs. Keith about providing a secondary access point through Mrs. Keith's property and I don't know if this, if I can do a markup here or not. I used to know how to do that. So, this area here provides the secondary access that's required for Village 83. So, I drove on this a couple Saturdays ago. I actually do property posting. I posted the property with my wife and we drove around the neighborhood. Drove on the emergency access point. It is seated here at the Village 83 neighborhood. We had some trespassing issues last summer that I don't really want to get into that we've dealt with. So, before this project came to fruition, we were asked or my client was asked can you please provide access so I can develop what became Village 83. The emergency access we don't intend to use it. It's there for police and fire. We do have the one access point here. If you look at the screen, that will be gated as well. So, we don't anticipate our residents, our residents would not be using that. They would be using the gated access on 83rd Avenue. So, that's the story on the emergency access point.

George had come back to us about a month ago. I think our, the city's traffic engineer after review of the traffic study said, hey, wait a minute, if there's a gate here, do you think the applicant would be willing to add a secondary gate? I told George we would be willing to do that if that's a stipulation for the approval of the project. So, I never heard back. So, that's on the table. If the city feels like that needs to be fenced off for whatever reason we can do that. There was mention of setbacks. We're actually doubling what's required. So, rather than push up we've got dwelling units along the west property line, that where Village 83 is, rather than having the 20 foot setback we did listen to the neighbors, contrary to what some people might

think on social media. We doubled the setbacks. So that's 40 feet. There is one house north of you. We'll go to the aerial photo in a minute. Again, we doubled the size of the setback there from 20 to 40 feet. So, we're trying to make a good neighborhood that's self-contained. One of the questions that came up at the neighborhood, the virtual neighborhood meeting in February was, where's all, everybody gonna park? The property self, the project self-parks. We're sensitive to parking. Every unit will have its own garage. These are not carports. They'll be individual units. Individual garages. We live in the Sonoran Desert. It's good to have shade. We would be having access or parking folks on the emergency access. We wanna keep that open for police and fire department vehicles.

I didn't, for the sake of time, cause we really didn't get our packet until last night or this morning in terms of some of the letters that were sent out, so shame on me. But 4 or 5 of the letters are coming from one close by and others that are miles away. The person at 75th and Glendale, next to the new 2 story apartment complex and the UHaul facility. I'm not sure what Village 83, what impact they're going to have on them. So, again, we're trying to be good neighbors. These are some of the amenities nearby, the stadium, the arena. There's a lot of new residential going in as George indicated. Stonehaven with a lot of new houses. They're quality homes that are being built. Four story apartments up on 91st and Glendale and then Heroes Park, which the city just built the lake, the fishing lake which is great. So, that's less than a mile away or a mile away from Village 83.

Similar land use and zoning. This is not the only one. We're not the only ones looking at similar zoning. I'm not going to go into these for the sake of time, but areas like at 75th and Camelback, R-3 next to residential and commercial. This is hard to read, Bethany and 67th, I believe. The yellow, the dark brown, I guess, is multifamily, R-3 and R-4. This is not 67th and Bethany, excuse me, southeast corner, more multifamily. Other parts of Glendale. This is Bell Road, the Bell Road corridor, economic engine for the city, 63rd and Bell. There's a lot of multifamily next to residential and commercial. This is up in Arrowhead, 75th Ave and Loop 101, a lot of multifamily wrapping commercial, wrapping single family, churches, the country club is up in this area. A lot of nice neighborhoods that things can coexist. So, frankly, in our opinion, the proposal tonight is not out of keeping with land uses and zoning police in Glendale for the last 40 years. We have every intention of doing a really high-quality project.

Quick snippet. I think this is the last slide. Unless you're not looking at the news or reading newspapers or digital media, Arizona has a housing shortage. Phoenix has a housing shortage. Glendale has a housing shortage. All the new jobs that are gonna be built at Crystal Lagoons and not everybody's going to want to live in a single-family home. We're trying to provide an opportunity for a quality neighborhood. These are just some snippets, some headlines from 3 different media outfits. The amenity package, which would be subject to design review, that'll be at a later stage if the zoning is approved, swimming pool, obviously, club house, a fitness center, a leasing office on site. Everybody loves dogs or most everybody does, we have facilities for dogs, playground area for kids. I already mentioned the garages for each dwelling unit. So, we think we have a good story to tell. We know it's higher density than some of the properties in the area. The EOS fitness, which is not on our property, it abuts the fire emergency access point. That building is new. It's right next to my client's house. Frankly, she doesn't want to live next to that and the area is transitioning with Stonehaven and some of the other projects that are being built and she would like to be able to have the property rezoned after living here for

40 plus years and she is looking for a more amenable living environment for her family. So, I've said way too much and I'd be happy to answer any questions."

