

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



Wednesday, March 16, 2022

6:00 p.m.

Meeting Minutes

CALL TO ORDER

Secretary Alissa Magley called the meeting to order at 6:00 p.m.

SWEAR IN NEW COMMISSION MEMBERS

City Clerk Darcie McCracken swore in all new members of the Planning & Zoning Commission.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chairman Jason Kish; Vice Chairman Gregg Clymer; Commissioner Maria Sambito; Commissioner Anthony Wang; Commissioner Carl Hamilton; Commissioner Kent Hegedus; Commissioner Marlon Booth

ELECT CHAIRMAN AND VICE CHAIRMAN

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Kent Hegedus to ELECT Commissioner Kish for Planning & Zoning Commission Chairman. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang, Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

MOTION BY Chairman Jason Kish, **SECONDED BY** Commissioner Maria Sambito to ELECT Commission Clymer as Planning & Zoning Commission Vice Chairman. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang, Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

RECESS

Secretary Alissa Magley recessed the meeting at 6:02 p.m.

Chairman Kish called the meeting to order at 6:05 p.m.

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on February 16, 2022.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Marlon Booth to APPROVE the draft minutes of the Planning and Zoning Commission meeting held on February 16, 2022. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang, Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

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. **AN AMENDMENT TO THE TEN 303 BUSINESS PARK PLANNED AREA DEVELOPMENT (PAD)**

Chairman Kish opened the public hearing at 6:06 p.m.

Principal Planner Karen Craver presented the request for an amendment to the Ten 303 Business Park Planned Area Development (PAD) to delete a stipulation of approval requiring a Use Permit for buildings larger than 250,000 square feet adjacent to the western boundary of the PAD and for dock-level bay doors on the west side of any industrial building adjacent to the then planned Talaverde Estates. The amendment will also increase the maximum allowed building height from 40 feet to 50 feet on 55.23 acres with underlying I-1, Light Industrial zoning within the 159-acre Ten 303 Business Park PAD, generally located west of the northwest corner of Indian School Road and Cotton Lane. This amendment to the Ten 303 Business Park PAD was submitted by Majestic Realty Company, owner of approximately 55.23 acres. The 55.23 acres is the portion of the Ten 303 Property identified as Parcel 2 and is designated as Light Industrial in the Ten 303 Business Park PAD. The property owner asked that the existing zoning be amended to:

- Delete the PAD stipulation of approval requiring a Use Permit for:
 - Buildings larger than 250,000 square feet located adjacent to the western boundary of the PAD; and,
 - Dock-level bay doors on the west side of any industrial building adjacent to the then planned Talaverde Estates (to the west of the western boundary of the PAD).
- Increase the maximum allowed building height from 40 feet to 50 feet, on the 55.23 acres with underlying I-1, Light Industrial zoning, in accordance with the current Industrial Zoning Districts Development Standards.

The amendment was initially intended to support the construction of one large 1 million square foot warehouse distribution facility. The amendment application noted, in support of the amendments requested, that since the time the restriction was placed on building size, almost all industrial development that has occurred in the immediate vicinity of the Ten 303 Business Park PAD, and also within the vicinity of the much larger PV303 PAD, has been industrial buildings averaging over 600,000 square feet in size. The application also cited the fact that the planned Talaverde Estates did not develop, and that that property had exchanged hands and was rezoned to R1-6, Single Family Residential at approximately 8 dwelling units/acre.

Although acknowledging that there are many industrial buildings averaging over 600,000 square feet in size in the vicinity, Parcel 2, unlike these other properties, is adjacent to residentially zoned property, whether it be Talaverde Estates or another residential development. Because of Parcel 2's proximity to residentially zoned property, staff was not supportive of the 1 million square foot building that was originally being proposed. Staff therefore identified additional general conformance criteria that it recommends be imposed if the requirement for a use permit is deleted.

