

**PLANNING COMMISSION MINUTES
GLENDALE CITY HALL
COUNCIL CHAMBERS
5850 W. GLENDALE AVENUE
GLENDALE, ARIZONA 85301
OCTOBER 7, 2021
6:00 P.M.**

CALL TO ORDER

Chairperson Crow called the meeting to order at approximately 6:00 p.m.

ROLL CALL

Commissioners Present: Chairperson Crow, Commissioners Crow, Cole, Nowakowski, Heath, and Wilfong.

Commissioner Absent: Vice Chairperson Nyberg was absent and excused.

City Staff Present: Jamsheed Mehta, Development Services Director, Tabitha Perry, Interim Planning Manager, Michael Bailey, City Attorney, Edward Vigil, Senior Planning Project Manager, Christina LaVelle, Planner, Alex Lerma, Planner, and Joseline Castaneda, Planner, and Diana Figueroa, Recording Secretary.

CITIZEN COMMENTS

Chairperson Crow called for citizen comments. There were none.

APPROVAL OF THE MINUTES

Chairperson Crow called for a motion.

Commissioner Nowakowski made a motion to approve the September 2, 2021, Regular Meeting minutes as written. Commissioner Heath seconded the motion, which was approved unanimously.

WITHDRAWALS AND CONTINUANCES

Chairperson Crow called for Withdrawals and Continuances. There were none.

PUBLIC HEARING ITEMS

Chairperson Crow called for the public hearing items.

TUTTLE RESIDENCE SWIM LESSONS CONDITIONAL USE PERMIT CUP21-10: A request by Leah Tuttle for approval of a Conditional Use Permit to allow personal swimming classes as a Class II Home Base Occupation in the R1-7 (Single Residence, Planned Residential Development) zoning district. The site is located at the southeast corner of 78th Lane and West Kerry Lane at 7819 West Kerry Lane and is in the Cholla District. Staff Contact: Alex Lerma, Project Planner (623) 930-2810, alerma@glendaleaz.com

Mr. Alex Lerma, Planner, provided staff's presentation.

Ms. Leah Tuttle, applicant, did not speak.

Chairperson Crow opened the public hearing. With no one wishing to speak, the public hearing was closed.

Chairperson Crow called for a motion.

Commissioner Cole made a motion to APPROVE Conditional Use Permit CUP21-10 subject to one stipulation listed in the staff report. Commissioner Crow seconded the motion, which was APPROVED UNANIMOUSLY.

Mr. Michael Bailey, City Attorney, stated this is final action by the Planning Commission subject to appeal within 15 days.

HOPEWELL REZONING APPLICATION ZON21-16: A request by Shaine T. Alleman, Tiffany & Bosco, P.A., to rezone 103.78 acres from RR-45 (Rural Residential) to PAD (Planned Area Development) to allow a variety of mixed commercial and industrial uses. The site is located on the southwest corner of Northern Avenue and Reems Road and is in the Yucca District. Staff Contact: Edward Vigil, Senior Planning Project Manager, (623) 930-3071, evigil@glendaleaz.com

Mr. Edward Vigil, Senior Planning Project Manager, provided staff's presentation.

Commissioner Heath stated all roads along Alsup Avenue were not in the traffic study. Mr. Vigil explained and added the applicant's engineer is available to answer questions.

Commissioner Nowakowski asked for clarification regarding the role of Maricopa County Department of Transportation.

Chairperson Crow said his understanding is the city must comply with the requirements of the agency who has jurisdiction of the road or roads.

Mr. Shaine Alleman, Tiffany & Bosco, P.A., provided the applicant's presentation.

Commissioner Crow asked why the driveways needed to be along Alsup Avenue. Mr. Andrew Smigielski, P.E., 3838 North Central, Suite 1810, Phoenix, explained.

Commissioner Nowakowski confirmed with the applicant that MCDOT allowed three driveways and three access points. He stated that the decisions made by the Planning Commission should be in the best interests of community.

Commissioner Heath commented that the traffic counts along Alsup Avenue are similar to Northern Avenue, which is a much larger roadway. He does not feel that MCDOT approved the traffic study; they only may have accepted the study. Mr. Alleman provided copies of the approval letter from MCDOT to the Commissioners.

Commissioner Heath asked if they had considered any alternatives. Mr. Alleman explained.

Mr. Smigielski explained portions of the Traffic Study. He indicated where the traffic volumes were in the Study. He explained the safety issue.

Ms. Perry referred to the letter from MCDOT.

Commissioner Crow asked if the County plans to widen Alsup Avenue to three lanes. Mr. Smigielski said yes. Commissioner asked about a turn lane along Alsup Avenue.

Commissioner Cole asked the traffic engineer to speak to stipulation #17. Mr. Smigielski explained, and Mr. Alleman provided further information.

Commissioner Wilfong stated his concern was Alsup Avenue. He is concerned and understands why truck traffic and vehicular traffic should not be combined.

Chairperson Crow opened the public hearing and called for anyone wishing to speak.