1:18:55 VC: "Thank you. Commissioners, is there anything for Mr. Froke? Commissioner Nowakowski."

1:19:01 MN: "Thank you Mr. Chair. Mr. Froke, I am under the impression that Mrs. Keith,"

1:19:13 JF: "Correct."

1:19:14 MN: "She wants more manageable life style. That's why she's selling. I'm getting the impression that she's gonna live there? That's her desire? That's the way it sounds to me."

1:19:20 JF: "Commissioner Nowakowski. The intention as I understand it and Jeremy, correct me if I'm misstating, is that, if the property, once she moves, once something gets developed here she obviously would not live here anymore. She would find a different house somewhere else."

1:19:49 MN: "Thank you."

1:19:55 VC: "Commissioner Guers."

1:19:56 JG: "Mr. Froke, thank you for the presentation. You've said the amenities, the pool and the dog park, where would they be on this layout? Or where might they be? You have a ballpark, storm water basins and a playground. And while you're looking at that, the garage. Is it a two car garage? Can you put a full size pick up truck in it? Or will people have to park elsewhere if they have larger vehicles?"

1:20:31 JF: "Through the Chair, Mr. Guers. So, the amenity packet again, would be subject to city staff approval through design review. All of the amenities that I mentioned were representative of what might get built there. The map that's been, the site plan that's been drawn, we're showing protentional ball courts. We've got a half court. We specifically put a potential sport court away from the neighborhood. We put it next to 83rd Avenue, next to the commercial. Again, all of this would be gated and confined to our residents. We've been working with the city engineer on the stormwater retention. There is other areas throughout the site. We could build a walking path for people to circulate. So, those would all fit within the 30% open space that we are proposing. With respect to the vehicles. The garages would be at least a single car garage that could be a tandem garage. Would it fit an F0450? Probably not. A 450 wouldn't fit in my garage in Glendale but we would make accommodations for people to be able to park under cover. We do have guest parking. I did not point that out. We are proposing guest parking as well."

1:22:10 JG: "I see a couple spots here."

1:22:10 JF: "Correct."

1:22:15 JG: "Ok. So if, where would you plan, if everyone had, you have families with 2 cars and they are single car. So, you have 70 other cars. Where would you put 70 other cars?"

1:22:18 JF: There's guest parking. Let me just back up. The project meets the city's parking standards per the zoning ordinance. The reality, like the scenario you mentioned, who knows? I live in a single-family neighborhood in Glendale. Lived there for over 20 years and do we have a parking problem in my neighborhood? We don't today. We did when somebody across from me was renting their house out to God knows how many people and people coming and going. So, we self-park on paper. Again, each of the 70 units would have their own parking and then would add the guest parking per the zoning ordinance."

1:23:19 JG: "Ok. Thank you."

1:23:19 JF: "Thank you. I was gonna point out, again, we are trying to listen to the neighbors. The units, I forgot to mention this before. Despite how much setback we're proposing with not putting the units adjacent to our west property line, we're proposing to offer a stipulation that those units be limited to single story. We feel with the line of sight, you know, the folk's back yards in Village 83, you've got an existing perimeter fence that they built, the 40-foot landscape buffer and then on our property and then our dwelling units. If we limit to single story, you're really not going to be able to see them."

1:24:10 VC: "So, is that going to be units 18 through 34?"

1:24:17 JF: "Mr. Chairman, Commissioners, it would be units 35 through 40. It would be if the numbers changed a little bit. It would basically be these units along the west property line."

1:24:29 VC: "OK. The west, ok."

1:24:31 JF: "Yes, sorry about that if I misspoke. This despite every other zoning district on all four corners around, this is allowed. Two story. We're willing to go single story next to Village 83."

1:25:00 VC: "Commissioners?"

1:25:04 GH: "Chairman Crow."

1:25:04 VC: "Commissioner Hirsch."

1:25:04 GH: "Mr. Froke, just to make sure I have this right. This is a minor amendment to the General Plan and you're requesting zoning to R-3. It is a gated community. As designed, it would be self-parked on the property. Your property owner, the current property owner, has resided there for 43 years. Wow. She moved here the same time I did. 30% of the property is

proposed to be open space and 20% is the requirement. You have doubled the setback on the west and north property lines to double the city standard. Is that correct? And now you've offered a stipulation that the units constructed along the west property line should be single story only."

1:26:11 JF: "That's correct."

1:26:13 GH: "Ok. I have no further questions. Thank you."

1:26:20 JF: "Thank you."

1:26:23 VC: "Commissioner Nowakowski."

