

Agenda Item #:
COUNCIL DATE: September 25, 2023
Case#: 23-300-00002
CAR#: 1651



CITY COUNCIL ACTION REPORT

SUBJECT: Request for Use Permit for Lakin Fuel and Convenience Store

STAFF PRESENTER(S): David Williams, Contract Planner

OTHER PRESENTER(S): Shawping Abeyta, Esencia Architecture

SUMMARY: A Use Permit request for a Convenience Use (Convenience store with gas station) proposed on an approximately 5.22 acres parcel located at the Southwest corner of MC85 and Cotton Lane. The property is zoned Planned Area Development (PAD) with an underlying land use of Commercial / Industrial Flex Zone.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION:

1. Approve a Use Permit for a Convenience Use (Convenience Store with gas station) on an approximately 5.22 acre parcel located at the Southwest Corner of MC-85 and S. Cotton Lane (the "Property"). (David Williams, Contract Senior Planner)

STIPULATIONS:

1. The Conceptual Site Plan for Lakin Park Convenience Store submitted with the application for the Use Permit is not approved. Development of the Property is subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, infrastructure, parking, access and circulation; and
2. The City of Goodyear reserves the right to initiate revocation of the Use Permit in the event that the Use Permit is not operated in compliance with the stipulations

stated herein or as represented in the Use Permit application; and

3. The configuration and location of the proposed building, fuel pump stations, parking, and resultant traffic patterns shall be developed in substantial conformance with the attached Conceptual Site Plan for Lakin Park Convenience Store, the Landscape Plan, and Building and canopy Elevations attached hereto. Any changes to the configuration of these improvements in the final site plan, including changes resulting from any changes in access to the Property, may require an amendment to the Use Permit as determined by the Development Services Director or designee; and
4. Any temporary retention basins constructed within the Property shall be covered with at least two inches of decomposed granite (DG) matching the DG used for the permanent landscape areas within the Property; and
5. Fuel canopy light fixtures shall be recessed into the canopy ceiling, with a lens that is flat and flush to the ceiling. Exposed light sources on the canopy or backlit fascia shall not be permitted; and
6. Signage is not approved with this use permit. No signage shall be permitted or installed until Owner has complied with the: (i) requirements of the Goodyear Zoning Ordinance applicable to signage, including, but not limited to the requirements in Article 7, which requires the submittal of a Comprehensive Sign Package pursuant to Section 7-10-A-1; and (ii) the requirements in Ordinance 2019-1451, including the requirement in the CP Lakin Park Planned Area Development adopted therein; and
7. The Traffic Study submitted has been approved by the Goodyear City Engineer but requires approval of the Maricopa County Department of Transportation ("MCDOT") and the Arizona Department of Transportation ("ADOT") prior to approval of a final site plan for the development of the Property and the issuance of any permit for work on the Property; and
8. The traffic study and the conceptual site plan contemplate access to the Property from the "Common Drive" off of MC85, which drive is located on the adjacent property. Prior to approval of a site plan for the Property or the issuance of any permit for work on the site, Owner shall demonstrate that the Common Drive provides legal access to the Property; and
9. Prior to approval of a site plan for the Property or the issuance of any permit for work on the site, whichever is earlier, Owner shall provide emergency access easements needed for two points of access for emergency services that meet all applicable development regulations, including but not limited to the requirements in standards and requirements set forth in the City of Goodyear Engineering Design Standards and Policy Manual and access requirements in the city's fire code. The easement shall be conveyed at no cost to the city, and shall be lien free, free of all encumbrances unless agreed to by the city attorney or his designee, and in a form provided by the city attorney or his designee; and