Mr. Tony Martin, Alsup Avenue resident, Litchfield Park, expressed his concerns with the traffic along Alsup Avenue. He stated he is a truck driver and understands that drivers will take the shortest route. He was also concerned about property values.

Ms. Stacy Farmer, Alsup Avenue and Northern Avenue resident, Litchfield Park, was concerned with the truck traffic. She also said she can hear the truck traffic in the evening bringing materials for the new developments. She asked if the project was to move forward, that reasonable construction hours be set.

Ms. Janelle Waer, resident of Alsup Avenue, stated she was concerned about the access points along Alsup Avenue. She purchased her home over 10 years ago and has now lost the view as she sees a large, gray box. She stated Alsup is a residential street but will become a commercial street. She felt the developers are trying to push her out of her neighborhood. She asked the Commission to reconsider the access points along Alsup Avenue.

Ms. Amariah Waer, resident of Alsup Avenue, stated she doesn't agree with the access points. She likes the way the road is now which allows for horses and bike riding. She said the roads are getting busier.

Ms. Glory Williamson, 7712 North Alsup Avenue, stated she sent an email earlier this week of a sketch showing the locations of their residential driveways. She said there are two access points on Northern Avenue. She said one of her neighbors uses a golf cart along Alsup as he is disabled. She asked why 85 feet in height is necessary when Luke AFB approved only 55 feet in height for a nearby building. She would like an 8-foot wall along Alsup Avenue as well. Ms. Williamson asked this not be approved.

Mr. Alleman provided his closing statements.

Commissioner Wilfong suggested a road be constructed inside the development, something like a mall for internal movement. Mr. Alleman said all the details will be determined during design review.

With no further speakers, he closed the public hearing.

Chairperson Crow called for a motion.

Commissioner Crow made a motion to RECOMMEND APPROVAL of Rezoning Application ZON21-16 with 17 stipulations as listed in the staff report. Commissioner Cole seconded the motion. The motion was not approved as there was not a majority vote, but a vote of 3 to 3 with Commissioners Wilfong, Nowakowski, and Heath voting nay.

Mr. Michael Bailey, City Attorney, indicated as there was not a majority vote a recommendation of denial will be forwarded to City Council. He stated this recommendation will go forward to the City Council for final action.

SONOMA COTTON MIXED USE REZONING APPLICATION ZON21-14: A request by Adam Baugh, Withey Morris, LLC, to rezone 36 acres from IND-1 and C-2 to PAD (Planned Area Development) to allow a variety of mixed commercial, industrial uses, and multi-family residential uses. The site is located on the southeast corner of Northern Avenue and Cotton Lane and is in the Yucca District. Staff Contact: Christina Lavelle, (623) 930-2553, clavelle@glendaleaz.com

Ms. Christina LaVelle, Planner, provided staff's presentation.

Commissioner Wilfong questioned the proposed deceleration lanes.

Mr. Adam Baugh, Withey Morris, LLC, applicant, presented information to the Commission.

Commissioner Nowakowski thanked the applicant for his time and effort on this proposal on this difficult piece of property.

Chairperson Crow opened the public hearing. With no one wishing to speak, the public hearing was closed.

Chairperson Crow called for a motion.

Commissioner Nowakowski made a motion to RECOMMEND APPROVAL of Rezoning Application ZON21-14 subject to 11 stipulations listed in the staff report. Commissioner Crow seconded the motion, which was APPROVED UNANIMOUSLY.

Mr. Michael Bailey, City Attorney, stated this recommendation will go forward to the City Council for final action.

83rd GLENDALE CONVENIENCE STORE CONDITIONAL USE PERMIT CUP21-03: A request by Adam Baugh, Withey Morris, PLC, representing EAA Investment Group LLC, for a Conditional Use Permit to allow for a convenience use of a retail gasoline station and store on a property within the C-2 (General Commercial) zoning district. The site is located at the northeast corner of 83rd Avenue and Glendale Avenue and is in the Yucca District. Staff Contact: Joseline Castaneda, Planner, (623) 930-2823, jcastaneda@glendaleaz.com

Ms. Joseline Castaneda, Planner, provided staff's presentation.

Mr. Adam Baugh, Withey Morris, LLC, applicant, presented information to the Commission.

Chairperson Crow opened the public hearing. With no one wishing to speak, the public hearing was closed.

Chairperson Crow called for a motion.

Commissioner Nowakowski made a motion to APPROVE Conditional Use Permit CUP21-03 subject to two stipulations with a revision to stipulation #1 regarding the site plan date to September 14, 2021. Commissioner Heath seconded the motion, which was APPROVED UNANIMOUSLY.

Mr. Michael Bailey, City Attorney, stated this is final action by the Planning Commission subject to appeal within 15 days.

