

AGENDA ITEM # _____

DATE: June 27, 2016

COAC NUMBER: 16-5721

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Use Permit Amendment to remove a stipulation prohibiting vehicular access onto North 161st Avenue.

STAFF PRESENTER: Steve Careccia,
Planner III

APPLICANT: Mark Phillips, CCBG
Architects

CASE NUMBER: 15-300-00003

RECOMMENDATION:

1. Conduct a public hearing to consider an amendment to the Use Permit for Compass Church to remove a stipulation prohibiting vehicular access onto North 161st Avenue.
 - a. Open public hearing
 - b. Staff presentation
 - c. Receive public comment
 - d. Close public hearing
2. Deny an amendment, as recommended by the Planning and Zoning Commission, to the Use Permit for Compass Church to remove a stipulation prohibiting vehicular access onto North 161st Avenue;

Or in the alternative,

Approve an amendment, as recommended by staff, to the Use Permit for Compass Church to remove a stipulation prohibiting vehicular access onto North 161st Avenue, subject to the following stipulations:

- a. The property owner shall secure the entrance from North 161st Avenue such that said driveway shall only be open during Church services, special events and programs, and to facilitate maintenance activities on the Church property. At all other times, said gate shall remain closed; and,
- b. The barricade proposed at the entrance from North 161st Avenue shall provide required emergency access to the subject property as determined by the City of Goodyear Building Official. At a minimum, this will include the provision of a Knox padlock on the chain currently barricading the driveway.

PURPOSE:

This request is to amend the Use Permit for the Compass Church to remove the stipulation prohibiting access onto 161st Avenue. The Church would like to utilize the existing driveway onto 161st Avenue for non-emergency purposes. However, removal of the stipulation prohibiting

access would be required for this to occur. Staff finds that the proposed Use Permit amendment will not be a material detriment to surrounding properties and will be reasonably compatible with uses allowed in the surrounding area. The opening of the driveway to non-emergency traffic should not adversely affect residents living along 161st Avenue and Wade Lane. The Planning and Zoning Commission considered this item at its regular meeting of December 16, 2015. The Commission recommendation is denial of the Use Permit amendment.

BACKGROUND & PREVIOUS ACTIONS:

On August 30, 1999, the City Council approved a Use Permit (U-3-99) to allow a church facility on the subject property.

On September 22, 2003, the City Council approved a Use Permit (U-01-03) to allow the addition of a childcare facility on the property. A driveway from the subject property to 161st Avenue was constructed as part of the Church's site improvements. However, this driveway was restricted to emergency access only given residents' concerns about increased traffic in the area. A stipulation of approval (Stipulation No. 8 from Case U-01-03) prohibited vehicular access onto 161st Avenue, except for emergency fire access, to address this concern.

On March 23, 2015, a site plan for a 4,900 square-foot addition to the Church was approved. Including the addition, 101 parking spaces are required for the Church. A total of 169 parking spaces are provided on the Church property.

CURRENT POLICY:

Use Permits shall be obtained for those uses as specifically identified in this Ordinance as being allowed in the zoning district in which the subject property is located subject to a Use Permit. Applications for Use Permits are decided by City Council following receipt of recommendations from the Planning and Zoning Commission. Use Permits required hereunder may be approved or approved with conditions only upon a finding by City Council that the proposed development and/or use reflected in the application submittal for the Use Permit:

1. will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and,
2. that the proposed use is reasonably compatible with uses permitted in the surrounding area.

DETAILS OF THE REQUEST:

Surrounding Properties:

Land uses and existing zoning surrounding the subject property include the following:

- North – Large lot single family development (Wade Acres) zoned AU, Agricultural Urban.

- South – Single family development (Wildflower Ranch) zoned PAD and Van Buren Street.
- East – APS substation and undeveloped property zoned PAD.
- West – Large lot single family development zoned AU, Agricultural Urban, undeveloped parcel zoned C-O, Commercial Office, and 161st Avenue.

Details of the Request:

This request is to amend the Use Permit for the Compass Church to remove the stipulation prohibiting access onto 161st Avenue. The Church would like to utilize the existing driveway onto 161st Avenue for non-emergency purposes. However, removal of the above-mentioned Stipulation No. 8 would be required for this to occur.

The project narrative indicates that utilization of the driveway onto 161st Avenue would promote better onsite circulation within the Church's parking lot as members would be provided an additional point of ingress/egress. Currently, the Church parking lot has only one point of ingress/egress. The narrative further indicates that member parking on 161st Avenue would be reduced due to the improved circulation and ingress/egress from having a second point of access. The Church has indicated that members park along the street as it is easier than parking on Church property.

