

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

**THURSDAY, MAY 16, 2019  
6:00 PM**

**VILLAGE AT THUNDERBIRD ZON19-02:** A request by Mike Withey, Withey Morris, PLC, representing University Realty, LLC, for a rezoning request for approximately 85 acres to rezone the property from PAD (Planned Area Development) for a project titled “The Thunderbird School of Global Management” to PAD for a project entitled “Village at Thunderbird”. The proposed rezoning will allow for a variety of residential (multifamily and single-family residential products) land uses with a maximum of 642 units allowed. The site is located at the southeast corner of 57<sup>th</sup> Avenue and Greenway Road and is in the Sahuaro District. Staff Contact: Tabitha Perry, Special Projects Executive Officer (623) 930-2596.

Ms. Tabitha Perry, Special Projects Executive Officer, made staff’s presentation. She stated that the Village of Thunderbird PAD rezoning application ZON19-02 is considered a companion application of the ACU PAD, in which the Commission just voted on. She said the project site is located at the southeast corner of 57<sup>th</sup> Avenue and Greenway Road and is approximately 85 acres in size. She stated the request is to rezone the property from a PAD titled Thunderbird School of Global Management to a PAD entitled Village at Thunderbird. This PAD proposes a variety of residential land uses as well as a recreational land use for the entire 85-acre site.

Ms. Perry stated this PAD proposes four parcels for specific land uses:

- **Parcel 1** allows for recreational land use on approximately 5.4 acres. This site is developed and identified as the YMCA facility. In comparison, this request is in keeping with the existing PAD.
- **Parcel 2** proposes traditional multifamily on approx. 15.6 acres. The applicant proposes up to three stories with setbacks ranging from 60 feet for one and two stories and 100 feet for three stories adjacent to 55<sup>th</sup> Avenue. The existing PAD allows for traditional multifamily development at the same proposed location so there is no change in land use. The proposed setbacks and landscaping buffer as well as a street provide a significant buffer from residents located on the east side 55<sup>th</sup> Avenue.
- **Parcel 3** proposes single family residential on approx. 53.6 acres. There are two minimum lot sizes proposed 4,000 sq. feet and approximately 6,000 sq. feet. Building setback ranges from a minimum of 25 feet for single story and 40 feet for two stories along 55<sup>th</sup> Avenue. Development adjacent to the southern property line, which abuts Acoma Drive residents, proposes a minimum setback of 40 feet for single story and 85 feet for two stories. In the future, a developer shall submit a preliminary plat application to determine the subdivision layout. This application will require a citizen participation process prior to the application being presented before Planning Commission. This process will allow interested citizens to provide additional feedback.

- **Parcel 4** proposals townhomes on approximately 10.4 acres. The PAD proposes residential products which may be attached or detached. The PAD provides a maximum density and estimated total unit ranges for Parcels 2, 3 and 4; yet, the entire site shall not exceed a maximum of 642 units.

Ms. Perry stated the applicant completed the Citizen Participation Process. She noted the applicant, property owner and staff were committed to working with the neighbors and worked diligently to address their concerns. In summary, greater building setbacks are proposed to minimize the impact of potential two-story homes adjacent to existing single-family homes along Acoma Drive. She said The proposed PAD does not allow for access along 55<sup>th</sup> Avenue nor Acoma Drive, which is important to the residents. She said the proposal meets the findings for a PAD zoning district.

Ms. Perry stated this PAD request is generally consistent with the land use designation of CCC and Medium High Residential, 8 dwelling units to the acre. She noted that all appropriate City departments have reviewed and recommended approval with necessary stipulations. These stipulations have been discussed and are acceptable to applicant. She explained that the Fire Department is aware of the projected growth the application proposes. Currently, the Fire Department does not see any deficiencies in response times and did not advise of any negative concerns. She said that they will monitor the growth of development and continue to work with consultants and the City Manager if any concerns arise.

Ms. Perry stated it is staff's recommendation for the Planning Commission to recommend approval of rezoning application number ZON19-02 with the stipulations outlined in the staff report. She noted the applicant is prepared to discuss more specific details of the application request.

She concludes her presentation and asked for questions from the Commission.

Mr. Mike Withey, Withey Morris, PLLC, introduced himself and stated he is in agreement with staff's report as well as the proposed stipulations. Mr. Withey stated they were recently here when the General Plan Amendment was approved and were in mutual agreement with the discussion that were had. He said that in terms of the historic value of this site, there were two main issues they heard from the city and community. He said one was to keep an educational component on site and the other was to keep the YMCA. He said he was happy to report that the YMCA will remain. He noted they were previously leasing; however, they now own the property. He reviewed the 2008 zoning and stated this could be constructed today as it is the current zoning. He also reviewed the components of the 2008 zoning. He stated there will be no access from the property to Acoma Drive or 55<sup>th</sup> Avenue. He talked about the buffers and landscaping which they believe were appropriate and far in excess of code requirements. He noted they also spent lot of time coordinating with ACU and staff on common elements of the PAD that it brought the whole property together.

Chairperson Hirsch called for questions from the Commission.

Commissioner Crow expressed his appreciation to the applicant for cooperating with the property owners along Acoma Drive.

