

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



Wednesday, February 16, 2022

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; Vice Chairman Randy Barnes; Commissioner Jason Kish; Commissioner Kathleen Molony; Commissioner Gregg Clymer; Commissioner Brian Ellison

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on January 12, 2022.

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Jason Kish to **APPROVE** the draft minutes of the Planning and Zoning Commission meeting held on January 12, 2022.

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish,
Commissioner Kathleen Molony, 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.

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. **REZONE APPROXIMATELY 6.23 ACRES FROM AGRICULTURAL URBAN TO MF-18 WITH THE CLEVELAND DEVELOPMENT REGULATIONS MF-18 WITH PAD OVERLAY**

Chairman Bray opened the public hearing at 6:02 p.m.

Senior Planner Christian Williams presented the request to rezone approximately 6.23 acres generally located approximately 50 feet south of the southeast corner of Sarival Avenue and Portland Street from Agricultural Urban (AU) to MF-18 with a PAD Overlay. The applicant is requesting a zoning change from the current Agricultural Urban (AU) to MF-18 with a Planned Area Development Overlay to facilitate the development of a townhouse style multi-family development under the existing City of Goodyear Zoning District. An MF-18 Zoning District shall be developed under the Multi-Family Design Guidelines as outlined in the Goodyear Design Guidelines. The use of a PAD Overlay is justified as the current development standards for the MF-18 zoning district do not address some of the unique circumstances found within this infill development with a narrow lot and existing wireless communications facility. In addition to retaining the existing Special Use Permit for the Wireless Communications Facility, the PAD Overlay contains standards for trash enclosures, recreational open space, private open space, architecture, pedestrian connectivity, walls, amenities and continuity within the adjacent Canyon Trails community.

The proposed PAD Overlay reduces side yard setbacks from 30 feet to 20 feet on the north side and to 15 feet on the south side of the community. This reduction is mitigated by the presence of a 65-foot landscape tract on the north side of the property line, which is owned and maintained by Canyon Trails Homeowners Association. This tract does not contain any pathways, nor is it otherwise active. It appears to function as drainage only. Combining this open space with the proposed setbacks totals a combined setback of 87 feet to Portland Street. Adjacent to the southern property line is a church, zoned AU. There is an existing 10-foot landscaped buffer on the church property adjacent to the property line, then there is a parking lot. The proposed 15-foot setback will not have an impact on the parking lot or church itself. Additionally, the PAD Overlay proposes to reduce the rear yard setback from 30 feet to 15 feet on the east side. There is an existing canal along the eastern property line that creates an additional 20-foot buffer to the existing single-family residential lot.

The PAD Overlay would permit a trash enclosure within 50 feet of a residentially zoned tract, however, this tract is a landscape buffer/ drainage tract owned by the Canyon Trails Homeowners Association and does not contain single-family homes. The trash enclosures will be well over 150 feet from existing single-family residential homes and more than 80 feet away from a vacant lot which may, in the future, contain a residential home. The PAD Overlay deviation request is for trash

enclosures to be no closer than 80 feet from residential lots. Additionally, trash enclosures will not be closer than 20 feet to a residential multi-family residential structure on the property and will contain landscaping between the trash enclosure when near the residential multi-family building, will be oriented away from adjacent residential multi-family buildings and be visually screened.

An existing block wall is located along the northern property line owned by the Canyon Trails Homeowners Association. South of this wall there is an APS easement along that boundary, which cannot be enclosed into a private backyard; the area must remain open. The PAD Overlay would allow the construction of a parallel rear yard private yard walls no closer than 10 feet from the existing HOA Wall. The constructed rear yard private yard walls would be required to be view fencing along this area and if any side yard privacy walls are built within 20 feet of the existing HOA Wall those portions of the wall would be required to be constructed of view wall with a maximum of 4 feet of Concrete Masonry Unit or a similar material. Additionally, the space between the HOA wall and the private view fence would be required to be activated with a 4-foot-wide compacted decomposed granite walking pathway.

