

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



Wednesday, December 1, 2021

6:00 p.m.

Meeting Minutes

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Vice Chairman Randy Barnes; Commissioner Jason Kish; Commissioner Gregg Clymer;
Commissioner Brian Ellison

Absent: Chairman Patrick Bray; Commissioner Kathleen Molony

MOTION BY Commissioner Brian Ellison, **SECONDED BY** Commissioner Gregg Clymer to EXCUSE Commissioner Molony and Chairman Bray from the meeting. The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer,
Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on November 18, 2021.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Brian Ellison to APPROVE the draft minutes of the November 18, 2021 meeting. The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer,
Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (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.

None.

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. USE PERMIT FOR A DRIVE-THROUGH RESTAURANT (EMR STARBUCKS)

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

Senior Planner Alex Lestinsky presented the request for a use permit for a convenience use (restaurant with drive-through) within the Mountain Ranch Marketplace commercial center located at the northwest corner of Estrella Parkway and Elliot Road.

The applicant is requesting a use permit for a convenience use (Starbucks drive-through) within the Estrella Phase One PAD. The Property is designated for commercial use and will be developed in accordance with the Mountain Ranch Marketplace design guidelines and city's C-2 (General Commercial) zoning district. As required in the C-2 zoning district, a restaurant with a drive-through must obtain approval of a use permit prior to development. The proposed use will consist of a Starbucks restaurant with a drive-through. The restaurant will consist of a single story, 2,364 square-foot building and 282 square-foot patio. The configuration of the primary drive-through lane has customers entering from the west and traveling through the site to access the drive-through window located on the east side of the building. Customers will then exit to the north, with the option to go either east or west within the center. The city's design guidelines require drive-through lanes to provide queuing for five cars (150 feet) measured from the first stopping point (i.e. order board). The proposed site plan provides the minimum required queuing of 150-feet. Parking for the proposed

convenience use will be provided onsite and additionally, the center has a shared parking agreement within the CC&Rs, which satisfies in the city's parking requirements. The building design will utilize the materials and colors approved for Mountain Ranch Marketplace. Final building design will be approved at time of site plan review and approval.

Commission asked for clarification on the number of queuing spaces required for a drive through. Ms. Lestinsky explained that the city requirement is 5 car lengths or 150 feet.

Commission asked whether this would replace the Starbucks inside Safeway. Ms. Lestinsky referred this question to the applicant. Brad Anderson stated that the Starbucks inside Safeway would remain.

Commission asked when is traffic analyzed for this project. Ms. Lestinsky explained that a traffic study is included with the use permit review and this project has been approved by the traffic division.

Brad Anderson, representing the applicant, was available for questions.

There being no public comment, Vice Chairman Barnes closed the public hearing at 6:09 p.m.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Gregg Clymer to RECOMMEND approval for case 21-300-00005 USE PERMIT FOR A DRIVE-THROUGH RESTAURANT (EMR STARBUCKS). The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

3. **USE PERMIT FOR A CONVENIENCE USE (RAISING CANE'S RESTAURANT WITH DRIVE-THROUGH)**

Vice Chairman Barnes opened the public hearing at 6:10 p.m.

Principal Planner Steve Careccia presented the request for a use permit for a convenience use (Raising Cane's restaurant with drive-through) generally located at the northwest corner of Dysart Road and I-10 within the Palm Valley Cornerstone commercial center. The applicant is requesting a use permit for a convenience use (Raising Cane's restaurant with drive-through) on a 1.68-acre parcel within the Palm Valley Phase I PAD. The Property is designated for commercial use and will be developed in accordance with the PAD's design guidelines and city's C-2 (General Commercial) zoning district. As required in the C-2 zoning district, a restaurant with a drive-through must obtain approval of a use permit prior to development.

The proposed convenience use will be a Raising Cane's restaurant with drive-through. The restaurant will consist of a single story, 3,766 square-foot building. Indoor dining, outdoor seating areas and a drive-through component will be provided. Mobile curbside pickup will also be provided, with at least two parking spaces reserved for these customers. The site will include a double lane drive-through with provision of a third bypass lane. Customers will enter the drive-through lane and place their order at the menu board. They will then pay at the first of two drive-through windows. Food products will be picked up at the second window.