The following criteria, which are included in the proposed amendment, are intended to minimize the impact of the development of industrial buildings in excess of 250,000 square feet on the future adjacent residential development:

1. A minimum of two buildings shall be built on Parcel 2;
2. No building constructed within Parcel 2 shall be larger than 500,000 square feet;
3. The maximum building height of each building, as defined in the City of Goodyear Zoning Ordinance, shall be 50 feet;
4. No dock-level bay doors or trailer parking shall face the west property line; and,
5. A minimum 30-foot wide landscape buffer with double rows of staggered trees shall be located adjacent to the west property line.

If the amendment is approved, Majestic Realty Company plans to submit a site plan application to construct two warehouse/distribution buildings on the 55.23 acres; one approximately 392,000 square feet and one approximately 460,000 square feet, neither of which will have dock-level bay doors facing the former Talaverde site, and both within the requested maximum building height of 50 feet. Meritage Homes has begun to plat the R1-6 property and has communicated to city staff that they are

neutral on the requested PAD Amendment.

Commission asked if this site is a slightly lower grade than the I-10. Ms. Craver confirmed that the land slopes to the southwest. This would add a grade deferential for the future residents.

Commission asked who did staff think would build first. Ms. Craver explained that the house plans and standard plans have a shorter requirement. This PAD amendment is just the beginning step for the industrial development and explained the process.

Commission asked if there was an idea where Meritage would start the first phase. Senior Planner Alex Lestinsky stated that Meritage is starting on the north half as their first phase.

Commission asked for clarification on where the new homes are going and the situation on roads within the area. Ms. Craver explained that Minnezona avenue was recently started by Amazon with half-street improvements. When this subject property gets developed, they will do their half-street improvements.

Commission asked about the zoning district for the parcels located to the west of the subject property. Ms. Craver stated that these parcels are zoned for Commercial development.

Brett Tremaine, representing the applicant, expressed their appreciation for staff, stated that Minnezona is fully built out, and was available for questions.

There being no public comment, Chairman Kish closed the public hearing at 6:28 p.m.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 21-300-00007 AN AMENDMENT TO THE TEN 303 BUSINESS PARK PLANNED AREA DEVELOPMENT (PAD). The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang, Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

3. **PUBLIC HEARING REZONE APPROXIMATELY 30.32 ACRES FROM PLANNED AREA DEVELOPMENT (PAD) TO MF-24 WITH ANTON AT BALLPARK VILLAGE DEVELOPMENT REGULATIONS MF-24 WITH PAD OVERLAY**

Chairman Kish opened the public hearing at 6:29 p.m.

Senior Planner Christian Williams presented the request for a zoning change from the current Planned Area Development (PAD) with an underlying land use designation of commercial and industrial to a PAD Zoning District with an underlying zoning district of MF-24 with a PAD Overlay to facilitate the development of a multi-family development. As currently envisioned, the Property will include traditional type apartment buildings, single-family rental style apartments, and townhome style apartments. The use of a PAD Overlay is justified as the current development standards for the MF-24 zoning district does not address some of the unique circumstances found within this oddly shaped parcel that surrounds an existing water campus and has no clearly defined rear. Additionally, the MF-24 zoning district does not contemplate a property providing three-unique product types within one single development.

The proposed PAD overlay will establish a minimum density of 16 units per acre and a maximum density of 24 units per acre in order to be compatible with the General Plan Business and Commerce Land Use Designation.

The development standards applicable to the Multi-Family Residential (MF-24) Zoning District will apply to the development of the Property except as modified by the PAD Overlay. However, because

of the difference in apartment styles, different design guidelines will apply based on the nature of the building. The design guidelines applicable to Multi-Family Residential will apply to all buildings within the Property; but the additional design guidelines applicable to development with the MF-12 Zoning District will also apply to buildings with three or less residential units.

If a future property line is provided internal to the Anton at Ballpark Village project, thereby splitting the overall project into two or more parcels, a setback requirement from that internal property line shall not be required, provided any applicable building/fire code requirements are met on structures adjacent to that property line. In the future, if the property is divided into one or more parcels by housing type, for management purposes, to allow for individual ownership of the dwelling units. By allowing for zero-foot setbacks along any internal property lines, subject to building/fire codes, will allow this division to take place with no impact on the external property lines.

