

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

**THURSDAY, MAY 6, 2010  
7:00 P.M.**

CALL TO ORDER

Chairperson Kolodziej called the meeting to order at approximately 7:00 p.m.

ROLL CALL

Commissioners Present: Chairperson Kolodziej (Yucca), Commissioner Petrone (Cholla), Commissioner Sherwood (Sahuaro), Commissioner Hendrix (Ocotillo), Commissioner Shaffer (Cactus), Commissioner Larson (Mayoral). Absent: Vice Chairperson Spitzer (Barrel).

City Staff Present: Tabitha Perry, Principal Planner, Garn Emery, Assistant City Attorney, Jon M. Froke, AICP, Planning Director, Bill Luttrell, Senior Planner, Maryann Pickering, AICP, Zoning Administrator, Crystal Miller, Senior Secretary, Marilyn Clark, Recording Secretary.

Chairperson Kolodziej called for Bruce Larson, appointee to the Planning Commission, to come forward to be issued the Oath of Office.

APPROVAL OF MINUTES:

Chairperson Kolodziej called for approval of minutes from the March 18, 2010 and the April 1, 2010 Planning Commission Public Hearing and asked for a motion.

Commissioner Shaffer MADE a MOTION to APPROVE the minutes as written from the Planning Commission Public Hearing conducted on March 18, 2010 and April 1, 2010. Commissioner Hendrix SECONDED the MOTION. The MOTION carried unanimously. The minutes from the March 18, 2010 and the April 1, 2010 Planning Commission Meeting were approved as written.

WITHDRAWALS AND CONTINUANCES

Chairperson Kolodziej asked if there were any withdrawals or continuances. Ms. Perry, Staff Liaison, stated there were no withdrawals or continuances.

PUBLIC HEARING ITEMS

Chairperson Kolodziej explained the policies and procedures of the public hearing then called for the public hearing items to be presented.

1. CUP09-05: A request by Maricopa County Financial L.P., for the approval of a conditional use permit to operate a pawn shop located at the southwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road (4359 West Bethany Home Road) in the Fry's Plaza. The proposed business will occupy an existing freestanding building located in the most northwesterly portion of the shopping center. Staff Contact: Bill Luttrell, Senior Planner (Cactus District).

Bill Luttrell, Senior Planner presented the details of the staff report. He reviewed the current zoning, location, and size of the property and listed the concerns expressed at the neighborhood meeting held in October of 2009. He explained that the project was originally scheduled to be heard by the Planning Commission on April 1, 2010, however, it was continued to May 6, 2010 so the commission would have ample time to review the additional information provided by the applicant as well as the research materials prepared by staff.

Mr. Luttrell stated that based on staff's analysis, the project appears to meet four of the five required findings for a Conditional Use Permit, but the finding regarding the health, safety, and welfare of the neighborhood was debatable. He stated that one of the findings allows staff the ability to attach stipulations to a project in order to further regulate the operation of the business. To clarify, Mr. Luttrell read the stipulations and said a copy of a letter submitted by the applicant agreeing to these stipulations was attached to the staff report.

Mr. Luttrell stated staff recommends approval of CUP09-05 subject to the stipulations included in the staff report.

Chairperson Kolodziej called for questions from the Commission. As there were none, he asked the representative of the project to come forward and state his name for the record.

Lyle Richardson with the Richardson Platform Group, located at 2711 East Indian School Road, Suite 205, Phoenix, Arizona represented Mr. Chip Ross, a principal with EZ Money Pawn, and Maricopa County Financial Limited Partnership. Mr. Richardson presented background information on the history surrounding this project, which led them to tonight's presentation. He showed a short film that outlined the policies and operating procedures relating to small cash loans, the sale of consumer goods, the display and handling of firearms and the security devices used by EZ Money Pawn Shops. He pointed out that the proposal was in conformance with the current General Plan designation for the property, and stated he was in agreement with the stipulations set forth by staff and offered to answer any questions.

Commissioner Hendrix requested clarification on the structure of Courtland Management Arizona, LLC, the ownership of the eight (8) pawnshops in the Phoenix area, and if those pawnshops operated as payday loans.

