

DRAFT



MINUTES

**PLANNING COMMISSION
COUNCIL CHAMBERS
5850 W. GLENDALE AVE.
GLENDALE, ARIZONA 85301**

**APRIL 28, 2022
6:00 P.M.**

1. CALL TO ORDER

Chairperson Crow called the meeting to order at approximately 6:00 pm

2. ROLL CALL

Present: Vern Crow, Chair
Gary Hirsch, Vice Chair
Tom Cole, Commissioner
John Crow, Commissioner
John Geurs, Commissioner
Martin Nowakowski, Commissioner
SAHUARO, VACANT

Also Present: Tabitha Perry, Interim Planning Director
James Gruber, Deputy City Attorney
Lisa D. Wilson, Recording Secretary
Christina Lavelle, Senior Planner
George Gehert, Senior Planner
Edward Vigil, Senior Planner

3. CITIZEN COMMENTS

Chairperson Crow called for citizens comments on items not on the agenda, there were no comments.

4. APPROVAL OF MINUTES

- a. Planning Commission Minutes of February 24th, 2022 Regular Meeting
- b. Planning Commission Minutes of February 24th 2022 Special Workshop.

- c. Planning Commission Minutes of March 24th 2022 Regular Meeting.

Chairperson Crow called for an approval of the regular meeting minutes for February 24th and March 24th 2022

Vice-Chair Hirsch Made a motion to approve the minutes and Commissioner Crow 2nd the motion passed.

5. WITHDRAWALS AND CONTINUANCES

Chairperson Crow asked if there were any withdrawals or continuances, there were none

6. PUBLIC HEARING ITEMS

Chairperson Crow called for Public Hearing items and limited public comments to 5 minutes in length

- a. **CUP21-06- Gas and Auto- U-Haul Conditional Use**-A request by Atul Prasad, for a Conditional Use Permit (CUP) to allow rentals of U-Haul trucks and trailers as required of Sec. 5.754 of the City of Glendale Zoning Ordinance. The site is located at the northwest corner of Glendale Avenue and 75th Avenue and is in the Yucca District (7504 W Glendale Avenue). Staff Contact: Christina LaVelle, Planner, (623) 930-2553.

Ms. Christina Lavelle made the staff presentation

Chairperson Crow called for questions form the commission

Vice-Chair Hirsch asked if stipulation #4 include all 5 landscape planters shown in the aerial photo.

Ms. Lavelle indicated each landscape planters onsite only will be evaluated at design review which included all 5 planters

Vice-Chair Hirsch asked if there was in consideration or discussion of permanently closing the 2 driveways closest to the intersection of 75th & Glendale Avenue.

Ms. Lavelle said transportation department reviewed and decided the driveways as is are adequate.

Vice Chair Hirsch asked if Planning had given any consideration to closing the driveways to take pressure of the corners

Ms. Lavelle indicated it could be something revisited during design review

Vice-Chair Hirsch indicated he would like it considered.

Commissioner Crow asked why the site was limited to 2 designated parking spaces and wanted to know if staff made that demand or if the applicant initiated it. Commissioner Crow was concerned with vehicles being picked up and dropped off the applicant would be out of compliance.

Ms. Lavelle indicated the applicant submitted for 2 parking spaces and considering circulation staff agreed, and she would let the applicant answer further.

Commission Geurs asked if there were going to limit the size of vehicles being parked at the site.

Ms. Lavelle said the applicant would answer that question, although the site has adequate parking.

Applicant Atul Prasad Glendale AZ

Applicant indicated he only wanted to handle 2 U-Haul rental, he would only be allowing Pickup trucks on the site, and he also indicated that his impression was the parking spots had to be designated however he does have about 20 spaces onsite.

Commissioner Geurs said he drove by the site and there were 3 vehicles there in painted designated spots and 2 of them were large trucks. Commissioner Geurs asked if Mr. Prasad would be letting U-Haul know he would not be servicing the larger trucks. The applicant stated his agreement with U-Haul is for 2 vehicles, although he can not tell customers not to drop off vehicles, U-Haul is notified of the extra vehicle, and it is picked up.

Commissioner Nowakowski asked Deputy Atty Gruber as the stipulation is written if there are 3 or more vehicles on the lot would the applicant be out of compliance
Atty Gruber said the client would be out of compliance with three or more vehicles on the lot

Commissioner Crow expressed his concern that the stipulations as written were setting the applicant up to fail wanted to get clarification if the applicant wanted the request Amended
Applicant said he didn't want more than two as he did not wish to increase staff or take away form his gas station business.

