

ATTACHMENT B
TA-1-19: Off-Premise Advertising within PUDs located
on Publicly Owned Land Used for a School

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Village Planning Committee Summary Results

Village	Date	Recommendations	Vote
Ahwatukee Foothills	2/24/20	Canceled	N/A
Alhambra	1/28/20	Approved	8-6
Camelback East	1/7/20	Approved	13-6
Central City	3/9/20	Approved	12-5
Deer Valley	2/20/20	Approved	10-0
Encanto	1/6/20	Approved	6-3
Estrella	1/21/20	Approved	5-0
Laveen	2/10/20	Approved	9-1
Maryvale	1/8/20	Approved	10-0
North Gateway	2/13/20	Approved	4-0
North Mountain	2/19/20	Approved	14-0
Rio Vista	3/10/20	Approved	5-0
South Mountain	1/14/20	Approved	9-4



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	February 24, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	No quorum
VPC Vote	No quorum

VPC DISCUSSION:

No quorum.



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	January 28, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	Approval, as recommended by staff
VPC Vote	8-6

VPC DISCUSSION & RECOMMENDATION:

Committee member Pamela Fitzgerald arrived during this item bringing the quorum up to 14.

Sarah Stockham, staff, presented a brief overview of the request, displaying staff's recommendation and proposed language for the text amendment.

Jeff Boles, the applicant, with Creighton Community Foundation, presented an overview of the request. He displayed an aerial map with the five schools near a freeway that would be impacted by the text amendment. **Ben Graff**, representing the applicant, with Quarles & Brady LLP, reviewed the components of the request and emphasized that applicants will still have to apply to rezone to a Planned Unit Development which requires additional notification and public hearings.

Jonathan Ammon shared that he has seen opposition from communities for digital billboards.

Elizabeth Sanchez asked about how the revenue will be distributed. **Jeff Boles** responded that 50% of the revenue will go to the foundation to be distributed to the school districts via grants.

Christian Solorio asked if other school districts that would be impacted by the text amendment have reached out to the applicant. **Ben Graff** responded that they have been notified.

Jak Keyser sought clarification regarding the provision for publicly-owned land and commented that some charter schools operate out of retail centers. He asked what would happen to the billboard if a school ceased operation. **Ben Graff** responded that the language of the text amendment calls out publicly-owned land to benefit schools and not commercial property owners. He stated that he believes if a school ceases to operate the billboard would be a legal non-conforming structure.

Vice Chair Marshall Shore asked what the anticipated revenue is for the signs. **Jeff Boles** responded that they estimate around \$150,000 a year.

Public Comment

Lawrrie Fitzhugh with the Sevilla Neighborhood Association shared the following concerns:

- Notifications sent out to surrounding impacted neighborhoods
- Clarification on if the signs will be digital, one-sided or two-sided
- Enforcement for digital signs

Ben Graff responded that this text amendment does not change any zoning. Notifications for specific properties will be sent through the Planned Unit Development rezoning process where applicants are required to perform extensive outreach. He added that the sign specifics and what the community will allow will be discussed through that process.

Jamaar Williams asked how the communities at the school sites feel about the text amendment. **Jeff Boles** responded that they have support from the neighborhood associations around the schools.

Motion

Charles Jones motioned to recommend approval. **Christian Solorio** seconded the motion.

Jak Keyser made a friendly amendment to limit the provision of the text amendment to the three Creighton Schools by means of an overlay. The amendment was not seconded.

Vote

8-6, motion passes with committee members McCabe, Shore, Ammon, Ender, Farina, Jones, Solorio and Williams in favor and committee members Becker, Fitzgerald, Keyser, Krietor, Ochoa-Martinez and Sanchez in opposition.

STAFF COMMENTS:

None.



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	January 7, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Vote	13-6

VPC DISCUSSION:

Ms. Samantha Keating provided an overview on the proposed language and staff's recommendation. She highlighted that if the amendment were to be approved, any schools subject to the highlighted requirements would still need to pursue PUD zoning.

Mr. Danny Sharaby asked about regulation of content. **Ms. Keating** responded that the city could not regulate content, but the applicant could provide more detail on how content could be looked at during a future RFP process for signage.