1:26:27 MN: "I'm reading staff analysis. I get the impression that there's a fear that rezoning may encourage further density increase and spot zoning. So, there might be a domino effect and rezoning in the area. I understand that fear. That we have a characteristic of large property owners between Camelback and really up to Northern. We may have a dozen to 20 homes resembling this kind of property. If those properties were to shift thoughts and saw what happens it would change the whole characteristic of the neighborhood. It really would. So, I understand the fears when I read appears out of character with the adjacent residential development. I get it, and you know, maybe Mr. Gehlert, can you clarify the perceptions that this may encourage further density increases and spot zoning. That that means in your analysis?"

1:27:38 GG: "Well, I think that the applicant just offered up a half a dozen different examples around the city where this has already happened. I wouldn't begin to suggest that those are identical situations or circumstances. It's too hard to say at the moment but I think he's using it as part of the basis for suggesting approval of his request."

1:28:04 MN: "Would you agree that 83rd Avenue corridor characteristic right now is large lot owners and a more rural feel? I mean if you compare it to North Central between Glendale and Northern. That kind of drive. That kind of feel and if it was to shift, you know, it'd be a loss of characteristic. Am I kinds correct in that perception?"

1:28:30 GG: "I would say certainly. That segment of 83rd Avenue just north of this site falls into that category, yea, both sides of the street."

1:28:39 MN: "Thank you."

1:28:46 VC: "Commissioners, anything else? Thank you, Mr. Gehlert. Thank you, Mr. Froke. Anything else for Mr. Froke? Commissioners? Ok. I have received 7 speaker cards. And I will call your name and please forgive me if I butcher the name because I can't read some of these too well. I'll do the best I can. When you're called on please step forward to the podium, state your name and address for the record. And folks, if you could please try not to come up and say the

exact same thing as the person preceding you. I will start with Ms. Bittner. Welcome, we're going to try to stay within 5 minutes."

1:29:55 June Bittner, resident: "Thank you. Good evening, commissioners. Thank you for the opportunity to speak as you stated earlier my name is Ms. Bittner. I'm representing 7946 W. Vermont Avenue in Glendale. I have, in fact, had the opportunity to know Dorothy through the years. She provided an opportunity for me to have a place. If you were not aware I did hear in the remarks earlier that dogs were mentioned. The scale of dogs for the property presently was for Mastiffs. I'm not certain if you're familiar with that breed but we're talking a massive dog. One of the reasons we're concerned is about the density, is not only the characteristics of the area currently but how are you planning (unintelligible), attempt to allow breeds of those size to still exist within the community of a higher density. That creates their own challenges and with Dorothy and her family with farming citrus and the Mastiffs breeding program through the years, density is, in fact, a concern of ours. As was mentioned by Commissioner Nowakowski the characteristic of the community being developed changed through the process. I must express a displeasure with the letters that were sent out. For unfortunately no one has control of the mail at this moment, and I do understand how we're coming out of a pandemic. It's unfortunate that those letters did not reach all of the community that were impacted. The recommendations by your staff for this particular proposal of denying it, I fully support that proposal. I recognize the challenges of the planning commission at this time to meet other housing challenges in the area and some of the pressures you're all under. That said, and I appreciate the point Commissioner Hirsch made. However, those points are directed in a little different area for the community at hand. I recognize the challenges that each of you are going to be presenting and become a virtualization, the increased costs of the areas and those impacts to development. However, the new plan, which was represented tonight is an increased density was not consistent with the expectations or how things would move forward for those, as was said earlier, Dorothy was an excellent community member through time and it would be inconsistent to approve this plan at this moment. I do believe a great deal of going back and sharpening the pencils or redeveloping it is needed at this time and I would encourage the planning commissioner to accept the proposal of your staff and deny this application for change. Do you have any questions for me personally that I might address tonight?"

1:32:51 VC: "Commissioners? Very good. Thank you very much."

1:32:55 June Bittner, resident: "Thank you for the opportunity to speak and good luck in your choices and if you can address the density issue by halving it that would be highly recommended at this point and much more consistent with our neighbors in the past and the original wishes of Dorothy. Thank you for your time this evening."

1:33:15 VC: "Thank you very much. Ok. Joe Barbossa. Hope I didn't kill that one. Welcome Joe."

1:33:33 Joe Barbossa, resident: "Thank you for allowing me to speak tonight. I'm a resident of Camelback Village. I live at 5109 N. 84th Drive and I'm here tonight with my wife and children to oppose the rezoning of said property. They are directly behind me. We do not want 2 stories.

The recommended amendment that this gentleman recommended is not good enough. Dorothy, God bless her, she can sell out to whoever she wants it. It needs to stay single family, low density, low density. We don't want town houses. We don't want apartments behind our homes. I want to make that clear. We do not want apartments or town homes behind our houses. Thank you. Any questions?"