At peak times, staff members may take orders outside under a provided canopy and deliver food to customers directed to the bypass lane. Parking for the proposed convenience use will be provided onsite in conformance with city standards. But if additional overflow parking should be needed, cross access and shared parking agreements exist for the Palm Valley Cornerstone center. The building design will utilize the design, materials and colors approved for Palm Valley Cornerstone. Final building design will be approved at time of site plan review and approval.

Commission asked how customers will make a left onto Dysart road. Mr. Careccia explained that they

will have to go to the stoplight to the north and reviewed the location of the stoplight.

Chuck Bennett, representing the applicant, was available for questions.

Commission asked about the hours of operation. Mr. Bennett explained that the typical hours for Raising Cane's is from 9 a.m. to 3 a.m. They are open late because they want to accommodate workers that are working late.

There being no public comment, Vice Chairman Barnes closed the public hearing at 6:17 p.m.

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case 21-300-00008 USE PERMIT FOR A CONVENIENCE USE (RAISING CANE'S RESTAURANT WITH DRIVE-THROUGH). The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

4. **INNOVATION CENTRE PIT SPECIAL USE PERMIT ON PROPERTY ZONED PAD (PLANNED AREA DEVELOPMENT)**

Vice Chairman Barnes opened the public hearing at 6:19 p.m.

Planner Christian Williams presented the request for a Special Use Permit for an inert materials landfill on an approximately 55.4-acre property zoned Planned Area Development (PAD) located at the southeast corner of Citrus Road and Roosevelt Street. The applicant intends to develop an inert materials landfill at the southeast corner of Citrus Road and Roosevelt Street and has submitted an application for a Special Use Permit. The Innovation Centre development, in which the inert materials landfill will be developed, will be approximately 55.4-acres of the larger 224-acre development. Initially, the developer will clean up the site by placing any materials outside the pit, into the borrow pit and removing any materials which cannot properly be compacted within the borrow bit. The developer will then go through a process of sorting and crushing the existing material in the borrow pit to ensure adequate compaction of the material. When the existing material is adequately compacted, new material will be accepted. Conceptual Site Plan and Landscape Plan convey the screening mechanisms that will be implemented in order to screen the public from the pit filling activities.

Commission asked how long it will take before the inert landfill at Roosevelt is filled. Mr. Williams explained that the permit for the landfill is valid for 5 years and it will need to be renewed at that time. Once the pit is filled and properly compacted, development will occur at the site.

Commission asked if this will be a temporary fill in order to develop the property. Mr. Williams confirmed that this is correct.

Wendy Riddell, representing the applicant, was available for questions.

There being no public comment, Vice Chairman Barnes closed the public hearing at 6:25 p.m.

MOTION BY Commissioner Brian Ellison, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case 21-350-00002 INNOVATION CENTRE PIT SPECIAL USE PERMIT ON PROPERTY ZONED PAD (PLANNED AREA DEVELOPMENT). The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)
Passed - Unanimously

5. **MAJOR GENERAL PLAN AMENDMENT FOR ESTRELLA COMMUNITY 14**

Vice Chairman Barnes opened the public hearing at 6:26 p.m.

Senior Planner Alex Lestinsky presented the request for a Major Amendment to the Goodyear 2025 General Plan for approximately 481 acres generally located east of Estrella Parkway north of the Willis Road intersection to amend the land use designation for the approximately 481 acres from Business and Commerce to Neighborhoods.

When the Estrella Phase II PAD was adopted in the 1988, State Route 303 was anticipated to be located along portions of Community 14. To capitalize on its proximity to State Route 303, the Estrella Phase II PAD provided for the development of approximately 521 acres contiguous acres within Community 14, which included the Property, to be developed for commercial and employment uses, high density residential, a school site, park space, and even designated a Regional Mall site. The vision at the time was for the 521 acres to a regional commercial and employment center. By the time the Goodyear 2025 General Plan was adopted, the State Route 303 alignment was shifted away from Community 14. Although the realignment of State Route 303 made the development of the 521 acres as a regional commercial and employment center less viable, the Land Use designation in the Goodyear 2025 General Plan for the 521 acres was left as Business and Commerce to be consistent with the existing zoning for the 521 acres. An application has been submitted seeking to amend the General Plan Land Use for the Property from Business & Commerce to Neighborhoods.