Mr. Barry Pacey asked if the proposal applied citywide and stated concerns that this could just get the ball rolling for more schools. **Ms. Keating** replied that the text would apply citywide, but would currently only apply to five properties. **Mr. Pacey** indicated concerns that school properties were owned by tax payers and this leads to potential conflict with the school board as they do not technically own the property. The proposal is not clear cut and clean.

Mr. Craig Tribken asked if this only applied to public schools. **Ms. Keating** replied affirmatively.

Mr. Jeff Boles, applicant, explained that he was before the committee tonight with a request from the Creighton School District and Community Foundation. They have invested three to four years in the community to try and make this happen. The schools are suffering from not having funding for things like school resource officers. The proposed text is about investing in schools and carefully crafted to avoid proliferation. The sites that staff outlined are all Title I schools.

Mr. Sharaby asked about limitations on signs, who will manage the project and will be responsible. **Mr. Boles** explained that the land will be leased from the school district. This will provide more flexibility for funding of wrap around services. The

funds would go to the foundation. Members of the board of the foundation also sit on the school board to provide oversight. The project will go out to an RFP.

Mr. Marc Scher asked if the board of directors would be paid with the funds procured. **Mr. Boles** responded they would not.

Mr. Dan Rush stated that if this was good for the area it should be available throughout the city. Billboard companies have a lot of pull.

Mr. Tribken commented that he has concerns with the leaded area. **Ms. Keating** explained that the proposal and language has been vetted by the city's Law Department.

Ms. Ashley Nye commented that it is sad we need to find additional revenue to keep kids safe. She asked if a use permit would be needed for the signs. **Ms. Keating** responded that sites would need to process a PUD and potentially a use permit to permit an off-premise sign.

Ms. Christina Eichelkraut asked if the funds would be programmatically appropriated. **Mr. Boles** responded that they would.

Mr. Greg Abbott commented that he was generally in favor of the proposal but had concerns with the limitations restricting use by colleges.

Mr. Sharaby asked for additional details regarding the RFP process and if signs would be digital. **Mr. Boles** explained it was a state RFP process where the proposer would need to follow state guidelines for advertising on school property. Signs are planned for digital signs.

Mr. George Garcia discussed how this was a long-term situation with a large initial expense. **Mr. Boles** explained that pro bono work was being provided by Gammage and Burnham and other local law offices. Fundraising and his own out-of-pocket funds were also being used.

Motion

Ms. Ashley Nye made a motion to recommend approval. **Ms. Hayleigh Crawford** seconded the motion.

Vote

13-6, Motion passes with Committee Members Swart, Fischbach, Crawford, Eichelkraut, McKee, Miller, Nye, O'Malley, Rush, Scher, Sharaby, Trauscht and Tribken in favor. Committee Members Abbott, Bair, Beckerleg Thraen, Garcia, Hardy and Paceley opposed.

Discussion

Ms. Beckerleg Thraen commented that the proposal sounds great as the schools could use this money but is concerned it is too broad for appropriate controls.

Mr. Blake McKee said from a land use perspective, he does not care for billboards, but he has concern for underfunded schools.

Mr. Dan Rush commented he is supportive because the good outweighs the bad. These schools have deep issues and thanked Mr. Boles for taking this on personally.

Mr. Marc Scher said he agreed with the concerns and hopes issues are addressed in the future.

Mr. Danny Sharaby commented that he is impressed with the efforts, but feels that the business plan is not the best.

Mr. Ryan Trauscht commented he wants to ensure safeguards are in place.

Chairman Jay Swart commented that the presentation tonight was a bit of course and just the text should have been provided.

Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting:	March 9, 2020
Request:	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	Approval, as recommended by staff.
Vote:	12-5

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

*Four speaker cards were submitted in favor, wishing to speak.
One speaker card was submitted wishing to speak,*

Sarah Stockham, staff, presented an overview of the request and staff's recommendation of approval.

Sean Sweat asked what zoning districts schools fall under. **Manjula Vaz** with Gammage & Burnham representing the applicant responded they are zoned residential.

Dana Johnson commented that he believes the City is conceding to help the schools and that he does not want to see more billboards.

Darlene Martinez asked about the outreach the applicant has done throughout the city. **Eva Olivas** added that the text amendment for group homes was added very quickly. **Manjula Vaz** replied that the applicant has gone to the Village Planning Committees twice.

Shannon Dubasik asked who manages the signs. **Jeff Boles**, with the Creighton Community Foundation, answered that the sign company will perform maintenance on the signs.