Commissioner Wilfong asked about a deceleration lane. Mr. Withey stated there was a stipulation regarding the deceleration lanes at the main entry points.

Commissioner Wilfong asked if the residents of Acoma Drive indicated they did not wish to have two story homes behind their homes. Mr. Withey said they did have open houses to address those types of concerns. He added the current PAD allowed for two story homes behind Acoma Drive.

Commissioner Wilfong stated he appreciates the information on the setbacks, however, experiencing a two-story home behind his house is was concerned. Mr. Withey said he understand the issue and there were residents who expressed that concern.

Commissioner Wilfong asked about the retaining wall being constructed higher. Mr. Withey said they would be constructing their own, new retaining wall which will be 6 feet tall.

Commissioner Wilfong asked about how the applicant is working with the Peoria School District to compensate them with the potential increase in students to their schools due to the opening of ACU. Mr. Withey said he is confident that these discussions will continue with the school district.

Commissioner Nowakowski asked if there will be additional meetings regarding the parcel with family units. Mr. Withey said for all of the parcels there will be a subsequent plat to be reviewed and potentially approved by the City.

Mr. Withey said rather than selling parcels as they proceed through the process with the city, going through General Plan Amendment and the rezoning. He said that once this process is complete, the plats will come before the Commission.

Chairperson Hirsch opened the public hearing.

Mr. Gary Livingston, Sahuaro District, Glendale, stated from the initial meeting with ASU all the concerns raised were regarding density. He said now the applicant is proposed eight units to the acre. He said he has not yet received an explanation from staff. He asked why the City Staff isn't following the statutes. Also, he asked what the criteria was for acceptance of this proposal. No one has provided him with any information. He is extremely concerned as are his neighbors. He is concerned about the homebuilder which will be used to construct the new homes. He said they are also concerned about their property values.

Ms. Theresa Holton, 5734 West Acoma Drive, said her lot backs up to the vacant land. She said she is grateful that ACU will be occupying the land. She said initially the applicant shared with the residents that five story buildings were proposed. She said she recognizes that the attorney is representing the University. She said they have shared their concerns with Councilmember

Malnar. One of their concerns was the setback, which is now 40' and 85'. She said they have been concerned about what will back up along their fence. She said she would like honest and to be informed of what will be taking place directly behind their properties. She said the traffic along Acoma Drive is not understandable unless you are a resident along Acoma. She said at least once a day there is a large emergency vehicle driving down Acoma Drive in order to access 59<sup>th</sup> Avenue.

Ms. Perry said the applicant would need to go through the Design Review process. At this point, staff does not have the proposed multi-family design. She said the preliminary plat will come before the Planning Commission once submitted by the applicant. She said the applicant can speak to the question of the open houses during the Citizen Participation process. Regarding the wall, the residents along Acoma Drive do not have a Homeowners Association. She said the applicant would need to contact each homeowner

Commissioner Crow asked what the minimum height the developers could raise the wall. Ms. Perry said it was 6 feet and possibly 8 feet if everyone agrees.

Commissioner Wilfong said that he recommends possibly two story homes not have balconies which could look into people's backyards. He said that will not go over and will be shut down quickly. He suggests an 8-foot wall.

Commissioner Nowakowski read the average lot sizes being proposed. He asked if this is subject to change once the applicant returns with proposed site plans. Ms. Perry explained that what is being proposed in the PAD was the minimum dimensions in lot area. She said that it was possible when a developer might want to develop larger lots next to Acoma Drive since those lots are also larger than proposed.

Chairperson Hirsch called for the applicant.

Mr. Withey stated that they were consistent with the zoning. He noted that two open houses were held during the General Plan Amendment. He said that during those open houses there were some great questions asked regarding setbacks, two story homes, one story homes, access on the streets, and similar inquiries. He explained to the speaker that said they were not providing information, it was simply because it was very early on in the negotiations and they did not have the information to provide. He noted that another open house was held and the information was provided with many of the same people attending. He explained that the intent has always been to be transparent. He noted that in regards to the two-story home issue, because there is an 85-foot setback, there will not be any two-story homes adjacent to the homes along Acoma Drive.

Commissioner Crow said the problem appears to be solved regarding the two-story homes.

Chairperson Hirsch addressed the speaker's comments specifically because he was singled out. He explained that the Commission and City depend on the highly qualified staff in the city's attorney's office. He noted that as far as criteria beyond that, the Commission is comprised of citizen volunteers who put an enormous amount of time as Commissioners to serve the city of

Glendale and its residents. He stated that they all are dedicated to doing their best through they come at their decisions from different perspectives. He hopes his comments help in his understanding of a Commissioner's roles and duties.

With no further comments, Chairperson Hirsch closed the public hearing.

Chairperson Hirsch called for a motion.

**Vice Chairperson Lenox made a motion to recommend approval of ZON19-02 subject to the four stipulations noted in the staff report. Commissioner Harper seconded the motion, which was approved with a vote of 7 to 0.**

Mr. Jim Gruber, Chief Deputy City Attorney, stated this is not final action for case ZON19-02 and the recommendation will be forwarded to the City Council for final consideration.