The driveway will be used during Sunday morning services (8:30, 10 & 11:30 AM), Tuesday evenings for student ministry, and intermittently for special services and functions. A Saturday service is also anticipated, which will occur in the late afternoon/early evening. At all other times, the driveway will be barricaded with a chain to prevent ingress/egress as initially requested by neighboring residents. A Knox lock will permit emergency access to the property when the driveway is barricaded.

Streets/Access:

The City has installed signs prohibiting on-street parking along the east side of 161st Avenue, from Van Buren Street to its norther terminus (approximately 2,680 feet).

PUBLIC PARTICIPATION:

Citizen Review Meeting – October 27, 2015:

In accordance with the City's Citizen Review Process, a citizen review meeting was held on Tuesday, October 27, 2015. Postcards were mailed to the owners of property within 500 feet of the subject property to invite them to the scheduled meeting. It was later determined that postcards should be mailed to all residents living within Wade Acres, and not just those living with 500 feet of the subject property. While staff attempted to send out these additional postcards in a timely manner, we were informed that some residents did not receive their postcards in time for the meeting. However, it should be noted that all notice requirements for the neighborhood meeting were satisfied.

Two residents from Wade Acres were in attendance. They initially expressed opposition to the opening of the driveway to non-emergency vehicles. However, the Church and residents discussed that if the driveway remained barricaded when the Church was not utilizing the

property for services or special functions, the residents would not oppose the subject request. Staff stated that a stipulation would be attached to the Use Permit requiring that the driveway be barricaded as requested by the neighbors and agreed to by the Church.

Planning and Zoning Commission Hearing – November 18, 2015:

Notice for the public hearing to be held before the Planning and Zoning Commission included a postcard mailed to surrounding property owners within 500 feet of the subject property; a legal notice published in the Arizona Republic; and a sign posted on the subject property. Notices were also mailed to all property owners along 161st Avenue and Wade Lane to ensure the entire neighborhood north of the Church was provided notice. In response to this notification, staff received two public inquiries in opposition to the request. The residents objected to the potential for additional traffic onto 161st Avenue and the obstruction to travel when Church members park on both sides of the street. Staff encouraged the residents to attend the Commission hearing.

At the Commission hearing, seven residents spoke in opposition to the proposed request. Residents cited several concerns, including the increased traffic onto 161st Avenue from the opening of the proposed driveway. It was stated that turning movements onto Van Buren Street are already delayed and that the additional traffic would only worsen the situation. Residents also stated that access to their neighborhood was hindered when Church members parked along both sides of 161st Avenue during Church services and events. This was especially a concern should an emergency vehicle need to respond to their neighborhood. A petition signed by residents in opposition to the request was presented to the Commission (see attached).

Commissioners heard testimony and offered several recommendations. They stated that on-street parking should be restricted on 161st Avenue and that the street should be signed so that people know it is a dead-end street. Commissioners also recommended that the applicant explore accessing the existing shared driveway with APS on the east side of their property and incorporate traffic control measures. The Commission then continued the item to its December 16, 2015, meeting so that staff and the applicant could further evaluate the request.

Follow-up Meeting with Applicant – December 3, 2015:

City staff met with the applicant on December 3, 2015. The applicant committed to exploring the alternative access way to Van Buren Street in lieu of the driveway onto 161st Avenue. However, the applicant indicated that budgetary constraints would determine if this was a feasible alternative, and that they would still like to pursue the driveway onto 161st Avenue. For the driveway connection to Van Buren Street, City staff committed to work with the applicant on cost-effective driveway surfaces that would be less costly than asphalt but would still meet County dust control requirements. The City and the applicant have also agreed to share the costs of re-striping the turn lanes on Van Buren Street to provide additional stacking room for vehicles turning onto 161st Avenue.

Follow-up Citizen Review Meeting – December 8, 2015:

City staff met with residents of Wade Acres on December 8, 2015. The fourteen residents in attendance expressed their concerns should the driveway onto 161st Avenue be opened. A summary of the concerns included:

- Increased traffic onto 161st Avenue, which is a local, residential street.

- Increased delays when trying to access Van Buren Street.
- Emergency responders, if needed, would be delayed given the parking on both sides of 161st Avenue during Church services and events.
- A traffic signal should be installed at 161st Avenue and Van Buren Street.
- Van Buren Street should be completed so that it has two travel lanes in each direction.
- Insufficient space in turn lane on Van Buren Street onto 161st Avenue.

