

**MINUTES
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B3
5850 W. GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, JANUARY 9TH, 2019
4:00 PM**

CALL TO ORDER

The meeting was called to order at 4:00 PM.

ROLL CALL

Committee members present: Chairperson Erminie Zarra, Vice Chair Cathy Cheshier, Lawrence Feiner, Brian Britton, and Benjamin Naber are present.

Committee members absent: none

City staff present: Lisa Collins (Interim Development Services Director), Christina LaVelle (Planner) Samantha Cope (Administrative Support Staff), and Russ Romney (Deputy City Attorney).

CITIZEN COMMENTS

Chairperson Zarra asked for citizen comments, and no citizen comments were made.

APPROVAL OF THE MINUTES

A motion to approve the December meeting minutes was made by Mr. Naber and seconded by Mr. Britton. All were in favor.

WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

OTHER BUSINESS

A. CONTINUATION OF ZIL 19-02 CATLIN COURT DISTRICT PAD — APPEAL OF PLANNING ADMINISTRATOR DECISION/INTERPRETATION

Ms. Collins made a presentation for this at the previous meeting, and so Ms. Collins suggested re-opening the floor for public comment. Chairperson Zarra then opened the floor for public comment.

Itzel Zimmer, a tax office owner, spoke first. Ms. Zimmer explained the original appeal for opening her business in the specific location. Due to the changes in the retail environment, Ms. Zimmer stated leaving the retail area the way it is would be best.

Ron Short, president of the Glendale Arizona Historical Society, made note that the original purpose of Catlin Court was to replace and salvage the number of retail buildings deteriorating in the late 1980s. The purpose of Catlin Court was originally for specialty retail purposes only, and Mr. Short believes it should remain as such. People should be able to live there, but they must be store owners as well, which is the primary purpose of the area.

Bud Zomok noted that this ultimately is about enforcing the PAD rules. These rules were created, so they should be followed.

Cheryl Kappes, owner/operator of The Country Maiden, stated this center is meant to have a cohesive setup of retail stores.

Roger Fenneman was asked to speak, but he passed.

Coit Burner, owner of Bears & More, agreed there should be some enforcement, and keep the area as it was originally intended.

Jim Hummel, property owner in Glendale, is opposed to limiting/prohibiting residential use in Catlin Court. Hummel explains there is no area in the document that states residential use is prohibited or limited to a specific percentage. Mr. Hummel notes that document states there should be a percentage of office space and residential use, but it does not specify what percentage of office space. Mr. Hummel clarified there should be one residential dwelling per unit. Mr. Hummel asked the board to not put any limitations on the residences in Catlin Court.

Lupe Encinas, owner of Cactus Insurance Agency, brought her business to Catlin Court due to the possibilities at this location. Ms. Encinas thought the additional benefit of fellow business owners living next to their businesses adds to the feeling of community in the area.

David Chang, owner of five properties in Catlin Court, noted by looking at the properties in total, the majority of the properties are being used as a business. Being able to truly enforce the PAD specifications is difficult, and moving this towards an all-retail center is challenging because the market for retail rentals is difficult this modern day.

Jeff Koppelmaa wanted to object for the record if this late addition is going to be part of the quasi-judicial decision-making.

Valerie Burner, with Bears & More, noted 14% of retail has transitioned to online, which means 86% of people are still interested in retail shopping in-person.

With no further comments, the public hearing closed.

Mr. Romney noted there are no real findings except for whether to uphold the appeal and allow it to stand or if the Board of Adjustment believes the zoning interpretation should be upheld. Chairperson Zarra suggested an executive session. Vice Chair Cheshier made a motion for an executive session. Mr. Feiner seconded. All were in favor.

Chairperson Zarra asked if the staff or board had any additional questions at the time. Mr. Naber asked Mr. Koppelmaa to reaffirm his argument for Catlin Court. Chairperson Zarra commented that the board is determining what Catlin Court will ultimately be: residential or retail. The fact that there's limitations on retail, but not on residential use, seems to be steering the structures towards residential. Vice Chair Cheshier noted that it's difficult to regulate the combination of offices and residences. Mr. Koppelmaa explained it is certainly not impossible to make this happen for the Catlin Court community.

Regarding the residential space, Mr. Naber made a motion to uphold the zoning administrator's interpretation. Mr. Feiner seconded. All concurred except for Mr. Britton. Regarding the professional office space, Mr. Naber made a motion to uphold the zoning administrator's interpretation. Vice Chair Cheshier seconded. All concurred except for Mr. Britton.

Mr. Romney confirmed the Board of Adjustment's voted to uphold the zoning administrator's residential and retail interpretations. Chairperson Zarra stated if anyone wished to appeal this, they would need to file a motion in superior court.

STAFF REPORT

Ms. Collins did not have a staff report.

BOARD COMMENTS AND SUGGESTIONS

No other business, board comments, or suggestions were made.

NEXT MEETING

The next meeting will take place on Thursday, February 13th, 2020, at 4 PM.

ADJOURNMENT

Mr. Feiner made a motion to adjourn the meeting, and it was seconded by Mr. Britton.

DRAFT