Will Gaona asked if signs are on public land, is there a free speech issue. **Jeff Boles** answered that they do not believe there is a free speech issue.

Vice Chair Janey Peal Starks asked where the revenue will go from the signs. **Manjula Vaz** replied that the school board will determine how the revenue is spent. **Ms. Vaz** added that they have two PUDs pending, one in Central City and one in Camelback East, and that they will explain the how the money mechanism works in the narrative. **Ms. Vaz** explained that Arizona State University uses billboard funding as well, and that this request is just to get general permission to allow billboards on school sites.

Christopher Colyer asked if there are provisions to limit the brightness of the sign. **Manjula Vaz** replied that those standards will be addressed in the PUD.

Public Comment

Bramley Paulin stated that the State of Arizona is sovereign, the City of Phoenix does not have jurisdiction for this request, and that this request is illegal.

Vice Chair Janey Pearl Starks asked how much revenue the applicant expects to receive. **Jeff Boles** estimated \$150,000 per year per sign.

Motion

Chris Colyer motioned to approve the request, adding that it was an innovative solution to bring more revenues to schools. **Zach Burns** seconded the motion.

Vote

12-5, Motion to approve passed, with Committee Members Burns, Cabrera, Colyer, Gaona, Goode, Langley, Lockhart, Martinez, Sonoskey, Starks, Sweat, and Uss in favor and Dubasik, Johnson, Olivas, Stark and R. Johnson opposed.

STAFF COMMENTS:

None.

Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting February 20, 2020

Request A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

VPC DISCUSSION & RECOMMENDATION:

2 speaker cards were submitted in favor, wishing to speak.

Mr. David Simmons, staff, gave a brief presentation as to what the Text Amendment entails including the requirement for each school site to rezone to PUD prior to sign installation, which goes through its own rigorous public hearing process. Mr. Simmons shared that if this Text Amendment were to be approved, it does not give the applicant a green light to install billboards on school sites.

Mr. Jeff Boles executive director of Creighton Community Foundation in partnership with **Michael Merowitz**, with Gammage and Bernham, explained they were before the committee to discuss a text amendment filed on behalf of the Creighton Community Foundation and school district. The Text Amendment would modify the current standards for off-premise signs to allow for them to be placed on publicly owned land used for school purposes, located next to a freeway and rezoned PUD. Based on information provided by the city, this would potentially affect 5 school districts and 4 villages. The addition of billboards on school properties would provide much needed revenue to the district which is more than 96 percent Title 1. Mr. Merowitz went over the code changes proposed in detail.

Chairman Joseph Grossman asked if this would affect every school site within the City of Phoenix.

Mr. Boles shared that they did include every school site in their study within the City of Phoenix, however, very few would qualify under the proposed changes.

Vice Chair Trilese DiLeo asked if the school site was required to have freeway frontage in order to qualify.

Mr. Merowitz stated that yes, the school site has to be within 300 feet of a freeway to qualify.

Mr. Ricardo Romero inquired about content regulations on the billboards.

Mr. Merowitz shared that there were multiple layers of regulation on content from state to local level.

Mr. Boles also shared that the RFP's would have restrictions on content as well.

Mr. Ozzie Virgil asked who was going to pay the electrical bill on the digital billboards.

Mr. Boles shared that the vendor would be responsible for constructing and maintaining the billboards, which would include paying the electrical bill.

Mr. Russell Osborn asked if the applicant had maps of the qualifying school sites.

Mr. Boles pulled up maps of the school sites on the presentation screen.

Chairman Grossman asked if they were going to do IGA's and RFP's.

Mr. Boles shared that they plan on only doing RFP's.

Vice Chair DiLeo asked if there were a limitation on number of billboards on school sites.

Mr. Merowitz shared that there were limitations due to distance requirements.

MOTION: Ms. Ann O'Brien made a motion to recommend approval of Case No. Z-TA-1-19 per staff's recommendation. Committee member **Mr. Bill Levy** seconded the motion.

VOTE: 10-0, motion to approve passed, with Committee Members Grossman, DiLeo, Gardner, Kenney, Levy, O'Brien, Osborne, Romero, Shipman and Virgil in favor.

STAFF COMMENTS:

None.



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	January 6, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	Approval, per staff recommendation
VPC Vote	6-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Prior to the presentation commencing committee member Rick Mahrle declared a conflict with this item and left the room. A quorum of nine members remained.

