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January 30, 2024

Tabitha Perry
Development Services Department
5754 West Glenn Dr.
Glendale, AZ. 85301

Dear Ms. Perry,

Please accept this letter as a formal interpretation of the new Unified Development Code ("UDC"), Section 35.4.310 Site Signs, in conjunction with a previously approved Planned Area Development ("PAD"), Ordinance 020-42. The new UDC is effective on January 12, 2024.

Ordinance 020-42 was approved by City Council on June 4, 2020. Condition one of this ordinance approval is that all "Development shall be in conformance with the Park 303 PAD development narrative dated June 1, 2020". The Park 303 PAD development narrative codified development standards for billboards stating, "Billboard signs, including double sided, static and digital, shall be permitted within the Park 303 PAD, as located on the site plan, and subject to the standards noted below, in the event that billboard signs are permitted along the 303 freeway corridor". The new UDC allows digital and static billboards along the 303 in Table 4.300-1. It is our understanding that we are allowed to move forward with permitting billboards within the properties of the Park 303 PAD since the effective date of the UDC.

The standards listed in the Park 303 PAD development narrative state that "There shall be a minimum distance of four hundred ninety (490) feet between all Digital Billboard Signs within and contiguous to the Park 303 Planned Area Development". It is our understanding that an approved PAD is allowed to maintain its stated development standards, and not adhere to the overall UDC for standards. One of the many benefits of a PAD in the City of Glendale is to allow modifications of development standards. With that, Section 35.4.310.B.4.k of the new UDC states "Provisions in this section supplement and do not supersede provisions of any PAD in existence before the effective date of this ordinance". Therefore, we believe we are allowed to move forward with the provisions in the Park 303 PAD.

As we understand the language described above in the new UDC and the fact that the UDC allows billboards along the 303, we are allowed to move forward with permitting billboards consistent with the provisions set forth in the Park 303 PAD. Not being allowed to adhere to provisions in a previously approved PAD would be seen as a taking by the City of Glendale since a more stringent spacing requirement would limit the number of billboard uses on site. The grandfathering provision in Section 35.4.310.B.4.k is necessary to prevent a "Prop 207" claim for diminution of property rights. If new, more restrictive spacing standards

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diminished the property rights specified by the Park 303 PAD, the City would be liable for any decrease in property value under A.R.S. § 12-1134.

Please feel free to reach out to me at any time with questions or need additional information.

Sincerely,

GAMMAGE & BURNHAM, P.L.C.

A handwritten signature in blue ink, appearing to read "C. Artigue", with a long horizontal flourish extending to the right.

By: Cameron C. Artigue