

Planning & Zoning Commission
Goodyear City Hall - Council Chambers
1900 N. Civic Square
Goodyear, AZ 85395



Wednesday, October 12, 2022

6:00 p.m.

Meeting Minutes

CALL TO ORDER

Chairman Kish called the meeting to order at 6:01 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Commissioner Anthony Wang; Commissioner Kent Hegedus

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Marlon Booth to EXCUSE Commissioner Wang and Commissioner Hegedus from the meeting. The motion carried by the following vote:

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

Passed - Unanimously

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on August 17, 2022 and September 14, 2022.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Carl Hamilton to APPROVE the draft minutes of the Planning and Zoning Commission meeting on August 17, 2022. The motion carried by the following vote:

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

Passed - Unanimously

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Marlon Booth to APPROVE the draft minutes of the Planning and Zoning Commission meeting on September 14, 2022. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Carl Hamilton, 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.

Commissioner Clymer explained that at the September 14, 2022 meeting, a resident spoke during the non-agenda item portion of the meeting on 2 items that are on the agenda for tonight's meeting.

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 CONVENIENCE USE (MCDONALD'S RESTAURANT WITH DRIVE-THROUGH IN PALM VALLEY PHASE 5)

Chairman Kish opened the public hearing at 6:09 p.m.

Senior Planner Alex Lestinsky presented the request for a Use Permit for a convenience use (McDonald's drive-through restaurant) on a vacant parcel within the Palm Valley Phase V PAD. The Property is designated for neighborhood commercial use and will be developed in accordance with the PAD's design guidelines and city's C-1 (Neighborhood Commercial) zoning district. As required in the C-1 zoning district, a restaurant with a drive-through must obtain approval of a Use Permit prior to development. The first stopping point of the drive-through is approximately 390 feet from the residential property line. The proposed convenience use will be a McDonald's drive-through restaurant. As shown on the preliminary site plan submitted with the Use Permit, the restaurant will consist of a single-story (26-foot tall), 4,534 square-foot building. The site will include a double lane drive-through, with three windows for payment and pick up. Parking for the proposed convenience

use will be provided onsite in conformance with city standards. The master site plan, which includes McDonald's and Dollar Self Storage has been submitted concurrently with the respective Use and Special Use Permits.

Commission asked for confirmation of the distance between the restaurant and the homes and that there will be landscaping. Ms. Lestinsky confirmed that there is 366 feet between the restaurant and residential.

Commission asked when this was originally zoned to commercial and what type of uses can locate on this property. Ms. Lestinsky stated that this property was zoned to C-1 in 2003. The C-1 district allows for retail, office, auto leasing and other common commercial uses.

Commission asked about the site to the west. Ms. Lestinsky explained that the site to the west was originally was zoned Mixed-Use Commercial but has since been rezoned and is part of the UPS expansion area.

Commission commented that they believed that some of the residential in this area was already constructed in 2003 so when the rezone to commercial happened, the residents may have had the opportunity to comment at the public hearing. Ms. Lestinsky stated that she was not familiar with the time of the construction of the homes in the area but if they were already built, the residents would have been notified of the public hearing.

Manjula Vaz, representing the applicant, was present and available for questions. Ms. Vaz gave an overview of the layout of the site and noise mitigation. Darian Mellon, owner of the McDonald's, spoke about community support and operations of the establishment.

Six residents spoke in opposition to the project: Nic Silvester, Deborah Woodrum, Jen Silvester, Matt Casey, Robert Garcia and Fred Cochrane. The residents explained their opposition to the project due to noise, traffic, smells, adjacency to the residential neighborhood, 24 hour operations, transients, danger to pedestrians, crime and the fact this is a stand-alone location.

Resident Tony Woodrum filled out a speaker card opposing the staff recommendation but did not wish to speak.

Gary Blau filled out a speaker card supporting the staff recommendation but did not speak.

There being no further public comment, Chairman Kish closed the public hearing at 6:49 pm.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Maria Sambito to RECOMMEND approval for case 22-300-00005 USE PERMIT FOR A CONVENIENCE USE (MCDONALD'S RESTAURANT WITH DRIVE-THROUGH IN PALM VALLEY PHASE 5).