If approved, the amendment of the land use designation on the Property to Neighborhoods will allow the 481 acres to be rezoned for the following types of development: Agricultural/Urban (AU), Single Family Residential (R1-10, R1-7, R1-6), Two Family Residential (R2), Multifamily Residential (MF-18), Manufactured Home Subdivision (MHS), Manufactured Home Park or RV Park (MH/RVP), Public Facilities District (PFD), Commercial Office (C-O) Neighborhood Commercial (C-1), General Commercial (C-2), and Planned Area Development (PAD) district. The land use designation of the approximately 40 acres of the 521 acres that had been designated as Business & Commerce will remain as Business & Commerce; which allows for the following types of development: Agriculture (AG), Commercial Office (C-O), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (I-1), Multifamily Residential (MF-18) Public Facilities District (PFD), and Planned Area Development (PAD) zoning districts. To put this into perspective, 40 acres of Business & Commerce could support approximately 400,000 square feet of buildings. Staff anticipates that a rezoning application will be submitted to rezone all or part of Community 14, including the Property consistent with the amended land use designations.

Commission asked for clarification that the greater portion of the amendment will become a Neighborhoods designation. Ms. Lestinsky confirmed that no portion of the site will be going to Business & Commerce, the change is to Neighborhoods with a small portion of the site remaining as Business & Commerce.

Commission asked about Cotton lane and whether there will be an alignment for that road. Ms. Lestinsky explained that based on the plan for the 303, the current layout for Cotton lane will probably not be there. Planning Manager Katie Wilken stated that the alignment has followed the same alignment for years, once the 303 has moved then Cotton lane was placed there. Any future alignments depend on when development happens. Someday there will be a major arterial running through that alignment. Development Services Director Christopher Baker clarified that any future alignment will be similar to Estrella parkway in layout, not the 303.

Andrew Yancy, representing the applicant, gave an overview of the project and followed up on the questions asked by Commission. Based on studies, the current amount of commercial within this area is no longer needed. There is still a considerable amount of commercial land available and the Neighborhoods category can still include commercial zoning.

Greg McCormick, resident of Goodyear, asked what type of commercial property can be built within the 40 acre area.

Ms. Lestinsky explained the types of zoning that could be developed within the Business & Commerce designation. Ms. Wilken explained that the current zoning is for commercial and it calls for a regional mall, commercial and light industrial. All of this could be built today. Mr. Yancy explained that they are in the process of planning Community 14 and right now the concentration is on developing the residential first and then introducing the other types of development. Ms. Wilken explained that when the zoning amendment comes in for this area, the project will again come before Commission with uses, setbacks and other information. This is not the last opportunity to understand what may be developed in this area.

There being no further public comment, Vice Chairman Barnes closed the public hearing at 6:44 p.m.

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case 21-700-00001 MAJOR GENERAL PLAN AMENDMENT FOR ESTRELLA COMMUNITY 14. The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

6. MAJOR GENERAL PLAN AMENDMENT FOR CITY CENTER

Vice Chairman Barnes opened the public hearing at 6:45 p.m.

Planning Manager Katie Wilken presented the request for a Major Amendment to the Goodyear 2025 General Plan for approximately 180 acres generally located at the intersection of Estrella Parkway and Yuma Road to amend the designation for the property from City Center to a mix of Business and Commerce (88 acres) and Neighborhoods (92 acres).

This Major General Plan Amendment has been initiated by the city of Goodyear in order to amend the General Plan Land Use for 180 acres located at Estrella Parkway and Yuma Road. The proposed land use designation is (the numbers do not add up to 180 acres due to rounding):

- Northeast Site – approximately 40 acres designated as Business and Commerce
- Northwest Site (city-owned site) – approximately 40 acres designated as Business and Commerce
- Southeast Site – approximately 12 acres designated as Business and Commerce, this property is within the Ballpark Village PAD. Approximately 40 acres designated as Neighborhoods.
- Southwest Site – approximately 52 acres designated as Neighborhoods.

