

Attachment C

TA-6-19: Off-premise advertising along the western portion of the SR Loop 202, “Ed Pastor Freeway” from I-10 to the north side of Estrella Dr

Village Planning Committee Summary Results

Village	Date	Recommendations	Vote
Laveen	8/10/20	Approved with a modification: "SR (LOOP) 202, “ED PASTOR FREEWAY”, WESTERN SECTION, INTERSTATE 10 TO THE NORTH SIDE OF ESTRELLA DRIVE LOWER BUCKEYE ROAD,"	8-0
Estrella	7/21/20	Denied	5-2



Village Planning Committee Meeting Summary Z-TA-6-19-7-8 Information Only

Date of VPC Meeting October 14, 2019

Request A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address location restrictions for off-premise signs.

VPC DISCUSSION & RECOMMENDATION:

Eight public comment cards were submitted for this item with seven indicating they wished to speak on the item. Mr. Leslie Williams submitted a card in favor of the request, but did not wish to speak.

Ms. Samantha Keating provided an overview on the request and explained that the text amendment was a city-initiated request to allow off-premise signs on portions of the Loop 202 freeway. Other provisions of the ordinance would remain.

Ms. Cinthia Estela and **Ms. Rochelle Harlin** asked if approval of the text amendment would make it more difficult or problematic for applicants to pursue other avenues. **Ms. Keating** explained that there have been a few variances to permit orientation of off-premise signs to non-permitted freeways but when the current text in the Zoning Ordinance was adopted plans for the Loop 202 extension were not solidified.

Ms. Linda Abegg requested a map of A-1 and A-2 properties in addition to any scenic drives like Dobbins Road included with the forthcoming staff report for this item.

Ms. Stephanie Hurd asked if lighting standards were included with the proposed text. **Ms. Keating** explained that lighting standards are already contained in the ordinance and would remain unchanged with this proposal.

Ms. Jennifer Rouse expressed concern for the neighborhood that is not built at 63rd Avenue and Baseline Road and also requested maps of where signs could be placed throughout both the Laveen and Estrella villages.

Mr. John Mockus asked if spacing could be amended to reduce the number of boards. **Ms. Keating** explained that the current change in text was just to the locational provisions of the ordinance.

Mr. Carlos Ortega asked how many boards could be built if the text amendment were successful. **Ms. Keating** explained that analyzing the spacing requirements for all existing signs was likely not feasible, but a map showing existing zoning could be provided.

Ms. Abegg asked where the inner Loop 202 was. **Ms. Keating** explained that it was the portion of the Loop 202, east of Interstate 10 towards Tempe.

Ms. Hurd expressed concern with allowing the allowable area south of Dobbins Road. This area was scenic and views should be maintained.

Public Comment

Mr. Wes Lines explained that he was on the Village for a number of years but was before the committee tonight to represent property owners. Mr. Lines relayed that he saw eye-to-eye with the city and even though he did not have immediate plans to build he supports the proposed amendment.

Mr. Michael Vanderwey commented that his family owned land at the Loop 202 and Southern Avenue. They supported the text amendment and have waited for the freeway to be built. The amendment will promote the future community college and future commercial properties.

Mr. Clayton Danzeisen of Danzeisen Dairy, explained that he supported what the city is doing and relayed that signs could be used by the community.

Mr. Stephen Williams commented that his family had been in the community since 1950 and now was a good opportunity to get this done as it will bring more people into the community.

Ms. Cyd Manning explained that she was not opposed to promoting businesses but opposed to a blanket text amendment. Dark skies are important to preserve and views should not be blocked. Unless the concerns raised tonight were taken into account, she was opposed to the text amendment.

Ms. Manning asked if any studies had been done to look at traffic accidents where large signs are present.

Mr. Phil Hertel asked for clarification on how the 300-foot distance from the freeway was measured.

Mr. Dan Penton asked the committee to keep in mind that property has been purchased for an auto mall along the Loop 202.

STAFF COMMENTS:

None.

Village Planning Committee Meeting Summary Z-TA-6-19-7-8

Date of VPC Meeting	October 15, 2019
Planning Commission Date	Not Applicable
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address location restrictions for off-premise signs.
Location	Text Amendment
VPC Recommendation	None. Presented and Discussed
VPC Vote	None.