Joshua Bednarek, staff, provided a brief overview of the request and explained that the proposed Text Amendment would not rezone any property. The request would create new criteria in the Zoning Ordinance that would allow certain properties to pursue a rezoning to a Planned Unit Development (PUD) that would permit an off-premise advertising structure.

Mr. Michael Maerowitz of Gammage and Burnham Law Firm addressed the committee as the applicant's representative on the request and Mr. Jeff Boles from the Creighton Community Foundation introduced himself as the applicant. Mr. Maerowitz discussed the reasons why the Creighton Community Foundation had come forward with the request and highlighted the potential school sites it would apply to if approved. Mr. Maerowitz noted that none of the subject schools were within the Encanto Village boundaries.

Mr. Bryck asked why schools could not just do this by right if they were not subject to municipal zoning ordinances.

Mr. Maerowitz explained that while public schools are exempt from complying with municipal zoning ordinances, this exemption only applies to school related functions. The provision of an off-premise sign on a public-school campus, while providing a revenue stream to the school, would not be considered a school related function and therefore requires adherence to the Phoenix Zoning Ordinance.

Ms. George raised several concerns and questions she had about the distinction between the Creighton Community Foundation and Creighton Communities.org.

Mr. Boles explained that Creighton Communities.org is just another domain name for the Creighton Community Foundation website.

Ms. George noted she had concerns with the text amendment's proposed reduction of the minimum size requirements for land area of a PUD from 20 acres to 15 acres for K-12 schools.

Mr. Boles noted that the reason for the request and its restriction to only apply to K-12 schools, is that most of the school campuses who would look to pursue a PUD have less than 20 acres in land area.

Chairman Adams asked Mr. Boles who is paying for the expenses associated with the application. Mr. Boles stated that Gammage and Burnham was donating most of their services and that the Creighton Community Foundation was only paying for some minor administrative costs.

Mr. Procaccini stated he was concerned with the proposed reduction of the minimum distance required from single-family residential from 500 feet to 250 feet.

Mr. Boles responded that most schools are generally located within or next to single-family neighborhoods making the 500-foot minimum distance requirement difficult, if not impossible, to adhere to. Mr. Boles noted that with the revenue from the off-premise sign, the goal would be to help address some of the challenges in the surrounding neighborhoods. Mr. Boles discussed the concept of developing a community garden at one of the schools on a portion of the property that has been a source of vandalism and crime.

Ms. George stated that the scope of the text amendment is fairly narrow and would appear to only be applicable to a limited number of schools.

Mr. Boles replied that this was very intentional. Their intent was not to create a situation where dozens of additional billboards would be permitted throughout the city.

Ms. Coates asked for verification that the text amendment would only apply to K-12 public schools.

Mr. Maerowitz responded that Ms. Coates was correct and added that charter and trade schools would not be eligible.

Mr. Bryck stated that while he appreciated the Creighton Community Foundation's efforts, it was unfortunate that they are needing to pursue these types of strategies for additional revenue. Mr. Bryck stated that is difficult to decide on a land use related request that is attempting to solve a larger social issue.

Mr. Boles stated he understood Mr. Bryck's perspective.

Neal Haddad from the Neighborhood Coalition of Greater Phoenix spoke in opposition of the request. Mr. Haddad emphasized the potential negative land use ramifications the

committee's approval of the request would present. Mr. Haddad encouraged the committee to separate the social needs of the community from the zoning / land use question they have in front of them. Mr. Haddad noted some of the items he saw as negative impacts from the request which include the potential for additional light pollution and the introduction of a commercial use into residential neighborhoods.

Chairman Adams inquired if Mr. Haddad had brought any additional neighbors with him to address the committee.

Mr. Haddad stated that many of the Coalition's members were diligently working on two appeal cases related to off-premise signs scheduled to be heard later in the week by the Board of Adjustment.

Mr. Maerowitz and Mr. Boles addressed Mr. Haddad's comments by emphasizing the PUD process calls for extensive community input and will allow each school to collaborate with the surrounding community regarding development standards for the site. Mr. Boles reiterated that the text amendment proposes no changes to the current billboard spacing requirements.

Mr. Procaccini inquired how the community would be assured that the funding from the billboard would be going to the school.

