

DRAFT



MINUTES

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

**AUGUST 25, 2022
6:00 P.M.**

1. CALL TO ORDER

2. ROLL CALL

Present: Vern Crow, Chair
Edwin Nyberg, Vice Chair
Tom Cole, Commissioner
John Crow, Commissioner
Martin Nowakowski, Commissioner
John Geurs, Commissioner

Also Present: Tabitha Perry, Planning Manager
James Gruber, 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 THE MINUTES

- a. Planning Commission Minutes of June 23, 2022, regular meeting.
Chairperson Crow called for an approval of the regular meeting minutes for June 23rd 2022.
Vice-Chair Nyberg made a motion to approve the minutes and Commissioner Cole 2nd the motion passed.

5. WITHDRAWALS AND CONTINUANCES

Chairperson Crow asked for any withdrawals or continuances.

Ms. Perry indicated item H, ZTA22-01 - A request by the Glendale Planning Commission for amendment to the Glendale Zoning Ordinance, Section 7.800 (Medical Marijuana) to allow dispensaries to locate within Light and Heavy Industrial zones (M-1 and M-2); removing the distance requirement between marijuana dispensaries and related cultivation and product manufacturing facilities located within M-1 and M-2 zones; and requiring emission controls for marijuana cultivating, dispensing and manufacturing facilities. Staff Contact: George Gehlert, Senior Planner (623)930-2597 ggehlert@glendaleaz.com.

This item would be brought back to a workshop and public hearing at a later date.

6. PUBLIC HEARING ITEMS

- a. CUP22-03 Emperor Gun Shop-Home Occupation Class II- A request by David Lee, for a Conditional Use Permit to allow the sale of firearms as a Home Occupation Class II in the R1-6 (Single Residence) zoning district. This site is located at 4820 W Montebello Avenue. It is in the Cactus District. Staff Contact: Christina LaVelle, Senior Planner, (623) 930-2553 clavelle@glendaleaz.com.

Ms. Lavelle made the staff presentation.

Chairperson Crow called for questions from the Commission.

Commissioner Crow asked to confirm a case similar to the current case had been approved unanimously with the house having no code violations, Commissioner Crow asked for confirmation if the front lawn was grass, if the trailer parked on the side of the house on the street belonged to the applicant and, if the 2 vehicles parked on the side of the house were violations.

Ms. Lavelle indicated the applicant could answer if the trailer belonged to him and if it was currently parked there and indicated the homeowner is allowed to park on the side and back of the house.

Planning Manager Tabitha pointed out the picture was not a representation of what is parked at the house today.

Commissioner Cole asked if home businesses like these were subject to inspection from fire or building safety?

Ms, Lavelle indicated with this case there wouldn't be a fire or building inspection, however ATF compliance is required and that would be city monitored.

Commissioner Nowakowski appreciated the approval would become null and void if the applicant leaves the property and to verify ATF approval was a condition of approval.

Ms. Lavelle confirmed both points.

Vice-Chair Nyberg requested the operating hours as outlined in the staff report be included as a stipulation.

Ms. Perry indicated the stipulation could be added.

Chairperson Crow asked for questions as there were none and, he called for the Applicant presentation.

The Applicant Mr. David Lee indicated he has a businesses license and a Federal Firearms Licenses from ATF issued in March 2021.

Mr. Lee asked the stipulation regarding the customer log be changed from "provided" to "made available" to comply with ARS 13-3108.

Atty Gruber indicated the change to the wording is acceptable.

Mr. Lee inquired what would be the process if he wanted to change his hours in the future. Chairperson Crow asked to clarify that the applicant operating between 7:00 to 10:30 is ok, Ms. Perry indicated that is correct.

Commissioner Crow asked for his previous questions to be answered in regard to the grass in the front yard, the trailer parked on the street and the vehicles on the side of the house. Mr. Lee indicated there was gravel on the side, grass in the front. The property owner no longer owns the trailer and only one vehicle parked on the side of the house. Mr. Lee confirmed he was not the property owner.

Commissioner Crow asked if we could issue the CUP to someone that is not the property owner and the owner not being there, Commissioner Crow also asked does the stipulation state null and void if the applicant or owner no longer resides in the home. Ms. Perry confirmed as a representative for the owner, the CUP could move forward, and the stipulation is if the registered business owner moves.

