

DRAFT



MINUTES

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

**NOVEMBER 10, 2022
6:00 P.M.**

1. CALL TO ORDER

Chairperson Crow called meeting to order at approximately 6:01 pm.

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
Alex Lerma, Senior Planner
Tawanda Walker-Hall, Recording Secretary

3. CITIZEN COMMENTS

There were none.

4. APPROVAL OF THE MINUTES

Chairperson Crow called for approval of Planning Commission Meeting and Workshop Minutes of September 22, 2022.

Vice-Chair Nyberg motioned and Commissioner Cole seconded.

All Commissioners voted Aye.

Motion carries to approve minutes.

- a.** Planning Commission Meeting and Workshop Minutes of September 22, 2022.

5. WITHDRAWALS AND CONTINUANCES

There were none.

6. PUBLIC HEARING ITEMS

- a. ZON22-14 A request by Michael S. Buschbacher II, on behalf of Earl & Curly, representing Mckinney Investment, to rezone approximately 38.1-acre site from M-1 (Light Industrial) to PAD (Planned Area Development) to allow for industrial and commercial uses.

Mr. Lerma presented the ZON22-14 staff presentation to the commissioners and public.

Commissioner Guers: The FAA approval won't come until after give the zoning change? What happens if they say no?

Mr. Lerma: We include Luke AirForce Base in several of our processes; first part is the rezoning request. Before building permits are issued, they will have to then get approval again from the FAA.

Commissioner Guers: If they don't get approval from the FAA?

Mr. Lerma: Then they cannot build that high.

Commissioner Guers: Would it have to come back for a lower level or is the project just scrapped?

Mr. Lerma: In a scenario where they want to go to 60 feet, but the FAA says, we want 30 feet. That will be the maximum height.

Commissioner Cole: Due we have a letter from Luke? Are anticipating a letter?

Mr. Lerma: Right now, we have a letter from Luke Air force base, that states they do not see any issues with the proposal, but that they still have to go through the FAA process.

Applicant Michael Buschbacher on behalf of Earl & Curly gave a presentation.

Chairperson Crow: Did you just say the haul road is on your property?

Applicant Buschbacher: Yes.

Chairperson Crow: How are you going to deal with that?

Applicant Mr. Buschbacher: It's an issue being dealt with by a different attorney for our client. McKinney Investments are in negotiations to come a resolution.

Chairperson Crow: They are aware of the situation, right?

Applicant Buschbacher: Both parties are aware, and they're working together. It's an issue not related to the zoning case.

Commission Crow: Have you reached out to that citizen? What was the complaint?

Applicant Mr. Buschbacher: It's the same person to the north with the palm farm. We conducted an analysis to determine its on our land.

Commissioner Crow: Do you know have an adverse position claim? Is that what's going on?

Applicant Mr. Buschbacher: I can't speak to that.

Chairperson Crow dismissed applicant.

Cynthia Graber completed a yellow speaker card. Property manager of 16601 W. Bethany LLC and Blake's Land Development LLC. Concerned did not receive notification and Southern Hall Rd development would cause a hardship to their operation. Expressed concerns to Mr. Buschbacher who stated he would let the property owner know. I haven't heard from anyone.

Chairperson Crow: Do you have any closing comments?

Applicant Mr. Buschbacher: It is intended that they will reach out. This is not issued to be resolved, for the zoning case. They're planning on going back and taking further look at the site plan to see how they can accommodate and come to some sort of solution. My mailing list was certified by Earl & Curly and their names are on there. Cannot explain why this one was not delivered.

Commissioner Crow: Motioned to approve ZON22-14.

Chairperson: Do hear a second?

Vice-Chair Nyberg seconded.

Chairperson Crow: Any further comments are discussions for ZON22-14?

Commissioner Geurs: Could we add a stipulation for the City to investigate this road, to make sure it's written down, even though it's a part of the zoning development. Are they paving the roads or doing of that stuff? Can that be added at all?