VPC DISCUSSION & RECOMMENDATION:

Mr. Joel Carrasco, staff, presented an overview presentation on the request highlighting the existing ordinance applicability, the desire to expand applicability along the newly constructed loop 202 freeway, and provided a general understanding of existing ordinance standards and protections to regulate negative impacts.

Committee members had the following questions and concerns:

- Requested a map showing all the residential land uses.
- Requested a map similar to the previous item 6 which highlights all eligible properties if the text amendment change were to be approved.
- Requested further clarity on the potential negative impacts that the existing ordinance standards try to address.
- Requested additional information on the neighborhoods which are most impacted.
- Requested a general number of billboards that would be allowed with current ordinance standards if applied to these segments of the Loop 202 Freeway.

STAFF COMMENTS:

None.



Village Planning Committee Meeting Summary Z-TA-6-19

Date of VPC Meeting	July 13, 2020
Request	Amend Section 705.2 of the Phoenix Zoning Ordinance to address location restrictions for off-premise signs.
VPC Recommendation	No action was taken
VPC Vote	N/A

VPC RECOMMENDATION

Ms. Sofia Mastikhina, staff, informed the committee that this Text Amendment has been continued to the August 10, 2020 Laveen Village Planning Committee meeting to allow for further public engagement.

Village Planning Committee Meeting Summary Z-TA-6-19

Date of VPC Meeting	July 21, 2020
Request	Amend Section 705.2 of the Phoenix Zoning Ordinance to address location restrictions for off-premise signs.
VPC Recommendation	Denial.
VPC Vote	5-2

VPC DISCUSSION & RECOMMENDATION:

Mr. Bojorquez, staff, introduced himself and provided a presentation on the proposed text amendment case. Staff recommends approval, per the language included in the staff report.

Chairwoman Perez asked why only the Estrella and Laveen Villages were included in the text amendment and if sign content can be regulated to protect against certain types of messaging, referencing a billboard message located near a school.

Mr. Bojorquez responded that the Ahwatukee Village, also located within the Loop 202 Freeway was mostly built out and had predominantly residential and commercial zoning. He then added that sign content could not be regulated by the City of Phoenix.

Chairwoman Perez asked if the Arizona Department of Transportation (ADOT) owns any vacant land in the Ahwatukee Foothills Village, which could be rezoned to allow for a PUD of 20 acres in size.

Mr. Bojorquez responded that he was not aware of any land being owned by ADOT in that village but could obtain that information and share this with the committee.

Ms. Ademolu stated that she shares the same concerns as Chairwoman Perez and asked if there was any discussion to wait for development to establish in the Loop 202 corridor before bringing back this text amendment.

Mr. Bojorquez responded that he was not aware of any discussions regarding this.

Chairwoman Perez opened the public comment portion of the agenda.

Mr. Nick Wood, with Snell and Wilmer, introduced himself and stated that he was representing a landowner in the area, the Lyon family. He stated that the proposed text amendment was about protecting the city's ability to grant off-premise sign approvals given that individuals could seek a variance to then undergo a public hearing process with the Zoning Adjustment Hearing Officer and the Board of Adjustment. If the Board of Adjustment was to deny a variance request, the applicant could appeal this decision to a Court of Appeals. He discussed the judges that are serving the courts presently and their decisions. This would lead to decisions being made by a judge, not the Village Planning Committees or the City of Phoenix. He added that rezoning a property would allow for a public process that involves the Villages, Planning Commission and the City Council.

Mr. Gary Kahland commented that he did not appreciate Mr. Wood's comments, but appreciated his participation. It appears that Mr. Wood was stating that he would circumvent the process if this text amendment was not approved to allow for off-premise signs in property along the Loop 202 freeway.

Chairwoman Perez stated that the Community and Economic Development Department had plans for the Loop 202 to become a tech corridor, and that this vision was shared by a former Phoenix City Mayor.

Mr. Kahland added that the text amendment proposed could wait to see what development arrives in this corridor.

Chairwoman Perez stated that she shares Mr. Kahland's concerns and asked staff on what the future meeting dates would be for this text amendment.

Mr. Bojorquez, staff, provided the meeting date of August 6, 2020 for Planning Commission but added that staff would recommend a continuance of this case to the Planning Commission to a future date to allow for further public engagement before the Laveen Village meeting next month. He added that detailed information on dates could be provided to the committee following the meeting.

Mr. Mark Cardenas asked for clarification from committee members on the comments made.