Mr. Boles stated that the Creighton Community Foundation is a registered 501C3 organization that is overseen by a board. The board ultimately decides how the money will be spent in collaboration with the area school district and the subject school. The school district ultimately has the control because they own the land. The Creighton Community Foundation makes it easier for the school and the school district because it is difficult for both entities to accept and administer donations or funds from private entities.

Mr. Procaccini asked Mr. Boles what would happen if the Creighton Community Foundation were to leave or cease operations.

Mr. Boles responded that the Foundation's involvement would be tied to a public request for proposal (RFP) by the school district. If circumstances change and the Foundation were no longer associated with the school or school district, then a new RFP would need to be issued.

Mr. Paul Benjamin asked Mr. Boles if he knew if the Creighton schools sold advertising space on their campuses now.

Mr. Boles replied that the schools do not sell advertising on their campuses or buses, but does believe there is some space dedicated for advertising in the parent teacher organization's newsletter.

Mr. Bryck asked Mr. Boles if all the Foundation's employees are volunteers.

Mr. Boles responded that the Foundation has two paid staff members.

Mr. Boles then made a closing statement by reinforcing the benefits additional investments would have in the schools and their surrounding communities.

Mr. Kleinman called for the question.

Motion

Ms. George motioned to deny the request and Mr. Bryck seconded.

Vote

Yes – Paul Benjamin, Drew Bryck, G.G. George, Steve Procaccini (4)

No – Katie Coates, Brent Kleinman, Jayson Matthews, Vice Chair Ann Cothron,
Chairman Jake Adams (5)

Motion to deny failed by 4 to 5 vote.

Motion

Mr. Kleinman made a motion to approve the request and Mr. Matthews seconded.

Vote

Yes – Paul Benjamin, Katie Coates, Brent Kleinman, Jayson Matthews, Vice Chair Ann
Cothron, Chairman Jake Adams (6)

No – Drew Bryck, G.G. George, Steve Procaccini (3)

Motion to approve passed by a 6 to 3 vote.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting January 21, 2020

Request A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

VPC DISCUSSION & RECOMMENDATION:

Mr. Klimek shared the history of the request, explained the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties.

The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone.

The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school.

Staff recommends approval of this request. Regarding outreach, because the amendment would apply city-wide, it is being presented to all 15 village planning committees, first for information and then for recommendation.

In response to conversations raised at the informational session in December: content will be managed by a state procurement contract and be subject to additional restrictions based on its location at a school.

Mr. Jeff Boles, executive director of Creighton Community Foundation, explained the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however, even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

Discussion indicating that several members felt it was a good idea and the proposed change was thoughtfully written to limit unforeseen outcomes.

Chair Perez asked about how content would be managed, whether this usurps existing public processes, and if there are any processes in place to revoke permissions if the property no longer complies with city requirements.

Mr. Klimek responded that this does not permit any schools within the City of Phoenix to construct a billboard. A school seeking to utilize this text amendment would be required to pursue a Planned Unit Development and potentially a Use Permit which requires a significant public process. A use permit can be revoked and a use which is no longer permitted by the conditions of the Zoning Ordinance can be ceased through enforcement action.

Mr. Boles expanded that the cost of a Planned Unit Development is approximately \$80,000 for an average school property and that billboards adjacent to freeways are also subject to an annual review by ADOT.

MOTION:

Mr. Cardenas motioned to approve the request per staff recommendation, with a second from **Mr. Danzeisen**, to approve.

DISCUSSION:

None.

VOTE:

5-0, motion passed, with Committee Members Ademolu, Cardenas, Perez, Barquin, and Danzeisen in favor

STAFF COMMENTS:

None.



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	February 10, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Vote	9-1

VPC DISCUSSION:

Ms. Samantha Keating, staff, presented the request and explained the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties. The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone. The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school. She explained that this request is being presented to all Villages as it would apply city-wide. She provided the staff recommendation for approval.

Chairman Branscomb asked what the process for a Planned Unit Development entails. **Ms. Keating** explained that the Planned Unit Development is a unique zoning district, but that the process is the virtually the same as a rezoning, in which a property owner submits an application and proceeds to go through the full public hearing process. What makes a PUD rezoning unique is that the applicant creates a development narrative which outlines the development and design standards for the site, as opposed to choosing an existing zoning district from the Zoning Ordinance. In order to rezone to a PUD, an applicant must show how the proposed development goes above and beyond the existing city standards.

