

AGENDA ITEM #: _____

DATE: February 17, 2016

COAC #:

**CITY OF GOODYEAR
PLANNING AND ZONING COMMISSION ACTION FORM**

**SUBJECT: SPECIAL USE PERMIT TO
FACILITATE THE DEVELOPMENT OF
A NEW MOOSE LODGE FACILITY**

STAFF PRESENTER: Alex Lestinsky,
Planner II

COMPANY

CONTACT: Wayne Rockwood, Rockwood
Architecture, Inc.

CASE NUMBER: 14-350-00003

RECOMMENDATION:

1. Conduct a public hearing to consider approving a Special Use to facilitate the development of a new Moose Lodge Facility.
 - a. Open public hearing
 - b. Staff presentation
 - c. Receive public comment
 - d. Close Public hearing
2. Recommend approval of a Special Use to facilitate the development of a new Moose Lodge Facility subject to the following stipulation:
 1. The site plan provided with the Special Use Permit is conceptual in nature and is not approved with this Special Use Permit. Additional comments impacting the layout and design of the site may be identified during site plan review.
 2. Building elevations shall be in substantial conformance with the provided elevations dated November 10, 2015. Materials and colors shall be compatible with the adjacent residential;
 3. Unless a special event permit or temporary use permit is obtained from the City that allows for outdoor music, outdoor entertainment, and/or other outside activities to occur at other times, outdoor music, outdoor entertainment, and/or other outside activities shall only occur between the hours off 10:00 a.m. and 10:00 p.m. on Fridays and Saturdays and 10:00 a.m. and 8:00 p.m. Sunday through Thursday;
 4. The noise generated by indoor music, entertainment, and/or other activities within the structures after the hours of 10:00 p.m shall be fully contained within the indoor space of the structure;
 5. Failure to comply with the terms of any special event permit or temporary use permit that is required to be obtained pursuant to this Special Use permit constitute a violation of the terms of this Special Use Permit; and,
 6. The Special Use Permit shall not become effective unless the property is rezoned C-1, Neighborhood Commercial.

PURPOSE:

The request is for a Special Use Permit to allow for a private club/fraternal organization use within a C-1, Neighborhood Commercial zoning district if the corresponding rezone is approved. The use has legally non-conformed without a Special Use Permit since the property was annexed in 1983. Staff finds the proposed request will be compatible with the surrounding area, will not be a detriment to surrounding properties or persons, and will be in conformance with the General Plan.

BACKGROUND AND COMMUNITY BENEFIT:

Current Policy:

Special Uses are land use activities that may be allowed in the City, but because of their unique nature, potential for creating impacts on other uses, or pre-existing legal status may require particular consideration as to their proper location and/or maintenance in relation to adjacent established or intended uses, or to the planned development of the City.

Section 1-3-4 (Special Use Permits) of the Zoning Ordinance provides that Special Use Permits may be approved only upon a finding that the proposed development and/or use reflected in the application submittal for the Special Use Permit:

1. Will be desirable or necessary to the public convenience or welfare; and,
2. Will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites;
3. Is in conformance with the adopted General Plan and any adopted Area Plans; and,
4. Will not be detrimental to surrounding properties or persons in the area due to:
 - a. Impact on the circulation system of the adjacent neighborhood;
 - b. Excessive noise or light generated from within the site;
 - c. Excessive scale or height in relationship to surrounding properties;
 - d. Hours of operation;
 - e. Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;
 - f. Inconsistency with the development character or architecture of the adjacent properties.

Historical Information:

The existing Avondale Moose Lodge opened for business in 1970 before the property was annexed by the City of Goodyear in December of 1983. Therefore, the existing use of the site legally non-conforms to the City's Zoning Ordinance and standards. If the rezone from AU, Agricultural Urban to C-1, Neighborhood Commercial is approved, the private club/fraternal organization use may be permitted through the approval of a Special Use Permit.

Surrounding Properties:

Existing and proposed land uses surrounding the site include the following:

- North – L.A. Fitness and undeveloped commercial land zoned Planned Area Development (PAD) under the Cottonflower PAD

- South – Existing Residential Development zoned PAD under the Cottonflower PAD
- East – Cotton Lane and undeveloped land within the Canyon Trails PAD
- West – Existing Residential Development zoned PAD under the Cottonflower PAD

Details of the Request:

The request is to allow a Special Use Permit to facilitate the development of a new Moose Lodge on the 3 acre parcel located southwest of the corner of Yuma Road and Cotton Lane. If the rezoning of the property from AU to C-1 is approved, a Special Use Permit will need to be approved for Avondale Moose Lodge's private club/fraternal organization use.

