



Wednesday, March 10, 2021

6:00 p.m.

Meeting Minutes

AGENDA AMENDED on March 9, 2021. Agenda Item #1 amended.

CALL TO ORDER

Chairman Bray called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chairman Patrick Bray; Vice Chairman Randy Barnes; Commissioner Jason Kish; Commissioner Kathleen Molony; Commissioner Walter Steiner; Commissioner Gregg Clymer; Commissioner Brian Ellison

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on February 10, 2021.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Gregg Clymer

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Kathleen Molony, Commissioner Walter Steiner, Commissioner Gregg Clymer, Commissioner Brian Ellison

Passed - Unanimously

PUBLIC COMMENTS

Non-Agenda items: This is the time for citizens who would like to address the Planning & Zoning Commission on any non-agenda item within the jurisdiction of the Goodyear Planning & Zoning Commission. Please complete a speaker card and give it to the Secretary. Each speaker is limited to three (3) minutes. Before you begin to speak, identify yourself by clearly stating for the record your name and whether you are a Goodyear resident. The Commission will listen to comments and may take any one of the following actions:

- Respond to criticism
- Request that staff investigate and report on the matter
- Request that the matter be scheduled for on a future agenda.

Agenda items: The Chairman will call for public comments as each agenda item is up for discussion. Please complete a speaker card for the Secretary, listing the agenda item on which you would like to speak. Each speaker is limited to three (3) minutes. Before you begin to speak, identify yourself by clearly stating for the

record your name and whether you are a Goodyear resident.

None.

DISCLOSURE OF EX PARTE COMMUNICATIONS

This is an opportunity for Commission members to disclose any ex-parte communications they may have had prior to this meeting on any item scheduled for discussion on this agenda.

None.

BUSINESS

2. PRELIMINARY PLAT FOR AVION AT BALLPARK VILLAGE

Planner Christian Williams presented the request for a Preliminary Plat for Avion at Ballpark Village subdividing approximately 153.65 acres into 575 lots, 49 tracts and 2 parcels. One of the two parcels will contain the central amenity center, the other parcel will be subdivided into additional lots as part of a separate future action. Existing land uses and zoning surrounding the subject property include the following:

- North - Estrella Vista (residential)
- South – Estrella Crossing Business Park (commercial) (vacant industrial) and Arizona Galvanized (industrial);
- East – Ballpark Village (vacant multi-family residential and commercial), Goodyear Ballpark;
- West – Sarival Village (residential)

The preliminary plat is consistent with the development standards established within the Avion at Ballpark Village Planned Area Development. The preliminary plat is consistent with public objectives, subdivision design principles and standards, and streets and thoroughfare planning. The information that accompanied it demonstrated the adequacy of utilities, open space and other public facilities necessary to serve the site.

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Walter Steiner to RECOMMEND approval for case 20-500-00008 PRELIMINARY PLAT FOR AVION AT BALLPARK VILLAGE. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish,
Commissioner Kathleen Molony, Commissioner Walter Steiner, Commissioner Gregg Clymer,
Commissioner Brian Ellison

Passed - Unanimously

PUBLIC HEARINGS

The following actions will take place for each public hearing item:

- A. Open the Public Hearing
- B. Staff Presentation
- C. Applicant Presentation (if applicable)
- D. Receive Public Comment
- E. Close the Public Hearing

3. **PEBBLECREEK PHASE II - NW PICKLEBALL AND REC** will not be considered at this meeting and will be re-noticed.
4. **COBBLESTONE EXPRESS CAR WASH USE PERMIT REQUEST TO ALLOW A CAR WASH USE ON PROPERTY ZONED PLANNED AREA DEVELOPMENT (PAD), GENERAL COMMERCIAL (C-2).**

Chairman Bray opened the public hearing at 6:07 p.m.

