

# DRAFT



## MINUTES

**PLANNING COMMISSION**  
**Confoerence Room B3**  
**5850 W. GLENDALE AVE.**  
**GLENDALE, ARIZONA 85301**

**OCTOBER 27, 2022**  
**5:00 P.M.**

**1. CALL TO ORDER**

Chairperson V. Crow called the meeting to order and asked parties present to introduce themselves and their districts.

**2. ROLL CALL**

**Present:**

- Vern Crow, Chair
- Edwin Nyberg, Vice Chair
- Tom Cole, Commissioner
- John Geurs, Commissioner

**Absent:**

- John Crow, Commissioner
- Martin Nowakowski, Commissioner

**Also, Present:**

- Randy Huggins, Development Services Director
- Tabitha Perry, Planning Manager
- James Gruber, City Attorney
- Mr. Matthew Klyszeiko, AICP
- Tawanda Walker-Hall, Recording Secretary

**3. WORKSHOP ITEMS**

a. **UNIFIED DEVELOPMENT CODE (UDC) (Report updated on 10/20/2022)**

Presented by: Matthew Klyszeiko

**Topic 1- Accessory Uses:**

Chair V. Crow : Thank you very much. We have only one (1) item tonight, Unified Development Code (UDC).

Ms. Tabitha Perry: would you like for your staff to do the presentation?

Mr. Matthew Klyszeiko made UDC presentation.

Commissioners and attendees were advised seven (7) topics identified in a prior meeting would be discussed and potentially identify other areas of interest, if necessary. First topic, Accessory Uses. Proposed comparison of the current standards to the UDC. Accessory use standards are defined guidelines, applicable to the accessory type and have provisions for how to address accessory use related to a storage area, a building, or a deck; all which require different provisions.

Commissioner Cole: The height of the building is in ground level grade level 3-feet lower in the back, and you have a 10-foot building. Do you follow the formula up to the setback for that zoning district?

Mr. Klyszeiko: We are trying to make it fair and responsible. So, the thought was why not cap it at that maximum setback.

Commissioner Guers: The height of the building is that ground level grade level?

Mr. Klyszeiko: Yes, height is determined based on the definition of height based on the zoning code or UDC. It's based off ground elevation. We also provide exceptions for movable structures' alley conditions and A1 zoning district.

Commissioner Cole: In the instances where someone says has a 2000 square foot house, on a 3rd of an acre and a half, and they want to put up a 3000 square foot shop, is there a process for a variance?

Mr. Klyszeiko: They would follow the larger zoning districts, and therefore they would be accepted out. Accessory uses don't just stop at residential areas, but we want to be lenient to non-residential areas as well.

Commissioner Cole: Would you say half acre and above is characterized as a large lot?. Referred to page p. 120 of the packet.

Mr. Klyszeiko asked if Commissioners feel like a half-acre is the threshold? We may have to consider which exceptions and zoning districts (min. 45,000) we want to accept out. Even at the rate it's not going to qualify.

Chair V. Crow & Commissioner Cole reach a consensus to change the 45,000 to 43,000 to accept all 1 acre lots because that would include the 1/2 acre lots.

Mr. Klyszeiko: Do we care about the character of the area or are we recognizing the size? Right now, it is looking at the zoning not the size of the lot. Commissioners, you all are tracking in the right direction, what would be preferred?

Commissioner Cole: If you have a residential area, and all lots are 1 acre? Is that

considered large lots?

Chair V. Crow: I think that the size of the lot needs to be considered. Commissioner Cole pointed out that there are already large lots that would want access to accessory use. Rather than create someone that is out of compliance, lets look at that and figure out how to give them some consideration.

Ms. Perry: The commissioners are spot on, and this is not something they typically see. Even though an individual may be in a specific zone their lot size is often larger. These are some of the concerns we have heard over the years.

Mr. Klyszeiko: Do you all have a threshold? Half-acre and above?

Chair V. Crow: I am truly concerned with the 1 acre lots.

Mr. Klyszeiko: Language says that the material of the accessory building must be comparable to the primary structure. The more specific you are the longer the code language will be.

Moved to the next topic.

## **Topic 2 - Neighborhood- Neighborhood Notification Requirements**

Mr. Klyszeiko: Most require a notification within 300 feet As projects gets larger, they have more of an impact to the surrounding area. Therefore, the goal is to increase the notification distance the larger project. We would follow this for the zoning, conditional use permit, variance, and administrative review. We used Peoria for a comparison of notifications based on application types.

Commissioner Guers: Can you explain the distances from where to where?

