

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



Wednesday, April 6, 2022

6:00 p.m.

Meeting Minutes

CALL TO ORDER

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

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

Vice Chairman Clymer attended the meeting telephonically.

APPROVE MINUTES

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

MOTION BY Commissioner Carl Hamilton, **SECONDED BY** Commissioner Kent Hegedus to
APPROVE the draft minutes of the Planning and Zoning Commission meeting held on March 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. BALLPARK VILLAGE NORTHEAST AREA MINOR GENERAL PLAN AMENDMENT

Item #2 and #3 were presented together.

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

Senior Planner Christian Williams presented the request for a Minor General Plan Amendment on an approximately 121-acres of property generally located southeast of Goodyear Boulevard East and Yuma Road from Business and Commerce to Neighborhoods and reclassifying/deleting portions of Goodyear Boulevard from City Center Arterial to Other Streets. The current General Plan Land Use Category for the Subject Property is Business and Commerce. The request is to change the General Plan Land Use Category to Neighborhood. The property owner applied to rezone the Subject Property (121 acres) and the Adjacent Property (35 acres) to Planned Area Development (PAD) to develop a 156-acre single-family master planned community (the "156-Acre Residential Community"). The proposed rezoning will be considered by separate action if Council approves this proposed General Plan Amendment. The 156-Acre Residential Community is not compatible with the existing land use designation in the General Plan of Business and Commerce and for the proposed 156-Acre Residential Community to move forward, the land use designation for the Subject Property needs to be amended to Neighborhood.

To facilitate the development of the 156-acre Residential Community, the applicant has also requested the removal of a future section of Goodyear Boulevard East along the western boundary of the Subject Property. Due to the changes made to the Land Use Designations within the former City Center Overlay District and the proposed elimination of a section of Goodyear Boulevard East that was to encircle the former City Center Overlay District adjacent to the Subject Property, the road classification of Goodyear Boulevard as City Center Arterial is no longer appropriate.

Accordingly, the General Plan Amendment also seeks to:

- Classify Goodyear Boulevard North, between Estrella Parkway and Goodyear Boulevard East/Centerra Drive, as Other Streets; and
- Classify Goodyear Boulevard East, between Goodyear Boulevard North/Centerra Drive and Yuma Road, as Other Streets; and

- Designate Goodyear Boulevard South, between Wood Boulevard and Goodyear Boulevard West/157th Avenue, as Other Streets; and
- Designate Goodyear Boulevard West, between Goodyear Boulevard South/157th Avenue and Yuma Road, as Other Streets.

It is anticipated that these reclassified streets will serve as Major Collectors and the final street classification will be determined by the Engineering Department after future Traffic Studies are completed. The area impacted by the proposed General Plan amendment is referred to as the Ballpark Village Northeast Area, and the proposed amendment is sometimes referred to as the Ballpark Village Northeast Minor General Plan Amendment.

Commission asked when the decision will be for the land use districts will be made. Mr. Williams explained that the flexibility for the land use districts is meant to assist the developer throughout development.

Commission asked if there will be a color scheme and a palette that will be chosen. Mr. Williams explained that they do have a color scheme they will be following.

Ed Bull, representing the applicant, gave an overview of the project and developer.

There being no public comment, Chairman Kish closed the public hearing at 6:27 p.m.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Maria Sambito to RECOMMEND approval for case 21-700-00002 BALLPARK VILLAGE NORTHEAST AREA MINOR GENERAL PLAN AMENDMENT with additional stipulations. 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 TO REZONE APPROXIMATELY 156 ACRES LOCATED SOUTHEAST OF ESTRELLA PARKWAY AND YUMA ROAD, KNOWN AS FULTON HOMES AT BALLPARK VILLAGE, FROM PLANNED AREA DEVELOPMENT (PAD) TO PLANNED AREA DEVELOPMENT**

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

This item was presented with the previous item.