Commissioner Geurs wanted to know if there was a safe on the premises, how many guns does the applicant plan on servicing and does the applicant expect the customer traffic to effect the goings-on in the neighborhood especially on weekends. Mr. Lee's ATF license allows him to store and repair the firearms the purpose of this application is to allow in person servicing. He has the appropriate safe, however couldn't estimate customer traffic.

Commissioner Geurs confirmed how the business would operate and also asked how much ammunition is stored on the property. Commissioner Geurs also stated his concern by making this business public makes him a target what extra precautions are being taken. Mr. Lee confirmed the workflow of appointment only and stated he presently does not store ammunition for resale. Mr. Lee feels he has taken the appropriate precaution to make his home business safe.

Commissioner Geurs asked if the applicant had addressed the neighbors concerned who have emailed in opposition of the approval. Mr. Lee indicated he had talked to several neighbors and no one to his knowledge had disapproved.

Chairperson Crow called for citizens comments. Mandy Bilyou, Associate Superintendent for Operations at Alhambra, 23831 N. 65th Dr., Glendale AZ 85310. Ms. Bilyou spoke in opposition to the approval of the CUP referencing the proximity to schools.

Chairperson Crow asked for closing comments from applicant.

Commissioner Cole asked the applicant in his new operating capacity how much foot traffic does he anticipate. Mr. Lee indicated he couldn't estimate that, however since it is by appointment and there was only 1 parking space he didn't anticipate any issues.

Chairperson Crow asked did he anticipate 50 or 5 or 10 people? Mr Lee said he couldn't estimate since he hasn't been allowed to market in that capacity.

Commissioner Cole verified this wasn't a walkup retail proposition. Mr. Lee confirmed it was not.

Commissioner Geurs inquired what kind of guns would be serviced in the home.

Mr. Lee indicated any legal firearm.

Chairperson Crow asked Staff for final comments.

Ms. Lavelle indicated no final comments.

Chairperson Crow called for a motion.

After a discussion Commissioner Crow called for a motion to approve CUP22-03, updating the wording of the stipulation from "provided" to "made available" and adding a stipulation to operate from 8:00 am to 8:00 pm.

Atty Gruber stated he would not recommend putting in a stipulation that goes against any ordinance.

Commissioner Cole indicated the exact operating hours weren't included in the staff report.

Ms. Perry pointed out stipulation #1 referred to the narrative that gave the typical operating hours.

Commissioner Cole amended his motion to approve CUP22-03 updating the wording of the stipulation from "provided" to "made available" and operational hours that are consistent with the city ordinance.

Vice Chair Nyberg 2nd the motion

AYE:

Chair Vern Crow

Vice-Chair Ed Nyberg

Commissioner Tom Cole-explained vote acknowledging the concerns of the school district.

Commissioner John Crow

Commissioner Martin Nowakowski

Commissioner John Geurs

PASSED

Mr. Jim Gruber, Chief Deputy City Attorney, stated this is final action by the Planning Commission subject to appeal within 15 days.

- b. CUP22-04 Cobblestone Auto Spa - A request by Jesse Macias, with M3 Design, representing, for a Conditional Use Permit to allow a carwash in an existing Thompson Thrift PAD (ZON21-18). This site is located the southeast corner of 99th Avenue and Northern Avenue. It is in the Yucca District. Staff Contact: Christina LaVelle, Senior Planner, (623) 930-2553 clavelle@glendaleaz.com.

Ms. Lavelle made staff presentation.

Chairman Crow asked for questions form the commission.

There were no questions.

Chairman Crow asked for the applicant presentation.

Jesse Macias was available for questions.

Commisioner Geurs asked how much water is used and recycled.

Mr. Macias said he didn't have the volume, but they use the reclaimed water for undercarriage and tires.

Commissioner Nowakowski asked what is going in the lot next to applicant.

Mr. Macias said the Black Rock Café is in the lot next to them as well as a gas station.

Chairperson Crow there were no speaker cards or final comments from staff closed the public hearing.

Commissioner Geurs made a motion to approve CUP22-04 subject to the stipulations found in the staff report.

Commissioner Crow 2nd the motion

AYE:

Chair Vern Crow

Vice-Chair Ed Nyberg

Commissioner Tom Cole

Commissioner John Crow

Commissioner John Geurs

NAY

Commissioner Martin Nowakowski -explanation wanted more variety in the area.