Assistant Planner Guadalupe Ortiz Cortez presented the request for a Use Permit for a car wash on a 1.81-acre property zoned PAD, C-2 (General Commercial) located North of W. Yuma Road and East of S. Cotton Lane, south of Target at the Canyon Trails Towne Center. The subject property consists of 1.81 acres within the Canyon Trails Towne Center. The original Canyon Trails Towne Center Planned Area Development envisioned a car wash in this location of the center. The proposed site contains an automated car wash and 30 self-service vacuum stations/parking spaces. Customers remain in their vehicles through the pay and wash process and have the option of self-vacuuming their vehicles prior to or after the tunnel wash. The site will provide 13 new parking spaces to be shared with the Target and four bicycle parking spaces on-site. The proposed site includes a 5,359 square-foot car wash building.

The building is oriented with the tunnel entrance and exit facing north and south onto Yuma Road. Zoning Ordinance, Article 3-3-6-B-7-b does not allow carwash service bays fronting onto public streets, however this building orientation is preferred to avoid creating detrimental noise impacts onto the Canyon Trails neighborhood east of the subject property. The car wash entrance tunnel will be screened with 6 foot-wall with a steel trellis from view on Yuma Road. The proposed business hours of operation will be Monday through Sunday from 7:00 AM to 8:00 PM. The car wash will employ 10-12 employees during different daily shifts.

Site improvements will include adding additional parking spaces and landscape. The Canyon Trails Towne Center has City Council approved Design Guidelines that include colors and materials to be used by all businesses in the center. Staff encourages the use of corporate colors as accents. Staff is considering approval of the corporate colors used as accent colors only. The proposed building height is 30 feet, not counting the screen wall, which is under the 56-foot maximum building height established for the C-2 (General Commercial) zoning district. Customers will have the option of vacuuming their car first or entering the queue for the car wash. Customers may pay for the car wash in one of three pay station lanes, continue southeast and turning north into the car wash tunnel entrance. After exiting the car wash tunnel, customers may exit the property continuing north or may turn west to return to the vacuums area. The car wash offers a "racetrack" traffic circulation method to facilitate one-way motions to minimize vehicular conflict in the property. The parking-vacuum canopies provide shade while customers vacuum their vehicles. All vacuum equipment is housed within the main building for noise insulation. The main building includes the car wash tunnel, an office, a storage room, a restroom, and vending machines.

To mitigate potential noise to the adjacent business and neighborhood, the applicant will house all vacuum equipment within the main building. In addition, the applicant is installing dryer blower silencers at the car wash tunnel exit to mitigate noise concerns. A noise exhibit was provided showing the noise decibel levels at various distances from the car wash. Noise levels are predicted to be high at the northern property line, 74.1dB adjacent to Target, thus stipulation has been added to ensure future noise complaints can be mitigated. The Site Plan was submitted concurrently. Site Plan will be approved administratively upon Use Permit approval.

Jesse Macias representing the applicant was available for questions and agreed with the staff recommendation.

There being no public comment, Chairman Bray closed the public hearing at 6:13 p.m.

MOTION BY Commissioner Kathleen Molony, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case 20-300-00008 COBBLESTONE EXPRESS CAR WASH USE PERMIT REQUEST TO ALLOW A CAR WASH USE ON PROPERTY ZONED PLANNED AREA DEVELOPMENT (PAD), GENERAL COMMERCIAL (C-2). The motion carried by the following vote:

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Kathleen Molony, Commissioner Walter Steiner, Commissioner Gregg Clymer, Commissioner Brian Ellison

Passed - Unanimously

5. **ASLD REZONE**

Chairman Bray opened the public hearing at 6:14 p.m.

Planning Manager Katie Wilken presented the request to rezone approximately 1,100 acres of State Trust Land located east of Perryville Road, south of Indian School Road, west of Citrus Road and north of McDowell Road from Agricultural (AG) to Planned Area Development (PAD). The property was annexed into the city in 1982 with the adoption of Ordinance 82-141. In accordance with a development agreement adopted by Resolution 07-1131, an application to rezone the subject property to Preliminary PAD was filed in 2009 (Case 09-200-00005). The rezone application included multiple State Trust Land properties located throughout the city. Due to the downturn in the economy, the application was withdrawn and not pursued any further.