Commission Discussion:

Commission discussed the distance between other McDonald's drive-through locations and residential areas within the City of Goodyear. There was also discussion about hours of operation for the McDonald's locations with only those near the freeway operating 24 hours a day.

Commission discussed the vacant lot to the east of the McDonald's,

Commission asked whether the McDonald's would be built if the use permit was not approved. Darian Mellon confirmed that the McDonald's would not be built without a drive-through.

Commission asked staff whether hours could be restricted or if there were different hours within certain areas. Ms. Lestinsky explained that staff typically does not restrict hours unless there is a specific reason and it would be at the discretion of McDonald's to change their hours. Planning Manager Steve Careccia explained that restrictions of hours have not been imposed for several years but it is something that can be considered. Deputy City Attorney Sarah Chilton explained that

a stipulation for the use permit could be added to the motion for a restriction of hours.

Commission discussed the possibility of restricting the hours to match the storage facility next to the project, either 5 am to 10 pm or 6 am to 10pm.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Marlon Booth to AMEND the current motion to add a stipulation for hours of operation from 5 am to 10 pm. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Maria Sambito, Commissioner Marlon Booth

NAY: Commissioner Carl Hamilton

Passed

[Previous MOTION BY Vice Chairman Gregg Clymer SECONDED BY Commissioner Maria Sambito] to RECOMMEND approval for case 22-300-00005 USE PERMIT FOR A CONVENIENCE USE (MCDONALD'S RESTAURANT WITH DRIVE-THROUGH IN PALM VALLEY PHASE 5) with the added stipulation. The motion carried by the following vote:

AYE: Chairman Jason Kish, Vice Chairman Gregg Clymer, Commissioner Maria Sambito

NAY: Commissioner Carl Hamilton, Commissioner Marlon Booth

Passed

3. **SPECIAL USE PERMIT FOR A SELF STORAGE FACILITY IN PALM VALLEY PHASE V**

Chairman Kish opened the public hearing at 7:22 p.m.

Senior Planner Alex Lestinsky presented the request for a Special Use Permit for a self-storage facility on a vacant parcel within the Palm Valley Phase V PAD. The Property is designated for neighborhood commercial use and will be developed in accordance with the PAD's design guidelines and city's C-1 (Neighborhood Commercial) zoning district. The proposed storage facility consists of five one-story storage buildings (ranging from 6,400 square feet to 13,650 square feet), one two-story storage building (103,900 square feet), and covered RV parking. There are 939 individual storage units ranging in size, 66 covered RV parking spaces, and a washing/cleaning bay. Parking for the self-storage facility will be provided onsite in conformance with city standards. The master site plan, which includes Dollar Self Storage and McDonald's has been submitted concurrently with the respective Special Use and Use Permits.

Manjula Vaz, representing the applicant, gave a brief overview of the project and was available for questions.

Resident Nic Silvester spoke in opposition to the project, citing the 2-story height, traffic, noise, adjacency to residential, line of sight and light pollution.

Ariel Valli filled out a speaker card in support of the staff recommendation but did not wish to speak.

One speaker card was submitted in opposition to the staff recommendation but did not provide a name and did not wish to speak.

There being no further public comment, Chairman Kish closed the public hearing at 7:25 pm.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 22-350-00002 SPECIAL USE PERMIT FOR A SELF STORAGE FACILITY IN PALM VALLEY PHASE V.

Commission discussed the single-story buildings along the perimeter that screen the 2-story buildings within the project.

The motion carried by the following vote:

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

Passed - Unanimously

4. **PLANNED AREA DEVELOPMENT AMENDMENT FOR THE 2ND RESTATED AND AMENDED FINAL PLANNED AREA DEVELOPMENT FOR BALLPARK VILLAGE & BALLPARK VILLAGE - SOUTH**

Chairman Kish opened the public hearing at 7:26 pm.

