

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



Wednesday, April 17, 2024

6:00 p.m.

Meeting Minutes

CALL TO ORDER

Chairman Clymer called the meeting to order at 6 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Commissioner Anthony Wang

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

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

Passed - Unanimously

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on March 13, 2024.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Marlon Booth to APPROVE the draft minutes of the Planning and Zoning Commission meeting on March 13, 2024. The motion carried by the following vote:

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

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. USE PERMIT FOR A CONVENIENCE USE AT THE NORTHWEST CORNER OF MCDOWELL AND 150TH, WITHIN GOODYEAR CIVIC SQUARE

The public hearing began at 6:05 pm.

Planning Manager Christian Williams introduced Planner Justin Gabrielson. Mr. Gabrielson presented the request for a Use Permit request for a convenience use proposed at the northwest corner of McDowell Road and 150th Drive, within Goodyear Civic Square at Estrella Falls. The Goodyear Civic Square at Estrella Falls PAD was approved on July 7, 2019, with Ordinance No. 19-1440. The Goodyear Civic Square at Estrella Falls PAD land use designation establishes convenience uses (drive-through) as a use that requires approval of a Use Permit. The two drive-through lanes provided on the site plan well exceeds the city's queuing requirements of at least six (6) stacking spaces from the drive-through entry to the first stop and at least four stacking spaces from the menu board to the first product pick-up window has been voluntarily provided. The proposed convenience use will be a convenience use drive-through restaurant. The restaurant will consist of a single-story, approximately 3,150 square-foot building with a 600 square foot outdoor patio.

Commission expressed appreciation for the landscaping along McDowell and the development in this area being brought in for residents.

Commission asked how the queuing for this project compares to other busy drive-through uses in the area. Planning Manager Christian Williams stated that this project exceeds the city's queuing requirements and if traffic were to spill onto a public roadway, the city would have conversations with the business owner to find ways to mitigate that.

There being no public comment, Chairman Clymer closed the public hearing at 6:15 pm.

3. **MINOR GENERAL PLAN AMENDMENT OF APPROXIMATELY 53.24 ACRES ONE HALF MILE WEST OF THE SOUTHWEST CORNER OF COTTON LANE AND CAMELBACK ROAD.**

Chairman Clymer opened the public hearing at 6:17 pm.

Contract Planner David Williams presented items #2 and #3 together. Mr. Williams presented the request for a Minor General Plan Amendment on approximately 53.24 acres generally located a half mile west of Cotton Lane on the south side of Camelback Road from the Neighborhoods Land Use designation to the Business and Commerce Land Use designation. The property's current Land Use designation of Neighborhood would only permit residential development, not the proposed light industrial warehouse buildings allowed within the Business Park District (BPD). As a result of the industrial development immediately to the east, the applicant has indicated the existing zoning of Agricultural Urban (AU), which would facilitate the development of residential lots on acre lots, does not have a current market demand at this location. Accordingly, the applicant is seeking to amend the Land Use designation for the Property. Subsequent to this request, by separate action, Council will be asked to consider an application to rezone the Property to the Business Park District (BPD) to facilitate this development.

Mr. Williams also reviewed the request to rezone approximately 53.24 acres located one half mile west of Cotton Lane on the south side of Camelback Road (the "Property") from Agricultural Urban (AU) to Business Park District (BPD). The purpose of the proposed request to rezone 53.24 acres from Agricultural Urban (AU) to Business Park District (BPD). While not being approved as part of this rezoning action, the applicant states that the intent of the rezoning is to facilitate development of five business park styled buildings for use as warehouse space with an interior truck court and associated offices. If approved, this would be the first implementation of the Business Park District (BPD) since this zoning designation was created in late 2023. The Business Park District is intended to be a transitional zoning designation between industrial and residential uses. As part of this, the applicant is not seeking zoning PAD amendments for the project. The applicant is requesting waivers from engineering standards related to the separation of the entrances into the project, off of Camelback Road, which will be reviewed separately by the Engineering Department. The results of this rezone from AU to BPD would result in the removal of approximately 13 residentially entitled lots and allow for the development of approximately 891,000 square feet of business park buildings and associated office space. Any proposed development will be required to go through the site plan process. The project will be designated Lighting Zone 2 given the proximity of residential properties to the west. Staff has discussed and the applicant has agreed to pedestrian scaled lighting on the buildings on the west side of the project to ensure compatibility between uses. Additionally, the BPD requires an increased landscape buffer of 40' and a double row of trees which the applicant has provided.

A joint letter dated April 1, 2024 from Meritage Homes of Arizona, LLC, and Tri-Point Homes Arizona 91, LLC was filed with the City Clerk opposing the proposed general plan amendment and rezoning. These two entities collectively own all of the property rezoned by Ordinance 2018-1395 (approximately 164 acres) except for the approximately 53 acres subject to the proposed minor general plan amendment and rezoning application. Staff received an e-mail today that was sent to the attorney representing the applicant from Meritage Homes's representative. In this e-mail, Meritage withdrew its opposition to the rezoning and minor general plan amendment based on the owner's committing to certain conditions.