A Village Center overlay has also been designated on the property which encourages pedestrian oriented development and traditional neighborhood development principles.

The Business & Commerce land use would allow Agriculture (AG), Commercial Office (C-O), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (I-1), Multifamily Residential (MF-18) Public Facilities District (PFD), and Planned Area Development (PAD) zoning districts. The Neighborhoods category allows Agricultural/Urban (AU), Single Family Residential (R1-10, R1-7, R1-6), Two Family Residential (R2), Multifamily Residential (MF-18), Manufactured Home Subdivision (MHS), Manufactured Home Park or RV Park (MH/RVP), Public Facilities District (PFD), Commercial Office (C-O) Neighborhood Commercial (C-1), General Commercial (C-2), and Planned Area Development (PAD) districts.

The proposed land use categories are generally in conformance with the existing zoning with the exception of the Southeast Site which is proposed for Neighborhoods but the zoning allows for high intensity retail and business park uses. An application to rezone the property in conformance with the

Neighborhoods land use designation has been received and is currently being processed.

Andy Jochums, representing the Southwest corner of the property presented, expressed support for the amendment.

There being no public comment, Vice Chairman Barnes closed the public hearing at 6:51 p.m.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Brian Ellison to RECOMMEND approval for case 21-700-00003 MAJOR GENERAL PLAN AMENDMENT FOR CITY CENTER. The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

7. **TEXT AMENDMENT TO ARTICLE 7 (SIGN REGULATIONS) OF THE ZONING ORDINANCE (MENU BOARDS)**

Vice Chairman Barnes opened the public hearing at 6:53 p.m.

Principal Planner Steve Careccia presented the request to amend Article 7 (Sign Regulations) of the city of Goodyear Zoning Ordinance to modify the standards applicable to drive-through restaurant menu boards within the city's commercial zoning districts.

The proposed amendment will modify the size, capabilities and design standards applicable to menu boards, which are typically used with drive-through restaurants to convey product offerings and pricing along with ordering capabilities. Specifically, the amendment will address the following:

- Copy area will increase from 25 square feet to 50 square feet;
- Allow the use of one electronic message display up to 24 square feet on the menu board;
- Standards added to ensure any electronic message display does not adversely affect surrounding properties or persons.

Commission asked if there was a lot of need for this change. Mr. Careccia explained that there was motivation for staff to look at this as there have been businesses putting up the signs already, this will help fix that situation as well.

Commission asked if the 25 square feet applies for each lane. Mr. Careccia stated that there can be 2 signs per lane. Given everything that has happened with the popularity of drive throughs, large boards seem to be needed and this will be consistent with what other cities allow.

Mr. Careccia gave a brief overview of neighboring cities and their requirements.

Vice Chairman Barnes closed the public hearing at 7:02 p.m.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Gregg Clymer to RECOMMEND approval for case 21-220-00001 TEXT AMENDMENT TO ARTICLE 7 (SIGN REGULATIONS) OF THE ZONING ORDINANCE (MENU BOARDS). The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

BUSINESS

8. APPROVE THE 2022 PLANNING AND ZONING COMMISSION CALENDAR

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Brian Ellison to APPROVE the 2022 Planning and Zoning Commission Calendar. The motion carried by the following vote:

AYE: Vice Chairman Randy Barnes, Commissioner Jason Kish, Commissioner Gregg Clymer, Commissioner Brian Ellison

Other: Chairman Patrick Bray (Excused), Commissioner Kathleen Molony (Excused)

Passed - Unanimously

STAFF COMMUNICATIONS

Development Services Director Christopher Baker introduced the new Administrative Assistant for Development Services, Debbie Lopez.

Commission asked about new members for Commission. Mr. Baker explained that there will be 4 vacancies and Council is seeking applicants.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on January 12, 2022 at 6 p.m. at the Goodyear Municipal Court and Council Chambers.

ADJOURNMENT

There being no further business to discuss, Vice Chairman Barnes adjourned the meeting at 7:11 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Patrick Bray, Chairman

Date: _____