10. No site plan shall be approved for the development of the Property and no construction permits shall be issued until Owner has provided the City with all approvals and/or easements from jurisdictions or parties whose property interests will be impacted by the development contemplated by such site plan and/or construction permit. This includes, but is not limited to, approvals and/or easements that may be needed from Maricopa County Department of Transportation, Buckeye Irrigation District, and the Flood Control District of Maricopa County. All required approvals and easements shall be in a form acceptable to the City Engineer or his/her designee; and
11. Owner shall construct, at Owner's sole cost and expense, all on-site and off-site infrastructure improvements determined by the City as being necessary to provide water service and wastewater service to the Property; and
12. The City's obligation to provide water and sewer service to the Property is limited to the flow volumes reflected in the water reports and sewer reports for the Property approved by the City Engineer or designee. If the flow volumes of water and/or sewer exceed the flow volumes reflected in the approved water reports and/or approved sewer reports the city shall be entitled to terminate service to the Property until Owner submits updated reports to the City that addresses: (i) the capacity of the existing infrastructure to deliver the additional wastewater flows to the 157th Avenue Water Reclamation Facility; (ii) the availability of uncommitted capacity at the city's 157th Avenue Water Reclamation Facility to accept and treat the additional wastewater flows; (iii) the availability of an uncommitted potable water supply; and (iv) the capacity of existing water delivery lines to deliver the additional water flows to the Property (the "Updated Report(s)"). The Updated Report(s) shall identify all additional infrastructure that needs to be constructed for the city to accept the increased flow volumes of wastewater at the 157th Avenue Water Reclamation Facility and to deliver the increased flow volumes of water to the Property. The city shall have no obligation to provide service to accommodate the flow volumes in the Updated Reports unless there is: an uncommitted water supply sufficient to provide the additional water flows, uncommitted capacity at the 157th Avenue Water Reclamation Facility to accept the wastewater flows reflected in the Updated Report(s) and until Owner, at Owner's sole cost and expense, has completed the construction of the infrastructure identified in the Updated Report(s) and has conveyed all real estate interests (lien free and free of all encumbrances unless agreed to by the City Engineer or designee), required for the construction of such infrastructure.; and
13. No permits for work within the Property shall be issued unless there is uncommitted capacity available at the city's 157th Avenue Water Reclamation Facility to accept wastewater flows from development within the Property as determined by the Director of the City of Goodyear's Utilities Department pursuant to the requirements and directives of the State of Arizona and Maricopa County or until Owner of the Property has executed a waiver, to be recorded against the Property, that no water meters will be issued for service to the Property until there is uncommitted capacity available at the city's 157th Avenue Water Reclamation Facility to accept wastewater flows from development within the Property as determined by the Director of the City of Goodyear's Utilities Department pursuant to the requirements and directives of the State of Arizona and Maricopa County; and

14. Owner shall, at no cost to the City, complete the construction of the full half-street improvements for the western section of S. Cotton Lane along the frontage of the Property required for a scenic arterial as set forth in the City of Goodyear Engineering Design Standards and Policy Manual in effect at the time of construction (the "EDS&PM"), including, but not limited to: paving, a bus bay as required in the EDS&PM (Section 4.3.2.A & COG Std. Dtl. G-3230, G-3242), deceleration lanes if required in the EDS&PM, sidewalks, landscaping, landscape irrigation, street lights, signing and striping. Owner shall, at no cost to the city, convey to the City of Goodyear, in fee, lien free, and free of all encumbrances unless expressly agreed to by the City Engineer or his/her designee, all right-of-way required for the street improvements Owner is required to construct herein. The dedication of the right-of-way required herein shall be made prior to the approval of the Site Plan for the Property or when requested by the City Engineer or his designee, whichever is earlier. No certificates of completion, temporary certificates of occupancy or certificates of occupancy shall be issued for any structure within the Property until the improvements to Cotton Lane described herein have been completed and accepted by the City Engineer or his designee subject to completion of the two-year warranty period; and
15. Ingress and Egress on Cotton Lane is limited to right-in right-out. If access to the Property is to be provided from Cotton Lane, a concrete deceleration lane shall be constructed for each such access point as required in the EDS&PM (4.1.3.K.6.b & COG Std. Dtl. G-3215, G-3230) ("Driveway Deceleration Lane(s)"). Unless Owner obtains approval of a Waiver from the City Engineer or his designee pursuant to the process set forth in the EDS&PM prior to or concurrent with the submittal of a site plan or construction documents for the development of the Property, whichever is earlier, the site plan or construction drawings shall be designed so that the bus bay that is to be constructed shall not be combined with any required driveway deceleration lane; and
16. In addition to constructing the infrastructure improvements specifically identified herein, Owner shall construct, at no cost to the City, all infrastructure improvements required by the City of Goodyear subdivision regulations, all Building Codes and Regulations adopted by the City, and Engineering Design Standards and Policy Manual (EDS&PM) in effect at the time of construction; and
17. In addition to compliance with the stipulations and conditions of approval set forth herein, the development of the Property shall comply with the Goodyear Zoning Ordinance, the city of Goodyear subdivision regulations, the city of Goodyear's Engineering Design Standards and Policies, except as modified by the City Engineer, the Maricopa County Association of Governments standards for public works construction, the conditions and stipulations of approval set forth in Ordinance 2019-1451, and all other federal, state and locals laws, ordinances, rules, regulations, standards, and policies applicable to the development of the Property.