Mr. Kahland stated that he is not necessarily opposed to the idea of a text amendment, but is concerned with the timing of this text amendment.

Mr. Cardenas stated that the committee has known about these billboards for some time and feels that multiple approaches can be taken concurrently.

Chairwoman Perez stated that she feels development should come first into the Loop 202 freeway corridor as a priority, then followed by billboards.

Ms. Cartwright discussed staff requirements versus the process outlined by Mr. Wood's comments.

Mr. Cardenas asked staff for clarification on the requirements for off-premise signs regarding the requirement of a public hearing process.

Mr. Bojorquez, staff, responded that properties which do not meet the zoning district criteria for off-premise signs would need to rezone and thus undergo a public hearing process. If a property can meet the zoning district criteria, then the rest of the off-premise sign requirements such as sign separation and placement would need to be met before the city can issue a permit.

Mr. Kahland discussed the community vision for the Estrella Village. He discussed the opportunity presented by the Loop 202 freeway and the desire to plan this freeway corridor correctly.

MOTION

Mr. Kahland made a motion to deny the item. **Ms. Cartwright** seconded the motion.

Mr. Cardenas made a subsequent motion to approve the item. **Mr. Barquin** seconded the motion.

VOTE:

2-5 Motion to approve fails; Members Perez, Kahland, Ademolu, Cartwright and Wallace voted against.

5-2 Motion to deny passes; Members Cardenas and Barquin voted against.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-6-19

Date of VPC Meeting	August 10, 2020
Request	Amend Section 705.2 of the Phoenix Zoning Ordinance to address location restrictions for off-premise signs.
VPC Recommendation	Approval with a modification
VPC Vote	8-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Ms. Sofia Mastikhina, staff, provided an overview of the proposed text amendment, which aims to amend the Zoning Ordinance to include the west Loop 202 freeway in the list of permitted freeways for off-premise signs. She explained that the impacted area is along the new 202 freeway from the Interstate 10 to the north, to Estrella Drive to the south. The current regulations require that off-premise signs be within 300 feet and oriented towards a permitted freeway, that they be spaced a minimum of 1,000 feet from one another and 2,000 feet from the Phoenix or South Mountain Preserves. Additionally, off-premise signs are only permitted on properties zoned A-1, A-2, and within PUDs on properties of 20 acres or more. She then presented the proposed text language, which modifies Section 705.2 of the Phenix Zoning Ordinance to add the Loop 202 freeway to the list.

Mr. Gary Flunoy asked why no freeway signs are allowed north of Camelback Road on the Loop 101. **Ms. Mastikhina** replied that the area north of Camelback Road along the Loop 101 and SR 51 is a scenic corridor, so billboards are not permitted there.

Ms. Jennifer Rouse asked what community outreach has been conducted for this proposal. **Ms. Mastikhina** replied that this case has been presented to the Estrella and Laveen Village Planning Committees, and outreach to specific stakeholders in the area was conducted. **Ms. Rouse** asked why this case is moving forward now, and why it can't wait until more community outreach has been conducted. **Ms. Mastikhina** replied that the text amendment was initiated by the Planning Commission at Councilman Nowakowski's request in 2019, after which it was put on hold until the freeway was completed.

Vice Chair Tonya Glass stated that this text amendment is premature, as the freeway has only just opened. Further, this area in Laveen is also scenic and should be provided the same protections as the segments of the Loop 101 and SR 51 mentioned before. She asked what the Estrella Village Planning Committee's response to this was. **Ms.**

Mastikhina replied that the Estrella Village Planning Committee denied this request at their meeting.

Public Comment

Mr. Nick Wood introduced himself to the committee as an attorney for the law firm Snell & Wilmer, and the legal representative for the Lines family. He explained that the purpose of this ordinance is not to automatically allow new billboards, but to put the decision-making powers regarding billboards in the hands of the Village Planning Committee, Planning Commission, and City Council. He further explained that there is a provision in the Zoning Ordinance that allows anyone to ask for relief from any provision within the Zoning Ordinance, which includes the prohibition of signs along the Loop 202 in Laveen and Estrella. Property owners who have A-1, A-2 or PUD properties of more than 20 acres have the right to ask for a Variance from the Zoning Adjustment Hearing Officer to be allowed to place a billboard on their property. Should the Zoning Adjustment Hearing Officer deny the request, it can be appealed to the Board of Adjustments. If this Board also denies the request, the applicant can file a lawsuit, which takes the case to the Superior Court, taking the decision-making power out of the community's and city boards and commissions' hands. If this text amendment is approved, then the process will require that property owners go through the rezoning process before obtaining a sign permit. This ensures that the request comes before the Village Planning Committees, Planning Commission, and City Council prior to issuance of a sign permit, which gives the community the opportunity to help shape the conditions of approval.

