

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



Wednesday, December 6, 2023

6:00 p.m.

Meeting Minutes

AGENDA AMENDED - ITEM #4 AMENDED

CALL TO ORDER

Vice Chairman Clymer called the meeting to order at 6 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Vice Chairman Gregg Clymer; Commissioner Maria Sambito; Commissioner Kent Hegedus;
Commissioner Jeremiah Smith; Commissioner Marlon Booth

Absent: Chairman Jason Kish; Commissioner Anthony Wang

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

AYE: Vice Chairman Gregg Clymer, Commissioner Jeremiah Smith, Commissioner Kent Hegedus,
Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on November 15, 2023.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Jeremiah Smith to
APPROVE the draft minutes of the Planning and Zoning Commission meeting held on November 15,
2023. The motion carried by the following vote:

AYE: Vice Chairman Gregg Clymer, Commissioner Jeremiah Smith, 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. SEDELLA COMMERCIAL CONVENIENCE STORE WITH DRIVE-THROUGH USE PERMIT

Vice Chairman Clymer opened the public hearing at 6:03 pm.

Principal Planner Christian Williams presented items #2, 3 and 4 together. Mr. Williams presented the request for a Use Permit for a Convenience Store with Drive-through on an approximately 1.37-acre property zoned Planned Area Development (PAD) with an underlying zoning of (Community) Commercial, a Use Permit for a car wash on an approximately 1.38-acre property zoned Planned Area Development (PAD) with an underlying zoning of (Community) Commercial and a Use Permit for a Retail Building with Drive-through on an approximately 1.78-acre property zoned Planned Area Development (PAD) with an underlying zoning of (Community) Commercial located at the northeast corner of Perryville Road and Indian School Road.

Item #2 A convenience store with Drive-through is proposed on the northeast corner of Perryville Road and Indian School Road, within the undeveloped southwestern-most Sedella Commercial parcel. The subject property consists of 1.37 acres within the larger 13.48-acre parcel. The original Sedella Final Planned Area Development envisioned an array of commercial uses, on this site, including convenience uses as a Use Permitted use. The proposed site contains a convenience store with gas pumps and a Drive-through window for pick up orders. The convenience store contains a Drive-through with queuing for a minimum of 8 cars (the pick-up window is not facing an

arterial roadway), 19 parking spaces, two bike racks and 16 spaces adjacent to fueling stations (for fueling purposes). The applicant submitted their application for a Use Permit prior to the city's new drive-thru standards being approved on June 27, 2022. The text amendment became effective on July 27, 2022. However, considering the Drive-through is limited in nature, and exceeds the city's previous standards by two spaces, staff supports the proposal as presented. The proposed site includes a 5,000 square-foot convenience store building with a northern facing (rear) drive-through window. The building entrance is oriented to face south, towards the arterial road and the fueling canopy. The gas station is not located at the hard corner of the arterial to arterial road. Separate structures for other types of uses and a shaded seating area/corner monument will be located between the gas station and the corner of Perryville and Indian School. The Sedella residential neighborhood to the north (more than 570 feet north). The convenience store will be located over 330 feet away from the residential properties to the east and 412 feet away from the HOA playground within Sedella. The convenience store, like the other buildings being developed within the Sedella Commercial Center, will include masonry, stone and metal materials. Building elevations and architectural finishes and colors will be cohesive throughout the development. Four-sided architecture shall be included on all buildings. Building designs and architecture shall blend with and compliment the "Old World" Spanish Charm as has been established through the Sedella Planned Area Development. All buildings shall have a minimum of two colors painted on the base of the building. Final commercial design guidelines shall be submitted for review and approval by City Staff prior to the submittal of any site plan application for the commercial parcels. The proposed building height is less than 25 feet at the tallest point which includes a decorative stone and metal tower. This is under the 56-foot maximum building height established for the C-2 (General Commercial) zoning district.

Item #3 An express car wash is proposed within Car Wash Use Permit Site at the northeast corner of Perryville Road and Indian School Road, within the undeveloped southwestern-most Sedella Commercial parcel. The Car Wash Use Permit Site consists of 1.38 acres within the larger 13.48-acre parcel. The original Sedella Final Planned Area Development envisioned an array of commercial uses, on this site, including a car wash as a Use Permitted use. The proposed site contains an automated car wash and 24 self-service vacuum stations/parking spaces. Customers remain in their vehicles through the pay and wash process and have the option of self-vacuuming their vehicles prior to or after the tunnel wash. After exiting the car wash tunnel, customers may exit and enter into the vacuums area and/or proceed towards the exit drive of the commercial center. The site will also provide a bicycle rack on-site. The proposed site includes a 3,775 square-foot car wash building. The building is oriented with the tunnel entrance and exit facing north and south parallel to Perryville Road (but more than 270 feet from the Perryville Road right-of-way) and facing Indian School Road. Zoning Ordinance, Article 3-3-6-B-7-b does not allow carwash service bays fronting onto public streets, however this building orientation is preferred to avoid creating detrimental noise impacts onto the Sedella residential neighborhood to the far north (more than 435 feet north of any homes) or the Fulton homes development to the east of the Car Wash Use Permit Site. Additionally, the tunnel is visually largely hidden by the retail buildings which shall front onto Indian School Road. The car wash entrance tunnel will be located over 284 feet away from the Indian School Road right-of-way and will have landscaping, drive-aisles, various structures and screen walls between the tunnel and the roadway. The car wash, like other buildings being developed within the Sedella Commercial Center will include masonry, stone and metal materials. Building elevations and architectural finishes and colors will be cohesive throughout the development. Four-sided architecture shall be included on all buildings. Building designs and architecture shall blend with and compliment the "Old World" Spanish Charm as has been established through the Sedella Planned Area Development. All buildings shall have a minimum of two colors painted on the base of the building. All buildings shall have a minimum of two colors painted on the base of the building. Final commercial design guidelines shall be submitted for review and approval by City Staff prior to the submittal of any site plan application for the commercial parcels. The proposed building height is less than 23 feet at the tallest point which includes a decorative stone and metal tower. This is under the 56-foot maximum building height established for the C-2 (General Commercial) zoning district.

