

**Planning & Zoning Commission**  
Municipal Court and Council Chambers  
14455 W. Van Buren St., Suite B101  
Goodyear, AZ 85338



**Wednesday, August 11, 2021**

**6:00 p.m.**

**Meeting Minutes**

## **CALL TO ORDER**

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

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

Present: Chairman Patrick Bray; Commissioner Jason Kish; Commissioner Kathleen Molony;  
Commissioner Gregg Clymer; Commissioner Brian Ellison

Absent: Vice Chairman Randy Barnes; Commissioner Walter Steiner

**MOTION BY** Commissioner Gregg Clymer, **SECONDED BY** Commissioner Jason Kish to EXCUSE Commissioner Steiner and Vice Chairman Barnes from the meeting. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Commissioner Jason Kish, Commissioner Kathleen Molony,  
Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Vice Chairman Randy Barnes (Excused), Commissioner Walter Steiner (Excused)

Passed - Unanimously

## **APPROVE MINUTES**

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on July 7, 2021.

**MOTION BY** Commissioner Kathleen Molony, **SECONDED BY** Commissioner Brian Ellison to APPROVE the draft minutes of the Planning & Zoning Commission meeting on July 7, 2021. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Commissioner Jason Kish, Commissioner Kathleen Molony,  
Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Vice Chairman Randy Barnes (Excused), Commissioner Walter Steiner (Excused)

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.

Christopher Baker reminded Commission that they had received an email from Management Assistant Alissa Magley regarding item #4 on the agenda that had been put together by the developer for the project.

#### **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

2. **LAKIN MULTIFAMILY PAD AMENDMENT**

This item has been postponed and will be re-noticed for a future date.

3. **REZONE APPROXIMATELY 1,319.2 ACRES LOCATED ALONG RAINBOW VALLEY ROAD BETWEEN THE WILLIS ROAD ALIGNMENT AND QUEEN CREEK ROAD, KNOWN AS RAINBOW VALLEY, FROM PLANNED AREA DEVELOPMENT (PAD) AND AGRICULTURAL URBAN (AU) TO PAD.**

Chairman Bray opened the public hearing at 6:03 p.m.

Planner Christian Williams presented the request to rezone approximately 1,319.2 acres located along Rainbow Valley Road between the Willis Road alignment and Queen Creek Road, known as Rainbow Valley, from Planned Area Development (PAD) and Agricultural Urban (AU) To PAD.

Approximately, 999.3 acres of the total 1,319.2 acres, on the west side of Rainbow Valley Road, was rezoned from Agricultural Urban (AU) Zoning District on October 22, 2018 to Final Planned Area Development (PAD) Zoning District by Ordinance No. 2018-1409 for the development of a mixed-use project known as "Rainbow Valley," which at full build out was expected to result in the

development of approximately 2,900 residential dwelling units, commercial uses and non-residential uses.

This area of the City is not contiguous to existing development or to existing infrastructure, is not currently being served by City water or wastewater facilities, and is not located within the City's Designation of Assured Water Supply. In keeping with the city's policy that growth pays for growth, on October 22, 2018, the Goodyear City Council adopted Resolution 2018-1908 approving the Development Agreement for Rainbow Valley, which applied to the 999.3 acres rezoned by Ordinance 2018-1409.

The Development Agreement for Rainbow Valley requires owner to purchase all capital equipment, dedicate all necessary on-site and off-site rights-of-way, design, install, and/or construct all public infrastructure, on-site and off-site, determined by the city as being necessary to support the development of the property and to allow the city to provide city services to the property except as otherwise provided in the development agreement. In addition to this overarching obligation, the Development Agreement for Rainbow Valley addresses transportation requirements, fire services requirements and utility services requirements, government services necessary for the health and safety of future residents of Rainbow Valley. It further addresses the timing of the development of park and recreational amenities, which are necessary for the welfare of the future residents of Rainbow Valley, and sources of reimbursements for infrastructure that is constructed that provides a regional benefit.

The Development Agreement for Rainbow Valley provides specific requirements regarding certain infrastructure improvements and broad descriptions of requirements related to other infrastructure improvements. When the Development Agreement for Rainbow Valley was entered, city staff was unwilling to commit to providing water and wastewater services to the Rainbow Valley development. After further analysis and consideration, city staff determined the city should provide water and wastewater services and, on October 28, 2019, the Goodyear City Council adopted Resolution 2019-2009 approving the First Amendment to Development Agreement for Rainbow Valley.