Mr. Jeff Boles, executive director of Creighton Community Foundation, presented the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however,

even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

Mr. Ben Graff, representative for the Creighton Community Foundation, explained that the intent of this proposed text amendment is to provide a revenue stream to the school district, and not to the billboard companies. He stressed that they are not seeking to bring an influx of billboards into Phoenix, and that the proposed amendment is worded in a way that ensures applicability only for publicly-owned properties that are used as schools. He explained that the request to change the property size requirements to 15 acres is due to the fact that no schools in the city have 20-acre lots.

Mr. Carlos Ortega asked how much of the revenue the school district will receive. **Mr. Boles** replied that the revenues will be split in half, so the school district will receive 50 percent.

Mr. John Mockus asked how the revenues will be allocated among schools. **Mr. Boles** explained that the monies from the billboards will be distributed among the schools as needed.

Ms. Tonya Glass asked how many employees the Foundation has. **Mr. Boles** replied that they have six grant-funded employees.

Ms. Linda Abegg asked if the billboards on school property will still be subject to all other off-premise sign regulations if this text amendment is approved. **Mr. Graff** replied yes. **Ms. Keating** outlined the proposed text amendment language and explained that these billboards would still be subject to all other code and ordinance requirements.

Mr. Phil Hertel expressed his concern with users other than the school district taking advantage of the new proposed language to install more billboards around the city.

Mr. Dan Penton urged the city to be cautious of city-wide text amendments as it may open the floodgates for other billboard companies.

Mr. Graff addressed these concerns, stating that the proposed language was drafted in a very specific way so as to guarantee that no users other than the school district would be able to use these new requirements.

MOTION:

Ms. Cinthia Estela made a motion to approve the request per the staff recommendation. **Mr. Ortega** seconded the motion.

VOTE:

9-1 Motion passed; with members Abegg, Estela, Flunoy, Harlin, Hurd, Mockus, Ortega, Rouse, and Branscomb in favor and member Glass in opposition.

STAFF COMMENTS:

None.



Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	January 8, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	Approval, per staff's recommendation
VPC Vote	10-0

VPC DISCUSSION & RECOMMENDATION:

Mr. David Simmons, staff, gave a brief presentation as to what the Text Amendment entails including the requirement for each school site to rezone to PUD prior to sign installation, which goes through its own rigorous public hearing process. Mr. Simmons shared that if this Text Amendment were to be approved, it does not give the applicant a green light on the sign installations.

Mr. Jeff Boles executive director of Creighton Community Foundation, explained he was before the committee to discuss a text amendment filed on behalf of the Creighton Community Foundation and school district. The Text Amendment would modify the current standards for off-premise signs to allow for them to be placed on publicly owned land used for school purposes, located next to a freeway and rezoned PUD. Based on information provided by the city, this would potentially affect 4 school districts and 4 villages. The addition of billboards on school properties would provide much needed revenue to the district which is more than 96 percent Title 1.

Chairman Jeff Armor asked the applicant to please clarify the request.

Mr. Zeke Valenzuela stated that the purpose of this request was to gain additional revenue for the schools through advertising costs associated with the billboards.

Mr. Boles concurred with Mr. Valenzuela.

Chairman Armor asked if the applicant had received any pushback from any of the other villages he has presented to.

Mr. Boles shared that he had received feedback regarding light pollution from the billboards as well as concerns about their placement on the sites in close proximity to residential areas.

Chairman Armor asked if the applicant had received any feedback from citizens.

Mr. Boles shared that he had not to date.

Vice Chair Derie asked if the billboards were to be standard or digital.

Mr. Boles shared that the billboards would most likely be digital.

Motion:

Vice Chair Gene Derie motioned to recommend approval of Case No. Z-TA-1-19 per staff's recommendation. Committee member **Christopher Demarest** seconded.

Vote: 10-0, Motion to recommend approval passes with committee members Armor, Derie, Battle, Demarest, DuBose, Garcia, O'Toole, Sirochman, Valenzuela and Weber in favor.

STAFF COMMENTS:

None.

**Village Planning Committee Meeting Summary
Z-TA-1-19**

Date of VPC Meeting	February 13, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	Approval, as recommended by staff.
VPC Vote	4-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Mr. Joél Carrasco, staff presented a brief overview of the requests, including the locations, context, analysis, findings and staff recommendations.