Assistant Planner Guadalupe Ortiz Cortez presented the request to add approximately 16 acres at the southwest corner of S. Bullard Avenue & W. Lower Buckeye Parkway to the existing 268.5-acre Ballpark Village & Ballpark Village - South PAD on the east side of Estrella Parkway and south of Yuma Road, and to rezone the approximately 16 acres to the existing PAD underlying RES/MXD zoning designation. The RES/MXD land use category allows for attached single family, multi-family dwellings, residential mixed-uses live/work units, row homes, townhomes, and similar residential uses that meet the intent of the PAD zoning. The RES/MXD category does not have a density maximum and the building height maximum is 72 feet. Staff initiated this rezoning for reasons similar to the rezoning in 2021 in which an adjacent 14-acre parcel was incorporated into the Ballpark Village and Ballpark Village South PAD. The 16-acre parcel being incorporated into the PAD is currently zoned I-1 Light Industrial under the City Center Airpark PAD. It is bordered on the west and south by property within the Ballpark Village and Ballpark Village on the north by property that was recently rezoned from I-1 Light Industrial to allow for a residential development and on the east by the Bullard Wash. Because the property adjacent to the Property is zoned for residential developments, staff believed that the 16 acres was more appropriately zoned for uses consistent with the Ballpark Village & Ballpark Village – South PAD. Accordingly, staff sought and received approval from Goodyear Airpark Industries Development, LLC to rezone the 16 acres. After receiving owner's approval, staff initiated this rezoning request. The purpose of the proposed rezoning is to include the 16 acres located at the southwest corner of Bullard Avenue and Lower Buckeye Parkway into the Ballpark Village & Ballpark Village – South PAD and allow it to be developed under the existing RES/MXD land use category. The RES/MXD land use category allows for attached single family, multi-family dwellings, residential mixed-uses live/work units, row homes, townhomes, and similar residential uses that meet the intent of the PAD zoning. The RES/MXD category does not have a density maximum and the building height maximum is 72 feet.

Ed Bull, representing the property owner, was available for question.

There being no public comment, Chairman Kish closed the public hearing at 7:32 p.m.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Vice Chairman Gregg Clymer to RECOMMEND approval for case 22-200-00015 PLANNED AREA DEVELOPMENT AMENDMENT FOR THE 2ND RESTATED AND AMENDED FINAL PLANNED AREA DEVELOPMENT FOR BALLPARK VILLAGE & BALLPARK VILLAGE - SOUTH. The motion carried by the following vote:

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

Passed - Unanimously

5. **USE PERMIT FOR CONVENIENCE USE (ROLL-EM-UP TAQUITOS RESTAURANT WITH A DRIVE-THOUGH)**

Chairman Kish opened the public hearing at 7:32 pm.

Assistant Planner Guadalupe Ortiz Cortez presented the request for a use permit for a convenience use (Roll-Em-Up Taquitos Restaurant with a drive-through) on a 1.3-acre parcel within the Palm Valley Phase VIII 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 Roll-Em-Up Taquitos Restaurant with a drive-through. The restaurant will consist of a single-story, 2,325 square-foot building with a 430 square-foot outdoor covered patio. Indoor dining and drive-through services will be provided for customers. The Property site will be developed with a single drive-through. Customers will enter the drive-through lane and place their order at the menu board and speaker. Eight cars can queue before reaching the menu board and speaker, and five cars can queue between the menu board and speaker to the pick-up window. Food and beverage products will be picked-up and paid for at that same window. The queuing that will be provided exceeds the city's minimum requirements. Parking 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.

Commission asked about traffic within this location due to other drive-throughs in the same area. Ms. Ortiz Cortez explained that part of the use permit requirements is a traffic study that is reviewed by a City Engineer.

William Whittington, representing the applicant, was available for questions.

There being no public comment, Chairman Kish closed the public hearing at 7:41 pm.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Vice Chairman Gregg Clymer to RECOMMEND approval for case 22-300-00006 USE PERMIT FOR CONVENIENCE USE (ROLL-EM-UP TAQUITOS RESTAURANT WITH A DRIVE-THOUGH). The motion carried by the following vote:

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

Passed - Unanimously

6. **REZONE APPROXIMATELY 198.5 GROSS ACRES LOCATED AT THE NORTHEAST CORNER OF CITRUS AND LOWER BUCKEYE ROADS**

Chairman Kish opened the public hearing at 7:41 pm.

