

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



Wednesday, April 12, 2023

6:00 p.m.

Meeting Minutes

AGENDA AMENDED 4/11/2023 - Agenda Item #3 amended: Stipulation #1 amended and attachment added.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Commissioner Maria Sambito

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Vice Chairman Gregg Clymer to
EXCUSE Commissioner Sambito from the 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 Marlon Booth

Passed - Unanimously

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on March 8, 2023.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Carl Hamilton to
APPROVE the draft minutes of the Planning and Zoning Commission meeting held on March 8, 2023.
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 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. **PUBLIC HEARING TO REZONE 284.5 ACRES LOCATED NORTHEAST OF ESTRELLA PARKWAY AND BULLARD AVENUE, KNOWN AS BALLPARK VILLAGE AND BALLPARK VILLAGE - SOUTH, FROM PLANNED AREA DEVELOPMENT (PAD) TO 3RD AMENDED PAD**

Chairman Kish opened the public hearing at 6:03

Principal Planner Christian Williams presented the request for a rezoning of approximately 284.5 acres located northeast of Estrella Parkway and Bullard Avenue. The proposed rezoning is to amend the existing Planned Area Development zoning to modify the zoning designation of Lot 33 from the COM zoning to the RES/MXD Residential/Mixed zoning designation, to eliminate the ability to construct drive-through restaurants within the portions of the Property zoned MXD, which are owned by the city of Goodyear, and to conditionally allow a drive-through restaurant to be constructed within Lot 33 pursuant to the stipulations of the zoning ordinance. The COM land use category only allows for commercial uses including drive-in/drive-through facilities, whereas, 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 as well as a myriad of retail, commercial entertainment and mixed-uses. The RES/MXD category does not have a density maximum and the building height maximum is 72 feet. The proposed rezoning would also eliminate drive-through facilities as a permitted use within the portions of the property designated as MXD, all of which is owned by the City, and, it would allow one drive-through facility

on Lot 33 subject compliance with specific requirements set forth in condition/stipulation of approval number 5 in Ordinance 2023-1563.

- The requirements for a drive-through on Lot 33 include the following:
- The drive-through is limited to a single drive-through; and
- The drive-through is limited to a business that has, coffee, tea or other beverages as its primary product; and
- A patio shall be attached to the drive-through that is scaled to the size of the building must be a prominent feature towards Estrella Parkway or the Ballpark/Player Development Complex Fields and shall be a minimum of 1,000 square foot outdoor patio; and
- The drive-through drive aisle cannot be located between the building and Estrella Parkway, it must be located to the rear of the building; and it must not be substantially visible from Estrella Parkway; and
- Development of the drive-through shall comply with all of the requirements set forth in Section 4-2-18 (Drive Through Restaurants).

The following enhancements are required for development within Lot 33:

- Enhanced architectural design and landscaping which must be provided on the site, as determined by the Zoning Administrator during the Site Plan review; and
- Enhanced pedestrian connections which must be provided to connect the Ballpark site and nearby residential property, as determined by the Zoning Administrator during the Site Plan review; and
- If walls or fencing are constructed, view fencing shall be used between the multi-family and commercial center, except where screening of mechanical equipment and trash enclosures are necessary; and
- Color schemes shall add interest and variation to buildings on the Site. At least two (2) base colors and three (3) accent colors/materials shall be used in a manner which creates a minimum of three (3) unique building schemes through the Site. A variation in roof height is required and a portion of the building's roof shall be pitched or contain a tower structure with an overhang; and
- The color palettes of buildings shall incorporate a minimum of one (1) accent color that is not simply shades of grays and/or browns; and
- Parking requirements for commercial uses shall apply for commercial development within Lot 33 except as provided herein. A minimum of five (5) vehicle parking spaces open to the public and labeled for use as Bullard Wash Trailhead Parking shall be provided. In addition to providing the bicycle parking required in Article 6-6 (Bicycle Parking) of the Goodyear Zoning Ordinance, an additional five (5) bicycle parking spaces open to the public and labeled for use as Bullard Wash Trailhead parking shall be provided. For each Bullard Wash Trailhead Parking Space, which consists of one vehicle parking space labeled for use as Bullard Wash Trailhead Parking and one bicycle parking space labeled for use as Bullard Wash Trailhead Parking, the developer shall be permitted a reduction of two (2) required vehicle parking spaces needed to support restaurants within the property. This reduction does not apply to any other commercial development within Lot 33. Bullard Wash Trailhead Parking Spaces shall not permit a parking reduction of more than 20 vehicle parking spaces or more than 20% of the required parking spaces (whichever is less) (not forgoing the 3rd Party Parking study which may further reduce the parking requirements). The city shall reserve the right to promote the use of the provided Bullard Wash Trailhead Parking Spaces.
- A major plaza (pedestrian plaza/greenspace) shall be constructed within the property adjacent to Estrella Parkway and Bullard Avenue if any portion of Lot 33 is developed with a commercial use. The plaza should be a minimum of 2,500 sq. ft and include a major shade amenity and seating. Up to 50% of the plaza may be designed within the street side landscape setback right-of-way; and The major plaza will be flanked on either side by a large pedestrian path, store fronts, patios and/or have a pedestrian loop surrounding it. The plaza shall connect to pedestrian connections established by a Site Plan or Master Site Plan. The plaza shall be constructed with the first phase of commercial development other than for a drive-through; and
- A Ballpark Village Gateway Monument Sign shall be installed at the northeast corner of Estrella Parkway and Bullard Avenue. The size and scale of this monument shall be similar in nature to (Exhibit to be attached) which will match the character and theme being established in the greater Ballpark Village. The monument shall be constructed with the first phase of development on Lot 33.

Commission asked if the long term vision for the project was for the baseball team. Mr. Williams explained that the zoning does not restrict it to team use, but the applicant is intending to use half the site for team use.

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

There being no public comment, Chairman Kish closed the public hearing at 6:12 pm.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 22-200-00020 PUBLIC HEARING TO REZONE 284.5 ACRES LOCATED NORTHEAST OF ESTRELLA PARKWAY AND BULLARD AVENUE, KNOWN AS BALLPARK VILLAGE AND BALLPARK VILLAGE - SOUTH, FROM PLANNED AREA DEVELOPMENT (PAD) TO 3RD AMENDED 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 Marlon Booth
Passed - Unanimously

3. **SPECIAL USE PERMIT FOR AN AIRPORT (BISHOP AIR TRAINING FIELD)**

Chairman Kish opened the public hearing at 6:12 pm.

Planner Guadalupe Ortiz Cortez presented the request to amend a Special Use Permit to allow free fall parachute trainings on an approximately 433-acre parcel zoned I-1 (Light Industrial) located at 9602 W Alabaster Road. The applicant is requesting a Special Use Permit amendment to add free fall parachute training as an allowed use under the 2008 Special Use Permit. The proposed Special Use Permit amendment would allow free fall parachute training, which is currently being provided by Complete Parachute Solutions ("CPS"). Currently, CPS flies 16 aircraft operations a day for training, 3 weeks a month. Bishop Airfield is also having discussions with Lufthansa Airlines to allow them access to carry out pilot training at the facility. If an agreement is reached, the free fall parachute trainings and the pilot trainings would occur at separate times. There are no new facilities proposed with the amendment. The nearest existing residential home is located approximately 1,300 feet from the airport.

Commission asked about the notice of violation that the airport had received. Ms. Ortiz Cortez explained that the applicant worked with staff to bring the property into compliance with the activities.

John Rogers, representing the applicant, gave an overview of CPS and their operations as well as the request.

Commission asked about the airport and the frequency of current operations. Mr. Rogers explained that there are 5-6 courses a year, typically occupying the airfield for about 6 months out of the year.

Commission asked if there are any other organizations utilizing the airport. Mr. Rogers stated that they purchased the airfield from Lufthansa with Dillon Aero and then bought Dillon Aero out.

There being no public comment, Chairman Kish closed the public hearing at 6:23 pm.