Mr. Jeff Boles, Creighton School District, Community Works program, provided an overview presentation on the Text Amendment request to provide an exception to allow schools an opportunity to partner with billboard companies as a funding mechanism.

Mr. Boles provided additional technical background regarding the request by highlighting the specific language changes and a map identifying the properties which would be eligible.

Chairman Mr. Jason Stokes thanked the applicant for his diligence and work on this request.

The committee had no further questions or comments.

MOTION: Committee member **Ms. Shannon Simon** made the motion to approve the Z-TA-1-19 as recommended by staff.

Committee Member Ms. Michelle Ricart seconded the motion.

VOTE: The motion was approved, 4-0, with Committee members Stokes, Simon, Ricart, and Tome, in favor.

Village Planning Committee Meeting Summary
Z-TA-1-19

Date of VPC Meeting February 19, 2020
Request A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

VPC DISCUSSION:

Mr. Nick Klimek, staff, explained that the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties.

The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone.

The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school.

Staff recommends approval of this request. Regarding outreach, because the amendment would apply city-wide, it is being presented to all 15 village planning committees, first for information and then for recommendation. He noted that no properties eligible under the proposed amendment exist in the South Mountain Village.

Mr. Jeff Boles, executive director of Creighton Community Foundation, explained the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however, even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

Chairman Carrell asked how the villages directly impacted by this proposal voted on the request. **Mr. Mike Maerowitz**, of Gammage and Burnham, responded that Maryvale, Estrella, and South Mountain voted to approve the request while the case

has not been presented to Camelback East or Central City for recommendation.

Ms. Elizabeth Perez asked about the projected revenue and use of funds generated by the lease including whether the income could be allocated to teacher pay. **Mr. Boles** responded that after the 50/50 revenue share with the billboard company, the foundation anticipates approximately \$150,000 per billboard, per year. Revenue will be directed to the Creighton Community Foundation and will be used for wrap around services for school operations and creating adult-supportive relationships.

Mr. Sommacampagna asked how the neighborhood felt about the reduced separation requirement from residential dwellings. **Mr. Boles** responded that the reduced separation only applies to the Gateway Elementary campus and that in that example, he closest neighbors have been the greatest advocates for the billboard and additional revenue. He further noted that the text amendment does not entitle any property for billboards and that, if approved, each school campus would need to pursue a Planned Unit Development. A Planned Unit Development requires neighborhood outreach and approximately 4 public meetings.

Chairman Carrell noted that the committee typically does not like requests that are so narrowly focused that they only effect a single party or a very particular circumstance. **Mr. Maerowitz** responded that the amendment includes layers of regulations including some at the State of Arizona, the Arizona Department of Transportation, and now with the City of Phoenix.

MOTION:

Member Whitney made a MOTION to approve the request per staff recommendation. **Member Ford** seconded the motion.

VOTE:

14-0, motion passed, with Committee Members Carrell, McBride, Church, Ford, Jaramillo, Larson, Krentz, Magallanez, O'Hara, Alauria, Whitney, Sommacampagna, O'Conner, and Perez in favor; no members dissenting or abstaining.

STAFF COMMENTS:

None

Village Planning Committee Meeting Summary Z-TA-1-19

Date of VPC Meeting	March 10, 2020
Request	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
VPC Recommendation	Approval, as recommended by staff.
VPC Vote	5-0

VPC DISCUSSION:

Samantha Keating provided an overview of the request and the staff recommendation. She relayed this was the technical zoning ordinance change to allow PUD zoning for schools to be pursued.

Ozzie Virgil asked if a Use Permit would be required. **Samantha Keating** replied that it would if the sign were to meet a certain height threshold or if a digital sign were requested.

Mike Maerowitz with Gammage & Burnham, explained that the Creighton Community Foundation was a non-profit formed in 2013 to support the Creighton School District. Their underlying mission is to provide wrap around services. The proposed text in the application is intended to provide an exception to the 20-acre PUD rule for schools.

Vice Chair Steven Scharboneau asked for clarification on what off-premise means. **Mike Maerowitz** explained it described advertising for things not on the subject property.

Ozzie Virgil asked where signs would be located on the two Creighton schools. **Mike Maerowitz** pointed out the planned locations on the sites and explained that the 1,000-foot spacing requirement would still be required.