1:34:19 VC: "Commissioners? Thanks. Adrianna Barbossa."

1:34:42: "Adrianna Barbossa, resident: "Good evening. Adrianna Barbossa. I reside at 5109 N. 84th Drive and I'm Jose's wife. So, the issue that I have with this build is with that emergency access. It's not a secondary access. It's an emergency access. When our homes were being built there happened to be, it wasn't an emergency but it was an urgency. On Camelback we were not given entrance to come into our homes though our main entrance because of the construction with the street. We were completely blocked. No one knew that was our only entrance. Therefore, we had to wait outside of the street, either by the church or the urgent care until someone, I believe it was Glendale police department, came and said, Hey, you can't block these homeowners from coming in. So, they ended up having to open that emergency access for us to come in and out for a couple of weeks while that street was under construction. Now it was very hectic. There's 54 homes in our subdivision. Now, if we're gonna be sharing that emergency exit and there happens to be another emergency like that, can you imagine what might happen? In regards to the traffic, from what I know, they only did their homework on the traffic that their town homes would cause. Which is not a lot to them but they have not considered everything that's being built around 83rd Avenue and Bethany Home Road all the way to 91st Avenue between Bethany and Camelback. There's all new houses being built. That's a lot of traffic, a lot of traffic and I doubt that the schools around there can hold or have more children in their schools. We send out kids to private schools, to Catholic school. Actually here in Glendale because our public schools, there's just not enough space. These classrooms are over loaded. Now, I don't understand how, for so many years certain people, I believe it was Mr. Froke, fought for the integrity of these properties, these homes to have this property and now it's Ok to rezone and build these high density condos, apartments. It's just not compatible with the neighborhood. If you actually go to this neighborhood and spend the entire day from morning to night and knowing what's already there I can just imagine how much more noise, traffic. You're not gonna get people that are gonna be committed to staying there, you know, and living there. There's gonna be people with, who knows on the leases. Is it gonna be long term, short term? I mean, I know you can't pick your neighbors but the privacy is just not going to be there any longer."

1:38:31 VC: "Thank you very much. Gentlemen, any questions for Ms. Barbossa? Thank you very much. Oh boy, Erik VonShoehaven. Was I close?"

1:38:49 Erik VonShoehaven (sp?), resident: Hey, my name is Erik VonShoehaven and I live at 5139 N. 84th Drive in Camelback Village. Where the park was proposed on their map, I am the furthest northwest property. We paid a large premium to have that so that we would have no neighbors behind us. So, I don't want to repeat what's been said. One of the reasons we were

living in the Arrowhead area. The reason we moved out here it's simply because there are very few places that you can have horse properties surrounding you. I mean it's just everywhere you look. It's new stores, new projects going on. So, we thought, what a great way for us to raise our kids and to have kinda the old, nostalgic way of life where you had big yards and you're looking at trees in the background and so, for us, we intentionally moved to way out of where we were looking, because our particular property now was something that's very unique and I think the point that was made earlier by Commissioner Nowakowski? Yeah, Commissioner. The problem that he raised is one that I would. So, understandably, she can probably sell this house for \$800,00 as a single family. I don't know what she's going to make on this. Far more than \$800,000. Good for her. Capitalism still works. The problem is that it now sets a precedent for every other single family, 3,4,5 acre owner that's all up and down there, to say we can make \$3 million, \$4 million bucks selling. Then you take something that's very unique and special to Glendale that is going extinct, and you take a pocket that is still preserved and over the next 10,15 years. The money's too big for people to say no to. So, you fundamentally change something that we, particularly, looked way out here, out of our current neighborhood to the special nature that it is. Traffic concerns were listed but I drive Camelback every single day in the morning and I come home on 83rd. EOS gym is packed. I mean, there are people flying in and out of there all day long. It's a nightmare. I've gotten so many close accidents. I mean people being reckless just coming in and out. But then you have the new development, Stonehaven. There's a thousand homes and they're not even halfway done building that. You're gonna add hundreds and hundreds and hundreds of more cars on a two lane road that is leading to a freeway. So, I guess my big concern is the precedent it will set for all of the future 2,3,4 acre property owners. They'll all get a bunch of money and totally turned into an urban area. Where right now, it's still very special and feels kinda like Arizona nostalgia. So, I'm sure you don't have any questions, yes?"

1:42:10 VC: "Thank you, sire. Alright. Thank you. Alright. David Smechanic?"