PASSED

Mr. Jim Gruber, Chief Deputy City Attorney, stated this is final action by the Planning Commission subject to appeal within 15 days.

- c. CUP22-07 Cyber Car Wash - A request by John McGhee, on behalf of Cole Design Group Inc., representing Olive Marketplace LLC, for review of a Conditional Use Permit to allow a car wash (convenience-oriented use) on 1.16 acres in a C-2 (General Commercial) zone. The site is located at 5131 West Olive Avenue, Glendale, Ariz., and is in the Barrel District. Staff Contact: George Gehlert, Senior Planner (623)930-2597 ggehlert@glendaleaz.com .

Mr. Gehlert made the staff presentation.

Chairman Crow called for questions from the Commission there were none.

Chairperson Crow called for the applicant presentation.

Mr. Westbrook indicated he didn't have a presentation was open to questions.

Commissioner Cole stated he appreciated seeing development in the Barrel district.

Chairman Crow having no speaker cards and nothing for final comments from staff closed the public hearing.

Commissioner Cole made a motion to approve CUP22-07 subject to the stipulations as outlined in the staff report.

Vice Chair Nyberg 2nd the motion

AYE:

Chair Vern Crow

Vice-Chair Ed Nyberg

Commissioner Tom Cole

Commissioner John Crow

Commissioner Martin Nowakowski

Commissioner John Geurs

PASSED

Mr. Jim Gruber, Chief Deputy City Attorney, stated this is final action by the Planning Commission subject to appeal within 15 days.

- d. ZON22-09 - A request by Paul Gilbert and Andy Jochums, on behalf of BeusGilbertMcGroder PLLC, representing LDR-NWC 91st & Camelback LLC (owner), to rezone 4.96 acres from A-1 (Agricultural) to PAD (Planned Area Development). The site is located at the Northwest corner of 91st Avenue and Camelback Road; and is in the Yucca District. Staff Contact: George Gehlert, Senior Planner (623)930-2597 ggehlert@glendaleaz.com.

Mr. Gehlert made staff presentation.

Chairman Crow called for question from the Commission, there were none and had no speaker cards.

Chairman Crow called for the applicant presentation.

Mr. Jeffrey Lyle said he was available for questions.

Commissioner Geurs asked if they knew what types of restaurants would be in the development.

Mr. Lyle indicated that hadn't been decided.

Chairman Crow closed the public hearing.

Commissioner Nowakowski made a motion to approve ZON22-09 subject to the stipulations in the staff report.

Commissioner Geurs 2nd the motion

AYE:

Chair Vern Crow

Vice-Chair Ed Nyberg

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.

- e. GPA22-02 -ZON22-10 Minor General Plan Amendment and Rezoning Application: A request by Benjamin Graff, on behalf of Quarles & Brady, LLP., for a Minor General Plan Amendment from PC (Planned Commercial) to EMU (Entertainment Mixed Use) and a Rezoning application to amend the existing Cornerstone at Camelback PAD (Planned Area Development). The site is located at the northeast of and Camelback Road and 99th Avenue and is in the Yucca District. Staff Contact: Edward Vigil, Senior Planner, (623) 930-3071, evigil@glendaleaz.com

Mr. Vigil made the staff presentation.

Chairman Crow called for questions from the Commission, there were no questions and no speaker cards.

Chairman Crow called for the applicants' presentation.

Benjamin Graff & Michael Antonelli was available to answer any questions.

Commissioner Nowakowski asked how long they have been working with the City and appreciated the quality of the project.

Mr. Gaff indicated they worked with the city for about 7 months, and worked hard to bring a quality project.

Chairman Crow having no further comments from staff closed the public hearing.

Commissioner Nowakowski made a motion to approve GPA22-02 as written and ZON22-10 subject to the stipulations in the staff report.

Commissioner Crow 2nd the motion

Roll Call

Vote for GPA22-02

AYE:

Chair Vern Crow
Vice-Chair Ed Nyberg
Commissioner Tom Cole
Commissioner John Crow
Commissioner Martin Nowakowski
Commissioner John Geurs

PASSED

Vote for ZON22-10

AYE:

Chair Vern Crow
Vice-Chair Ed Nyberg
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.

- f. ZON22-11 - A request by Jon and Adam Froke, on behalf of Froke Urban Planning LLC, representing Ed Bailey (property owner), for an amendment to the Planned Area Development for Urban 95. The site is located at the Southwest corner of North 95th Avenue and West Missouri Avenue; and is in the Yucca District. Staff Contact: George Gehlert, Senior Planner (623)930-2597 ggehlert@glendaleaz.com.