Commission asked about the option of having an exit onto Portland. Mr. Williams explained that this zoning case does not prohibit access onto Portland, the request is only for the rezone. The parcel to the north is part of the Canyon Trails HOA and the applicant would need to work with the HOA to get access to Portland.

Commission asked about whether fire/emergency access would be required. Mr. Williams explained that there is one exit in and out of the property.

Taylor Earl, representing the applicant, gave a presentation of the site, the difficulties of the access, the changes in the area due to development, the surrounding commercial properties, the proposed development and amenities, and the employment opportunities within the area.

Cynthia and Rene Robles, residents of Goodyear, spoke against the project, expressing concerns about traffic, the u-turns that would occur, their backyard backing up to Sarival, and the location of the clubhouse and pool within the development.

Commission asked about the open canal. Mr. Earl explained that it would be covered.

Commission discussed the traffic, the location of the project and the safety concerns for the area.

Commission asked if there were any plans of working with the HOA to get another entrance on Portland. Mr. Williams explained that the project was one unit short of having required emergency secondary access. Mr. Earl explained that the unit count was dropped significantly in order to avoid having secondary access. Mr. Earl stated that they had reached out to the Canyon Trails HOA but was not able to come to an agreement. Mr. Earl further explained that they had looked at the right-in/right-out and believe that it is a viable solution. They have been willing to work with staff on a traffic study regarding a left out.

Commission asked about the median strip on Sarival and how someone would turn around. Mr. Earl explained that there is a turn lane going down Sarival that residents could use to turn around and showed instances that would allow for u-turns. Mr. Earl reviewed the trip count within the area and that there would be a deceleration lane going into the development. Development Services Director Christopher Baker provided clarification regarding the item, and that the right-in/right-out is approved with the median. It is safer than having a left out but will still generate the need for u-turn traffic.

Commission asked for a stipulation of an exit onto Portland and asked Deputy City Attorney Sarah Chilton for assistance in drafting the stipulation. Mr. Earl explained that requiring a stipulation that includes another property owner negates this entitlement. Ms. Chilton explained that there is no way to have a stipulation that mandates a third party to provide an easement.

Commission explained that for the safety of the citizens that travel Sarival, a more serious look is needed at the access to this property.

Commission asked the designation of the property within the General Plan. Mr. Williams stated that

this property is designated as Neighborhoods and has a wide variety of residential allowed within this as there is not typically retail within a parcel like this.

There being no further public comment, Chairman Bray closed the public hearing at 6:49 p.m.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Kathleen Molony to RECOMMEND approval for case 21-200-00014 REZONE APPROXIMATELY 6.23 ACRES FROM AGRICULTURAL URBAN TO MF-18 WITH THE CLEVELAND DEVELOPMENT REGULATIONS MF-18 WITH PAD OVERLAY with the added stipulation that the Owner shall acquire, and convey to the city, at no cost to the city, right-of-way to provide access from the Property to Portland and from Portland to the Property and Owner shall, at no cost to the city, construct all improvements required to provide such access. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish,
Commissioner Kathleen Molony, Commissioner Gregg Clymer, Commissioner Brian Ellison
Passed - Unanimously

3. **REZONE FOR THRIVE AT AVISION GOODYEAR**

Chairman Bray opened the public hearing at 7:07 p.m.

Senior Planner Alex Lestinsky presented the request to rezone approximately 4.6 acres, from C-2, General Commercial to R1-A with a PAD Overlay. The request is to rezone the subject property from C-2, General Commercial to the City's Single Family Attached (R1-A) residential zoning district with a PAD Overlay to amend some of the R1-A Development Standards. The subject property, located east of the northeast corner of Central Avenue and Van Buren Street, is an infill site within an established area of the city. The subdivision to the north was platted in 1978 and the homes were built over the next 20 years. The Wells Fargo site has been developed since the 1980s. The commercial to the east and west began developing in 2004. The site has not developed as a commercial use since its annexation in 1964. The proposed changes to the development standards give the odd shaped parcel more flexibility and opportunity to develop with the attached town home product proposed by the developer. The Zoning Ordinance supports deviations from the development standards with a PAD Overlay for planned developments when warranted by circumstances such as infill development involving a small or irregularly shaped parcel. The applicant has requested a PAD Overlay to reduce the minimum lot area from 2,800 square feet to 2,253 square feet, reduce the minimum lot width from 35 feet to 28 feet, reduce the rear yard setback from 15 feet to 11 feet and reduce the separation between fences and/or walls from 20 feet to 17 feet along the western boundary. The reductions are being requested in order to make the proposal more feasible within the L-shaped infill site. Staff is supportive of the deviations based on the additional elements provided:.