1:42:24 David Smechanic (sp?), resident: Yes, my name is Davis Smechanic. I live at 5181 N. 85th Ave, just to the left of the property shown. I request denial of amending and changing this rezoning to accommodate it. It doesn't fit and the density is 8 times bigger, more dense than what it is currently zoned for. Everything that these people have said I agree with, so well spoken. It's an inappropriate fit. Beautiful horse properties all in there, invested there, enjoy that lifestyle. We want to keep it. So, yes, the density and I hear you. Ok, so, they need to do a right turn land. But the density does go up and so well spoken previously. The traffic is gonna go up. There's no 2 stories anywhere in proximity from where I'm at. So, it's a hard no, please no. It's already occupied very nicely with a home and big acre. I'd like to keep that. So, I'd appreciate it. Please say no. The plannings been great. Everything is beautiful there now. Let's not do the domino effect and spoil a great place that I have to live. I've been there since 1996. Thank you."

1:43:53 VC: "Any questions, Commissioners? Thank you, sir. Appreciate it. Phillip, it's either Fuentes or Fuertes. I'm sorry. Perfect."

1:44:18 Phillip Fuertes, resident: “Usually...”

1:44:22 VC: “Name and address, sir.”

1:44:22 Phillip Fuertes, resident: “Oh, ah, Phillip Fuertes. 5127 and it’s No. 84th Drive.

1:44:31 VC: “Thank you.”

1:44:31 Phillip Fuertes, resident: “I just agree with all these guys here. You know, it’s a bad place to put an apartment or townhouse and I hop you guys say no. I’m praying you guys so mo. That’s all I gotta say. Thank you.”

1:44:48 VC: “Thank you, sir. Martin. I’m going to leave the last name up to you. I can’t read it. Samienego. Did I get that right?”

1:45:09 Martin Samienego (sp?), resident: “You got it wrong, as usual. My name is Martin Samienego. I had the honor of serving on this council for 4 years, on City Council. Worked with Martin Nowakowski as my Council Assistant and had many, many meetings before the Planning and Zoning Commission and did not always agree with staff. But today, I have to tell you even though they used the word, may, it should have been stronger. Hopefully, you will deny this. I came not knowing exactly which position I would take on this because I have not received any notice prior to what I saw posted on the fence there at Dorothy’s home. I know you had a couple of meetings. They said they had a couple of meetings, but I did not receive any notice, email, text or slow mail. But I just can’t believe that you would consider doing anything like this to our neighborhood. It’s just not a fit. It won’t fit there, and I know Dorothy. I’ve been in there for 40 years and I know she wouldn’t live there if they built what they’re proposing to build there. The traffic is just becoming unbearable on 83rd and Camelback. From 75th to 91st, at night it’s just so hard to get in and out of those streets anymore. If they put apartments or condos or whatever they’re called, whatever they’re talking about, it just wouldn’t be a fit for the neighborhood and the traffic will be so bad. Our schools would not be able to handle that. I agree with the 11 emails that you reviewed. There’s nobody saying that they agreed with this proposal, and it isn’t a minor change. This is a major change to our neighborhood. You wouldn’t want to live there. I’ve lived there for 40 years. I know Dorothy very well. She used to be a city employee. She worked for the city for quite a while. So, thank you so much for taking the time. I appreciate. I know you have a tough decision to make and with all due respect to Mr. Froke, this has just got to be replanned and reproposed. Thank you so much.”

1:47:17 VC: “Thank you, sir. Ok, would the applicant’s representative like to make closing remarks? (Pause. Request to speak from the audience). Did you fill out a speaker’s card? Name and address, sir.”

1:47:24 Erik Stohr (sp?), resident: “My name is Erik Stohr. I reside at 5121 N. 84th Avenue in Glendale, directly behind the propose element. Pretty much I agree with everything everyones been saying today. We really hope that you do not approve this. The big thing for me is parking.

I personally lived at the town homes at Westgate. I don't know if you guys are familiar with those. I lived in the smaller unit section. We had about 67 town homes. We all had 2 car garages. Very few people parked in those garages. We had, I think it was 19 available guest parking spaces exclusively used by residents. If you had a guest there was nowhere to park. You parked in front of your garage and hoped you didn't get towed. I got towed once doing that when I had a guest there. It's horrible. If you have 70 units and they all have single car garages, I mean, who's going to be moving into these units with more than one bedroom and not have more than one car? It just doesn't make sense. There's gonna be 140 cars plus guests. So, what do you do with 70 parking spaces plus what? You have maybe 19 guests at most. I just don't get where are they going to park? I've lived in town homes. I've lived in apartments in Glendale, in Westgate, in this whole area and there's never parking. So, agreeing with what everybody's saying, no one's parking that 450. So, yeah, that's a beautiful car but even an F-150 is not gonna fit in these garages. I have a home with a 2 car garage and my Tacoma fits in with 2 inches in the front and the back. A Tundra is not gonna fit. So, what are these dual trucks in Arizona? Almost everyone runs a full sized truck. How many of these units is going to have a full sized truck and nowhere to park? That's a big thing for me there. Another thing is, like everyone said, it just doesn't fit in the characteristics. If you go just 3 miles down 83rd you'll see that KHovinian is building new single family homes. They are all large lots. They start at \$600,000. That's what fits into the character of the area. They proposed it. They got approved. It fits in with the area. It's miles away from my house, I don't see why it'd be any different for these people. It's about the same size lot as well. I think that's pretty much...Oh, and then another thing you mentioned, the EOS gym. Pretty much every single person that purchased a home in this neighborhood was well aware of EOS gym. Well aware. We knew it was coming. It was way before homes were even built there. It wasn't new news to us. We accepted that. We were Ok with it. We moved in and then we had noticed that hey, we moved into a single family exclusive neighborhood and now they're proposing 30 foot tall buildings behind us. It just doesn't make sense. So, with that, I really hope you guys really do deny this because single family homes, 100% makes sense on that lot just like KHovinian is doing right down the street. Thank you. Any questions?"