The property is State Trust land that is managed by the Arizona State Land Department (ASLD). State Trust land is different from public land such as parks or National Forests. Trust lands are managed by the ASLD to generate revenue for K-12 schools and 12 additional institutional beneficiaries. The Trust accomplishes its mission through the sale and lease of Trust lands for grazing, agriculture, municipal, residential, commercial, mining and other purposes. The ASLD, serving as the fiduciary for the Trust, is required by the Arizona Constitution to receive maximum value for the sale or lease of Trust lands for the benefit of the Trust.

A large portion of the property is within the Luke Air Force Base high noise contours and the Accident Potential Zone II (APZ II). According to Arizona Revised Statute 28-8481, cities with property within the high noise contours or accident potential zones adopt general plans for property in the high noise or accident potential zone to assure development compatible with the high noise and accident potential generated by military airport and ancillary military facility operations that have or may have an adverse effect on public health and safety. The Goodyear General Plan designates the areas within the high noise contours and APZ II as Luke Compatible Land Use Overlay which requires conformance with ARS 28-8481.

Given its Constitutional mandate to receive maximum value for the sale or lease of Trust Lands, it is incumbent upon ASLD to plan these properties to maximize their ultimate value. Accordingly, the ASLD is in the process of re-evaluating the existing development plans for the property, and is working with the City of Goodyear to develop plans that are appropriate for the area and that will meet market demands. To that end, the ASLD has requested a rezone to 1,100 acres to Planned Area Development (PAD). The subject property is currently used for commercial farming and related agricultural uses and is zoned Agricultural (AG). The proposed PAD would allow for a variety of land uses including retail, office, and industrial uses.

The general plan designates a portion of the property, located at southeast corner of Indian School Road and Perryville Road as designated Business and Commerce, which allows for multi-family, commercial, and light industrial uses. The majority of the property is designated as Industrial with the Luke Compatible Land Use Overlay. The Luke Compatible Land Use Overlay follows the high noise contour designation and also encompasses the APZ II which runs through a portion of the property. This overlay requires conformance with Arizona Revised Statute 28-8481 which restricts uses in the high noise contours and the APZ II. Generally, residential uses are not permitted in the high noise contour area and retail, assembly, and commercial uses are not permitted in the APZ II.

The proposed PAD includes three land use zones:

- Office Zone – the office zone is located along Indian School Road and Perryville Road. It extends ¼ mile from Indian School Road and Perryville Road. This zone serves as a buffer between the adjacent residential neighborhoods and the higher intensity industrial development.
- Light Industrial Zone – the light industrial zone is located along Perryville Road south of the Thomas Road alignment. It is a ¼ mile square. This zone is across Perryville Road from Scott L Libby Elementary School. The purpose of this zone is to provide a buffer near the elementary school.
- General Industrial Zone – the remainder of the property is within the General Industrial zone.

The development standards for the three land use zones are provided below. A chart of comparable city districts are also provided.

City Zoning Districts (for comparison):

	AG (current)	C-2	I-1	I-2
Minimum Lot Size	10 acres	10,000 sf	1 acre	5 acres
Maximum Height	30-feet	56-feet	50-feet	50-feet
Minimum Setbacks				
Front	20-feet	30-feet	30-feet	50-feet
Side	20-feet	0-feet	30-feet	30-feet
Rear	100-feet	0-feet	20-feet	50-feet
Street Side	100-feet	30-feet	30-feet	30-feet

Proposed ASLD PAD Districts:

	Office Zone	Light Industrial Zone	General Industrial Zone
Maximum Building Height (limited to 56-feet within 500-feet of existing residential uses)	80-feet maximum	80-feet maximum	80-feet maximum without zoning permit 150-feet maximum with approval of a zoning permit
Maximum Height - Accessory Structures (limited to 56-feet within 500-feet of existing residential uses)	80-feet maximum	80-feet maximum without zoning permit 220-feet maximum with approval of a zoning permit	80-feet maximum without zoning permit 220-feet maximum with approval of a zoning permit
Minimum Setbacks			
Indian School	100-feet (50-feet landscape yard)	NA	NA
Perryville	100-feet (50-feet landscape yard)	50-feet	50-feet
McDowell	NA	NA	30-feet
Citrus	30-feet	NA	30-feet
Other Public Streets	30-feet	30-feet	30-feet
Interior (front, side, rear)	0-feet	0-feet	0-feet
Setbacks from other uses/properties	30-feet	30-feet	30-feet

The property is designated “Industrial” which permits light industrial and general industrial zoning and “Business and Commerce” which permits commercial and light industrial zoning. The PAD will be in conformance with the General Plan land use plan.

The “office zone” category has been designated adjacent to residential uses. Internet fulfillment/distribution and general industrial uses are not permitted in this zone in order to keep high truck traffic uses and dock doors away from the residential uses. A building setback of 100-feet and landscape yard of 50-feet has been established along Indian School Road and Perryville Road across from the residential uses. The PAD established setback is twice the required building setback for the city’s I-2 zoning district which is 50-feet. Additional landscaping is required in this landscape yard. The typical tree planting along streets is one tree per every 25 linear feet. The landscape yards described above must have two continuous offset rows of trees every 20-feet.

Current and future uses and development of the properties surrounding the subject property include:

- North:
 - City of Goodyear
 - Land Use: Sedella residential neighborhood
 - Zoning: Planned Area Development (residential & commercial)
- East:
 - City of Goodyear
 - Land Use: PV303 Business Park and Perryville Prison
 - Zoning: Planned Area Development (industrial), Agricultural (AG)
- South:
 - City of Goodyear and Unincorporated Maricopa County
 - Land Use: commercial businesses and Canada Village residential neighborhood (not adjacent)
 - Zoning: Mix of commercial & industrial zoning districts
- West:
 - City of Buckeye and Unincorporated Maricopa County
 - Land Use: Litchfield Farms and miscellaneous residential, agricultural, and vacant land. Scott L Libby Elementary school is located at the southwest corner of Perryville Road and Thomas Road.
 - Zoning: RU-43 (County 1-acre lots) and miscellaneous agriculture/residential zoning.

The property to the north and west include residential neighborhoods including Sedella and Litchfield Farms. Canada Village residential neighborhood is located to the south of the property on McDowell Road and is within the notice area but is not directly across from the rezoning area.

A unique land use zone, the “office zone” has been created to buffer the residential neighborhoods from the industrial development. Retail and office uses are permitted in this zone. Internet fulfillment/distribution and heavier industrial uses are not permitted in this zone. Manufacturing and assembly uses can be located in this zone but any use must be conducted entirely indoors. Dock doors are not permitted to face Perryville Road north of Thomas Road nor Indian School Road, even with screening.

Additional buffering is being required along Indian School Road and Perryville Road north of Thomas Road. A 100-foot building setback is created. This means any above ground structure must be set back at least 100-feet from the property line. A 50-foot landscape yard is required meaning no parking lots or driveways can be placed in the landscape yard. Driveway cuts are permitted. The back wall of homes in the Litchfield Farms neighborhood that back up to Perryville Road will be approximately 210-feet from buildings and structures. The back wall of homes in the Sedella neighborhood that back up to Indian School Road will be approximately 320-feet from buildings and structures.

The citizen review process was noticed by a mailer sent to property owners within 500-feet of the subject property on February 1, 2021, as well as stakeholders including Luke Air Force Base, the school districts, and neighboring municipalities. Three signs were posted on the property on February 1, 2021. The mailers and signs noticed submittal of the application and that a neighborhood meeting would be held on February 16, 2021. Ahead of the meeting, 22 phone calls and e-mails were received.