Projections on MF-24 buildings including balconies (covered or uncovered), bay windows, eaves, ornamental features, or similar shall be permitted to encroach into the front and street side setbacks by not more than two (2) feet. Ground floor projections that include patios (covered or uncovered) surrounded by walls that are less than four (4) feet or less in height and include pedestrian gates and paths allowing pedestrian access directly to the adjacent roadway/sidewalks, shall be permitted to encroach into the front and street side setbacks by not more than five (5) feet. Limited encroachments allow for greater flexibility in building design and allows for more variety in the elevations that face out to the public roadways without unnecessarily limiting the frontage landscape. Additionally, the encroachment at the ground floor will require a pedestrian connectivity element and provide for units to engage with the streetscape.

In order to justify the smaller outdoor spaces, and to provide a beneficial amenity for residents, the developer of Anton Ballpark Village ("applicant") agrees to construct the segment of the Bullard Wash East Trail adjacent to Anton Ballpark Village before the City begins construction on the remainder of the Bullard Wash East Trail (the "Ballpark Village Trail Segment"). The trail will include a 10 to 12-foot unpaved compacted decomposed granite (DG) path on the ridge of the wash. The segment will connect from the Yuma Road sidewalk to the Bullard Avenue sidewalk. Construction of the trail will be coordinated with the Parks and Recreation Department. The city will maintain the path once constructed. Applicant shall build the Ballpark Village Trail Segment to the City's trail design standards. Applicant shall not be required to go through any public bidding process or use licensed professional(s) or contractor(s) pre-approved by the City, but rather the Applicant shall be allowed to select its own licensed professional(s) and contractor(s). Prior to the commencement of the segment of the Ballpark Village Trail Segment, the City and the Applicant shall mutually agree on indemnifications, licenses, and insurance requirements, which agreements shall not be unreasonably delayed, withheld, or denied. Applicant agrees to complete construction of the Ballpark Village Trail Segment prior to receiving a final certificate of occupancy on the final phase of construction.

In a portion of the project applicable to the MF-12 Design Guidelines, private yards of dwelling units that are not along the perimeter of the property shall be permitted a reduction in Private Outdoor Space from a minimum of 200 square feet to a minimum of 150 square feet. If studio units, with less than 600 square feet livable are included, the studio unit shall be permitted to have a minimum 40 square feet of private outdoor space, with a minimum width or depth of 5 feet. A 25% square foot reduction of minimum private open space on some of the dwellings, still leaves them with a usable private yard of roughly eight (8) feet by 20 feet, which is offset by common open space activities and the construction of the Bullard Wash Trail, offsite and a commitment for minimum recreational amenities onsite. For those studio units, it is reasonable to believe many will be occupied by single residents.

Commission thanked Senior Planner Christian Williams for taking the time to answer questions prior to the meeting.

Commission asked if there will be any noise coming from the water campus. Mr. Williams explained that there is a stipulation for the developer to make residents aware of noise from the water campus, ballpark and other developments within the area.

Paul Gilbert, representing the applicant, expressed his appreciation for Mr. Williams' presentation and was available for questions.

Commission expressed their appreciation for the product type and the Bullard wash improvements.

There being no public comment, Chairman Kish closed the public hearing at 6:48 p.m.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Kent Hegedus to RECOMMEND approval for case 21-200-00018 for case PUBLIC HEARING REZONE APPROXIMATELY 30.32 ACRES FROM PLANNED AREA DEVELOPMENT (PAD) TO MF-24 WITH ANTON AT BALLPARK VILLAGE DEVELOPMENT REGULATIONS MF-24 WITH PAD OVERLAY. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang, Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

4. **REZONE APPROXIMATELY 9.86 ACRES FROM PLANNED AREA DEVELOPMENT (PAD) TO MF-12 WITH RPS INDIAN SCHOOL AT PALM VALLEY DEVELOPMENT REGULATIONS MF-12 WITH PAD OVERLAY**

Chairman Kish opened the public hearing at 6:49 p.m.