1:51:18 VC: "Thanks Erik. One more..."

1:51:36 Jane Bittner, resident: Thank you for the opportunity to address you one more time. My name is Jane Bittner, 7946 W. Vermont Ave. An engineering concern that I failed to mention earlier is Dorothy's property provides all of us with protection because so much of her land is undeveloped and it absorbs water during the excessive storms and access from her property there have been issues. The city has had to drill further in order to handle the watershed that happens during excessive storms. So, as this is considered, even if it moves forward, I would like to raise the concern that additional water runoff access be included on this redevelopment of the property no matter what it looks like sometime in the future in order to get, to keep the surrounding area at the level or better than what it is now. Are there any questions for that?"

1:52:35 VC: "Thank you. Ok. The public hearing for Case no. GPA 22-01 and ZON 22-01 is now closed. Do I have a motion?"

1:52:07 GH: Mr. Chairman, I would motion to approve GPA 22-01 as written and I think we have two separate motions, if I'm not mistaken. Right? Mr. Gruber?"

1:53:15 JG (attorney): "Yes."

1:53:17 VC: "You wanna take a vote on this item?"

1:53:28 GH: "And I'm looking for a second."

1:53:28 VC: "Do I hear a second?" pause and silence. Ok, I don't hear a second. Mr. Gehlert?"

1:53:43 GG: "I just wanted to add that if the commission is headed in the direction of recommending approval, we've got a few other stipulations that we'd like to add or suggest. Just so you're aware of it."

1:54:00 TC: "Mr. Chair, we don't know what we're voting on. You can't tell us there's more stipulations after it's been moved, after the motion."

1:54:10 TP: "Chairperson Crow, commissioners, from a staff standpoint I was not expecting that. What you have in your staff report right now is the recommendation that is coming from the planning division and the recommendation is for denial on the General Plan as well as a denial on the proposed rezoning application. We didn't get into any additional procedural guidance, the last comments from staff. There were a couple of comments that I was going to make but many of them were covered by the individuals that have spoken. We do realize that as commissioners as you have heard from multiple people and that you are in a tough situation. Typically planning staff does not come before the planning commission with a recommendation of denial. So, I will outline a couple of, to kinda add up to what we looked at. Mr. Froke did identify multiple different locations throughout the City of Glendale where similar proposals have been developed. We do not necessarily know the complete history of what allowed for those developments to occur. During that time, especially with Arrowhead, the General Plan was different than what it is today. The second point that I would make on it is based on the level of information you're getting from the community, citizens, within that area. When the first application came in it was a proposal for a lesser density amount. The applicant got a lot of resistance from the community and staff does take that into consideration. It's not the only thing that we look at. The applicant came back with a second proposal for higher density. Throughout that citizen participation process staff interacted with the applicant and offered two suggestions. Either to reconsider the application once again or consider interacting with the community once more to try to address their concerns to see if there's any way possible forward. The applicant, as is their right, opted not to at least go back one more time to have another meeting with the applicants, I mean with the citizens in the area. And that was the applicant's, his right to do. The next thing is worth mentioning and it has been stated, historically, in that area it has been preserved for larger lots. We do all understand the times are changing right now. Absolutely. This is a great need from a housing standpoint and there's a

very different variety of lot sizes that needs to accommodate new people that are moving into Glendale and the desires that they may be looking for. If you look at the application before you the General Plan Amended, the density that is being required is greater than what is surrounding the subject property. The property to the west when that came..."

1:57:34 GH: "Excuse me. I made a motion and it failed for a second and you're still trying to sell the deal. OK? OK?"

1:57:45 TP: "I apologize."