MOTION BY Commissioner Carl Hamilton, **SECONDED BY** Commissioner Anthony Wang to RECOMMEND approval for case 22-350-00006 SPECIAL USE PERMIT FOR AN AIRPORT (BISHOP AIR TRAINING FIELD). 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 Marlon Booth
Passed - Unanimously

4. **USE PERMIT FOR A CONVENIENCE USE (CIRCLE K CONVENIENCE STORE WITH A GAS STATION)**

Chairman Kish opened the public hearing at 6:24 pm.

Planner Guadalupe Ortiz Cortez presented the request for a Use Permit to facilitate the development of a Circle K convenience store with a gas station on property within the PV303 PAD with underlying C-2 (General Commercial) zoning. The property is located at the southeast corner of North 166th Avenue and West Indian School Road and is within a commercial center known as The Triangle at PV303. The Circle K Site Plan includes an approximately 5,200 square-foot convenience store with a 4,608 square-foot fuel canopy area, providing 7 gasoline fueling stations and a 1,680 square-foot diesel canopy area, providing 4 diesel fueling stations. The applicant will be providing outdoor patio tables on the northwest side of the proposed building for customers. The property will be accessible from N 166th Avenue and W Indian School Road. On-site parking conforms with applicable city standards. The applicant is also providing 7 semi-truck parking spaces for truck drivers who want to fuel their truck and shop at the convenience store. The design for the building will utilize the materials and colors approved for the Triangle at PV303 Master Site Plan. The nearest residential home is approximately 550 feet from the subject property.

Commission asked if there were any concerns about light pollution. Ms. Ortiz Cortez explained that the applicant is subject to the zoning ordinance standards for lighting, which necessitates full cut off lighting. Staff did not receive specific concerns regarding lighting.

Commission asked if there was a traffic signal at 166th Ave and Indian School. Ms. Ortiz Cortez confirmed there is a traffic light at that intersection.

Commission asked about the distance and use of the land between this project and the neighborhood. Ms. Ortiz Cortez stated that the distance between the property line and the residential neighborhood is approximately 550 feet. The property between the neighborhood and this project is currently RV parking but a portion of the property was rezoned, and pickleball courts will be constructed on the property.

Jodi Hamill, representing the applicant, gave an overview of the comments received from the neighborhood. There are 4 diesel pumps on the southern portion of the parcel, approximately 800 feet from the closest property line for the residential neighborhood. There are 7 parking spaces for trucks but are not for overnight or long term parking. The church to the south had concerns about vehicle stacking to turn into the site however, it is expected that only 25% of the traffic will come in on 166th ave, the rest turning in directly from Indian School road. Ms. Hamill explained that there were also concerns about trucks that have come into the church to turn around. This should be eliminated with the development of Circle K as it gives the trucks an area to turn around.

Commission asked about air braking and the noise. Ms. Hamill explained that air brakes do make noise, but it does depend on the weight of the vehicle. They are anticipating more box trucks over semi trucks.

There being no public comment, Chairman Kish closed the public hearing at 6:38 pm.

MOTION BY Vice Chairman Gregg Clymer, **SECONDED BY** Commissioner Anthony Wang to RECOMMEND approval for case 21-300-00011 USE PERMIT FOR A CONVENIENCE USE (CIRCLE K CONVENIENCE STORE WITH A GAS STATION). 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 Marlon Booth

Passed - Unanimously

5. **PLANNING AND ZONING COMMISSIONER TRAINING SESSION**

Planning Manager Steve Careccia reviewed the development process that takes place after Planning & Zoning Commission and Council approval, primarily site planning, construction plans, inspections and issuance of a Certificate of Occupancy. Mr. Careccia gave examples of what appears on a site plan and what staff reviews for approval, including landscaping, elevations and drainage.

Commission discussed the timeframe for permit issuance, emergency access, comparisons to other municipalities and conceptual plans.

STAFF COMMUNICATIONS

Deputy Director of Planning Katie Wilken reviewed the items previously seen before the Commission. Ms. Wilken also reviewed a change to the city code that allows Preliminary Plats to be approved administratively rather than going to Planning & Zoning Commission for recommendation and Council for approval.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on May 10, 2023 at 6 pm in the Goodyear City Hall Council Chambers.

ADJOURNMENT

There being no further business to discuss, Chairman Kish adjourned the meeting at 7:01 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Jason Kish, Chairman

Date: _____