Item #4 A Retail Building with Drive-through is proposed on the northeast corner of Perryville Road and Indian School Road, within the undeveloped southwestern-most Sedella Commercial parcel. The Retail/Restaurant Drive-Through Use Permit Site consists of 1.78-acres within the larger 13.48-acre parcel. The original Sedella Final Planned Area Development envisioned an array of commercial

uses, on this site, including convenience uses as a Use Permitted use. The proposed site contains a Retail Building with Drive-throughs. The Retail Building contains a Drive-through with queuing for a minimum of 10 cars (the pick-up window is not facing an arterial roadway), 45 parking spaces and two bike racks. The proposed retail building includes 7,700 square-foot of storefront with a northern facing (rear) drive-through window. The building entrance is oriented to face south, towards the arterial road. The drive-through exit is not located on the hard corner of the arterial to arterial road but rather store front and patio as well as a shaded seating area/corner monument. The Sedella residential neighborhood to the north (more than 600 feet north). The retail building will be located over 500 feet away from the residential properties to the east and 582 feet away from the HOA playground within Sedella. The Retail Building with Drive-through and Sedella Commercial Center buildings will include masonry, stone and metal materials. Building elevations and architectural finishes and colors will be cohesive throughout the development. Four-sided architecture shall be included on all buildings. Building designs and architecture shall blend with and compliment the "Old World" Spanish Charm as has been established through the Sedella Planned Area Development. All buildings shall have a minimum of two colors painted on the base of the building. Final commercial design guidelines shall be submitted for review and approval by City Staff prior to the submittal of any site plan application for the commercial parcels. The proposed building height is less than 30 feet at the tallest point which includes a decorative stone and metal tower, which is under the 56-foot maximum building height established for the C-2 (General Commercial) zoning district.

Commission asked for clarification on the heights of the buildings. Mr. Williams explained the heights of the various projects.

Commission asked about the hours of operation for the convenience store. Mr. Williams stated that convenience stores are typically 24 hour operations and the city has not restricted the hours on any of the businesses proposed.

Commission questioned the architecture styling of Sedella and the "Old World" Spanish Charm. Mr. Williams explained that certain elements would match with Sedella, particularly the tower elements of the buildings, the stone work and the monument signage.

Commission asked about the traffic study for the area. Mr. Williams explained that this site was planned for Commercial and the use permit applications are looking at not only traffic, but also entrances and flow through the development.

2 speakers from Litchfield Farms spoke in opposition of the application - Leslie Levan and Patricia Smith - citing Indian School traffic issues, lack of police coverage in the area, effects of alcohol availability near the freeway, noise pollution from the carwash and light pollution.

There being no further public comment, Vice Chairman Clymer closed the public hearing at 6:24 pm.

Commission asked Mr. Williams to address the speakers concerns. Mr. Williams stated that a signal is warranted at Perryville and Indian School, but there are some utility conflicts that the city is working through with adjacent utility providers prior to the signal being installed. Perryville rd will be widened when the Enclave at Fulton Homes opens. There are stricter requirements in Sedella for lighting and they are included in the stipulations for these applications.

Commission asked about a sound buffer. Mr. Williams explained that the carwash is more interior to the property and faces the east side and there will be a building to block the carwash from the hard corner and Litchfield Farms. There is also a stipulation regarding noise trespass for the carwash and if the noise is not mitigated, the use permit can be revoked.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 22-300-00003 SEDELLA COMMERCIAL CONVENIENCE STORE WITH DRIVE-THROUGH USE PERMIT. The motion carried by the following vote:

AYE: Vice Chairman Gregg Clymer, Commissioner Jeremiah Smith, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

3. **SEDELLA COMMERCIAL CAR WASH USE PERMIT**

This item was presented with item #2.

Vice Chairman Clymer opened the public hearing at 6:28 pm.

There being no public comment, Vice Chairman Clymer closed the public hearing at 6:29 pm.

