

GAMMAGE & BURNHAM, P.L.C.

ATTORNEYS AT LAW

40 NORTH CENTRAL AVENUE

20TH FLOOR

PHOENIX, ARIZONA 85004

TELEPHONE (602) 256-0566
FACSIMILE (602) 256-4475

Cameron C. Artigue
cartigue@gblaw.com

WRITER'S DIRECT LINE
(602) 256-4418

March 20, 2024

***Via USPS First Class Mail and
Email (w/o Enclosure): tperry@glendaleaz.com***

Tabitha Perry
Deputy Director, Development Services-Planning
City of Glendale
Development Services Department
5754 West Glenn Drive
Glendale, AZ. 85301

Re: Appeal of Zoning Interpretation ZIV24-01

Dear Ms. Perry:

Pursuant to Section 35.6.210.D of the City of Glendale's Unified Development Code (UDC), this is an appeal of the above-referenced zoning interpretation letter issued on February 16, 2024, as ZIV24-01. In prior communications with our office, you have confirmed that there is no specific deadline for an appeal under the UDC. The required fee of \$524.14 is being submitted along with the mailed copy of this letter.

As outlined below, we submit that the interpretation is erroneous and should be modified.

The City's "Park 303" PAD Ordinance (Ordinance No. 020-42) contains stipulations regarding outdoor advertising that are typical of many of the City's PAD ordinances. The Ordinance specifies that development "shall be in conformance" with the site plan, which includes billboards. Stipulation 6 recites that, at the time of the Park 303 PAD approval in 2020, billboards were "expressly not permitted" under the provisions of the City's 1993 Zoning Ordinance. But Stipulation 6 anticipated amendment of these standards, and stated that billboards "shall be permitted"—meaning that permits shall be issued—if "ordinances are amended at a future dated (sic) that would allow them as proposed in the PAD."

The City's new UDC satisfies that requirement because it permits both digital and static billboards along the 303 Freeway, as specified in UDC Table 4.300-1. Moreover, the UDC specifies in two places that the controlling standards for outdoor advertising are the standards specified in the underlying PAD. The UDC states that any previously approved PAD "will guide and control" all development. UDC Section 35.1.108.B. Even more clearly, UDC Section 35.4.310.B.4.k states that the outdoor advertising standards set by the UDC "do not supersede

Tabitha Perry
March 20, 2024
Page 2

provisions of any PAD in existence before the effective date of this ordinance.” For these reasons, we respectfully submit that the analysis in ZIV24-01 should be modified.

We will offer additional materials and arguments in support of our position at a later date.

Thank you for your attention to this matter, and feel free to contact this office with any questions.

Best regards,
GAMMAGE & BURNHAM, P.L.C.



By Cameron C. Artigue

CCA/ejv

Enclosure

ecc: kkazmerski@glendaleaz.com (w/o Enclosure)