Staff Analysis and Findings:

1. ***Will be desirable or necessary to the public convenience or welfare;***
Avondale Moose Lodge has been in business since 1970. The Special Use Permit will allow them to remain in business;
2. ***Will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites;***
Although the site is surrounded by parcels zoned PAD, the general underlying zoning to the adjacent property to the north is similarly zoned neighborhood commercial. Since the site has been in business for so long, its' established presence has been compatible with the adjacent residential subdivisions;
3. ***Is in conformance with the adopted General Plan and any adopted Area Plans;***
The Neighborhoods category in the General Plan allows for Neighborhood Commercial uses at the intersection of two arterial roadways and buffering residential use from an interstate freeway. The property will be a buffer between the Loop 303 when it is built and it is currently located at an intersection of two arterial roadways;
4. ***Will not be detrimental to surrounding properties or persons in the area due to:***
 - a. ***Impact on the circulation system of the adjacent neighborhood;***
Access to Avondale Moose Lodge will only be provided off of Cotton Lane and will not impact the adjacent neighborhoods;
 - b. ***Excessive noise or light generated from within the site;***
Although the existing site is moving farther west toward the Cottonflower residential neighborhood, the main entrance will be oriented toward Cotton Lane. In addition, stipulations have been put in place to mitigate excessive noise at late hours. Landscape buffering will separate the residential property lines from the new site. The outdoor lighting standards also restrict the height of light posts to 6-feet when less than 30-feet from a residential property line and 15-feet when between 30 and 150 feet from a residential property line to eliminate light intrusion on residential properties;
 - c. ***Excessive scale or height in relationship to surrounding properties;***
The new facility will be one-story, roughly 19-feet in height and not cause any detriment to surrounding properties;
 - d. ***Hours of operation;***
Stipulations 2, 3, and 4 address concerns of hours of operation for a use of this type adjacent to residential;
 - e. ***Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;***

The Moose Lodge will remain roughly the same size as the existing building however will move west, closer to the existing residential subdivision. Per Section 3-3-6 of the Zoning Ordinance, a landscape buffer of at least 10-feet is required to separate the residential property lines and the new site;

f. ***Inconsistency with the development character or architecture of the adjacent properties;***

The conceptual building elevations are consistent with the development character of the adjacent properties.

Staff finds the proposed Special Use Permit will be consistent with the existing and proposed uses in the surrounding area, and will not be a detriment to any surrounding properties or persons, and will be in conformance with the General Plan.

DEPARTMENTAL/FUNCTIONAL IMPACTS:

Luke Air Force Base:

The site is approximately 2.4 miles outside the 1988 JLUS 65 Ldn, “high noise or accident potential zone” as defined by A.R.S. § 28-8461 and is within the territory in the vicinity of a military airport also defined by A.R.S. § 28-846. Approval will not negatively impact the flying operations at Luke AFB.

Phoenix-Goodyear Airport:

The subject property is located within the Phoenix Goodyear Airport Traffic Pattern Area; however, the Moose Lodge will not be impacted by the operations at the Phoenix Goodyear Airport.

Fire Department:

The subject property is served by Fire Station No. 4 located at 16161 West Yuma road, which is approximately 1.4 miles east of the property.

Streets/Access:

Vehicular access for the Moose Lodge will be provided by a driveway aligned with West Pima Street and an existing private drive on the north end of the property.

PREVIOUS ACTIONS AND DISCUSSION:

Citizen Review Meeting:

A citizen review meeting for this item was held on Wednesday, January 7, 2015 at 6PM. One member of the public attended the meeting and was in support of the proposal. Notice of the citizen review meeting included a legal advertisement placed in the Arizona Republic and a postcard mailed to all property owners within 500 feet of the subject property. No opposition to the proposal has been received.

Planning and Zoning Commission Meeting:

Notice for this public hearing before the Planning and Zoning Commission included a postcard mailed to the owners of property within 500 feet of the subject property on January 22, 2015; a

legal notice published in the Arizona Republic on January 29, 2016; and a notice of public hearings sign posted on the property on January 28, 2016.

FISCAL ANALYSIS:

No fiscal impact analysis was performed on this item. The redevelopment of the subject property will result in the City receiving construction sales tax revenues.

ATTACHMENTS:

1. Aerial Photo
2. Project Narrative
3. Conceptual Site Plan
4. Conceptual Building Elevations