FISCAL IMPACT:

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact to the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts including increased demands for municipal services, the costs of which may or may not be offset by the increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

BACKGROUND AND PREVIOUS ACTIONS:

In October of 2019, the larger 696 acre site known as Lakin Park was rezoned from Agricultural Urban (AU) to the current Planned Area Development (PAD). At that time, uses were assigned to each parcel and this parcel was designated for commercial and industrial uses. This was approved under Ordinance 2019-1451.

The Planning and Zoning Commission considered this item at their regular meeting held on September 14, 2023. Commissioners voted unanimously (5-0) to forward a recommendation of approval to the City Council as originally presented to the Planning and Zoning Commission.

STAFF ANALYSIS:

Current Policy

A Use Permit requires review by the Planning and Zoning Commission and approval by the City Council following required public hearings. The process for review of a Use Permit is set forth in section 1-3-2 of the Goodyear Zoning Ordinance and in the City of Goodyear Administrative Process Manual.

Details of the Request

The applicant is requesting approval of a Use Permit to allow the development of convenience store with gas station. The property is located at the Southwest corner of MC-85 and S. Cotton Lane, within the Lakin Park Planned Area Development. The Property is zoned Planned Area Development (PAD) with an underlying land use of Commercial / Industrial Flex Zone. Under the PAD zoning, the development standards for the C-2 (General Commercial) zoning district as set forth in the Goodyear Zoning Ordinance apply to the Property except as modified in this PAD.

The Conceptual Site Plan for the Lakin Park Convenience Store, attached hereto, includes an approximately 4,850 square-foot convenience store with a combined 6,452 square-foot fuel canopy area (2 canopies), with the ability to serve up to 10 automobiles and 5 commercial vehicles at a time. The on-site parking, as reflected in the Preliminary Site Plan for Lakin Park Convenience Store, attached hereto, conforms with applicable

city standards. As shown on the building elevations submitted with the use permit, the design for the building will utilize a variety of materials and colors including brick and stone. Although not being approved, development of the permitted use is required to be in substantial conformance with the Conceptual Site Plan, the Conceptual Landscape Plan, and the Conceptual Building and canopy Elevations attached hereto.

Evaluation Criteria

Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council determine that the proposed use meets the following findings prior to granting a Use Permit:

1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;

As described in the materials provided with the use permit, the proposed use should not generate excessive odors, noise, or light to the detriment of the surrounding area. Traffic impacts have been reviewed and determined to be in conformance with the roadway capacity and improvements in the area. The property is surrounded by industrial uses and agricultural uses. Immediately adjacent to the west of the property is the recently constructed South Cotton Goodyear Warehouse (Site Plan 20-600-0021) consisting of 1,264,234 square feet of industrial warehouse space.