Mr. Richardson asked that Chip Ross come forward to address Commissioner Hendrix's question. Mr. Chip Ross of 901 East Cesar Chavez Street, Floor 2, Austin, Texas stated that Courtland Management Arizona, LLC is the general partner for Maricopa County Financial Limited Partnership which is the owner of the proposed pawnshop. The Limited Partnership is owned 50% by Limited Partners, a group of private individuals, and the other 50% are owned by Courtland L. Logue, Jr., the principal manager of Courtland Management Arizona. Mr. Ross stated he is a manager for Courtland Management Arizona. The applicant, Maricopa County Financial, Limited Partnership owns and operates the eight pawnshops in the Phoenix metro area, none of which functions as a payday loan operation.

Commissioner Shaffer inquired about the locations of the other eight EZ Money Pawnshops in the valley, particularly the one located in Peoria. Mr. Ross recited a few of the locations before referring the commission to the map. He determined the pawnshop in Peoria was located at 75<sup>th</sup> Avenue and Peoria Avenue.

Commissioner Larson asked how a determination is made to place other pawnshops in an area that is already saturated with pawnshops.

Mr. Ross stated it is strictly a business judgment decision that determines where a pawnshop is located. Besides that decision, they take into consideration traffic patterns, the population of the area, customer demands, and the needs for these services.

Commissioner Larson wanted to know if the applicant was in agreement with the stipulations regarding the exterior of the building. He also asked for assurance that the building on the proposed site would not be painted in bright colors with signs in the windows. Mr. Ross stated he agreed with all the stipulations in the staff report.

Commissioner Petrone asked what improvement or benefit would the operation of a pawnshop bring to this location over the payday loan operation that had previously been in that building.

Mr. Ross stated that EZ Money Pawn does not operate as a payday loan service; they operate more like a secondhand store. They do not charge high interest to customers, they provide small, short term, cash loan services to individuals secured by personal property.

Chairperson Kolodziej asked if there were any other questions. As there were no further questions, the public hearing was open to audience participation.

Chip Ross of 901 East Cesar Chavez Street, Phoenix, Arizona, principal with EZ Money Pawn, and Maricopa County Financial Limited Partnership, the applicant, filled out a yellow speaker card in favor of CUP09-05.

The following members of the audience filled out yellow speaker cards in opposition to application CUP09-05 but chose not to speak.

Chris Lighty  
19920 North 23<sup>rd</sup> Ave #2123  
Phoenix, AZ 85027

Marjorie Johnson  
5701 North 45<sup>th</sup> Drive  
Glendale, AZ 85301

Manuel Velasquez  
6246 North 43<sup>rd</sup> Ave.  
Glendale, AZ 85301

Melissa Polagi  
3807 West Mariposa Grande  
Glendale, AZ 85310

Melissa Ziedy  
4503 West Montebello Ave.  
Glendale, AZ 85301

David Curiel  
4161 West Reade Ave.  
Phoenix, AZ 85019

Todd L. Johnson  
5807 West Mariposa Grande  
Glendale, AZ 85310

Wanda Edmonson  
4618 West Montebello Ave.  
Glendale, AZ 85301

Francisco Manjarrez  
9045 West Encanto Blvd.  
Phoenix, AZ 85034

Teresita Aguilar  
4448 West Solano Drive S  
Glendale, AZ 85301

Gary Primerano  
6246 North 43<sup>rd</sup> Ave.  
Glendale, AZ 85301

Dorle Hager  
5701 North 45<sup>th</sup> Drive  
Glendale, AZ 85301

Betty Deterding  
4509 West Montebello Ave.  
Glendale, AZ 85301

Diane Harris  
P.O. Box 38353  
Phoenix, AZ 85069

The following members of the audience filled out yellow speaker cards and spoke in opposition to application CUP09-05.

John Edmonson of 4618 West Montebello Avenue, Glendale, Arizona 85301 current President of Bethany Heights Neighborhood Association spoke as the neighborhood representative on behalf of the non-speaking citizens that were present.