Mr. Phil Hertel stated that he is not supportive of this text amendment, but since it affects a wider geographic area than just Laveen, the Committee would be overstepping their bounds should they outright deny it. He recommended modifying the text amendment to replace Estrella Drive with Rio Salado, so that it no longer applies to the Laveen area. It should remain like this until more time passes and it is clearer how the 202 corridor is going to develop, at which point another text amendment might be considered.

Ms. Lisa Perez, chairperson of the Estrella Village Planning Committee, explained her committee's decision to deny this case at their meeting. Their main concerns included the lack of community outreach conducted, the continuance of this case at the previous month's Laveen meeting, and that the Community and Economic Development Department has a clear vision for this area to be a new technology corridor, which billboards would greatly hinder. She agreed that, since the freeway has only recently opened, more time should pass before such decisions are made, to give an opportunity for organic growth in the area. Other points mentioned in their meeting included the scenic nature of this corridor as well as why the Ahwatukee area is not affected by this text amendment. **Chairman Branscomb** asked if her Committee would be willing to reconsider this text amendment if the Planning Commission were to remand it back to the community. **Ms. Perez** replied that this would be greatly appreciated by the Committee as there were some members who were not in attendance and, further, perhaps it would give the city an opportunity to conduct more neighborhood outreach prior to a final decision.

Mr. Flunoy expressed his concern with the lack of public meetings held for this request and urged city staff to better engage the community before moving forward through the process.

Ms. Stephanie Hurd asked if the portion of the Loop 202 that goes through the Ahwatukee Village is a scenic corridor, as it is not included in the proposed text amendment. **Ms. Mastikhina** replied that this section is not a scenic corridor, however, the Ahwatukee portion along the freeway is fully built out, so there are no opportunities for rezoning to place a billboard there, which is why it was left out of the request.

Chairman Branscomb also clarified that the current regulations prohibit billboards from locating within 2,000 feet of the Phoenix and South Mountain Preserves.

Ms. Linda Abegg stated that, although the Loop 202 is not designated as a scenic corridor, this entire area is indeed very scenic and there are designated scenic corridors nearby on Baseline Road, Dobbins Road, and 51st Avenue.

Ms. Cinthia Estela pointed out that there is already a billboard along the freeway on county land, which is very unsightly. She noted that it would be beneficial to retain the decision-making power with the Committee, to avoid having other billboards that look like the existing one. Further, she expressed her concern with potentially hurting local businesses that need the advertising opportunities offered by billboards to help grow their business.

MOTION

Ms. Estela made a motion to approve the request as presented by staff. There was no second, and the motion failed.

Vice Chair Glass made a motion to approve the request with a modification to restrict off-premise signs south of Lower Buckeye Road. **Ms. Rouse** seconded the motion.

VOTE

8-0 Motion passed, with committee members Abegg, Estela, Flunoy, Hurd, Ortega, Rouse, Glass, and Branscomb in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Amend Section 705.2.A.1 (Off-Premise Signs) to read as follows:

1. Off-premise structures shall be located only in A-1 or A-2 districts and shall be located only on arterial streets as designated on the Street Classification Map or located within 300 feet of the right-of-way and oriented to the following permitted freeways:
 - a. Interstate 17;
 - b. Interstate 10;
 - c. ~~Inner~~ SR (LOOP) 202, "RED MOUNTAIN FREEWAY"

- d. SR (LOOP) 202, "ED PASTOR FREEWAY", WESTERN SECTION, INTERSTATE 10 TO THE NORTH SIDE OF ESTRELLA DRIVE **LOWER BUCKEYE ROAD**;
- E. SR 143;
- F. The Western SR (LOOP) 101 to Camelback Road;
- G. Off-premise signs are a prohibited use on all other existing and future freeways within the City limits and shall not be reoriented to obtain freeway visibility.

Staff Comment: The committee wishes to limit the proposed text amendment so that no billboards are permitted on either side of the Loop 202 freeway, south of Lower Buckeye Road.