- Lot width reduction: A reduction of the lot width from 35 feet to 28 feet will enable the development of traditional attached townhomes which the existing R1-A development standards may not be best equipped for.
- Lot area reduction: Based on the reduced lot width, the lot area adjusts accordingly.
- Rear yard setback reduction: The rear yard setback reduction is only applicable to the lots on the northern boundary within the PAD Overlay based on the constraints of an existing easement reducing the development area of the parcel. All other lots in the community will meet the existing requirement.
- Wall separation reduction: The Zoning Ordinance, Article 5, requires a minimum 20 feet separation between walls when a view fence is provided. A reduction to 17 feet is requested for only the west side of the development, adjacent to the Wells Fargo. A stipulation has been included to require the view fence and only allow the reduction on the west boundary of the site.

Although conceptual plans have been provided for review, no development plans will be approved with the rezone application. With the requested R1-A zoning, this property will develop in accordance with the standards in the recently updated Article 3-2 of the City of Goodyear Zoning Ordinance. Pursuant to the ordinance, the R1-A parcels must include one amenity element, two

connectivity elements, and one streetscape element. Additional elements are provided in order to justify a few modifications to the development standards. The applicant has identified which amenities will be provided to allow for the R1-A zoning.

Commission asked if this was a similar product to the KB Homes project. Ms. Lestinsky explained that she believes so but they are not attached.

Amy Malloy, representing the applicant, gave an overview of the project, density, and location of the product.

Commission asked about the color of the proposed elevations. Ms. Malloy explained that they were able to take direction on the colors for the elevations.

There being no public comment, Chairman Bray closed the public hearing at 7:11 p.m.

MOTION BY Commissioner Kathleen Molony, **SECONDED BY** Commissioner Brian Ellison to RECOMMEND approval for case 21-200-00016 REZONE FOR THRIVE AT AVISION GOODYEAR. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish,
Commissioner Kathleen Molony, Commissioner Gregg Clymer, Commissioner Brian Ellison
Passed - Unanimously

4. **REZONING FROM C-2 (GENERAL COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) WITH A PAD (PLANNED AREA DEVELOPMENT) OVERLAY FOR A MIXED-USE DEVELOPMENT TO BE KNOWN AS VIRTUA CITRUS**

Chairman Bray opened the public hearing at 7:12 p.m.

Interim Planning Manager Steve Careccia presented the request for a rezoning of 6.5 acres of property located at the southwest corner of McDowell Road and Citrus Road from the C-2 (General Commercial) zoning district to the C-2 (General Commercial) zoning district with a PAD (Planned Area Development) Overlay for the development of a mixed-use complex to be called Virtua Citrus.

The subject property (Property) consists of approximately 6.5 acres located at the southwest corner of McDowell Road and Citrus Road. The General Plan Land Use Plan designates the Property as Neighborhoods. This land use category provides areas for the growth and development of neighborhoods that include a wide range of densities and housing products. The Neighborhoods category may also include public and community facilities that support and complement the neighborhood, such as schools, places of worship, and parks along with commercial uses at appropriate intensities and locations. The Property is zoned C-2 (General Commercial). The Property was initially rezoned on June 22, 1998 with the adoption of Ordinance No. 98-610. A time extension for the zoning was then approved on October 10, 2000 with the adoption of Ordinance No. 2000-729. To date, no development has occurred on the subject property.