Commissioner Hendrix asked how long Mr. Edmonson spent on his presentation. Mr. Edmonson stated about four months. Commissioner Petrone asked Mr. Edmonson if there was a neighborhood loyalty to the current pawnbroker in the area. Mr. Edmonson answered no there was no partiality to the other pawnbroker, it was more of an issue with the over saturation of pawnshops in the area.

Lawrrie Fitzhugh, P. O. Box 38353, Phoenix, Arizona, 85069 a representative from the Sevilla Neighborhood Association, spoke at the invitation of its sister community Bethany Heights.

Arthur Redisice of 4713 West San Miguel Avenue, Glendale, Arizona 85301 spoke as a concerned citizen.

Daniel Gross of 4714 West San Miguel Avenue, Glendale, Arizona 85301 spoke as a concerned citizen.

Johnathan Krane of 6246 North 43<sup>rd</sup> Avenue, Glendale, Arizona 85301 spoke as a concerned citizen.

Those who spoke in opposition voiced concerns regarding:

- Over saturation of pawn shops in the area
- Belief that the pawnshop would be a crime attractor and would increase the already high level of criminal activity and robberies in the area
- Security concerns regarding the processing, handling, and sales of firearms
- Detrimental impact on surrounding property values

- Visual appearance of the pawnshops
- Separation distances between residential districts and schools

John Edmonson and Lawrrie Fitzhugh submitted the following exhibits and documents to the commission:

- Personal bio for John Edmonson
- Map with locations of West Valley pawn shops
- 2009-2010 Crime statistical information for the Bethany Heights area
- Report from the University of Chicago Law School – “Markets for Stolen Property - Pawnshops and Crime”
- A working paper by Charis E. Kubrin, George Washington University, Gregory D. Squires, George Washington University, Steven M. Graves, California State University, Northridge, titled “Does Fringe Banking Exacerbate Neighborhood Crime Rates/Social Disorganization and the Ecology of Payday Lending”
- Press Release from George Washington University titled “Concentration of Payday Lending Associated with Neighborhood Crime Rates Study Finds”
- Reprint from Police Magazine, May 2000 titled “Property Crime and pawnshops: Coincidence or Correlation” by James T. Hurley, Assistant Chief, Fort Lauderdale Police Department
- Map of West Valley Pawn Shops
- Pictures of EZ Pawn Shops in the surrounding area

With the conclusion of the audience participation, Chairperson Kolodziej asked the applicant to come forward for closing remarks.

Mr. Richardson addressed the concern regarding adding another pawnshop to the area would exacerbate the level of crime in the neighborhood. Mr. Richardson explained how their services are different from those provided by a bank and a payday loan service. He addressed the saturation issues and placement of pawnshops discussed by the neighborhood associations. He stated the request satisfies the land use requirements, with the right zoning, it supports the General Plan, and the need for this service is there.

Chairperson Kolodziej asked if the commission had any further questions for the applicant.

Commissioner Hendrix asked Mr. Richardson to discuss some of the misperceptions of pawnshops that included unfavorable stereotypes portrayed in movies. Mr. Richardson stated historically there were problems within the industry, but now regulations have high levels of control and better business practices exist to nullify those problems, so the negative depiction of the pawnshop industry that was present 20-30 years ago does not exist today.

Commissioner Hendrix asked Mr. Ross if EZ Money Pawn transferred merchandise from one store to another. He also asked if the business purchased items to be sold in the store, or if they just sold items that customers brought in. Mr. Ross indicated it was a mixture of all three.

Commissioner Hendrix expressed his concerns to Mr. Richardson and Mr. Ross about opening another pawnshop and whether it was really for the betterment of Glendale or another outlet to take advantage of people in financial trouble.

A discussion took place with Commissioner Sherwood, and Mr. Richardson regarding the role demographics plays when making a decision to locate a pawnshop and the correlation between crime and pawnshops.

Commissioner Sherwood asked what percent of the business are sales versus loans. Mr. Ross stated that 10% of the loan volumes are purchases made while the other 90% is made up of a mixture of the sales of unredeemed property, supplemental goods, and loans.