1:54:45 GH: "Respectfully, as a commissioner, I have every right to make any motion that I wish. It failed for second. I'm just disappointed by that but that's how it works. So, you know, you sold your case. Didn't sell it to me but you sold it to the other members. That's Ok. This is how this works. But it's Ok for any commissioner or all the commissioners to question what staff does. It's Ok to do that. That's why we're here and frankly, some of these packets have been lacking and they do raise concern. When I see that verbiage that 'may not' meet the standard. That's just too weak for me. I wanna know definitively it doesn't meet the standard because you have an applicant and property owner that have a right to a fair hearing. Now we got 10,12 people showed up. One of the nicest groups of people that have ever come in and spoke to the commission. They were all very thoughtful and very polite and we've had some very rankous crowds. And that is greatly appreciated, Bit I don't mean to cut ya off but I mean, I think you sold it, at least to the other 5,6 here. So, I'll be quiet."

1:59:22 VC: "Well, I'm wondering, Mr. Froke, is there any, is there any way that we can maybe consider meeting with the applicant and discussing the concerns that everybody's got here, see if there's any kind of a compromise?" (long silence) If there is, Mr. Froke, I think what we should do here is maybe table it and let everybody have an opportunity to try to come together one more time or maybe, I don't know, maybe drop, drop the density, drop the zoning or do whatever. What's your thoughts on that?"

2:00:13 JF: "Thank you, Chairman Crow, members of the commission. I represent the owner. I don't represent the buyer who is in the audience. We were pleased that we have a buyer because there was criticism of me a few months ago while we were just doing speculative zoning which we're not really doing speculation here. We will accept a continuance or table the matter. We've had 2 pre-application meetings, 2 neighborhood meetings, we've filed the application, withdrew it, waited 6 months to get refunded. Finally, got the refund back to Mrs. Keith but we will take the continuance or table, however procedurally Mr. Gruber wants to do it. And we'll come back, we'll go meet with the neighbors and come back another day."

2:01:04 VC: "Commissioners, does anybody have a problem with that approach?"

2:01:08 JG: "Mr. Chairman."

2:01:12 VC: "Commissioner Guers."

2:01:12 JG: "This is the General Plan. This is for low density and if Mr. Froke is gonna come back and say, 12 or 14 houses but if he's coming back with 20,30, 40 apartments, condos, town houses, then it'll probably end in the same result. The 2 and a half buildings per acre is about 12 nice size houses and that would make a really nice place. Thank you."

2:01:44 VC: "Thank you. Well, be that as it may, I just hate not trying every possible avenue to get folks to come together regardless of what it may be. If there's any way to do that, it just seems to be the best thing we can do right now and if we fail, if this fails, then at least we can say we tried everything to accommodate everybody and see if we could come to some sort of a compromise. So, it that's the case and since the applicant has agreed to that, I will entertain a motion to table this. So, Mr. Gruber, are we on steady ground here?"

2:02:43 JG (attorney): "Chairman, members of the commission, if the commission's will is to continue this item onto a future date or to leave the date open that is certainly your prerogative."

2:02:58 VC: "Gentlemen, any input, should we just leave it open or let the applicant come back when they're ready or should we stipulate the next meeting or what do you think?"

2:03:09 JC: "Chair, the applicant volunteered to have the issue tabled. We didn't recommend. He recommended it."

2:03:21 VC: "Mr. Froke."

2:03:21 JF: "Mr. Chair, member of the commission, you're correct. I did offer that. In consulting with our real estate broker, we actually prefer that, just to have you act on the item, and then between Planning Commission and Council we'll try to work out something with the neighborhood. Like I said, we've done 2 neighborhood meetings. We followed the neighborhood notification requirements that were asked of us the city and so, I think we just wanna be heard tonight."

2:03:58 VC: "So you're asking for the vote?"

2:03:58 JF: "That's correct."

2:04:02 VC: "Thank you, Mr. Froke."

2:04:05 MN: "Mr. Chair, may I?"

2:04:07 VC: "Commissioner Nowakowski."

2:04:12 MN: “Thank you. I, this particular item is kinda sending some alarm bells about the character and appeal of the area and the neighborhoods. I’m hearing is fear of, in jeopardy of losing what was coined unique and special by one the residents who spoke. But we as a city, I think we need to determine which areas of the city are suitable for high density residential development in these unique and special areas and which areas need to be maintained at a lower land use and density. So, I think having another recommendation for approval isn’t the way to go. With that. I motion to deny GPA 22-01, knowing that Mr. Froke has already said one way or the other, he’s gonna work with Council.”

2:05:27 JG: “Mr. Chairman, I would second it.”

2:05:27 VC: “Ok. I have a motion and a second to deny GPA 22-01 as recommended by staff. Is there any further discussion? Ok. I will now conduct a roll call vote starting from my far right. Commissioner Crow.”