The majority of the comments expressed concerns with the proposal. A neighborhood meeting was held via zoom on February 16, 2021. Over 100 interested parties logged into the meeting. There were many questions and concerns voiced at the meeting. While there were many concerns and comments noted, in general, the comments focused on:

- Industrial Land Use. There were many comments received concerned with the proposed industrial land use on the property and its close proximity to the residential neighborhoods. Concerns included noise, odor, emissions, traffic, and the aesthetics of industrial land uses.
- Traffic. There were many comments regarding traffic. Concerns focused on truck traffic and the potential impact truck traffic may have on the neighborhoods. Noise and air quality impacts were noted as concerns. The ability to make left turns, especially during morning commute times, were questioned by both Sedella and Litchfield Farms residents.
- Improvements to Perryville Road and Indian School Road. There were several questions regarding the improvements to Perryville Road and Indian School Road including how close the pavement would get to existing homes, if improvements would impact the existing driveways into the neighborhoods, and where traffic signals would be located. There were concerns expressed with the loss of the mature pine trees along Perryville Road that might be caused by the roadway improvements.
- Loss of Farming. There were questions regarding the impact of losing agricultural land use, particularly Duncan Family Farms which grows food.

Duncan Family Farms currently leases the property north of the Thomas Road alignment from ASLD and that lease expires on February 14, 2022. The area of land south of the Thomas Road alignment is leased from the ASLD to the Arizona Department of Corrections (ADOC) and Duncan Family Farms has a Special Land Use Permit (SLUP) for their farming operations. The SLUP may be terminated with 25 days notice. Duncan Family Farms has been sent notice of the rezoning request. To date, there have been no comments received by Duncan Family Farms.

There were several comments received before, during, and after the neighborhood meeting that have expressed opposition to the rezoning. At the neighborhood meeting, interested parties were informed that they may continue to direct questions and comments to city staff, or they could contact city staff to ensure they were on the notification list. After the neighborhood meeting, an additional 12 calls and e-mails have been received. A copy of all written comments that were received by noon on Friday, March 5th have been included in the agenda packet. Any written comments received by 3:00 P.M. on Wednesday, March 10th will be read into the record. The public hearing before the Planning and Zoning Commission on March 10, 2021 was noticed in the Arizona Republic, Southwest Edition, on February 19, 2021. Notices were sent to property owners within 500-feet of the subject property, those who have requested notice, and other stakeholders, by U.S. Mail on February 15, 2021. Three signs were posted on the property on February 19, 2021. The notice was posted on the city website at www.goodyearaz.gov/devapps.

Commission asked for clarification on the General Plan and how it relates to the rezone. Ms. Wilken reviewed the current General Plan designation of the property. Ms. Wilken also reviewed the process of adopting the General Plan as well as the previous General Plan designation for this area.

Commission asked staff to review the heights for the area and what the city has that is a similar height. Ms. Wilken reviewed the heights for the zoning request and stated that the new hotels built are of a similar height to the office zone. Fairlife is about 80 feet tall. Development Services Director Christopher Baker stated that the hospital may be close to 100 feet tall.

Jon Froke, representing the applicant, the Arizona State Land Department, addressed the Planning and Zoning Commission and stated he was available for questions. Mr. Froke reviewed the upcoming auction for the land.

Commission asked about how an auction process is started. Mr. Froke explained that development interest can start an auction process and gave a few examples of other auctions by the ASLD.

Commission asked about the money received through the auction and whether the city of Goodyear will receive a percentage of the funds. Mr. Froke explained that the funds from the auction go back to

the designated recipient and will not go directly to Goodyear. Carolyn Oberholtzer representing the ASLD explained that this land is not taxed and when it is sold at auction, it contributes to the tax base.

A total of ten speaker cards were received. Three speaker cards opposed the staff recommendation, did not want to speak, and did not provide a name. Patricia Murphy and Mark Murphy provided speaker cards that opposed the staff recommendation but did not wish to speak.