Commission asked about the traffic signal and the payment from the owner. Mr. Williams stated that traffic signals are expensive and are a major investment.

Commission asked what issues Tri-Point and Meritage had with the proposal. Mr. Williams explained

that he would like the applicant to address that question as staff has not been privy to these meetings. Mr. Williams explained that emergency only access and a wall was part of the negotiations.

Commission asked about the lighting and hours of operation. Mr. Williams stated that the Business Park District (BPD) design standards internalize truck deliveries but does not believe that there are any hour restrictions in the BPD.

Commission commented that this use seems more suited to the location.

Ed Bull, representing the applicant, presented an overview of the project.

Commission asked if the stipulation for lighting could be altered from "facilitate" to "include". Mr. Bull confirmed that this change was amenable.

Commission asked for clarification on the location of the higher wall. Mr. Bull reviewed the location of the wall and stated that they were happy to work with the homebuilders to extend the wall around the corner.

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

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Vice Chair Maria Sambito to RECOMMEND approval for case P23-700-00001 MINOR GENERAL PLAN AMENDMENT OF APPROXIMATELY 53.24 ACRES ONE HALF MILE WEST OF THE SOUTHWEST CORNER OF COTTON LANE AND CAMELBACK ROAD. The motion carried by the following vote:

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

Passed - Unanimously

4. **REZONE APPROXIMATELY 53.24 ACRES FROM AU (AGRICULTURAL URBAN) TO BUSINESS PARK DISTRICT (BPD).**

Chairman Clymer opened the public hearing at 6:52 pm.

Contract Planner David Williams presented the Rezone with the Minor General Plan Amendment.

There being no public comment, Chairman Clymer closed the public hearing at 6:53.

MOTION BY Commissioner Jason Kish, **SECONDED BY** Commissioner Jeremiah Smith to RECOMMEND approval for case 23-200-00006 REZONE APPROXIMATELY 53.24 ACRES FROM AU (AGRICULTURAL URBAN) TO BUSINESS PARK DISTRICT (BPD). The motion carried by the following vote:

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

Passed - Unanimously

5. **AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO GROUP HOMES**

Chairman Clymer opened the public hearing at 6:54 pm.

Contract Planner David Williams presented the request to amend Articles 2 and 3 of the Zoning Ordinance to align with best practices and address new and emerging trends to update the regulations related to group homes. This request for text amendment is to modify certain definitions and standards related to assisted living homes. To achieve this intent, the text amendment proposes the following revisions:

- Amend Zoning Ordinance Section 2-2 (Definitions): Delete the term “Assisted Living Home” and its associated definition; add the term “Group Home” and its associated definition; change the term “Assisted Living Home” to “Group Home” throughout, and,
- Amend Zoning Ordinance Section 2-2 (Definitions): Add the term “Single Housekeeping Unit” and its associated definition; and,
- Amend Zoning Ordinance Section 3-2-2 (Permitted Uses): Update Table 3-2-2 (Residential Districts Use Classifications) to amend the Group Living section to reflect the amended terms as defined in section 2-2 and as used in Section 3-2-4.
- Amend Zoning Ordinance Section 3-2-4 (Single Family – Additional Use Definitions and Regulations): amend subsection a, to add language that all group homes shall require a minimum separation; amend subsection b, (Assisted Living Homes) to change the use of the term “Assisted Living Homes” to “Group Homes” throughout the section, amend subsection d, to replace the term “business registration permit” with “business license” to reflect an update in city code; amend subsection g, to add the phrase “prior to opening” to clarify that permits are required from all agencies prior to opening a group home; add subsection h, which states how long a zoning clearance is valid, when an extension of a zoning clearance may be requested, when a new zoning clearance shall be required, and when a group home may begin operations.
- All existing group homes previously approved or operating in full legal conformance with all city and state requirements, including licensing requirements, are allowed to continue operation if the Group Home continues to comply with all applicable regulations, statutes and ordinances, including obtaining a new business license issued by the city. A grace period will be provided for group homes to apply for a business license and zoning clearances to review their existing rights.

Commission asked Mr. Williams to review the current and proposed processes. Mr. Williams explained that currently, a home with 1-6 occupants does not require a zoning clearance but most applicants did not realize they needed to submit a Change of Occupant. At six occupants, fire sprinklers are required. There are quite a few disconnects in the current process that will be clarified in the new process.

Commission asked how many group homes do not have a current buffer. Mr. Williams stated that there are 151 known group homes and all new group homes would need to comply with the separation requirements.

There being no public comment, Chairman Clymer closed the public hearing at 7:03

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Jeremiah Smith to RECOMMEND approval for case P24-00096 AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO GROUP HOMES. The motion carried by the following vote:

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

Passed - Unanimously

6. **AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO CONVENIENCE USES, SELF-SERVICE STORAGE FACILITIES, AUTOMOTIVE REPAIR, AUTOMOBILE SERVICE STATION (GAS STATIONS), USE PERMITS, AND SPECIAL USE PERMITS**

Chairman Clymer opened the public hearing at 7:05 pm.