Commissioner Petrone stated he has been in construction management and ownership for 40 years and during the time when business was slow, tradesmen sold their tools to pawnshops for cash. He asked Mr. Ross what portion of their business would be that kind of scenario. Mr. Ross stated a lot of their business is with trades people. We make a loan on their property and they get their property back.

Commissioner Larson stated there was a stipulation that no gun sales would be permitted at this location and do not transfer property that is brought to you. Does that mean you don't take on consignment or a loan for guns?

Mr. Ross stated staff asked that we do not sell weapons and we agreed to that. The stipulations did not preclude us from taking guns in on a loan or purchasing them. Those items would be transferred to other locations such as their E-Bay location or their gun brokers where they sell guns on gunbroker.com. Mr. Ross stated the procedure is highly regulated with strict Federal protocol that requires meticulous recordkeeping.

Chairperson Kolodziej discussed an earlier statement with Mr. Ross that one third of one percent of those items is deemed to be stolen goods. He stated only goods that fit into that one percent category are items with good descriptions and serial numbers. Many goods could be stolen and would not be identified, so there is a chance that more than one tenth of the one percent of the items is stolen due to a lack of information. Mr. Ross responded that no merchandise with a defaced or altered serial number is taken in for pawn or for purchase.

Chairperson Kolodziej asked Ms. Perry if there were any final comments or procedural guidance. Ms. Perry answered no. Therefore, Chairperson Kolodziej closed the public hearing and asked for a motion on CUP09-05. A **MOTION** was **MADE** by Commissioner Shaffer to recommend **APPROVAL** of CUP09-05 subject to the stipulations contained in the staff report. The **MOTION** was **SECONDED** by Commissioner Hendrix. Chairperson Kolodziej called for a roll call vote.

Three (3) voted yea; Petrone, Commissioner Sherwood, and Commission Larson. Three (3) voted nay; Hendrix, Shaffer, and Chairperson Kolodziej.

Mr. Emery asked for a brief recess so that a determination could be made based upon the code. Upon return from recess, Chairperson asked Mr. Emery for procedural guidance.

Mr. Emery stated that based upon the transactions this evening and wanting to ensure that the interpretation of the application of the code is correct, he would be referring to Section 3.102 E of the code, which requires a “concurring vote of the majority of the membership present are required to approve or deny a motion on any public hearing item.” That is further supplemented by Commission Rules of Procedure 6.4 voting which further states that a “motion to approve must receive an affirmative vote of the majority of the Commission members present. A motion which does obtain the required vote or the majority fails and the application is deemed denied.” Based upon the voting that was taken place this evening with three (3) nays and three (years) 6.4 and also 3.102 of the code would apply to deem the application denied.

Chairperson Kolodziej asked Mr. Emery to state the next step in the process. Mr. Emery stated there were two steps available to the commission. There is an opportunity for the commission to re-consider its determination. If that is not done, this is deemed a final decision from this body; however, the applicant has 15 days from the date of today to file an appeal to have it heard by the City Council.

Chairperson Kolodziej asked the Commission if anyone wished to change their vote. As none of the commissioners chose to change their vote and Mr. Emery had no other comments, Chairperson Kolodziej asked to hear the next agenda item.

2. **ZTA09-01:** A request by the City of Glendale Planning Commission to amend certain sections of text of the Zoning Ordinance. If adopted, the amendment will create a new comprehensive Zoning Ordinance. Adoption of the new Zoning Ordinance will only change the text of the document; it will not change the effect of current zoning on any properties within the City of Glendale. Details of the proposed ordinance including a matrix showing all substantive changes can be found at [www.glendaleaz.com/planning](http://www.glendaleaz.com/planning). Staff Contact: Maryann Pickering, AICP, Zoning Administrator, (Citywide).

Maryann Pickering, AICP, Zoning Administrator, presented this agenda item. She stated that this was a request by the City of Glendale Planning Department for a comprehensive update of the current Zoning Ordinance, stating the proposed changes in the document would make for a more flexible ordinance as it has more consistency, both in formatting and uses, and in definitions for all zoning districts. Ms. Pickering listed some of the major highlights on sections that had changed the most. They included the increase in building heights in commercial and industrial areas; the updating of sign standards, including new standards for freeway corridors; convenience use definition modifications; maps at the end of the document will be removed and made part of the zoning map or zoning atlas; and wireless standards were modified to be more flexible.