Commissioner Cole suggested altering the language of the stipulation
Atty Gruber said they could amend the stipulation as suggested however enforcing it would be difficult, and the planning staff indicated they could eliminate stipulation #2
Ms. Perry agreed it seemed more appropriate to eliminate stipulation #2 and define parking in design review

Vice-Chair Hirsch wanted clarification the consequences of removing stipulation #2 if the property was sold
Ms. Perry stated there are parking requirements that are enforced during the design review process in that scenario

Commissioner Cole asked if the wording of stipulation #1 would prohibit a new site owner from increasing the rental vehicles as outlined in the narrative
Ms. Perry explained that the parking requirements in design review phase limits parking to fall within the intent of the CUP and takes into account the narrative

Chairman Crow having no speaker cards or questions closed the public hearing

Commissioner Crow made a motion to approve CUP21-06 subject to stipulation excluding stipulation #2
Commissioner Nowakowski second the motion

AYE:
Chair Vern Crow
Vice-Chair Gary Hirsch
Commissioner Tom Cole
Commissioner John Crow
Commissioner Martin Nowakowski
Commissioner John Geurs
PASSED

Mr. Gruber, Chief Deputy City Attorney, stated these recommendations would be forwarded to the City Council for final action.

b. **GPA22-01 and ZON22-01-PC Village 83 Multifamily - Minor General Plan**

Amend/Rezone - N of NWC 83rd and Camelback - A request by Jon Froke and Adam Froke on behalf of Froke Urban Planning LLC, representing Dorothy Keith and Teresa Zaddack, for a minor amendment to the Glendale General Plan from LDR-2.5 (Low Density Residential - 2.5 units/acre) to HDR-20 (High Density Residential - 20 units/acre); and for a rezoning from SR-17 (Suburban Residential 17,000 square foot minimum lot size) to R-3 (Multiple Family Residential) for 5.03 acres. The site is located along the west side of North 83rd Avenue, approximately 1,000 feet north of its intersection with West Camelback Road (Address: 5136 North 83rd Avenue); and is in the Yucca District. Staff Contact: George Gehlert, Senior Planner.

Mr. Gehlert made staff presentation

Chairperson Crow called for questions from the commission

Commissioner Geurs asked what was being developed in the fenced off area

Mr. Gehlert indicated the city doesn't have a proposal for that parcel

Vice-Chair Hirsch in response to opposition letters confirmed the project conformed to the requirements of traffic, schools, emergency access, building heights and verified there wasn't anything in the code that requires the commission to take rental possibilities into consideration.

Commissioner Nowakowski wanted to know why the initial proposal of 36 two-story medium high density changed 8 months later to a 70 unit multifamily High Density

Mr. Gehlert indicated it would be better for the applicant to answer that question.

Commissioner Crow asked for clarification "may not be consistent" in reference to the density of the project.

Mr. Gehlert restated staffs position that a development of a less density would be a better fit.

Deputy Atty Gruber informed the commission that they could take into account rentals versus homeownership when making a recommendation to the City Council

John Froke made the applicants presentation

Chairperson Crow asked for questions

Commissioner Nowakowski asked if the intent of the owner to live on the property after developments

Mr. Froke indicated the applicant wouldn't be living in the developments.

Commissioner Geurs asked where would the dog park and pool be on the plan, would the garage be full size to accommodate larger trucks, how are families with more than one car being serviced.

Mr. Froke indicated the developments was self-parked, it meets the city parking standards and there are also the required guest spots in the complex. He indicated that could further be explored design review.

Mr. Froke also offered a stipulation units 35-40 to the west of the property could be single story

Vice Chair Hirsch gave a summary of the facts of the development with Mr. Froke

Commissioner Nowakowski commented on the domino effect of the approval of the development asked for clarification if approved would there be a loss of a characteristic of the neighborhood

Mr. Gehlert indicated it would.

Chairperson Crow with no further questions from the commissions open the floor to those who submitted speaker cards

The Following residents spoke in opposition to the project siting unfavorable density, lack of adequate parking, change to the characteristic of the neighborhood, building height, increased traffic, emergency access roads, need for additional run off areas and precedence it could set.

Ms. Bittner 7946 W. Vermont Ave Glendale Az 85303
Joe Barboza 5109 N 84th Ave Glendale AZ 85305
Adriana Barboza 5109 N 84th Ave Glendale AZ 85305
Eric Vanschoonhoven 5139 N 84th Drive Glendale AZ 85305
David Smetanick 5181 N 85th Ave Glendale AZ 85305
Philip Fuerts 5127 N 84th Drive Glendale AZ 85305
Martin Samaniego 8221 W. Orange Dr Glendale AZ 85305
Eric Thor 5171 N 84th Drive Glendale AZ 85305

Chairperson Crow Closed the public hearing and called for a Motion

Vice Chair Hirsch motioned to approve GPA22-01 as written
As there was no second the motion failed