This amendment set forth terms pursuant to which the city will provide water and wastewater services to the property, including the property owners' obligations to acquire all capital equipment and to design, install, and/or construct all infrastructure (on-site and/or off-site,) needed for the city to provide water and wastewater services to the property and conveying all lands to the city for such infrastructure. The developer would like to rezone the 999.3 acres and include an additional approximately 319.9 acres, located on the east side of Rainbow Valley Road between Germann and Queen Creek Roads, by the adoption of the Rainbow Valley 1st Amended Planned Area Development, which would create a cohesive 1,319.2 acre development.

The proposed rezoning is conditioned upon the execution of an Amended and Restated Development Agreement for Rainbow Valley, which will apply to the entire 1,319.2 acres subject to the proposed rezoning and which has been modified to incorporate changes needed to address additional needs created by the inclusion of the additional 319.9 into the Rainbow Valley development.

The General Plan Land Use Plan designates the Property as 'Neighborhoods' and the 'Neighborhoods' land use category provides areas for the growth and development of neighborhoods with a wide range of densities and housing types.

Commission asked about future road development and noise, particularly concerning the future 303 alignment. Mr. Williams explained that ADOT anticipates there will be Right-Of-Way for the future 303. The PAD will contemplate buffering between the homes.

There being no public comment, Chairman Bray closed the public hearing at 6:11 p.m.

**MOTION BY** Commissioner Gregg Clymer, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case 20-210-00006 REZONE APPROXIMATELY 1,319.2 ACRES LOCATED ALONG RAINBOW VALLEY ROAD BETWEEN THE WILLIS ROAD ALIGNMENT AND QUEEN CREEK ROAD, KNOWN AS RAINBOW VALLEY, FROM PLANNED AREA DEVELOPMENT (PAD) AND AGRICULTURAL URBAN (AU) TO PAD. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Commissioner Jason Kish, Commissioner Kathleen Molony, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Vice Chairman Randy Barnes (Excused), Commissioner Walter Steiner (Excused)

Passed - Unanimously

#### 4. **FAIRWAYS AT PALM VALLEY ASSISTED LIVING FACILITY USE PERMIT**

Chairman Bray opened the public hearing at 6:12 p.m.

Principal Planner Karen Craver presented the request for a Use Permit for an Assisted Living Facility in the C-2, General Commercial Zoning District within the Palm Valley Phase II PAD, located on approximately 6.15 acres at the southwest corner of N. Litchfield Road & W. Virginia Avenue. The subject property is within the portion of the Palm Valley Phase II Planned Area Development (PAD) with underlying C-2, General Commercial zoning. On May 29, 2001, the City Council rezoned approximately 29.3 acres at the northwest and southwest corners of Litchfield Road and Thomas Road, including the subject 6.15 acres at the southwest corner of Litchfield and Virginia, from Low and Medium Density Residential to Neighborhood and Mixed Use Commercial, with the adoption of Ordinance No. 01-751. The former SunCor zoning designation of Neighborhood and Mixed Use Commercial is currently identified as the city's C-2, General Commercial zoning district. Hospitals and related uses are allowed in the C-2 General Commercial zoning district subject to approval of a Use Permit. Pursuant to a zoning interpretation by the Zoning Administrator, the provision allowing Hospitals and related uses in the C-2 General Commercial zoning district applies to Assisted Living Facilities.

The planned active lifestyle assisted living facility will be two-stories, and will have 132 units consisting of 18 studio units, 64 one-bedroom units, 24 one-bedroom plus den units, and 26 two-bedroom units, averaging 780 square feet. The facility will operate 24 hours a day, and the office will be open from 9:00 a.m. to 6:00 p.m. daily.

The alternative citizen review process was conducted for this application. Owners of all properties within 500 feet of the subject property were sent a postcard notifying them that the city had received the application; that additional information regarding the application could be found on the city website; and that staff or the applicant could be contacted with any comments or concerns regarding the application. To date, staff has received one phone call, and a follow-up email, from the owner/resident of a single family home west of N. 140th Avenue, at 14037 W. Cambridge Avenue within the Floriana neighborhood of Palm Valley Phase II. The homeowner cited concerns over a loss of privacy in their backyard and a loss of their home value. The applicant, who was copied on the email to staff, has reached out to the homeowner.