RAISING CANE'S CHICKEN FINGERS GENERAL PLAN AMENDMENT GPA21-09 AND REZONING APPLICATION ZON21-10: A request by Nordean Moussalem, on behalf of PM Design Group, Inc., representing Phoenix Restaurant Properties LLC, for a Minor General Plan amendment from OFC (Office) to GC (General Commercial) and to rezone approximately 0.47 acres of land from C-O (Commercial Office) zoning district to C-1 (Light Commercial) to allow for a drive-thru restaurant. This site is located west of the southwest corner of 59th Avenue and Thunderbird Road and is in the Sahuaro District. Staff Contact: Joseline Castaneda, Planner, (623) 930-2823, jcastaneda@glendaleaz.com

Ms. Joseline Castaneda, Planner, provided staff's presentation.

Commissioner Heath stated he wished to disclose that he was contacted by the owner of the restaurant to the north of the proposal, who has concerns regarding traffic. Commissioner Heath said he is familiar with this corner. He said it is difficult to make turns in or out of the establishments in the area. He suggests a right turn in / out only restriction.

Mr. Chuck Bennett, PM Design, applicant, presented information to the Commission.

Commissioner Wilfong asked the applicant if he would be opposed to adding a stipulation requiring a right turn in only. Mr. Chuck said he would present it to the owner.

Chairperson Crow opened the public hearing.

Mr. Troy Seavers, owner of Chick-fil-A, 5908 West Thunderbird Road, Glendale, stated his access on 59th Avenue is right in / right out as well as on Thunderbird Road. Initially, he did not agree with this stipulation, however, he understands why it was needed. He thanked the Commission for their time.

With no one else wishing to speak, the public hearing was closed.

Chairperson Crow called for a motion.

Commissioner Cole made a motion to RECOMMEND APPROVAL of General Plan Amendment GPA21-09. Commissioner Wilfong SECONDED the motion, which was APPROVED UNANIMOUSLY.

Commissioner Wilfong made a motion to RECOMMEND APPROVAL of Rezoning Application ZON21-10, subject to one stipulation listed in the staff report. Commissioner Crow SECONDED the motion, which was APPROVED UNANIMOUSLY.

Mr. Michael Bailey, City Attorney, stated this recommendation will go forward to the City Council for final action.

RAISING CANE'S CHICKEN FINGERS CONDITIONAL USE PERMIT CUP21-04: A request by Nordean Moussalem, on behalf of PM Design Group, Inc., representing Phoenix Restaurant Properties LLC, for a Conditional Use Permit to allow for a drive-thru restaurant in the C-1 (Light Commercial) zoning district. This site is located west of the southwest corner of 59th Avenue and Thunderbird Road and is in the Sahuaro District. Staff Contact: Joseline Castaneda, Planner, (623) 930-2823, jcastaneda@glendaleaz.com

Ms. Joseline Castaneda, Planner, provided staff's presentation.

Mr. Chuck Bennett, PM Design, applicant, presented information to the Commission.

Chairperson Crow opened the public hearing. With no one wishing to speak, the public hearing was closed.

Commissioner Wilfong stated he would like to add a stipulation requiring a right in / right out only along Thunderbird Road.

Chairperson Crow called for a motion.

Commissioner Wilfong made a motion to APPROVE Conditional Use Permit CUP21-04 subject to two stipulations listed in the staff report plus a third stipulation requiring a right in / right out only along Thunderbird Road. Commissioner Heath seconded the motion, which was APPROVED UNANIMOUSLY.

Mr. Michael Bailey, City Attorney, stated this is final action by the Planning Commission subject to appeal within 15 days.

OTHER BUSINESS

Chairperson Crow called for Other Business.

A. Planning Commission Chair and Vice Chair Recommendations for 2022

Commissioner Nowakowski made a motion to recommend Vice Chairperson Nyberg to continue as the Vice Chairperson throughout 2022. Commissioner Cole seconded the motion, which was approved with a vote of 6 to 0.

Commissioner Nowakowski made a motion to recommend Chairperson Crow to continue as the Chairperson throughout 2022. Commissioner Cole seconded the motion, which was approved with a vote of 6 to 0.

B. Legal notification

Ms. Perry thanked the Commission for bringing the concern of the legal notification as it relates to the state statute to staff's attention. She stated from this point forward the notices of public hearing will be published in The Arizona Republic to meet the state's requirement.

C. Tire Shops

Ms. Perry stated that there is an item of special interest relating to Tire Shops within the city. The concern is there may be existing tire shops which may or may not have a Conditional Use Permit. She said a workshop regarding this topic will be scheduled soon.

PLANNING STAFF REPORT

Chairperson Crow called for the Planning Staff Report. There was none.

COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Crow called for Commission Comments and Suggestions. There was none.

NEXT MEETING

The next regular meeting of the Planning Commission is scheduled for November 4, 2021, at 6:00 p.m., at the Glendale City Hall, Council Chambers, 5850 West Glendale Avenue, Glendale, Arizona, 85301.

ADJOURNMENT

Chairperson Crow called for a motion to adjourn.

Commissioner Wilfong made a motion to ADJOURN. Commissioner Cole seconded the motion, which was APPROVED UNANIMOUSLY.

With no further business, the meeting was adjourned at 9:36pm.

Submitted by:

Diana Figueroa
Recording Secretary

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