2. The proposed use is reasonably compatible with the uses permitted in the surrounding areas;

The proposed use is located within a commercial / industrial area intended for such uses. Construction was approved for the South Cotton Goodyear Warehouse just west of the proposed project in 2020 (Site Plan 20-600-0021). There is a proposed rezoning for an industrial warehouse on the North side of MC-85, North West of this project. In addition the site will be able to provide fuel and convenience services to the existing and future businesses, where no such uses exist today.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance provides the following additional evaluation criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site;

1. Adequacy of the parcel size and configuration to provide for proper access and internal circulation.

The approximately 5.22 acre site is of sufficient size and configuration to accommodate the proposed convenience store and fueling stations. If approved, the proposed access and internal traffic circulation pattern have been designed to meet minimum standards for a project with these proposed uses.

2. Compatibility of the proposed hours of operation with adjacent residential areas.

The proposed convenience store and fueling station is proposed to be open 24 hours per day, 7 days per week. Given that the proposed use is located among proposed and existing industrial and commercial uses, this location meets the compatibility standard in the Zoning Ordinance.

3. Required traffic mitigation measures, if any;

A traffic study was submitted with the application for the Use Permit. The traffic study has been approved by the City Engineer but requires approval of MCDOT and ADOT. The traffic study reflects ingress and egress to and from the Property is contemplated to be provided from Cotton Lane and a common shared drive to the west of the Property from MC-85.

Offsite street and access improvements adjacent to the site will be completed by the developer.

4. Other concerns, which may place the advisability of the proposed convenience use in question.

Staff has found no additional concerns with the development of a Convenience and Fueling Use on the property.

Economic Development has also reviewed the corner signage proposed and had no comments. It should be noted that the entire Lakin Park PAD will need to complete a Comprehensive Sign Package prior to the issuance of any sign permits. Stipulation 5 was added to address this requirement.

Fire Department

Emergency response times and distances are provided below:

Nearest Fire Station	Response Time		2 nd Nearest Fire Station	Response Time	
	Minutes	Miles		Minutes	Miles
#184	6.86	3.43	#182	8.27	4.14

Public Participation

In accordance with the city's Citizen Review Ordinance, an alternative notification process was used for the use permit request. A formal citizen review meeting was not involved; however, a notice was mailed to all property owners within 500 feet of the property. Staff has not received any public comments related to this application.

The Planning and Zoning Commission considered this item at their regular meeting on September 13, 2023. Upon conclusion of the staff presentation, the commission asked staff

about access from Common Drive to Cotton Lane. Staff clarified that there may be access onto Cotton Lane from the Common Drive, however final access will be determined by ADOT when the designs for the loop 303 are finalized and may change from the proposed conditions. Staff also clarified and stated that there is only one residential property in proximity to this project and it is a farm house located within the storage and maintenance yard for the farm east of the proposed site. The applicant gave a brief presentation and indicated that the intent of this project is to provide services to the businesses and employees in the immediate area. The Vice-Chairman called for any public comment and staff indicated that there were no members of the audience who wished to speak on this case. The Commission then unanimously voted (5-0) to forward a recommendation of approval to the City Council.

STAFF FINDINGS

As outlined herein, staff finds that the proposed request for the Use Permit to not be materially detrimental to businesses and uses in the surrounding area, nor proposed future uses in addition to not being an impact to the public welfare and that the proposed use is compatible with the uses permitting in the surrounding area. Staff further finds that the request for a Use Permit will meet the additional evaluation criteria for convenience uses as established in Section 4-2-2 of the Zoning Ordinance.

ATTACHMENTS:

1. Aerial Photo
2. Conceptual Site Plan
3. Revised landscape Plans
4. Conceptual Building Elevations – Color
5. Conceptual Fuel Canopy Elevations – Color
6. Project Narrative