Chairperson Crow: I don't think so. This is a zoning case and I don't know that this is appropriate. Going to reference to our legal counsel, Mr. Gruber

Attorney Gruber: It's really your discretion. If you want to add that I can't comment on whether that is appropriate. That's a decision for the commission to make.

Chairperson Crow: That seems to be a situation out of our purview.

Attorney Gruber: That does not sound like the kind of issue that city staff would generally investigate.

Chairperson Crow: I agree.

Commissioner Nowakoski: The developer did say they would look at the site plan, and we'll try to resolve the matter.

Chairperson Crow: It's a property ownership issue that sounds like it needs to be litigated. That's not in our purview.

Chairperson Crow: Move forward with vote.

Commissioner Cole: This zoning case is not within our purview. I hope the developer can

come to some type of accommodation with neighbors. Votes Aye.

Commissioner Nowakoski: I echo the words of Commissioner Cole.

Chairperson Crow Agreed with Commissioner Coles comments.

All Commissioners vote Aye.

Chairperson Crow: Case recommended for approval subject to stipulations outlined by the staff.

Attorney Gruber: Your recommendation will be forwarded to City council.

- b.** GPA22-03 AND ZON-22-12 A request by William Lally and Ray Banker / Tiffany & Bosco, PA for CCI-Fennemore LLC (owner) for consideration of a minor amendment to the Glendale General Plan.

Chairperson Crow: Next case GPA22-03 and ZON22-12. When we vote on the items, I will take those separately.

Mr. Lerma presented the GPA22-03 and ZON22-12 staff presentation to the commissioners and public.

Ms. Perry: For clarity when you look the packet in the PAD the applicant proposed different landscaping setbacks, in working with the applicant we agreed upon an additional buffering and that is what the stipulations reflect.

Commissioner Crow: How much additional buffering are you outing in?

Ms. Perry: In the packet for the PAD, the applicant can speak on this in greater detail. If you look at the staff report, and it talks about the project details. There's a table that provides a summary of the proposed development standards, when you go down to it shows the landscaping setbacks. And what you can see is what the applicant was proposing. Based on the feedback we received from the citizens and based on staff working with applicant. We agreed upon needing additional buffer.

Commissioner Cole: Mr. Lerma with the new setback stipulation, this conceptual design still meets the .5 FAR. Or does the FAR have to be reduced based on the setbacks and stipulations?

Mr. Lerma: Properties that are within certain amps, those properties have to meet the requirement of the FAA. This property is outside the 65, the numbers get smaller as you go further away from Luke Airforce Base.

Commissioner Cole: I am assuming the original design incorporated a lot more floor space, are floor area ratio still .5 based on the setback stipulation?

Mr. Lerma: The floor ratio will stay the same. Modifications are specific to the building setbacks and landscaping.

Applicant Bill Lally with Ray Banker with Tiffany & Bosco presented.

Commissioner Cole: The traffic study, was it conducted prior to the schools to the west? Is that a fair statement?

Applicant Mr. Lally: Absolutely a fair statement. When count background traffic and if that use is not there. I think some assumptions in the traffic statement that engineers have to do for the uses that are permitted in the area. But when the use isn't there its hard-to-get specific accounting.

Commissioner Nowakoski: I wanted to confirm they in the narrative stipulation #1 has a date of September 1, 2022. On the things recommended in the narrative, prohibits adult businesses and marihuana facility and land uses with PAD request.

Applicant Mr. Lally: These stipulations are in addition to the narrative.

Commissioner Nowakoski: Is the narrative in our packet dated September 1, 2022?

Ms. Perry: Yes, it is dated September 1, 2022.

Commissioner Nowakoski: Can you tell how you are specific limiting truck traffic?

Applicant Mr. Lally spoke to the variety of ways truck traffic will be limited such as removing driveway from the front of homes, built-in pop outs, physical barriers, signage stripping, road improvement, drainage as required by Maricopa County. And will adhere to the dark sky guidelines.

Chairperson Crow advise Commissioners that tonight's hearing vote is not going to change the fact that it goes to Council at their next meeting. The first thing they will deal with is annexation.

Chairperson Crow received five (5) speaker cards in opposition to thr application.

