

AGENDA ITEM # _____

DATE: April 13, 2015

COAC NUMBER: 15-5561

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

**SUBJECT: PUBLIC HEARING ON
AND CONSIDERATION OF A TEXT
AMENDMENT TO THE PALM
VALLEY 303 PLANNED AREA
DEVELOPMENT (PAD)
DEVELOPMENT PARAMETERS TO
INCREASE THE MAXIMUM
ALLOWED BUILDING HEIGHT**

CASE NUMBER: 15-210-00001

STAFF PRESENTER:

Karen Craver, AICP
Planner III

APPLICANT: Troy Mortensen,
Sunbelt Holdings

RECOMMENDATION:

1. Conduct a public hearing to consider approval of a text amendment to the Palm Valley 303 Planned Area Development (PAD) Phases I, II, V, & VI Development Parameters to increase to the maximum allowed building height from 50 feet to 75 feet in all I-1, Light Industrial zoned properties both inside and outside of the Luke AFB APZ II. Phases I, II, V, & VI cover approximately 1,174 acres on the east and west sides of SR 303 and on the north and south sides of Indian School Road.
 - a. Open public hearing
 - b. Staff presentation
 - c. Receive public comment
 - d. Close public hearing
2. ADOPT RESOLUTION NO. 15-1696 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK TITLED "EXHIBIT A - AMENDMENT TO PV 303 PAD DEVELOPMENT PARAMETERS AND USES (APRIL 2015)".
3. ADOPT ORDINANCE NO. 15-1318 PROVIDING FOR AN AMENDMENT TO THE PALM VALLEY 303 PLANNED AREA DEVELOPMENT (PAD), GENERALLY LOCATED ON THE EAST AND WEST SIDES OF SR 303 AND ON THE NORTH AND SOUTH SIDES OF INDIAN SCHOOL ROAD, TO INCREASE THE MAXIMUM ALLOWED BUILDING HEIGHT; ADOPTING SUPPLEMENTARY ZONING MAP NO. 15-01A; PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

PURPOSE:

The purpose of the PAD text amendment to increase the maximum allowed building height from 50 feet to 75 feet in all I-1, Light Industrial zoned properties both inside and outside of the Luke AFB APZ II in PAD Phases I, II, V, & VI is to provide the potential for a higher clear-story height within buildings in the four phases.

BACKGROUND AND COMMUNITY BENEFIT:

Current Policy:

The existing development parameters in the I-1, Light Industrial zoned properties in PAD Phases I, II, V, & VI limit the maximum allowed building height to 50 feet, which hinders the establishment of some industrial uses that are otherwise appropriate for development on those properties. Other areas of the PAD, specifically within Phases III & IV, currently allow maximum building heights up to 75 feet.

Historical Information:

The entire Palm Valley 303 PAD is generally located between Indian School Road on the south and Camelback Road on the north, and from Citrus Road on the west to approximately one and three-quarter miles east of the SR 303. The existing zoning of the property is PAD and the 2025 General Plan Land Use Map designates the property as Business & Commercial and Industrial. SunCor Development Company originally owned the property and obtained approval for development of the Palm Valley 303 PAD in 2008.

The property was acquired by Sunbelt Holdings in July of 2010, and Sunbelt has been pursuing development of the PV 303 PAD since its acquisition. Sunbelt received approval of a PAD amendment in 2011 that modified restrictions on roll-up doors facing public roadways in order to expand the development potential of the PAD. Also in 2011, Sunbelt received approval of a replat to increase lot sizes to accommodate the development of the Dick's Sporting Goods distribution center and other large users. In 2013, Sunbelt received approval of a lot consolidation through the Minor Land Division process to create a larger lot for the planned expansion of Sub-Zero. In March of this year, Sunbelt received approval of a second replat to increase lot sizes to accommodate the development of another large distribution center currently in the site plan approval process, as well future large users.

Community Benefit:

Increasing the maximum allowed building height within the PV 303 PAD Phases I, II, V, & VI will increase the development potential of the PAD, thereby increasing job growth and employment opportunities within the City of Goodyear. The PAD text amendment also promotes the establishment of land uses that are consistent with Arizona state law and compatible with Luke Air Force Base and its mission.

DISCUSSION:

Existing land uses and zoning surrounding PAD Phases I, II, V, & VI include the following:

- **North** – Agriculture; Unincorporated Maricopa County
- **South** – Agriculture and Perryville Prison; Zoned AG, Agricultural
- **East** – PV 303 PAD Phases III & IV; Zoned PAD (Light Industrial, Commercial, and Office)
- **West** – Agriculture; Zoned PAD, I-1, Light Industrial, C-2, General Commercial, and AG, Agricultural

Details of the Request:

The PAD text amendment proposes to increase the maximum allowed building height from 50 feet to 75 feet in all I-1, Light Industrial zoned properties both inside and outside of the Luke AFB APZ II in PAD Phases I, II, V, & VI in order to expand the development potential of the I-1 zoned properties. The increase in building height is requested in order to increase the usable clear-story (floor to ceiling) height within future buildings in the four phases.