The rezoning will facilitate the development of a mixed-use development to be known as Virtua Citrus. The PAD Overlay is intended to allow a mix of uses on the Property by including several light industrial-type uses to complement the existing commercial uses permitted on the property. But as the city does not have a flex commercial/industrial zoning district, the PAD Overlay is the only zoning mechanism to achieve such mix. Permitted uses within the development will include those uses as established in the C-2 zoning district along with the following additional uses:

- Indoor storage of contractor materials and supplies
- Manufacturing, assembly and processing of previously prepared materials
- Mini-storage and RV storage (development standards have been included if this use develops on the Property)
- Minor vehicle repair, but not including engine and transmission rebuilds or body and paint work
- Outdoor storage as an ancillary use that shall be fully screened from street views and Canada

Village

The list of Prohibited uses was expanded to include the following:

- Adult businesses
- Outdoor uses and storage of material as a primary use
- Outdoor kennels and runs
- Parking lot or garage as primary use
- All medical marijuana uses and cannabis sales

The PAD Overlay is requesting minimal deviations to the city's development standards. Development on the Property and development will be in substantial conformance with the standards as established with the C-2 (General Commercial) zoning district and proposed stipulations attached to the rezoning ordinance. The deviations from the C-2 development standards include a reduction in the maximum height for development on the Property from 56 feet to 40 feet, and the addition of requirements to incorporate additional regulations to address potential impacts of some of the additional uses being permitted.

There being no public comment, Chairman Bray closed the public hearing at 7:18 p.m.

MOTION BY Commissioner Gregg Clymer, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case 20-200-00006 REZONING FROM C-2 (GENERAL COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) WITH A PAD (PLANNED AREA DEVELOPMENT) OVERLAY FOR A MIXED-USE DEVELOPMENT TO BE KNOWN AS VIRTUA CITRUS. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish,
Commissioner Kathleen Molony, Commissioner Gregg Clymer, Commissioner Brian Ellison
Passed - Unanimously

BUSINESS

5. COMPREHENSIVE SIGN PACKAGE FOR VANTAGE DATA CENTERS

Interim Planning Manager Steve Careccia presented the request a comprehensive sign package (CSP) for Vantage Data Centers located at the southeast corner of Van Buren Street and Bullard Avenue. Mr. Careccia gave a brief overview of the different types of signs within the CSP. Within the CSP, provisions for wall signs, canopy signs and ground signs are included.

The wall signs, as proposed within the CSP, are consistent with the sign criteria as established within the Zoning Ordinance. No deviations are required for these signs. The proposed canopy signs, directional signs, and internal monument signs are all intended to help with wayfinding throughout the large data center campus. The monument signs along Bullard Avenue also serve wayfinding purposes, with a larger copy area intended to highlight the units within a particular data center building. Signage as established with this CSP will be applicable to all phases of the Vantage Data Center campus.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Gregg Clymer to RECOMMEND approval for case 21-630-00005 COMPREHENSIVE SIGN PACKAGE FOR VANTAGE DATA CENTERS. The motion carried by the following vote:

AYE: Chairman Patrick Bray, Vice Chairman Randy Barnes, Commissioner Jason Kish,
Commissioner Kathleen Molony, Commissioner Gregg Clymer, Commissioner Brian Ellison
Passed - Unanimously

6. **PLANNING & ZONING COMMISSIONER RECOGNITION** (Christopher Baker, Development Services Director)

Development Services Director Christopher Baker spoke to the Commission regarding those that have termed out or ended their terms: Chairman Bray, Vice Chairman Barnes, Commissioner Molony, and Commissioner Ellison. Mr. Baker thanked them for their service and praised their commitment to the city.

Chairman Bray, Vice Chairman Barnes, Commissioner Molony, and Commissioner Ellison all expressed their gratitude for their time on the Commission, staff's help, and the opportunity.

STAFF COMMUNICATIONS

None.

NEXT MEETING

The next Planning and Zoning Commission Meeting will be held on March 16, 2022 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 7:30 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Patrick Bray, Chairman

Date: _____