Staff provided information to the residents regarding some of their stated concerns, as provided below:

- Staff indicated that a traffic signal would likely not be installed at the Van Buren Street / 161st Avenue intersection. More likely, the intersection of Van Buren Street / Wildflower Drive would meet warrants for the installation of a traffic signal.
- Regarding improvements to Van Buren Street, staff stated that the improvements would be designed in 2016 and constructed in 2018, when funding was allocated. There was the possibility that construction could start earlier, in 2017, but that would depend on the availability of funding. When constructed, Van Buren Street would be improved to two lanes in each direction with a center turn lane/median.
- Engineering, Development Services and Fire Department staff met to discuss the issue of emergency response to Wade Acres. Given the width of 161st Avenue was only 28 feet, parking should only be allowed on one side of the street per applicable City Codes. As such, it was determined that the east side of street should be signed to prohibit on-street parking. Given the entire length of 161st Avenue, from Van Buren Street to its northern terminus, was only 28 feet wide, the entire length would need to be signed to prohibit on-street parking. The east side of the street is the side required to be signed as this is the travel lane that will be used by emergency vehicles when responding to a call for service.

Residents indicated they were displeased that parking had to be restricted along the entire length of 161st Avenue when it was only an issue during Church services and events, but understood that the restriction was necessary for safety reasons. They stated that the stipulation prohibiting access onto 161st Avenue was put in place to mitigate their concerns regarding increased traffic and safety, and that the stipulation should remain in place. The residents stated that the Wade Acres community was unanimously opposed to the driveway connection to 161st Avenue. They recommended that the applicant use the shared driveway with APS, as this was the designated future access way for the Church.

Planning and Zoning Commission Hearing – December 16, 2015:

Staff provided the Planning and Zoning Commission with an update of events since their last review of the request in November. In response to residents' concerns, staff reported that No Parking and No Outlet signs would be installed along 161st Avenue and that Van Buren Street could be restriped to provide more queuing space for vehicles turning onto 161st Avenue. However, staff was unable to report that a compromise had been reached. The Church explored the use of the shared driveway with APS but it was determined to be too costly to construct and maintain while the residents of Wade Acres continue to oppose any driveway connection to 161st Avenue, even if such access was limited to certain days/times.

The Commission heard testimony from the applicant and residents of Wade Acres. Upon closure of the public hearing, the Commission voted on a motion in favor of the application. Said motion failed to receive an affirmative majority vote of the Commission (by a 2-3 vote). As such, in accordance with the Commission's Rules of the Procedure, the vote was recorded as a recommendation to deny the application.

City Council Hearing – January 25, 2016:

The City Council heard testimony from the applicant and affected residents, and discussed several questions and recommendations (see attached hearing minutes). The Council continued the item to a future date to give the applicant, residents and staff an opportunity to find a compromise solution.

Mediation Meeting – April 11, 2016:

The applicant and residents met in an independently mediated session on April 11th. While the City sponsored the mediation, the session was moderated by a professional mediator. Staff was available for questions but otherwise was not in the room and did not participate in the session. Recommendations that emerged from the mediation included a desire for better communication between the two groups and for the City to not restripe Van Buren Street but to instead keep the existing dedicated left-turn lanes as is. In response, the City has agreed to this request and will not restripe the street to create a center turn lane. While the mediation did allow the parties to express their concerns, a compromise solution on the driveway access was unfortunately not reached and the applicant has requested that the Use Permit proceed to the City Council for decision.

City Council Hearing – June 27, 2016:

Notice for this hearing was provided to property owners within 500 feet of the subject property via postcard and with a legal ad placed in the newspaper. The existing notice sign posted on the property was also updated to show the revised City Council hearing date of June 27th.

STAFF ANALYSIS:

Staff finds that the proposed Use Permit amendment will not be a material detriment to surrounding properties and will be reasonably compatible with uses allowed in the surrounding area. The opening of the driveway to non-emergency traffic should not adversely affect residents living along 161st Avenue and Wade Lane, within Wade Acres. These are dead-end streets, and as such, Church members will not be traveling further north into the neighborhoods. Rather, they will travel south in order to access Van Buren Street. The Church has committed to barricading the driveway during non-Church hours, such that it is only usable for emergency access during those times. The Church has also indicated that with better circulation within the parking lot, members would be more likely to park on Church grounds rather than on 161st Avenue.

FISCAL ANALYSIS:

A fiscal analysis was not conducted for this item.

ATTACHMENTS:

1. Aerial Photo
2. Project Narrative
3. Resident Petition dated November 18, 2018
4. December 5, 2015 Email from Pastor David Hurtado
5. December 7, 2015 Letter from Residents of Wade Acres
6. January 25, 2016 City Council Regular Meeting Minutes