Sunbelt Holdings, and the City, are routinely approached by light industrial businesses considering locating in PV 303, however, the current 50-foot maximum allowed building height is quite often an issue for the businesses. And a further complication for the businesses is that the City Zoning Ordinance defines maximum building height as the vertical distance measured from point of reference elevation (top of curb on the adjacent public street on which the site fronts), to the highest point of coping of the flat roof. In other words, the measurement is taken on an imaginary vertical line from the top of curb on the adjacent public street, straight up to a point on an imaginary horizontal line which represents the building roof.

Based on the way the height is measured, the vertical distance between the bottom of the slab and the interior floor of the building is included in the 50-foot maximum building height measurement. Although that space is used to place utilities and electrical & data cables, it is not clear-story height in which the business can conduct operations. Similarly, the distance between the interior ceiling and the exterior roof is also included in the 50-foot height. Although that space is used to place HVAC and lighting systems, it too is not clear-story height in which the business can conduct operations. Consequently, the usable clear-story distance between the floor and ceiling of the building is usually far less than 50 feet.

Staff Analysis and Findings:

Existing City businesses such as Amazon and Macy's, and many businesses targeted by Sunbelt Holdings for development within PV 303, require a clear-story height greater than what the current 50-foot maximum building height allows for. To compensate, the existing City businesses depressed their building sites so that there were several feet of usable space within the buildings below the elevation of the adjacent public street curb from which the height was measured. Depressing building sites is expensive and has been an obstacle for some businesses considering locating in PV 303.

Because of the proximity of the PV 303 PAD to Luke Air Force Base, Staff contacted the base regarding the proposed increase in maximum allowed building height. Luke representative Barbara Plante stated that because PAD Phases I, II, V, & VI are over one mile from the end of the Luke runway, there should be no issue with the 75-foot maximum allowed building height.

Staff research into the maximum allowed building heights in the Light Industrial Zoning Districts of the other Valley cities identified below indicates that maximum building heights above 50 feet is not unusual.

- Phoenix 56 feet

- Tolleson 75 feet
- Buckeye 55 feet
- Scottsdale 52 feet

In recommending approval of the proposed increase in the maximum allowed building height, Staff also considered the fact that some areas of the PV 303 PAD have had an allowed 75-foot maximum building height since the original City approval of the PAD in 2008.

Departmental Impacts:

Staff contacted Fire Chief Luizzi regarding the PV 303 PAD text amendment to increase the maximum allowed building height. Chief Luizzi stated that the Fire Department's primary concern is always access to buildings, and that as long as adequate access roads for department vehicles are assured on all sites, the department is supportive of the change in the maximum allowed building height.

PREVIOUS ACTIONS AND DISCUSSION:

Alternate Citizen Review Notification:

In accordance with the Goodyear Citizen Review Process, postcards were mailed to the additional land owners within PV303 PAD Phases I, II, V, & VI informing them of the proposed PAD text amendment submitted by Sunbelt Holdings and the scheduled Planning & Zoning Commission and City Council meetings on the amendment. Postcards were also mailed to the owners of property within 500 feet of the boundaries of Phases I, II, V, & VI. Prior to the Planning and Zoning Commission meeting, staff had received no inquiries regarding the PAD amendment.

Planning and Zoning Commission Meeting:

The Planning and Zoning Commission considered Sunbelt Holdings' request for a PAD text amendment at their meeting on February 18, 2015. Notice for the public hearing included the postcard that had been mailed to the additional land owners in the four PAD phases, and to the owners of property within 500 feet of the boundaries of the four phases. In addition, a public notice appeared in the January 30th Arizona Republic Southwest Edition, and the property was posted on Camelback Road and Indian School Road. The proposed PAD text amendment was also placed on the Current Development Applications section of the City's website. Again, staff had received no inquiries from the additional public notice or the property posting.

Following a presentation by City staff, the Planning and Zoning Commission had no questions of staff. Mr. Gerald Ellsworth, who owns approximately one-half acre at the northeast corner of Indian School Road and SR303 within Phase III of the PV 303 PAD and originally designated for monument signage, attended the meeting and spoke regarding the text amendment. The amendment is not applicable to Phase III, and Mr. Ellsworth did not object to the amendment, but he requested that the maximum height for monument signage be increased due to Sunbelt Holdings' requested increase in building height. Mr. Ellsworth also requested copies of documents pertaining to the text amendment request. Staff advised Mr. Ellsworth to submit a records request to obtain copies of the documents, and that a change in height for his property would require a separate rezoning application. To date, Mr.

Ellsworth has not submitted a public records request for the documents, nor has he submitted an application to rezone his portion of the PV 303 PAD.

The Planning and Zoning Commission, by a vote of 6 to 0 with one Commission member absent, unanimously voted to recommend that the City Council approve the PAD amendment.

FISCAL ANALYSIS:

Although the proposed PAD text amendment will expand the development potential of Phases I, II, V, & VI, a fiscal impact analysis has not been performed.

ATTACHMENTS:

- Amendment Redlines
- Resolution 15-1696
- Exhibit A Final Amendment
- Ordinance 15-1318
- Exhibit A Supplementary Map
- Exhibit B Legal Description
- Aerial
- Amendment Narrative