Principal Planner Christian Williams presented the request for a zoning change from the currently approved La Jolla Vista Final Planned Area Development to R1-4 (Single-Family Detached) Zoning District on 104.8 and R1-6 (Single-Family) Zoning District on 93.6 acres with R1-4 Reduced Development Standards, R1-6 Reduced Development Standards and a PAD Overlay for a development to be referred to collectively as La Jolla Vista at West Goodyear. The PAD Overlay modifies the foregoing standards as follows: all lots within the R1-4 zoned area of the development shall have a minimum lot width of 45 feet; with a minimum depth of 115-feet with the exception of corner lots and knuckle lots which may have their maximum depth reduced to 110-feet; and the minimum square footage of a lot shall be 5,175 with the exception of corner lots and knuckle lots which may be reduced to 5,170 square feet. The R1-4 zoned area will adhere to the R1-4 (Single Family Detached) Zoning District as modified by the R1-4 Reduced Development Standards, as modified by the PAD Overlay. The PAD Overlay modifies the foregoing standards as follows: all lots within the R1-6 zoned area of the development shall have a minimum lot width of 50 feet; at least

35% of the lots within the R1-6 zoned area of the Property shall be at least 50-feet wide with a minimum depth of 115-feet; at least 45% of the lots within the R1-6 zoned area of the Property shall be at least 55-feet wide with a minimum depth of 120-feet; at least 5% of the lots within the R1-6 zoned area of the Property shall be at least 60-feet wide with a minimum depth of 120-feet. The R1-6 zoned area will adhere to the R1-6 (Single Family Detached) Zoning District as modified by the R1-4 Reduced Development Standards, as modified by the PAD Overlay. However, the PAD overlay allows as a permitted use a facility located within 200 feet of the northern boundary of the Property between 175th Avenue and 177th Avenue owned and operated by the Roosevelt Irrigation District. The site upon which such facilities are constructed shall be developed in accordance with the City of Goodyear's PFD Zoning District Standards as defined in Article 3-3-6 Commercial Districts Standards. Additionally, all residential lots along the northern perimeter of the Property, platted within 100 feet of the Durango Street right-of-way, shall be at least 60-feet wide. The total number of residential units within the Property is limited to 736. The proposed rezoning requires additional amenity elements, connectivity elements and streetscape elements be provided. The proposed zoning ordinance includes stipulations requiring these amenity elements, connectivity elements and minimum streetscape elements be provided. They include the following:

To meet the two (2) required Amenity Elements, the development will:

- Additional Park Space - An 8.3-acre centralized park and amenity center located at the heart of the Property shall be developed.
- Additional Park Amenities - The centralized park shall provide localized usable active open space area and shall include all of the following resident and recreational amenities: A splash pad with shaded perimeter seating; restroom facility; a minimum of two (2) Pickleball courts; basketball court; dog park; resort style pool that includes at least one lap lane (may be contained within two pools); gas fire pit; game lawn with games such as cornhole, bocce ball or the like; ramada with shade and a barbeque grill; decorative split rail fencing adjacent to parking areas and public/private streets; Open play turf areas; Shaded or trellised seating areas; and shaded tot lot;. The Final elements of the Additional Amenities shall be refined with staff to collectively be of an equal or greater quality to those described above.

In order to meet the four (4) required Connectivity Elements, the development will:

- Be Considered In-fill:
- Provide Trail System Connections that include:
 - Construct along Citrus Road a 5-foot-wide landscape strip; an 8-foot wide concrete sidewalk adjacent to the landscape strip; a 5-foot-wide landscape strip adjacent to the sidewalk with shade trees planted 25-feet on center adjacent to the concrete sidewalk; a bridle trail consisting of two (2) decomposed granite 5-foot wide single treads both lined with concrete header or one (1) 10-foot wide bi-directional trail; the bridle trail(s) shall be lined with concrete header if placed in a retention basin, stormwater channel, conveyance channel or similar water conveyance or retention feature; these enhancements shall be constructed when the Citrus Road Improvements are to be constructed and the Zoning Administrator may modify the dimensions and spacing requirements above in the event of a utility conflict if the enhancement is collectively equal or greater in quality to those described above.
- Provide Lot Diversity:
 - Based on the provisions found within the PAD Overlay, La Jolla Vista will have approximately 78% of the lots exceed the required minimum lot width. Approximately 47% of the site will compromise of lots that are 45-feet wide by 115-feet deep; approximately 27% of the site will comprise of lots that are 55-feet wide by 120-feet deep; and approximately 4% of the site will comprise of lots that are 60-feet wide by 120-feet deep. In order to ensure lot diversity within By way of comparison a standard R1-4 Reduced lot may be as small as 40-feet wide by 100-feet deep or 4,000 square feet and the standard R1-6 Reduced lot may be as small as 50-feet wide by 100-feet deep or 5,000 square feet.
- Perimeter walls around the Property shall only be constructed along the rear of the residential lots and decorative split rail fencing will be provided along the outer perimeter following Citrus Road and Lower Buckeye Road as well as large landscaped areas to break up the visual of the rear individual lot walls.

The Streetscape Elements are not finalized until the preliminary plat review. However, in order to meet the four (4) Streetscape Elements, the development plans to:

- Provide Detached Sidewalks - 6-foot-wide planter adjacent to all roads in interior of the development with HOA maintained landscape strips.
- Provide Additional Streetscape Elements - Decorative pavers, colored concrete and/or stamped concrete, and/or other material as approved by the Zoning Administrator, Engineering and Public Works, shall be used on all driveway on all lots within the development (between the sidewalk and the house).
- Provide Additional Streetscape Elements – Decorative pavers, colored concrete and/or stamped concrete, and/or other material as approved by the Zoning Administrator, Engineering and Public Works, will be used at all entryways into the development off of Citrus Road and Lower Buckeye Road.
- Provide West Goodyear Streetscape Designs –
- The primary and secondary entrances to the community incorporate enhanced collector designs that include bike lanes, landscaped medians, and detached sidewalks.
- A white crossbuck split rail fence is included at both the primary and secondary entrances and at hard-exterior corners.
- Perimeter wall along Citrus Road will complement and be consistent with the design elements established by Las Brisas.
- Perimeter areas will also be landscaped, and many locations include the white crossbuck split rail fence.
- Farm/agricultural and rustic elements such as the trellis structures are incorporated at the primary and secondary entry monuments.
- Landscape planting creates the sense of agricultural planting through linear and structured placement.
- The signage at the primary and secondary entry monuments will read “La Jolla Vista at West Goodyear”

Commission asked about the material for the fencing. Mr. Williams explained that they will be wood or vinyl, there is not a specific type but it will need to keep with the theme.

Brennan Ray, representing the applicant, was available for questions.

Resident Ken Bradley asked whether the homes along Durango street would be restricted to single story, as in the past, the perimeter homes were restricted to single story. Mr. Williams explained that the zoning will not restrict the homes to a single story. Mr. Williams reviewed the distance from the homes to the county residents across Durango street.

Resident Art West spoke in opposition to the project, citing the previous agreement to single story homes with the previous zoning along Durango street as well as a block wall.

There being no further public comment, Chairman Kish closed the public hearing at 7:57 pm.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Maria Sambito to RECOMMEND approval for case 21-200-00017 REZONE APPROXIMATELY 198.5 GROSS ACRES LOCATED AT THE NORTHEAST CORNER OF CITRUS AND LOWER BUCKEYE ROADS. The motion carried by the following vote:

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

Passed - Unanimously

STAFF COMMUNICATIONS

Planning Manager Steve Careccia offered training after meetings are over regarding zoning, General Plan and other topics that are reviewed during the meetings. Commission agreed that it would be beneficial and expressed their desire for more work sessions as well as a Joint Work Session with Council. Development Services Director Christopher Baker stated that after a new Councilmember is inducted, a Joint Work Session may be in order before the summer.

NEXT MEETING

The next Planning and Zoning Commission Meeting will be held on November 2, 2022 at 6 pm at the Goodyear City Hall Council Chambers.

ADJOURNMENT

There being no further business to discuss, Chairman Kish adjourned the meeting at 8:01 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Jason Kish, Chairman

Date: _____