There were five members of the public who spoke regarding the request. Andrew Decker spoke in opposition to the rezoning, his concerns were regarding potential accidents from faulty F-35s and the potential for contaminated groundwater based on what is occurring at Luke Air Force Base. Hector Hernandez, a representative of the carpenters union, spoke on behalf of the union members supporting the rezoning request based on the jobs that would be generated. Leslie Levann, a resident of Litchfield Farms neighborhood stated her home backs up to Perryville. She spoke in opposition, citing concerns with lights, noise, an increase in crime resulting from the development and traffic along Perryville, which would put students at the nearby school at risk. She further stated the development's contributions to the tax base would be minimal because of tax breaks given to businesses. Steve Mason, a resident of Sedella, also spoke in opposition, stating concerns with safety because of increased traffic and the environmental impact. Jessica Wade, a resident of Litchfield Farms spoke in opposition. She stated she was not in favor of the proposal but understood the area would develop. She requested uses that create truck traffic be removed from the office zone, that driveways be restricted, emissions testing facilities not be permitted in the office zone, the height in office be reduced to 40-feet within 500-feet and 60-feet beyond, and that trees be 48 inch box trees.

There were four written comments that were sent to staff which were read into the record by staff member Christopher Baker and would be included in the City Council agenda packet. The Tiger Mountain Foundation supported the staff recommendation and advocated for the encouragement of agricultural uses within the ASLD rezone. Steven Nepomuceno expressed concern about additional vehicles, congestion, and noise on Perryville road as well as having the entrance and exits restricted to Citrus road. Jessica Macleod related this case to another happening in Mesa while providing several recommendations relating to parking garages, solar panels, heights of light poles and buildings, screening, and landscaping. Bryan Bussone did not support the project and commented about the current projects in the area - Amazon and Microsoft - that have caused truck traffic and other issues for the community and asked that this project be moved somewhere else.

Commission asked if the rezoning was approved, what was the process after the approval. Ms. Wilken explained that the end user is not known at this time and who will win the auction. The rezoning contains the maximum allowable setbacks and building heights. The next step after the rezoning would be a site plan which is an administrative approval through staff. If the end user wants to subdivide the property, this would go before Council in a form of subdivision plat but it is not a public hearing process.

There being no further public comment, Chairman Bray closed the public hearing at 7:28 p.m.

Commission Discussion:

Commission discussed that while this fits the General Plan, as long as there is a farmer to farm the land, the rezone should not be approved. This will change the entire look of the area.

Commission reviewed the auction, how this zoning will affect the auction and whether a rezone would be needed prior to the auction. Commission discussed the possibility of if the rezoning is denied, the state may not want to auction the land.

Commission talked about how this land is not public land and they have a responsibility to their beneficiaries. Mr. Baker stated that the ASLD has a fiduciary obligation to fund the state mandated recipients. The auction is scheduled to happen on April 21st. The zoning is in preparation for that so there are standards so the neighbors and potential buyers will know what to expect. The winners of the auction can come back and amend the zoning later but it will be through the same public process this case went through. Mr. Baker reviewed the limitations to the property relating to Luke Air Force Base.

Commission reviewed the heights in the proposed zoning, whether they can be changed, and what that does to Goodyear's landscape.

Commission discussed how there cannot be anything here other than agricultural or industrial.

Chairman Bray thanked the citizens that came to the meeting. The Chairman also expressed his interest in being able to take part in a State Trust Land rezone.

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Kathleen Molony to RECOMMEND approval for case 21-200-00001 ASLD REZONE. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Commissioner Walter Steiner, Commissioner Gregg Clymer

NAY: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Kathleen Molony,
Commissioner Brian Ellison

Failed

STAFF COMMUNICATIONS

Development Services Director Christopher Baker reviewed the cases previously presented to Commission.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on April 14, 2021 at 6:00 p.m. at the Goodyear Municipal Court and Council Chambers.

ADJOURNMENT

There being no further business to discuss, Chairman Bray adjourned the meeting at 7:53 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Patrick Bray, Chairman

Date:_____