There being no public comment, Chairman Kish closed the public hearing at 6:30 p.m.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Carl Hamilton to RECOMMEND approval for case 21-200-000013 PUBLIC HEARING TO REZONE APPROXIMATELY 156 ACRES LOCATED SOUTHEAST OF ESTRELLA PARKWAY AND YUMA ROAD, KNOWN AS FULTON HOMES AT BALLPARK VILLAGE, FROM PLANNED AREA DEVELOPMENT (PAD) TO PLANNED AREA DEVELOPMENT. 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. **USE PERMIT FOR A CONVENIENCE USE (CHIPOTLE MEXICAN GRILL RESTAURANT WITH DRIVE-THRU)**

Chairman Kish opened the public hearing at 6:31 p.m.

Planning Manager Steve Careccia presented a request for use permit for a convenience use (Chipotle Mexican Grill drive-through restaurant) proposed on an approximately 1.13-acre parcel within the Canyon Trails Towne Center located at the northeast corner of Yuma Road and Cotton Lane. The center is zoned PAD (Planned Area Development) and is designated for commercial uses. The proposed convenience use will be a Chipotle Mexican Grill with a drive-through. The restaurant will consist of a single-story 2,305 square-foot building. A 500 square-foot outdoor patio will also be provided. Indoor dining, remote ordering and drive-through pick-up service options will be provided for customers. For the drive-through component, customers will place and pay for their orders via Chipotle's mobile application in advance and pick-up their orders in the drive-through. 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.

Commission asked for clarification on the lack of a menu board. Mr. Careccia explained that this is a concept for a 'Chipotlane' that will be only for online order pickup.

There being no public comment, Chairman Kish closed the public hearing at 6:36 p.m.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 21-300-00013 USE PERMIT FOR A CONVENIENCE USE (CHIPOTLE MEXICAN GRILL RESTAURANT WITH DRIVE-THRU). 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. **ZONING ORDINANCE TEXT AMENDMENT TO: ALLOW CERTAIN DRIVE-THROUGH RESTAURANTS AS A PERMITTED USE, ADOPT STANDARDS FOR DRIVE-THROUGH RESTAURANTS, CLARIFY AND REVISE DEFINITION OF CONVENIENCE USES, AMEND LIST OF USES THAT REQUIRE A USE PERMIT IN COMMERCIAL DISTRICTS, AND MAKE OTHER CLARIFYING NON-SUBSTANTIVE CHANGES.**

Chairman Kish opened the public hearing at 6:37 p.m.

Planning Manager Steve Careccia presented the request to amend Article 2-2 (Definitions), Article 3 (Zoning Districts), and Article 4 (Special Uses, Uses Requiring Additional Evaluation, Nonconforming Uses and Buildings) of the city of Goodyear Zoning Ordinance to modify definitions, use classifications and design standards applicable to drive-through restaurants within the city's commercial zoning districts. The general intent of this text amendment is to allow drive-through restaurants meeting certain locational criteria and design requirements to forgo the requirement for a Use Permit.

This request for text amendment is to modify certain definitions and use classifications while also creating development standards that address the treatment of drive-through restaurants within the City's commercial zoning districts. The overall intent of the text amendment is to allow certain drive-through restaurants, which would normally require approval of a Use Permit, to forgo this requirement if they meet certain locational requirements. To achieve this intent, the text amendment specifically proposes the following revisions:

- Article 2-2: Revise the definition of “Convenience Use” by: removing references to establishments that sell good and drink for consumption on or off-premises, including restaurants, clarifying that stores regardless of size that have a drive through facilities are convenience uses, and changing the reference to “Community Development Director” to “Zoning Administrator”;
- Article 2-2: Add definitions for Drive-In Restaurant and Drive Through Restaurants and amend definitions of Restaurant, Drive-In and Restaurant, Drive-Thru;
- Section 3-3-2-A: Revise the list of principal permitted uses within the C-1 (Neighborhood Commercial) zoning district to make restaurants with drive-through lanes located more than 500 feet from a residential zoning district a permitted use and require conformance with newly established development standards proposed in Article 4-2;
- Section 3-3-2-C: Revise the list of Use Permit uses within the C-1 (Neighborhood Commercial) zoning district by adding drive-in restaurants and drive-through restaurants with drive-through lanes located within 500 feet of a residential zoning district as uses subject to approval of a Use Permit;
- Section 3-3-3-A: Revise the list of principal permitted uses within the C-2 (General Commercial) zoning district to make restaurants with drive-through lanes located more than 500 feet from a residential zoning district a permitted use and require conformance with newly established development standards proposed in Article 4-2. Revise an existing principal permitted use, “Drive through windows and outdoor teller facilities”, to “Drive-through windows and outdoor teller facilities for banks and other financial institutions” to better clarify the meaning of this use. Clarify the conditions that apply for live music, entertainment activities and patron dancing are allowed as an accessory use to restaurants permitted in the C-2 zoning district;
- Section 3-3-3-C: Revise the list of Use Permit uses within the C-2 (General Commercial) zoning district by adding drive-in restaurants and drive-through restaurants with drive-through lanes within 500 feet of a residential zoning district as uses subject to approval of a Use Permit;
- Section 3-3-6-B: Revise the commercial development standards to clarify that the existing standard prohibiting drive-through windows from facing a street does not apply to drive-through restaurants. Rather, drive-through restaurants will be subject to newly established development standards proposed in Article 4; and,
- Section 4-2: Revise uses requiring additional evaluation to include newly established development standards, Section 4-2-18, applicable to all drive-through restaurants. Such standards include minimum stacking requirements, minimum lane widths, prohibitions against blocking fire lanes, and new screening standards, among other new standards.

Commission stated that this was an excellent move to help the business community and development move faster.

Commission asked about cost and time savings. Mr. Careccia explained that a use permit costs about \$1100 plus public notice fees. The biggest savings will be time, 5-6 months for preparation for both developers and staff. Certainty is also gained; use permits can be voted down, so now it is just site planning, and they just have to meet their standards.

Commission asked if other cities are doing the 500 feet barrier. Mr. Careccia stated that 10 other cities in the valley were evaluated. Every city had different queuing and requirements. We remain conservative given the concerns for traffic, fire lanes and impeding traffic. 500 feet was selected since that is the notification distance for other applications.

Development Services Director Christopher Baker explained that sales tax collection will be able to begin sooner as they will be opening up sooner. Additionally, impact fees will be able to be pulled sooner as well.

There being no public comment, Chairman Kish closed the public hearing at 6:56 p.m.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 22-220-00001 ZONING ORDINANCE TEXT AMENDMENT TO: ALLOW CERTAIN DRIVE-THROUGH RESTAURANTS AS A PERMITTED USE, ADOPT STANDARDS FOR DRIVE-THROUGH RESTAURANTS, CLARIFY AND REVISE DEFINITION OF CONVENIENCE USES, AMEND LIST OF USES THAT REQUIRE A USE PERMIT IN COMMERCIAL DISTRICTS, AND MAKE OTHER CLARIFYING NON-SUBSTANTIVE CHANGES. 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

6. GENERAL PLAN UPDATE

The City is in the process of updating its General Plan. The consultant leading this effort, Matt Klyszeiko with Michael Baker International, will present an overview of the General Plan and update process to the Commission.

Matt Klyszeiko, from Michael Baker International, presented an overview of the General Plan update that city staff and Michael Baker are collaborating on.

Mr. Klyszeiko reviewed the required and elective elements within a General Plan, the process of updating the General Plan, trends, important topics, images, improvements, and next steps.

Commission asked about the working group that will have input on the General Plan and the format of the group. Mr. Careccia explained it will probably be composed of 15 members and more information will be sent out soon for advertising for filling the group.

No action is to be taken on this item.

STAFF COMMUNICATIONS

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on May 11, 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 7:52 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Jason Kish, Chairman

Date: _____