Senior Planner Christian Williams presented the request for a zoning change from the current Planned Area Development (PAD) with an underlying land use designation of Mixed-Use Commercial to a PAD with an underlying zoning district of MF-12 with a Planned Area Development Overlay to facilitate the development of a multi-family development under the existing City of Goodyear Zoning District. An MF-12 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 because the current development standards for the MF-12 zoning district do not address some of the unique circumstances found within this oddly shaped 'L-Shaped' infill parcel that is adjacent to a large drainage channel and because of the desire for pitched unique rooflines on a two-story townhouse product as opposed to flat roofs on a two story product. In addition to modifying certain setbacks and clarification on architectural elements, the PAD Overlay contains standards to enhance architecture, walls, amenities and connectivity. The maximum Building Height for RPS Indian School – Multifamily Development shall be 25 feet; excluding parapet walls and pitched/gable roofs. The minimum side setbacks shall be 10 feet for the north side setback, and 15 feet for the south side setback. The 10-foot side setback (north) requires a minimum of 10 feet of landscaping between the sidewalk and the building and shall not be contained within a walled, fenced, or private yard. The minimum total both side setbacks (north and south) shall be 25 feet. The Minimum Rear Setback (East) (Except Adjacent to Single-Family Residences) shall be 10 feet.2. Adjacent to Single-Family Residences. The minimum "Rear Setback (East)" adjacent to the Single-Family Residences shall be 50 feet. A minimum 15-foot-wide landscape buffer shall be installed adjacent to any single-family residential lot and residential structures constructed within the Property. No buildings, carports, parking spaces or drive aisles/ driveways shall be located within the landscape buffer except drive aisles/driveways may cross over a landscape buffer as needed to access a parking lot. The landscape buffer may include sidewalks, parks/open space, and private yards. No carports, shall be located within 30 feet of a single-family residential lot. 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 and multi-family building. The enclosures will be oriented away from adjacent residential multi-family buildings and be visually screened.

Commission expressed appreciation for the development standards included in this proposal, the use of an infill parcel, and the tile roofs.

Commission expressed appreciation for the setbacks against the residential development being kept at 50 feet.

Wayne Dames, representing the applicant, thanked staff and was available for questions.

There being no public comment, Chairman Kish closed the public hearing at 7:00 p.m.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Maria Sambito to RECOMMEND approval of case 21-200-00012 REZONE APPROXIMATELY 9.86 ACRES FROM PLANNED AREA DEVELOPMENT (PAD) TO MF-12 WITH RPS INDIAN SCHOOL AT PALM VALLEY DEVELOPMENT REGULATIONS MF-12 WITH PAD OVERLAY. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang,
Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito,
Commissioner Marlon Booth

Passed - Unanimously

5. **REZONE FOR THOMPSON FUNERAL CHAPEL**

Chairman Kish opened the public hearing at 7:01 p.m.

Senior Planner Alex Lestinsky presented the request to rezone the Subject Property to the Planned Area Development (PAD) Zoning District with an underlying zoning district of General Commercial (C-2) with a PAD Overlay to allow an above grade columbarium (a room or building with niches for funeral urns to be stored) as a permitted use. There are no other deviations requested to either the development standards or permitted uses applicable to the General Commercial (C-2) Zoning District. The existing funeral chapel has been at this site since 1964. The Thompson Family wishes to expand its operations to the west and develop an above ground columbarium. The existing funeral chapel property is zoned C-2, which allows funeral homes as a permitted use. The proposed additional property to the west is zoned I-1 which does not list funeral homes or similar uses as a permitted use. The above ground columbarium use is not contemplated in the Zoning Ordinance in any zoning district, therefore a C-2 zoning with PAD Overlay is proposed for both parcels to allow for the planned expansion and the development of an above aground columbarium.

David Molinar, representing the applicant, gave an overview of the project, changes within the current development, the proposed columbarium.

