

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



Wednesday, June 26, 2024

6:00 p.m.

Meeting Minutes

CALL TO ORDER

Vice Chair Sambito called the meeting to order at 6 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chairman Gregg Clymer; Vice Chair Maria Sambito; Commissioner Kent Hegedus; Commissioner Marlon Booth; Commissioner Anthony Wang; Commissioner Jeremiah Smith; Commissioner Ernie Nepomuceno

Chairman Clymer and Commissioner Hegedus attended the meeting telephonically.

APPROVE MINUTES

1. Approve the draft minutes of the Planning and Zoning Commission Meeting on June 12, 2024.

MOTION BY Commissioner Marlon Booth, **SECONDED BY** Commissioner Anthony Wang to APPROVE the draft minutes of the Planning and Zoning Commission meeting on June 12, 2024. The motion carried by the following vote:

AYE: Chairman Gregg Clymer, Vice Chair Maria Sambito, Commissioner Kent Hegedus, Commissioner Marlon Booth, Commissioner Anthony Wang, Commissioner Jeremiah Smith, Commissioner Ernie Nepomuceno

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 (CONVENIENCE STORE WITH A GAS STATION)

Vice Chair Sambito opened the public hearing at 6:03 pm.

Senior Planner Guadalupe Ortiz Cortez presented the request for a Use Permit for a Convenience Use (QuikTrip convenience store with a gas station) proposed on an approximately 1.82-acre parcel located at southeast corner of North 166th Avenue and West Indian School Road. The property is zoned Planned Area Development with underlying C-2 (General Commercial) designation, within the PV 303 Planned Area Development (PAD). 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 conceptual QuikTrip (QT) Site Plan includes an approximately 5,312 square-foot convenience store with a 7,287 square-foot fuel canopy area, providing 8 gasoline fueling pumps that can serve up to 16 vehicles at a time. The applicant will be providing outdoor seating on the north side of the building. The Property will be accessible from N 166th Avenue and W Indian School Road. On-site parking will be provided, and conforms with applicable city standards. The design for the building will utilize the materials and colors approved for the Triangle at PV303 Master Site Plan. The nearest residence is approximately seven-hundred feet (700') southeast of the Property. Within those seven-hundred feet (700') there is an RV parking lot and pickleball courts, both facilities are a part of the PebbleCreek residential community. The Property is approximately two-hundred and forty feet (240') from the pickleball courts.

Commission asked how far the QuikTrip on Estrella parkway and Van Buren is from residential. Ms. Ortiz Cortez showed an exhibit of the QT in question, explaining that it is immediately adjacent to a residential community and approximately 75 feet from another apartment complex.

Commission asked if there were other businesses in the area that were also 24-hour operations. Ms. Ortiz Cortez stated that the Filiberto's Use Permit was approved by City Council and it proposes 24-hour operations, as well as UPS to the north of the site operating 24/7 as well.

Commission asked if Filiberto's use permit is still active. Ms. Ortiz Cortez confirmed that the use permit is active, and the applicant has requested the necessary extensions.

Commission asked about the retention basin on the property and what will happen if this is approved. Ms. Ortiz Cortez explained that staff would review the drainage for the property and it would need to be in compliance with city standards.

Commission referred to the previous application on this property for a gas station, asking if there are any plans for the other part of Lot 1 that was included in the previous development proposal that did not move forward, as well as how the master site plan can reflect this change. Ms. Ortiz Cortez explained that there has not been an application submitted for this area. The master site plan does not permit the applicants to move forward, and individual site plans are needed prior to construction documents. The master site plan showed access points that would benefit the entire center, color palettes, themes and materials.

Brian Greathouse, representing the applicant, presented an overview of the project, including the distance of the project from residential, Luke AFB noise contour, details of the site, buffers, traffic counts, other QT locations near residential and 55+ communities and noise study results.

Commission asked if there is an increase in crime around QTs. Mr. Greathouse reviewed results from a database showing no indication of increased crime in the area.