Mr. Gehlert made the staff presentation.

Chairperson Crow called for questions from the commission.

Commissioner Nowakowski asked what is the staff argument to support 15 stories

Mr. Gehlert said a need for housing, and it fits the area.

Commissioner Nowakowski said there are 2 stories and then 15 stories, doesn't see it.

Commissioner Cole echoed that 15 stories is a concern, hopes staff will work with Fire during the design process

Chairman Crow called for applicant presentation.

John Froke, applicants' representative, stated in regard to building height they would be working with Fire and Building Safety also indicated he was available for questions

Commissioner Geurs asked in relation to the State Farm Stadium what would be 15 stories.

Mr. Froke said the Stadium and adjacent hotel is about 12-15 stories.

Commissioner Nowakowski commented going up makes room of additional amenities, would the applicant be open to mix-use with some kind of retail on the first floor.

Mr. Froke said during the design review they would be open to that and amenities.

Commissioner Nowakowski asked staff for clarification if the mixed use, first floor retail needed to be a stipulation.

Ms. Perry indicated they could add that as a stipulation if the commission wanted it the case would go through the administrative design review where specifics would be decided.

Applicant Ed Bailey was available to answer questions.

Commissioner Crow stated it looked like a good project and there was a need of density in

that area.

Commissioner Nowakowski wanted to know if the applicant would go on record to having retail on the first floor.

Mr. Bailey indicated they wanted luxury living with amenities available for the tenants and stated they would work with staff in design review.

Commissioner Nowakowski indicated he would have faith they would work it out.

Chairman Crow having no speaker cards and no further questions or comments from the commission and staff closed the public hearing.

Commissioner Geurs made a motion to approve ZON22-11 subject to the stipulations in the staff report.

Commissioner Crow 2nd the motion

AYE:

Chair Vern Crow

Vice-Chair Ed Nyberg

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.

- g.** ZON22-13 Northern Parkway Commerce Center- A request by Benjamin Tate, representing Withey Morris, PLC, on behalf of Desert Leasing LLC, to rezone approximately 134 gross acres from RR-45 (Rural Residence) to PAD (Planned Area Development) to allow for the development of an industrial, logistics, and commerce complex. The site is located west of the southwest corner of Northern Parkway and Dysart Road and is in the Yucca District. Staff Contact: Christina LaVelle, 623-930-2553, clavelle@glendaleaz.com.

Ms. Lavelle made the staff presentation.

Chairperson Crow called for questions from the commission, Commissioners had no questions.

Benjamin Tate representing the applicant was available for comment.

The Commission had no questions, as there were no speaker cards and staff had no further comments Chairman Crow closed the public hearing.

Commissioner Nowakowski made a motion to approve ZON22-13 subject to the stipulation in the staff report

Vice Chair Nyberg 2nd the motion

AYE:

Chair Vern Crow

Vice-Chair Ed Nyberg

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.

- h. ZTA22-01 - A request by the Glendale Planning Commission for amendment to the Glendale Zoning Ordinance, Section 7.800 (Medical Marijuana) to allow dispensaries to locate within Light and Heavy Industrial zones (M-1 and M-2); removing the distance requirement between marijuana dispensaries and related cultivation and product manufacturing facilities located within M-1 and M-2 zones; and requiring emission controls for marijuana cultivating, dispensing and manufacturing facilities. Staff Contact: George Gehlert, Senior Planner (623)930-2597 ggehlert@glendaleaz.com.

ITEM CONTINUED

7. OTHER BUSINESS

No other business

8. PLANNING STAFF REPORT

- a. Ms. Perry introduced Randy Huggins Jr. new Development Services Director

9. COMMISSION COMMENTS AND SUGGESTIONS

Commissioner Nowakowski stated on the Urban 95 project was near the Glendale airport and wanted staff to pay attention to that.

10. NEXT MEETING

The next regular meeting of the Planning Commission is scheduled for September 22, 2022 at 6:00 p.m., in the Council Chambers located at 5850 W. Glendale Ave, Glendale, Arizona, 85301.

11. ADJOURNMENT

Chairman Crow called for a motion to adjourn

Commissioner Cole made a motion to adjourn

Vice Chair Nyberg 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