Mr. Klyszeiko: From the property line 500 feet, in a Minor General Plan Amendment, it would be whatever that touch is at that point. So, if its portion, of the parcel they would receive a notification.

Commissioner Guers: How do you find all those addresses?

Mr. Klyszeiko: The Maricopa County Recorders captures and manages all property addresses. We gather the information from them.

Vice-Chair Nyberg:- Agreed to expand the NOPH.

Commissioner Guers: Questioned if notification should be given to the residents that live there versus the owners.

Ms. Perry: We take into consideration that it's the property owner that would be affected by any development being placed next to that property. Therefore, it's more important that we notify the owner as they would be more invested than a renter. As a curtsey the owner may notify the renter.

Commissioner Guer: How are notifications done now?

Mr. Klyszeiko: Notifications are done the same as in the past except now you can find them digitally. Many state statues require newspaper notification.

Commissioner Cole questioned Initial Zoning at 300 ft.

Mr. Klyszeiko:- the initial zoning is 300 ft.; not much discussion about what it can be.

Ms. Perry: Provides context, its far and in between that we only have annexation applications. Typically, an applicant does an annexation and at a minimum a zoning is attached. So, in comparison, annexation and zoning applications are combined for the property, they would use the most compatible zoning. Now that the ap annexation application is coupled with a zoning, it would increase the notification area from 300 ft to 500 ft based on the chart. To avoid sending out two separate notifications.

Mr. Klyszeiko: The goal of expanding notifications we may catch an HOA, and they would notify the neighborhood; This does not always happen. This helps get the word out in the community. Also, moves us a way from why the notification distance is so small. Therefore, the more appellation types included the wider the notification requirements will be.

Moved to the next topic.

### **Topic 3 - Planned Residential Development**

Mr. Klyszeiko: Residential development the PRD overlay starts on page 52. Planned residential development in the current zoning hard zoning district defines your property; we have different overlays that allow for different conditions depending on the provision. PAD goes through full public hearing process and then to council oppose to PRD. Are we insuring there is a balance between PRD and PAD process? Do want to offer flexibility; because if they're the same then do we need both processes? PRD needs to have a benefit to using it versus the PAD.

Vice-Chair Nyberg: What percentage would it be applicable to this new process?

Ms. Perry: At this time cannot quantify it as we have not had many.

Commissioner Cole: Does this consistent when we look at other communities?

Mr. Klyszeiko: For example, The City of Phoenix regulates by setting a stringent set of guidelines

Ms. Perry: Having this draft will allow the applicant to determine if they can work within the guidelines. And if they cannot; they proceed with addressing planning commission and council? Allows flexibility to get to development sooner than later.

Moved to the next topic.

### **Topic 4 – Tiny Homes**

Mr. Klyszeiko: Something at the top of many residents minds are tiny homes. Initially tiny homes were viewed as accessories. Based on the current code they are regulated on RV and Mobile homes. We already have language that guides the items. The current code does not limit residents from building anything they want. In the new code we wanted to add a definition for tiny dwelling homes. We received a lot of push back as it impacts neighborhood character. Development trends show an increase in tiny home use.

Commissioner Guers: How many tiny homes can you put on your property?

Mr. Klyszeiko: Just one; not to exceed the squared footage of your primary home.

Chair Nyberg: What prohibits me from putting up a doublewide now?

Mr. Klyszeiko: Manufactured homes are only allowed in certain zoning districts. Tiny homes are difficult because they can be built on site.

Chair Nyberg: Is there, no way we can use an overlay to keep them out of certain areas?

Mr. Klyszeiko: Ms. Perry and I decided at this time that this not an issue today and were not sure if wanted to address size would be appropriate.

Commissioner Cole: If you consider the trend of the lease bungalows; we are trending to downsizing.

Mr. Klyszeiko: We have a development type for rent to own which would address that. And we added that to the principal use table. If someone wants to do tiny home PAD, we currently have tools for them to do so.

Ms. Perry: If you go back to PAD, ultimately planning commission will have to make next determination and send it to city council. Currently, there are too many what ifs to make definitive decisions.

Moved to the next topic.

### **Topic 5 – Off Street Parking**

Mr. Klyszeiko: UDC focuses specifically on off-street parking (non-residential). Existing off-street in the current code is much shorter as they lump uses together. Parking justification study was completed to establish a way for a client to complete a parking study requesting reduction in parking using a very stringent process. The UDC will address flexibility by using right sizing parking to address the nuances. Alternative parking standards, allows for provisions so that the applicant can account for multiple uses of the parking site.

Commissioner Cole: How does that apply to things like State Farm Stadium?