Judy Lorch asked if the signs would be dimmed at night. **Mike Maerowitz** explained the city requirements for lighting would still remain. **Samantha Keating** added that digital signs required an 11 pm turn off, which can be discussed during the Use Permit process.

MOTION: **Ozzie Virgil** made a motion to approve per the staff recommendation. The motion was seconded by **Vice Chair Steven Scharboneau**.

VOTE: 5-0 with Committee Members Sommacampagna, Scharboneau, Holton, Lorch and Virgil in favor.

Village Planning Committee Meeting Summary
Z-TA-1-19

Date of VPC Meeting January 14, 2020

Request A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

VPC DISCUSSION:

- 1) **Z-TA-1-19**: Presentation, discussion, and possible recommendation on a request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

Mr. Klimek, staff, shared the history of the request, explained the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties.

The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone.

The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school.

Staff recommends approval of this request. Regarding outreach, because the amendment would apply city-wide, it is being presented to all 15 village planning committees, first for information and then for recommendation. He noted that no properties eligible under the proposed amendment exist in the South Mountain Village.

In response to conversations raised at the informational session in December: content will be managed by a state procurement contract and be subject to additional restrictions based on its location at a school; if a school ceases to operate, the billboard would no longer be compliant with the zoning ordinance and could be removed through the revocation of a use permit (if required) or through pro-active enforcement.

Mr. Jeff Boles, executive director of Creighton Community Foundation, explained the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however, even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

Mr. Glueck asked if the billboards would be digital or print and if a vender has been selected. If the billboards are digital, content must be monitored closely. **Mr. Boles** responded that billboards could be either digital or static and that content is managed through a state procurement contract and subject to additional restrictions due to the location on school property. No vender had been selected.

Ms. Christopherson asked about the projected revenue and how it would be directed to the schools. **Mr. Boles** responded that revenue would be split in half between the Creighton Community Foundation and the billboard company. The Creighton Community Foundation would then function as a grant-making entity in support of wrap-around services for students.

Mr. Larios asked if there were any restrictions on the use of funds, specifically noting that many unsheltered individuals reside along the freeway corridors and that often well-intentioned clean-up efforts dehumanize and harm these most vulnerable populations. He expressed concern that grants made through these revenues would continue to harm unsheltered individuals. **Mr. Boles** responded that often wrap-around services do include funding for additional school resource officers and this practice focuses primarily on the security of school campuses and does not always handle issues of unsheltered individuals with due sensitivity. He thanked Mr. Larios for the comment.

Mr. Aguilar asked for clarity on projected revenue to the Community Foundation and asked for the philosophy behind their grant making efforts. **Mr. Boles** responded that only nine percent of life between the age of 0 and 18 occurs in a school; therefore, the philosophy of giving is focuses on the creation of supportive adult relationships to ensure students have engaged role models in their lives. The projected per-billboard revenue to the Community Foundation is \$150,000 annually.

Ms. Tunning asked how their outreach efforts were received by those most directly impacted by the proposed billboard locations. **Mr. Boles** responded that any school wishing to pursue a billboard would also need to rezone their campus to a Planned Unit Development which would require additional public input. Regarding specific conversations, the neighbors have been the greatest champions for the project at Gateway School and the collaboration between the foundation, the neighbors, and the students have led to the creation of a neighborhood association; the

neighborhood wants a community garden near the freeway to activate the area and make it an amenity for the community.

Chairwoman Trites recommended that when it comes time to pursue a Planned Unit Development on the applicable sites, outreach should include both owners and renters; this is becoming the standard for the South Mountain Village and is necessary to truly engage with the relevant community.

MOTION:

Ms. Busching made a motion approve the request per staff recommendation. **Mr. Holmerud** seconded the motion.

DISCUSSION:

Mr. Larios stated that he cannot vote in favor of the request due to the concern that there is a history of harming unsheltered individuals by the applicant and that no assurances have been made that funds will not be used to create further harm.

VOTE:

9-4-0 Motion passes; with members, Christopherson, Glueck, Holmerud, Kotake, Kutnick, Shepard, S. Smith, Busching, and Trites in favor; members Aguilar, Tunning, Larios, and Brooks dissenting.

STAFF COMMENTS:

Depending on how the TA is worded in final form, there may be an issue broadly describing 'school use' as K-12 because this could imply a requirement that all grades (K-12) be provided on site; perhaps a minimum number of K-12 grades.