

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



Wednesday, June 15, 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

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on May 11, 2022.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Marlon Booth to
APPROVE the draft minutes of the May 11, 2022 Planning and Zoning Commission meeting. 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. SPECIAL USE PERMIT FOR DESERT SPRINGS COMMUNITY CHURCH

Chairman Kish opened the public hearing at 6:01 p.m.

Assistant Planner Guadalupe Ortiz Cortez presented the request for a Special Use Permit to allow a building expansion and new auditorium for Desert Springs Community Church (DSCC), located at 14440 W. Indian School Road, within the Palm Valley, which is the northwest corner of W. Indian School Road and N. 144th Avenue. The applicant is requesting a Special Use Permit to expand the church operations by building on property that was formerly approved for sport fields with the 2003 Special Use Permit. Desert Springs Community Church is proposing to expand their church in two phases. The existing building will be expanded by 4,307 square feet in Phase I of the church's planned expansion and a 20,720 square foot auditorium will be constructed in Phase II. All infrastructure improvements required for the expansion of the existing building and the construction of the auditorium and all parking spaces required at build-out will be completed as part of Phase I. The 2003 Special Use Permit limited the height of all buildings and structures to 30 feet in height. The applicant is requesting a four (4) feet increase to 34 feet for a tower adjacent to their existing prayer pavilion to create a visual effect with varying heights on the DSCC campus.

Commission asked for clarification on the location of the tower. Ms. Ortiz Cortez reviewed the location of all proposed changes.

Commission asked about the height of the surrounding residential. Ms. Ortiz Cortez explained that thirty feet is the limit for residential buildings within the PAD as well as the height of the proposed auditorium.

Commission asked if there were concerns about the activity that goes on regarding the hours of operations. Ms. Ortiz Cortez stated that there were not concerns expressed during the meeting on the hours of operation.

Commission addressed the loss of view that residents are concerned about and the trees that appear to have been taken down and whether they will be replaced. Ms. Ortiz Cortez explained that the owner is subject to the approved landscape plan and is committed to maintaining the landscaping.

Commission asked if the church was not here, or they left, what would be allowed to be built on this property. Ms. Ortiz Cortez explained that the underlying zoning for the property is C-2 and the standards for C-2 zoning would apply, including a maximum building height of 56 feet. The process for putting a building on this site that complies with the C-2 standards would be to have a site plan reviewed and approved administratively.

Dean Schifferer, representing the applicant, gave a brief overview. The Desert Springs Community Church wants to be a great neighbor. Mr. Schifferer reviewed the fire lane that goes north and south and explained that they will not be touching the drainage ditch. 36 trees are to be added along the boundary. There is no definite determination of when the church building will be built, but the trees will be installed prior to construction. Mr. Schifferer showed an exhibit of the space between the fence, trees, channel, paved fire lane and then the Church.

Commission asked what kind of trees will be installed. Mr. Schifferer explained that they are planning some ash trees around the shade structure but are not sure about the type of trees at this time.

Karen Shanafelt, resident, spoke in opposition of the request, stating that this project is too close to existing homes, will generate extra heat, light and noise, cause a reduction of green space and increased traffic.

Ken Creasy, resident, spoke in opposition of the request, was opposed to the height, proposed and current lighting, security cameras, air conditioning units that will probably be heard by neighbors, sun reflection, too close to the residents, and loss of view.

Commission asked the applicant about the location of the auditorium. Mr. Schifferer explained that there will be a pedestrian connection between the 2 buildings as well as the shade structure in between. Also, the new construction would be on a bare parcel, so it is less expensive to build rather than tear up a parking lot.

Commission asked about the lighting at night. Mr. Schifferer stated that they are following all the regulations and have shortened the poles to 12.5 feet.

Commission asked if this new auditorium will be where the services will be done. Mr. Schifferer stated that it will be utilized primarily on Saturdays and Sundays.

Commission asked about the landscaping and whether they are required to have more than a buffering. Ms. Ortiz Cortez explained that there is a requirement for trees on the west property line that the applicant is meeting.

Commission discussed that the church is a good neighbor, what else could go on this parcel, how it will look to have the new auditorium on the site, variance to the shape of the building, architectural relief.

There being no further public comment, Chairman Kish closed the public hearing at 6:37 p.m.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Maria Sambito to RECOMMEND approval for case 22-350-00001 SPECIAL USE PERMIT FOR DESERT SPRINGS COMMUNITY CHURCH. 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. **SPECIAL USE PERMIT FOR THE HOPE ASSEMBLY CHURCH**

Chairman Kish opened the public hearing at 6:41 p.m.

Planning Manager Steve Careccia presented the request for a Special Use Permit for the Hope Assembly Church. The church is proposed within an existing building located at the northeast corner of Auto Drive and 137th Avenue within the Palm Valley Crossing Planned Area Development. The church will lease an existing building onsite for their services and other activities. The building consists of approximately 15,578 square feet within a fully improved site. The building will remain essentially as is, with only interior modifications. No changes to the exterior of the building or site are proposed. The project narrative indicates one in-person service a week will be provided - 11:00 AM on Sundays. Other services will be provided virtually, such as Bible study, prayer services and Christian educational services for children. Day care or a formal school are not a part of this request. The initial congregation is anticipated to be 200 members with the intent to grow the congregation subject to conformance with city parking and building occupancy requirements.

Isaac Newman, representing the applicant, was available for questions and thanked staff for their work.

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

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Anthony Wang to RECOMMEND approval for case 22-300-00014 SPECIAL USE PERMIT FOR THE HOPE ASSEMBLY CHURCH. 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. **MONTECITO PAD AMENDMENT**

This item is being cancelled from tonight's public hearing and new public notifications will be sent out for a meeting at a later date.

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 6:48 p.m.

Planning Manager Steve Careccia presented the staff-initiated 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 food 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 "Development Services Director";

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 expressed their appreciation for staff working on this item.

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

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Kent Hegedus 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. UPDATE ON NEW CITY HALL AND PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT RULES OF PROCEDURE/BYLAWS

Planning Manager Steve Careccia presented an update on the new Civic Square project.

Mr. Careccia went over responsibilities of the Board of Adjustment and how the Planning and Zoning Commission will be taking over those responsibilities going forward. Mr. Careccia reviewed the next steps in order to move forward with having the Planning and Zoning Commission take over the responsibilities of the Board of Adjustment.

Mr. Careccia explained other changes proposed to the Planning and Zoning Commission bylaws: proposal of a majority vote rather than 4 affirmative votes.

Development Services Director Christopher Baker explained that another change within the bylaws being proposed would be the ability of Commissioners being contacted by the development community.

Mr. Baker explained that all proposed changes would need to be changed within the bylaws and voted upon. Further information will be presented in the future.

No action was taken on this item.

STAFF COMMUNICATIONS

Development Services Director Christopher Baker reviewed the cases previously presented to Commission.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on July 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 7:36 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Jason Kish, Chairman

Date: _____