Other highlights include placing zoning cases on the consent items for City Council unless certain conditions are met, and the variance process for legal non-conforming lots will now be able to avoid a variance if certain conditions are met.

Ms. Pickering said the process for the update started in January 2009 where they met with various stakeholders that included attorneys, developers, homebuilders, sign companies, and internal city departments. Comments received throughout the process were posted on the website and a large amount of those comments were incorporated in the revised document. Ms. Pickering stated written comments received in the last few weeks were provided to the commission tonight with staff's response to each of those comments. She also stated there was very little change to the standards for residential properties. Most of the changes occurred in the commercial and industrial section stressing the update would not change the zoning of anyone's property. All zoning classifications of the property will remain the same as it is today. Notification letters were sent as part of the citizen participation process with no calls or written comments as a result of the process.

Ms. Pickering stated this item was being heard as a public hearing item, and was presented for information purposes; therefore no vote would be taken on this item. Ms. Pickering stated that for this evening's meeting, staff recommends that the public hearing be opened and the Planning Commission receives comments from those in attendance tonight. After the close of the public hearing, staff can answer questions from the commission.

Chairperson Kolodziej opened the public hearing to audience participation.

Mr. Scott September, residing at 20830 North Tatum Boulevard, Phoenix, Arizona 85050 representing Arizona Wireless Association, requested staff reconsider comments regarding related equipment shelters for alternative communication sites being placed in the right-of-way, as well as a modification to the quarter mile rule and its application to alternative tower types.

Commissioner Sherwood asked Mr. September for an example of a concealed site design. Mr. September stated that a concealed site design would be something that is architecturally integrated into an existing building or structure such as monopalms, monopines, or any other design or structure that would hide or conceal the antennas of the applicant.

A brief discussion took place with the Commission and Mr. September regarding the restrictions for cell sites in the quarter mile rule and language for the alternative communication sites being placed in the right-of-way before Chairperson Kolodziej called for the next speaker.

Mr. Nick Wood with Snell & Wilmer, located at One Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004 stated his name and address for the record. He spoke in support of the Zoning Ordinance update and complimented city management, staff, and city leadership for their vision.

As there were no other speaker cards or members of the audience that wished to speak, therefore, Chairperson Kolodziej asked Ms. Pickering for final comments.

Ms. Pickering explained her position on the two items discussed by Mr. September, and stated that she would be willing to further explore the issues expressed, specifically the right-of-way and the quarter mile rule.

Chairperson Kolodziej made a request to Staff to have the 300-foot notification distance for conditional use permit approval extended to 500-feet. Ms. Pickering agreed to Chairperson Kolodziej's request.

Commissioner Hendrix asked if there was a technical or functional difference between a monopole and a monopalm. Mr. September stated there is no functional difference between monopoles and monopalms. Both are used as a camouflage to conceal the antenna. The use of these structures is conducive to the area in which they are located. Monopoles are more often used for industrial areas and monopalms are used in areas where other palm trees exist.

Ms. Pickering asked the Commission to submit comments to her within two weeks, as this case would be heard before the Planning Commission at a future public hearing date for a recommendation to be forwarded to City Council for final approval.

#### OTHER BUSINESS

Chairperson Kolodziej called for other business and invited those present an opportunity to speak. Ms. Perry stated there was no other business for discussion.

#### PLANNING STAFF REPORT

Chairperson Kolodziej called for the Planning Staff Report. Ms. Perry stated there was nothing to report at this time.

#### COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Kolodziej called for Commission Comments and Suggestions. There were no comments or suggestions.

#### NEXT MEETING

Chairperson Kolodziej announced the date of June 3, 2010 for the next Planning Commission meeting.

#### ADJOURNMENT

The meeting adjourned at approximately 9:25 p.m.

Respectfully Submitted,

  
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Marilyn Clark, Recording Secretary