MOTION BY Commissioner Maria Sambito, **SECONDED BY** Commissioner Kent Hegedus to RECOMMEND approval for case 22-300-00004 SEDELLA COMMERCIAL CAR WASH USE PERMIT. The motion carried by the following vote:

AYE: Vice Chairman Gregg Clymer, Commissioner Jeremiah Smith, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

4. **SEDELLA COMMERCIAL RETAIL BUILDING WITH DRIVE-THROUGH USE PERMIT**

This item was presented with item #2.

Vice Chairman Clymer opened the public hearing at 6:30 pm.

There being no public comment, Vice Chairman closed the public hearing at 6:31 pm.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Jeremiah Smith to RECOMMEND approval for case 23-300-00003 SEDELLA COMMERCIAL RETAIL BUILDING WITH DRIVE-THROUGH USE PERMIT. The motion carried by the following vote:

AYE: Vice Chairman Gregg Clymer, Commissioner Jeremiah Smith, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

5. **REZONE APPROXIMATELY 26.4 ACRES FROM PAD (PLANNED AREA DEVELOPMENT) COMMERCIAL TO I-2 (GENERAL INDUSTRIAL) WITH A PAD OVERLAY LOCATED APPROXIMATELY 1,200 FEET WEST OF SOUTH COTTON LANE ON THE NORTH SIDE OF MARICOPA COUNTY ROUTE 85**

Vice Chairman Clymer opened the public hearing at 6:32 pm.

Contract Planner David Williams presented the request to rezone approximately 26.4 acres from PAD (Planned Area Development) Commercial to I-2 (General Industrial) with a PAD Overlay located approximately 1,200 feet west of South Cotton Lane on the north side of Maricopa County Route 85. The applicant is requesting a rezone of approximately 26.4 acres from PAD (Planned Area Development) Commercial to I-2 (General Commercial) with a PAD overlay to facilitate the development of industrial buildings and uses, subject to the stipulations found in Ordinance 2023-1598. The applicant is proposing a potential rail spur connection to the Union Pacific Railway on the north side of the Property. The applicant is requesting a PAD overlay which would include the following deviations:

- Permitted Uses in the I-2 (General Commercial) District have been modified to prohibit certain intensive industrial uses that would otherwise detract from overall character of the surrounding community.
- Front setback to be reduced from 50 feet to 30 feet from the property line.
- Rear setback to be reduced from 50 feet to 20 feet from the rear property line.

- The 25-foot landscape buffer adjacent to single family zoning shall be reduced to 25 feet with a provision that fire access lanes shall be allowed within the landscape buffer and are exempt from planting requirements where fire lanes are located.
- An increase from 50% to 85% for the percentage of roll up and dock doors fronting a public street (MC-85).

The reduced front and rear setbacks are a result of the irregular triangular shaped lot as well as the adjacency of the Union Pacific Railroad Tracks. The increase in percentage of public road facing roll up doors and docks is justified because of the irregular shape of the property, its location between the railroad tracks on the north and MC85 on the south, and to facilitate the development of the property for rail served industrial users. The applicant will be providing an aesthetic screen wall with enhanced landscaping along MC-85 on the southern and western portions of the project, which will further screen the roll up doors and docks from visibility from public roads. If the rezoning is approved, the next steps in the entitlement process will be the submittal, review, and stipulated approval of a site plan application to ensure compliance with the rezoning stipulations, city codes, ordinances and design guidelines. To date, however, staff is not aware of any pending development proposed for the Property.

Commission commented on the size of the building in comparison with the site, expressing disappointment with overbuilt sites and the variances requested with these applications.

Jeff Blilie, representing the applicant, explained the reason for reduced landscaping and that they were willing to add additional landscaping.

There being no public comment, Vice Chairman closed the public hearing at 6:47 pm.

Commission discussed the variances requested with larger buildings and justification needed for variances.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for case 23-200-00005 REZONE APPROXIMATELY 26.4 ACRES FROM PAD (PLANNED AREA DEVELOPMENT) COMMERCIAL TO I-2 (GENERAL INDUSTRIAL) WITH A PAD OVERLAY LOCATED APPROXIMATELY 1,200 FEET WEST OF SOUTH COTTON LANE ON THE NORTH SIDE OF MARICOPA COUNTY ROUTE 85. The motion carried by the following vote:

AYE: Vice Chairman Gregg Clymer, Commissioner Jeremiah Smith, Commissioner Kent Hegedus, Commissioner Maria Sambito, Commissioner Marlon Booth

Passed - Unanimously

STAFF COMMUNICATIONS

Deputy Director of Planning Katie Wilken reviewed the item previously seen by the Commission. Planning Manager Steve Careccia's last day with the city is January 2nd and Development Services Director Christopher Baker has left the city. Katie Wilken is now the Interim Development Services Director.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on January 17, 2024 at 6 pm at the Goodyear City Hall Council Chambers.

ADJOURNMENT

There being no further business to discuss, Vice Chairman Clymer adjourned the meeting at 6:50 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Date: _____