When the public hearings on the application were scheduled before the Planning and Zoning Commission on August 11, 2021, and before the City Council on August 23, 2021, a second postcard was sent to the property owners; a legal notice with the hearing dates was published in the Arizona Republic Southwest Valley Edition on July 23, 2021; and a notice of public hearings sign was posted on the property. To date, staff has received another phone call, and a follow-up email, from the owner/resident of a single family home west of N. 140th Avenue, at 2651 N. 141st Lane, also within the Floriana neighborhood. This homeowner cited concerns over the adjacency of the facility to the residential play park for the subdivision; traffic, congestion, and noise; and the number of assisted living facilities already open, as well as currently under construction, in Goodyear.

Scott Laten, representing the applicant, gave an overview of the project and the amenities that will be included. Mr. Laten explained some of the resident concerns that had been received and how

they had been working with the surrounding neighborhood.

Commission asked about traffic in the area and how this project would affect traffic in the area. Mr. Laten explained that there was a traffic impact study that showed the trip generation count was very low and a deceleration lane would not have been needed if not for being required by a city ordinance. Mr. Laten went over the parking requirements and how this project has exceeded the minimum requirement and that there would not be parking needed on the Right-of-Way.

**Resident Discussion:**

7 residents spoke in opposition to the project.

1 resident, Kathleen Garverick, submitted a speaker card in opposition of the project but did not wish to speak.

Patrick Garverick, who lives next door to the project, expressed concerns over parking lot locations, lighting, possible resident issues, tree locations adjacent to his property, and how the facility will impede on their property.

Jan Brunbaugh spoke on the density of the project, that the narrative included language that the residents would be able to utilize the park across the street which is an HOA owned park, the 2-story design of the project, the amount of assisted living facilities within the area already, and noise.

Deborah Johansson expressed concern on privacy, particularly with line of sight from the project into homes; the 2-story design of the project; requested additional and large enough landscaping to shield the line of sight.

Sheryll Schuster talked about traffic, noise, use of the HOA park, and trees to block the line of sight.

John Thorhaner had conversations with the developer and did not outright oppose the concept but did oppose the exit on 140th avenue and requested that it either eliminated or used as emergency access only.

John Bradish expressed concern over traffic density, the 2-story design of the facility, the construction that has already taken place on the and will take place on the property and how that will affect traffic in the area.

Rodger Brumbaugh stated that the main concern is the assisted living facility and what goes on inside these facilities, specifically the type of people that will be living within the facility.

**Commission Discussion:**

Commission asked about the use of the park across the street. Mr. Laten explained that this was in error and the park will not be utilized and is not needed due to the amount of amenities within the facility.

Commission asked about the landscape buffering on the west side of the project and the location and number of trees within the buffers. Ms. Craver stated that there would be a 10-foot landscape buffer on the east side facing the house and on 140th avenue. Development Services Director Christopher Baker explained that the use permit is what is up for approval, not necessarily the design or development plan, as what is provided is conceptual only. Deputy City Attorney Sarah Chilton explained that in the use permit process, conditions can be imposed to mitigate concerns on the adjacent neighborhood, but any exhibits are conceptual.

Commission discussed stipulations that could be included within a motion on the project.

There being no further public input, Chairman Bray closed the public hearing at 6:53 p.m.

Commission discussed previous assisted living facilities, particularly PebbleCreek, and that there is usually not much traffic or noise.

**MOTION BY** Commissioner Jason Kish, **SECONDED BY** Commissioner Gregg Clymer to RECOMMEND approval for case 20-300-00012 FAIRWAYS AT PALM VALLEY ASSISTED LIVING FACILITY USE PERMIT with additional stipulations of a minimum 15-foot landscape buffer on the southwest property line and adjacent to 140th avenue, and emergency access only off 140th avenue. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Commissioner Jason Kish, Commissioner Gregg Clymer

NAY: Commissioner Kathleen Molony, Commissioner Brian Ellison

Other: Vice Chairman Randy Barnes (Excused), Commissioner Walter Steiner (Excused)

Passed

#### STAFF COMMUNICATIONS

Development Services Director Christopher Baker reviewed items previously heard before Commission.

#### NEXT MEETING

A special joint City Council and Planning & Zoning Commission Work Session will be held on September 9, 2021 at 4:00 p.m.

The next regular meeting of the Planning & Zoning Commission will be held on September 15, 2021 at 6 p.m. at the Goodyear Municipal Court and Council Chambers.

#### ADJOURNMENT

There being no further business to discuss, Chairman Bray adjourned the meeting at 7:02 p.m.

Respectfully Submitted by:

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Alissa Magley, Commission Secretary

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Patrick Bray, Chairman

Date: \_\_\_\_\_