Chairperson Crow: Commissioners anything final? Ms. Perry any final questions or procedural guidance?

Ms. Perry: As noted in your packet a lot of residents brought up valid points of what they are concerned about, for the record, the roads adjacent to this property are control by MCDOT. It will be maintained and controlled by MCDOT. Also, MCDOT would review the traffic study and absolutely our development team played a part in the review ultimately MCDOT has the final say as it relates to the access points and improvements.

Chairperson Crow: It is my understanding anything we do tonight is going to Council, and they're going to make the final decision.

Ms. Perry: That is correct.

Chairperson Crow closed public hearing. Call for motion to vote.

Commissioner Crow: Motion recommend rejection of GPA22-03

Vice-Chair Nyberg seconded.

Commissioner Cole: Point of clarification. Are regional mixed use supports residential development is residential development still possible under an RMU?

Ms. Perry: It is possible but what is before you is the rezoning of the PAD that does not allow for residential.

All voted Aye.

Chairperson Crow: Motion and a second to deny GPA22-03, as written.

Attorney Gruber: Your actions with respect to GPA22-03, is not final. Your recommendation will be forwarded to the City Council.

Commissioner Crow: We have a motion and a vote ZON22-12.

Commissioner Crow: I recommend denial of ZON22-12.

Vice-Chair: Support.

Chairperson Crow: We have a motion and second of denial of case ZON22-12. Conduct a roll call vote from my far right.

Commissioner Crow: Aye

Commissioner Nowakoski: I took to heart the ones that said, plans for growth has to make sense for the area. We need to understand the community and how growth is going to impact the whole area, votes Aye.

Commissioner Cole: I am not convinced that residential is the answer. This PAD, for me, is not the answer. I think it's a square peg in a round hole. I think it's quite possible some commercial development is going to have to be figured out for this area. votes Aye.

Vice-Chair Nyberg: Aye

Commissioner Geurs: This project is expanding the 303 corridor further West than it should, it's past the quarter mile. It's really not the proper project for this property. Aye

Chairperson Crow: I agree with comments of commissioner Nowakoski. I am concerned about some of the things about this project. I don't necessarily oppose the theory of the general project. But I think in this particular project might be a little overbearing for this area. Aye Case ZON22-12 recommended for denial. Mr. Gruber what are the next steps?

Attorney Gruber: Members of the commission like your action with respect to the companion, a general plan amendment. Your recommendation will be forwarded to the City Council. Ms. Perry any other business?

Chairperson Crow reminded Commissioners of the special offsite meeting will be held November 17th at 6:00 pm at Glendale Regional Public Safety Training Center located at 11550 West Glendale Avenue Room 130.

7. * OTHER BUSINESS

Discussion and recommendation of a new Chair and Vice Chair for appointment in January 2023.

Ms. Perry: Yes, the next item staff is asking recommendation and discussion on voting for next year's Chair and Vice-Chair and then at future meeting we will go through a process of a motion and a vote. Chairperson Crow.

Commissioner Cole: I'm in favor of preserving the status quo and fully supports Vice-Chair as

well.

Ms. Perry: For the record and clarification, can we hear one again who is the recommendation that's being considered for the vice and chair commissioners?

Commissioner Cole: I put forth recommendation Crow as chairperson and Nyberg as Vice-Chair for the planning commission.

Commissioner Crow: I second that.

8. PLANNING STAFF REPORT

There were none.

9. COMMISSION COMMENTS AND SUGGESTIONS

10. NEXT MEETING

The next regular meeting of the Planning Commission is scheduled for November 17th, 2022., in the Glendale Regional Public Safety Training Center 11550 W. Glendale Avenue, Glendale, AZ 85307.

11. ADJOURNMENT

Chairperson Crow called for a motion to adjourn.

Vice Chair Nyberg made a motion to adjourn, Commissioner Cole 2nd the motion.

All commissioners Aye the meeting was adjourned at approximately 7:42 pm.

The Planning Commission meeting minutes of November 10, 2022, were submitted and approved this ___ day of _____, 2023.

Tawanda Walker-Hall
Recording Secretary