Planning Manager Christian Williams presented the request for a staff-initiated request to amend Articles 2, 3 and 4 of the Zoning Ordinance to allow convenience use self-storage (mini-storage), automotive service stations (gas stations). This request for text amendment is to modify certain definitions and standards related to mini-storage facilities, automotive repair facilities, gas stations and convenience uses. The proposed text amendment includes the revisions to the following provisions in the Goodyear Zoning Ordinance for the purposes described:

- Article 2-2 (Definitions): Amends the definition of Automotive Repair and Service Station, Automotive to delineate between automotive repair uses and gas stations, amends the uses that are considered Convenience Uses, which require use permits, deleting gas stations and modifying the stores that require a use permit to only stores with drive-through facilities, adds a definition of Self-Storage Facility and amends the definition of Zoning Permit; and
- Sections 3-3-2(A) and 3-3-2(C) are amended to allow gas stations subject to regulations, convenience stores without drive-through facilities, and self-storage facilities subject to regulations as principal permitted uses in the C-1 (Neighborhood Commercial District), and deleting gas stations as a use permit use in the C-1 (Neighborhood Commercial District); and,
- Sections 3-3-3(A) and 3-3-3(C) are amended to allow gas stations subject to regulations, convenience stores without drive-through facilities, and self-storage facilities subject to regulations as principal permitted uses in the C-2 (General Commercial District) and deleting gas stations and self-storage facilities as use permit uses in the C-2 (General Commercial District) ; and,
- Sections 3-4-1(A) and 3-4-2(A) are amended to allow gas stations subject to regulations and self-storage facilities subject to resolutions as principal permitted uses in the I-1 (Light Industrial Park) and in the I-2 (General Industrial Park); and,
- Section 4-2-2 (Convenience Uses) is amended to make minor modifications to the requirements for the evaluation of convenience uses; and
- Section 4-2-3 (Automobile Service Station (Gas Stations) Regulations) is amended to adopt regulations for gas stations, which previously required a use permit but are now being permitted as principal uses in various zoning districts; and
- Section 4-2-19 (Self-Service Storage Facilities Regulations) is being added to adopt regulations for self-storage facilities, which previously required a special use permit but are not being permitted in various zoning districts.

There being no public comment, Chairman Clymer closed the public hearing at 7:13 pm.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case PZ24-00057 AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO CONVENIENCE USES, SELF-SERVICE STORAGE FACILITIES, AUTOMOTIVE REPAIR, AUTOMOBILE SERVICE STATION (GAS STATIONS), USE PERMITS, AND SPECIAL USE PERMITS. The motion carried by the following vote

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

Passed - Unanimously

7. **AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO R1-A (SINGLE-FAMILY ATTACHED)**

Chairman Clymer opened the public hearing at 7:15 pm.

Planning Manager Christian Williams presented the request for a staff-initiated request to amend Articles 3 and 6 of the Zoning Ordinance to create Reduced R1-A development standards. This request for text amendment is to create Reduced R1-A (Single-Family Attached) Residential development standards to facilitate the development of townhomes. Several PAD Overlays have been requested over the city R1-A Zoning District which seek similar requirements to the ones now being proposed by this staff initiated Zoning Ordinance Text Amendment. To achieve this intent, the text amendment proposes the following revisions:

- R1-A (Single-Family Attached) Residential may reduce minimum lot width down to 20-foot.
- R1-A (Single-Family Attached) Residential may reduce in minimum lot area (square foot) down to 1,600 square feet.
- R1-A (Single-Family Attached) Residential will be allowed an 80% maximum building lot coverage requirement.
- R1-A (Single-Family Attached) Residential will have provisions for Reduced standards within Article 3-2 Table 3-2-3-E as well as alley loaded development, layout and parking requirements

Commission asked for examples of the reduced lot width in current development projects. Mr. Williams explained that the 20-foot wide lot is used because, typically with a 2-car garage, you end up with a minimum 20-foot wide lot. The R1-A standards could fit a 3-story home. There are standards for minimum distance and separation through design elements and there will still be private and green spaces.

There being no public comment, Chairman Clymer closed the public hearing at 7:22 pm.

MOTION BY Commissioner Kent Hegedus, **SECONDED BY** Commissioner Jason Kish to RECOMMEND approval for case P24-00107 AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO R1-A (SINGLE-FAMILY ATTACHED). The motion carried by the following vote:

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

Passed - Unanimously

STAFF COMMUNICATIONS

Development Services Director Katie Wilken reviewed the items that were previously seen before the Commission.

Ms. Wilken gave an update on the vacant Commission seat as well as announce that she had been made Development Services Director.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on May 8, 2024 at 6 pm at the Goodyear City Hall Council Chambers.

ADJOURNMENT

There being no further business to discuss, Chairman Clymer adjourned the meeting at 7:25 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Date: _____

Approved at Planning & Zoning Commission Meeting held on _____, 2024.