Commission expressed appreciation for Thompson Funeral Chapel expansion and their contribution to the community.

There being no public comment, Chairman Kish closed the public hearing at 7:10 p.m.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Anthony Wang to RECOMMEND approval for case 21-200-00020 REZONE FOR THOMPSON FUNERAL CHAPEL. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang,
Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito,
Commissioner Marlon Booth

Passed - Unanimously

6. **USE PERMIT FOR A CONVENIENCE USE (STARBUCKS DRIVE-THROUGH COFFEE SHOP)**

Chairman Kish opened the public hearing at 7:11 p.m.

Planning Manager Steve Careccia presented the request for a use permit for a convenience use (Starbucks drive-through coffee shop) on a .98-acre parcel within the Canyon Trails Towne Center commercial center. 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 Starbucks drive-through coffee shop. As shown on the preliminary site plan submitted with the use permit, the restaurant will consist of a single-story 2,365 square-foot building. A 375 square-foot outdoor patio will also be provided. Indoor dining, remote ordering and drive-through service options will be provided for customers. For the drive-through component, customers will enter the drive-through lane and place their order at a menu board. Beverages and food products will be picked-up and paid for at the pick-up window located on the east side of the building. 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 center. The building design will utilize the materials and colors approved for the Canyon Trails Towne Center. Final building design will be approved at time of site plan review and approval.

Trish Flower, representing the applicant, expressed agreement with staff on their presentation and was available for questions.

There being no public comment, Chairman Kish closed the public hearing at 7:17 p.m.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Kent Hegedus to RECOMMEND approval for case 21-300-00012 USE PERMIT FOR A CONVENIENCE USE (STARBUCKS DRIVE-THROUGH COFFEE SHOP). The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang, Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

BUSINESS

7. COMPREHENSIVE SIGN PACKAGE FOR ESTRELLA COMMONS DISTRICT

Senior Planner Alex Lestinsky presented the request for approval of a comprehensive sign package (CSP) for the Estrella Commons District. A cohesive materials and color palette with a complementary design theme is intended to provide for a unified center. The CSP for the center includes:

1. Gasoline Service Station Signs
 - Sign area is consistent with the City requirements, however the CSP requests to increase the maximum height from six feet to eight feet.
2. Monument Signs
 - The CSP requests an increase in height and area of the monument signs from 12-feet to 14-feet in height and 48 square feet to 73 square feet in area, but restricts the quantity of monument signs to one along Estrella Parkway and one along Roosevelt Street.
3. Residential Monument Sign (multifamily)
 - Sign area is consistent with the City requirements, however the CSP requests to increase the maximum height from 6-feet to 8-feet.

Commission asked what other sign package was approved recently. Development Services Director Christopher Baker explained that Vantage Data Centers recently had a CSP approved by Commission and Council.

Commission asked what the reasoning for the larger sign package here. Ms. Lestinsky explained that

a CSP is usually to have cohesive signs throughout a center, in this instance the applicant asked for larger signs than what was allowed in the Zoning Ordinance.

Andy Gibson, representing the sign company for this request, explained the process that this development had gone through in deciding the sign design for the center.

Commission asked about the buffer on the bottom of the signs. Mr. Gibson explained that in this instance, the buffer brings the signs up into a more visible area.

Allison Reis, representing the applicant, was available for questions.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Maria Sambito to RECOMMEND approval for case 21-630-00003 COMPREHENSIVE SIGN PACKAGE FOR ESTRELLA COMMONS DISTRICT. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Anthony Wang,
Commissioner Carl Hamilton, Commissioner Kent Hegedus, Commissioner Maria Sambito,
Commissioner Marlon Booth

Passed - Unanimously

STAFF COMMUNICATIONS

Development Services Director Christopher Baker welcomed all the new Commissioners and thanked them for their service. Mr. Baker reviewed the cases previously presented to Commission.

NEXT MEETING

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

ADJOURNMENT

There being no further business to discuss, Chairman Kish adjourned the meeting at 7:34 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Jason Kish, Chairman

Date: _____