2:05:52 JC: “Aye.” (voted to approve the motion for denial)

2:05:52 VC: “Commissioner Cole.”

2:05:55 TC: “I’d like to explain my answer. I have to admit some frustration. Since I’ve been on the commission this is the first time we’ve had a staff recommendation to deny and that’s all well and good. We respect staff. We, we rely on their expertise for our benefit and so we can consider these things properly. In my opinion, if staff’s gonna recommend denial then we need both sides of the coins in the staff report. We need to know what a motion to approve would look like. Mr. Gehlert came after we died on the vine with recommend to approve. Then he brought forth a concept of stipulations to a potential approval. I just don’t think that that’s fair to us. So, I would ask in the future that if staffs gonna recommend denial then they’d provide both sides of the argument for us to consider. As far as this project goes, and the matter on the table, I grew up across the street from Harlson Stables. We lived in a very rural part of the Valley growing up in west Phoenix and Glendale and that’s changed and it’s hard for folks that live in that area to live with change. I respect that but I also respect the property owner’s right to pursue development of rightfully owned property. So, I vote nay.” (did not approve the motion to deny)

Vice Chair Hirsch: “Nay.” (did not approve the motion to deny)

Commissioner Guers: “Aye.” (approved the motion to deny)

Commissioner Nowakowski: “Aye.” (approved the motion to deny)

2:07:58 VC: “ Sigh...Well, I’m concerned for both sides. I mean, I think the property owner has a right to develop their property as long as it meets the guidelines set forth by the city and it sounds like, based on the information that was put out during the meeting including what Vice Chair Hirsch put out, it really does not create any kind of an issue from the standpoint of traffic or schools or anything else. What I don’t like about this is that it came to the commission with a recommendation of denial and in my way of thinking it should never have gotten on our agenda

if it's, if, if the staff can't approve it. I think it should be reworked or something should be done until they can approve it or it shouldn't really come forward. I don't understand why it's on our agenda. And maybe, this is the first time that I'm aware of anything coming to us for a recommendation of denial. Maybe, that's, maybe I don't remember correctly but as far as I can remember this is the first one. (Long pause) I think I'm gonna have to say nay. (did not approve the motion to deny. Result: tied 3 to 3 vote. A tie vote fails)
"So now we've got 3 for and 3 against. Mr. Gruber."

2:10:32 JG (attorney): "Motion failed."

2:10:19 VC: "So, the motion's denied basically. So, our zoning case, Mr. Gruber, our zoning case now is not in effect because we have to have the General Plan Amendment before we can do the zoning. Is that correct?"

2:11:08 JG (attorney): "Chairman, members of the commission. So, the question is can you move on to vote regarding the rezoning?"

2:11:23 VC: "Correct."

2:11:23 JG (attorney): "So, my understanding is, that the motion to deny the General Plan Amendment failed 4 to 2. Is that correct? And the motion to approve died for a lack of a second. It's not been the practice of the commission in the past to forward no recommendation to the Council. That is essentially what you have right now. I believe when this was discussed the past that, if I understood, that would be construed as a recommendation for denial. So, that's the best guidance that I can give you right now. That's probably what you have is either no recommendation or a recommendation for denial. So, if you wish to modify that, that's your choice if there's any abilities to do that and if not, you can't proceed to vote on the rezone."

2:12:30 JC: "Chair."

2:12:32 VC: "Commissioner Crow."

2:12:32 JC: "I make a motion that we table this."

2:12:37 TC: "Second."

2:12:40 VC: "It's been moved and seconded that we table the project, GPS 22-01 and ZON 22-01. Any further discussion? Commissioner Guers."

2:12:54 JG: "For how long will you table it? One month, two months?"

2:12:58 VC: "It's up to you."

2:13:00 JC: "It's up to the applicant. He can bring it back."

2:13:05 JG: "He can bring it back or the staff to redo the presentation?"

2:13:06 JC: "It's up to the applicant."

2:13:08 JG: "OK."

2:13:14 GH: "Chairman, this is why it's a pleasure and a privilege to serve on the planning commission." (General laughter)

2:13:28 VC: "OK. I have a motion and a second to table GPS 22-01 and ZON 22-01. No further discussion? I will conduct a roll call vote starting on my extreme right."

2:13:47 to 2:13:57

John Crow, aye.

Tom Cole, aye.

Gary Hirsch, nay.

Martin Nowakowski, aye.

John Guers, aye.

"The Chair votes aye. So the motion is tables and it will be up to the applicant to readdress it. Mr. Gruber, what are the next steps in the process?"

2:14:13 JG (attorney): "Chairman, members of the commission, the item before you, the commission is recommending tabling the item."

*****END OF AGENDA ITEM*****