There were 8 speakers in opposition. Patrick Murphy, John Angus, Vic Knight, Joan Knight, Victor Leo, Jackie Brandt, Troney Hutchins, and Don Belonax spoke in opposition, citing issues with the timing of the application during the summer, traffic, proximity to the freeway, crime, 24-hour operations, people loitering, adjacency to a retirement community, lighting concerns, noise pollution, deliveries, the height of the wall around the adjacent properties, food odors, air pollution, zoning safeguards, and compatibility with the area.

Victor Leo submitted his comments in writing to the Commission, citing issues with additional air pollution, insufficient zoning safeguards, and excessive traffic congestion.

There were 6 speaker cards submitted in opposition from residents that did not wish to speak: Diane Seeber, Susan Wilson, Constance Angus, Sandra Clinton, Judy Parker, and Mark Jacobs.

There being no further public comment, Vice Chair Sambito closed the public hearing at 6:58 pm.

Commission discussed the previous application from Circle K for the property; the amount of stipulations; and restrictions on alcohol, tobacco and marijuana sales within previous applications. Mr. Williams explained that the Sedella Commercial project had a convenience use with a drive-thru and was therefore restricted from selling alcohol or tobacco because of the drive-thru component. There were no restrictions placed on hours of operation and the use could operate 24 hours per day.

Commission asked if there were any other QT gas stations in the Valley that are not open 24 hours. Daniel Chambers, representing QT, stated that all QTs are open 24 hours per day.

Commission asked about the number of customers QT gets during the late hours. Mr. Chambers explained that the volume of traffic decreases during that time, but QT maintains a consistency of product offered no matter the time of day.

Commission asked about security, security guards and crime overall. Mr. Chambers stated that some stores have security guards but, based on the crime data in the area, there will not be a dedicated security guard in this store. There will be multiple people working during the night, there are cameras and each employee carries a personal protection device that can alert corporate and local law enforcement.

Commission asked why this area was chosen for the project. Mr. Chambers explained that there were several factors, building the network, consistency of coverage within Goodyear and access off the freeway.

Commission asked about nighttime traffic and whether a traffic study was performed during the night. Jamie Blakeman, representing the applicant, explained that traffic studies typically look at peak hours.

Within the national standards, there are other studies that show all visits during peak and off-peak hours as part of the aggregate for the day, but the numbers are typically very low during the night.

Commission asked if alcohol, tobacco and marijuana would be sold. Mr. Chambers stated that they do not sell marijuana or pornography in their stores. If the proper alcohol and tobacco licensing can be obtained, they will be sold in the store.

MOTION BY Commissioner Anthony Wang, **SECONDED BY** Commissioner Marlon Booth to RECOMMEND approval for USE PERMIT FOR A CONVENIENCE USE (CONVENIENCE STORE WITH A GAS STATION). The motion carried by the following vote:

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

NAY: Commissioner Ernie Nepomuceno

Passed

3. **AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO SELF-SERVICE STORAGE FACILITIES, USE PERMITS, AND SPECIAL USE PERMITS**

Vice Chair Sambito opened the public hearing at 7:20 pm.

Planning Manager Christian Williams presented the request to amend Articles 2, 3 and 4 of the Zoning Ordinance to allow convenience use self-service storage facilities. This request for a text amendment is to modify certain definitions and standards related to self-service storage facilities. The following is a summary of the proposed regulations by this Zoning Ordinance Text Amendment, for Self-Service Storage Facilities:

- All Self-Service Storage Facilities, regardless of location, shall meet the following requirements:
 - If located within five hundred (500) feet of a residential zoning district (excluding open space tracts or greenbelts in a developed or platted residential neighborhood) and not separated by a public roadway, canal, or railroad track, the facility shall be closed daily from 10:00 p.m. to 5:00 a.m.
 - Storage of hazardous or dangerous materials is prohibited.
 - No storage building shall exceed three (3) stories in height.
 - Storage building(s) shall be limited to no more than five hundred (500) feet of frontage along any arterial road (including parkways).
 - Windows, faux windows, and other exterior features shall not be made of materials that cause mirroring, glare, or reflection.
 - Except for the main public entrance located on the first floor, the interior of the building (including without limitation interior contents, decorations, and storage unit doors, but not including those associated with the main office, staff offices, or lobby) shall not be visible from public roadways or residentially zoned properties.
 - Sliding gates shall be screened with metal, wrought iron, or equivalent architectural features to shield the interior storage from the public view. PVC, vinyl, or similar slats may not be used as screening material.
 - Except for the main public entrance on the first floor, all exterior doors shall be painted to match the building.
 - Storage buildings and canopies shall be set back at least thirty (30) feet from any residential zoning district (excluding open space in a developed or platted residential neighborhood).
 - An onsite landscape buffer of at least twenty (20) feet shall be located between any storage buildings, canopies, onsite parking or onsite driveways/drive aisles and any residential zoning district (excluding open space in a developed or platted residential neighborhood).
 - Auctions, sales, service, or repair activities are prohibited, except for the disposal of abandoned property from renters on site.
- Self-Service Storage Facilities will be a Permitted Use within the C-1 (Neighborhood Commercial) and C-2 (General Commercial) Zoning Districts subject to the following:

- All storage shall be within an enclosed building.
- Land area dedicated to storage shall not exceed:
 - (i) Fifty percent (50%) of a commercial center or contiguous area of a commercial zoning district AND (ii) Seven and a half (7.5) acres.
 - If the land area dedicated to storage exceeds these provisions, a Special Use Permit shall be required.
- Shall not be located within two thousand, six hundred and forty feet (2,600) feet of another Self-Service Storage Facility.
 - If a storage unit does not comply with this provision, a Special Use Permit shall be required.
- A Self-Service Storage Facility shall not be located within three hundred (300) feet of the nearest right-of-way line of the existing or planned intersection of two arterials (including parkways).
 - If a storage unit does not comply with this provision, a Special Use Permit shall be required.
- Self-Service Storage Facilities will be a Permitted Use within the I-1 (Light Industrial Park) and I-2 (General Industrial Park) Zoning Districts subject to the following:
 - All outdoor storage (including without limitation the tops of recreational vehicles) shall be screened from the view of public roadways and residentially zoned areas by a solid wall or canopy.
- Self-Service Storage Facilities that do not meet the requirements within 4-2-20 (Self-Service Storage Facilities Regulations) will be a Special Use within C-1 (Neighborhood Commercial), C-2 (General Commercial), I-1 (Light Industrial Park) and I-2 (General Industrial Park) Zoning Districts subject to the approval of a special use permit.

Commission asked how the mitigation of hazardous material storage will be enforced. Mr. Williams explained that an investigation would be initiated if a complaint was received by Code Compliance, as well as when the Fire Department performs inspections.

Commission asked about auctions and under what circumstances they are allowed. Mr. Williams stated that if a renter abandoned their facility, there would need to be a process to allow for an auction of the items in the unit; however, a renter could not perform auctions from the facility.

Commission asked for clarification on the hours of operation within the application. Mr. Williams stated that it is a common provision for units that have been approved in the city that are near or adjacent to residential.

There being no public comment, Vice Chair Sambito closed the public hearing at 7:26 pm.

MOTION BY Commissioner Ernie Nepomuceno, **SECONDED BY** Commissioner Jeremiah Smith to RECOMMEND approval for AMENDMENT TO ZONING ORDINANCE REGULATIONS RELATED TO SELF-SERVICE STORAGE FACILITIES, USE PERMITS, AND SPECIAL USE PERMITS. The motion carried by the following vote:

AYE: Chairman Gregg Clymer, Vice Chair Maria Sambito, Commissioner Kent Hegedus, Commissioner Marlon Booth, Commissioner Anthony Wang, Commissioner Jeremiah Smith, Commissioner Ernie Nepomuceno

Passed - Unanimously

STAFF COMMUNICATIONS

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

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on August 14, 2024 at 6 pm at the Goodyear City Hall Council Chambers.

ADJOURNMENT

There being no further business to discuss, Vice Chair Sambito adjourned the meeting at 7:29 p.m.

Respectfully Submitted by:

Alissa Magley, Commission Secretary

Date: _____

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