Mr. Gehlert mentioned additional stipulations and Ms. Perry offered explanation
Vice Chair Hirsch indicated no further discussion was needed

The commission had further discussion on alternatives, tabling, more neighborhood meetings

Mr. Froke asked the item not be tabled but acted on by the commission

Commissioner Nowakowski made a motion of denial for GPA 22-01 with the knowledge he would work with council, Commissioner Geurs second it
Commissioner Cole explained his vote stating when presenting for a denial both sides of the application needs to be presented to the commission

NAY: Chair Vern Crow

Commissioner John Crow

Commissioner Tom Cole

Vice-Chair Gary Hirsch

AYE: Commissioner Martin Nowakowski

Commissioner John Geurs

Motion Failed

Chairperson Crow asked Atty Gruber if they could move to vote for the rezoning portion of the application

Chief Deputy Atty Gruber stated it is not the norm to send something to the council with no recommendation which is what they have, which is actually a denial. He confirmed they could make a motion on the rezoning.

Commissioner Crow made a motion to table the project and Commissioner Cole second the motion

Chairperson Crow asked for any further discussion

Commissioner Geurs asked how long to table it, it was stated that would be up to the applicant

Chairperson Crow took a vote to table GPA22-01 and ZON22-01

AYE: Chair Vern Crow
Commissioner John Crow
Commissioner Tom Cole
Commissioner Martin Nowakowski
Commissioner John Geurs
NAY: Vice-Chair Hirsch

Mr. Gruber, Chief Deputy City Attorney, stated the commission recommended tabling the item.

- c. **ZON22-03 Tanger PAD located south of Glendale Avenue and east of Loop 101** - A request by Alex Hayes with Withey Morris PLC., representing the Outlets at Westgate LLC., to rezone approximately 7.3-acres from A-1 (Agricultural) to PAD (Planned Area Development). The site is located south of Glendale Avenue and east of the Loop 101 Freeway and is in the Yucca District.

Mr. Edward Vigil presented staff presentation

Chairperson Crow called for questions from the commission

Commissioner Crow asked if Fire Safety approve the 0 setback on the back side
Staff confirmed approval

Commission Geurs asked to verify if property was agricultural or a parking lot and how was it used as parking if agricultural

Mr. Vigil stated it is zoned agricultural, however has been used as overflow parking, and it is paved.

Commissioner Cole asked if the lot was paved

Mr. Vigil confirmed it is older pavement and previously owned by ADOT as a freeway right of way.

Commissioner Geurs asked if it was part of superbowl parking previously

Mr. Vigil said it could have been used

Alex Hayes of Withey Morris spoke on behalf of the applicant

Chairperson Crow asked for any questions

Commissioner Geurs asked what kind of restaurants are being proposed

Mr. Hayes indicated there would be sit down restaurants

With no speaker cards or questions Chairperson Crow closed the public hearing

Commissioner Nowakowski made a motion to approve ZON22-03 subject to the two stipulations, Commissioner Cole second

AYE: Chair Vern Crow
Vice-Chair Gary Hirsch
Commissioner Tom Cole
Commissioner John Crow
Commissioner Martin Nowakowski

Commissioner John Geurs

PASSED

Mr. Gruber, Chief Deputy City Attorney, stated these recommendations would be forwarded to the City Council for final action.

7. OTHER BUSINESS

Chairperson Crow called for any other Business
Ms. Perry indicated there was no other business

8. PLANNING STAFF REPORT

- a. Ms. Perry indicated the planning department has been actively working on the rewrite of the zoning ordinance, known now as Unified Development Code as it is moved forward it will be presented at a planning commission special workshop for a walk through and discussion of the document prior to presenting for a vote.

Ms. Perry apologized to the commission for the second item on the agenda not proceeding as it should.

Vice Chair Hirsch thanked Ms. Perry and offered an apology as well. He also gave an update on the meeting he had with Ms. Perry on training for the commission and urged all the commissioners to actively review the training memos as they are presented.

9. COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Crow updated on the great progress of Vice-Chair Ed Nyberg, and also thanked Vice-Chair Hirsch for spearheading the topics for training for the commission.

10. NEXT MEETING

The next regular meeting of the Planning Commission is scheduled for May 26th 2022 at 6:00 p.m., in the Council Chambers located at 5850 W. Glendale Ave, Glendale, Arizona, 85301.

11. ADJOURNMENT

Chairperson Crow called for a motion to adjourn
Commissioner Cole made a motion to adjourn and Commissioner Geurs 2nd the motion
All commissioners AYE the meeting was adjourned

The Planning Commission meeting minutes of _____, 2022 were submitted and approved this ____ day of _____, 2022.

Lisa Wilson
Recording Secretary