Ms. Perry: Projects of that nature, other agreements were made with the City to help regulate parking requirements needed to supply the NFL.

Commissioner Cole: Developers will use the UDC standard and if there is a development agreement that needs modification then for a particular project that would go through a process.

Ms. Perry: Yes.

Mr. Klyszeiko: Passenger loading standards were upgraded as it relates to passenger loading specifically.

Commissioner Cole: Residential off-site parking 35.4006; is this new code?

Mr. Klyszeiko: We worked with the Code Committee to address residential parking standards. We recognized the existing nonconforming “grandfathering” could create challenges with the existing residential parking requirement. The premise behind the UDC, focus on taking everything from the City Code and relative to development and

include it in the UDC. The City included parking in their code, and we are working to include some of it in the UDC.

Commissioner Cole: If you are developer and want to build a subdivision you go the City Code on how to build your driveway?

Mr. Klyszeiko: Yes, at this standpoint. We would like to include some of the language in the UDC. The guidance from a development standpoint will be pulled back into the UDC, but we need to decide if it will be duplicated or in one spot or the other.

Moved to the next topic.

Chair V. Crow: Reconvened meeting after five (5) minute break.

## **Topic 6 – Temporary Signs & Murals**

Mr. Klyszeiko: Tonight's, focus is on temporary signs and murals only. Highly regulated topic. Please keep in mind different signs: building, site, temporary signs, and murals has its own section but is not the same as a standard sign. Our current code is not Reed Compliant. A case brought to the Supreme Court in the Town of Gilbert: set precedent that sign regulations must be content neutral. Current code does regulate language against language that falls against the Reed decision. Although there is no language on the murals in the current code; it does have provisions for art conditions in the code. The UDC has been revised to make them Reed compliant. Although, there are still some nuances in the code that legal has pointed out; that we are working i.e., subdivision signs. We scrutinized temporary signs; heard from the public and are working towards more enhanced guidance for my common sign types.

Vice-Chair Nyberg: Are political signs an Arizona statute?

Mr. Klyszeiko: Political sign is another area we will be making modifications to. The challenge is you have to read political signs, but state statute regulates where and how political signs can be used. We will leave that guidance to be defined by the state. Therefore, the UDC would defer to the state code.

Commissioner Cole: Have you seen the realtor signs with the solar lights on them? This is a new type of sign. It illuminates the realtor signs at night?

Commissioners and Staff engaged in conversation about the illumination of the lighting.

Mr. Klyszeiko stated we will look further into these types of signs and preserving our night sky.

Mr. Klyszeiko: In regard to murals, we must be mindful of free speech. Overall, we do not regulate paint across the city. Some of the challenges are defining a mural versus a sign. Case law determines when a mural becomes a sign. The UDC identifies how murals will be regulated. Through administrative permits and design review process that would ensure that it does not go against the existing provisions; not whether it is liked. This is where the free speech can become a challenge.

Vice-Chair Nyberg: What would you run up against if just don't allow murals period?

Mr. Klyszeiko: Then we wouldn't define murals.

Commissioner Cole referenced an existing mural in Glendale that potentially could be a

copyright infringement asking Commissioners and staff if they had seen it. Staff stated no but they would investigate.

Mr. Klyszeiko: This is where the design review process would avoid potential issues.

Commissioner Cole: Does the City want to allow murals?

Mr. Klyszeiko: It's been acknowledged that we have plenty of examples that are historical or existing murals that bring character, and we do not want to remove that. The benefit outweighs eliminating murals all together. This excludes public commissioned art.

Moved to the next topic.

### **Topic 7 - Recreational Marijuana**

Mr. Klyszeiko: Language in the current code guides where facilities can be located. Prop 207 was passed in 2020; effective January 2021. State regulated marijuana, the UDC wants to make sure that we don't conflict with state regulations. We approached changes by addressing recreational the same way you would a medical facility based on state regulations to avoid conflict. Therefore, we would allow dual licensure.

Commissioner Cole: We just wanted to make sure were being consistent with medical marijuana regulations.

Mr. Klyszeiko: We looked at other cities to compare to, see what the trend was, and how they were treating licensees. The majority agreed to dual licenses to avoid having to regulate another set of licenses.

#### **4. ADJOURNMENT**

**With no other business Chairman Crow called for a motion to adjourn.  
Vice-Chair Nyberg made a motion, Commissioner Cole, 2nd the motion.  
Chairman Crow adjourned the meeting at approximately 7:30 pm.**

The Planning Commission meeting minutes of October 27, 2022, were submitted and approved this 8th day of December 2022.

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Tawanda Walker-Hall  
Recording Secretary