

AGENDA ITEM #: \_\_\_\_\_

DATE: June 26, 2017

COAC #: 17-6107

**CITY OF GOODYEAR  
COUNCIL ACTION REPORT (CAR)**

<b>SUBJECT: Zoning Ordinance Text Amendment to remove the requirement for Large Retail Users to obtain a Special Use Permit.</b>	<b>STAFF PRESENTER:</b> Katie Wilken, Planning Manager  <b>CASE NUMBER:</b> 17-220-00003  <b>OTHER PRESENTER:</b> None
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**PROPOSED ACTION:**

1. Conduct a public hearing to consider approval of a text amendment to Article 4-2-7 to remove the requirement for Large Retail Users to obtain a special use permit.
  - a. Open public hearing
  - b. Staff presentation
  - c. Receive public comment
  - d. Close public hearing
2. ADOPT RESOLUTION NO. 17-1812 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED AMENDMENT TO SECTION 4-2-7 LARGE RETAIL USERS OF THE ZONING ORDINANCE OF THE CITY OF GOODYEAR.
3. ADOPT ORDINANCE 17-1355 AMENDING ARTICLE 4-2-7 (LARGE RETAIL USERS) OF THE CITY OF GOODYEAR ZONING ORDINANCE TO REMOVE THE REQUIREMENT FOR A USE PERMIT; PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

**BACKGROUND AND PREVIOUS ACTIONS:**

City Council adopted the Large Retail Users regulations in 2004 with the adoption of Ordinance 04-905. A Large Retail User, also known as a big box store, is defined as a singular retail user who occupies 100,000 square feet or more of floor area. These regulations currently require any Large Retail User to obtain a Special Use Permit.

The last Large Retail User to be approved was the Fry's Marketplace located at the northwest corner of Sarival and Yuma in 2008. The proposed Winco required a Special Use Permit due to it being within the City Center Gateway Overlay District.

**STAFF ANALYSIS:**

The Goodyear 2025 General Plan includes nine fundamental strategies including:

Strategy 1: Create Attractive Places and Diverse Destinations

Strategy 5: Advance Economic Opportunity

The Goodyear Strategic Action Plan vision states that Goodyear will be known as a destination place for regional shopping. Furthermore, Economic Vitality Goal 1 states, “streamline the City’s development services to efficiently support local economic development.”

Large Retail Users can provide unique design challenges and should require additional evaluation. The Large Retail User regulations include:

- Limit the location of Large Retail Users to be near freeways or arterial intersections and to locate in commercial centers that are at least 10 acres.
- That 1% of the net site area be used for pedestrian plazas or similar features.
- Require enhanced architectural details to visually break-up large building masses.

Currently, a Large Retail User also requires a Special Use Permit. This requires desired regional shopping opportunities to go through a 112 business day public process to receive approval before they can move forward with the development review process. The regulations highlighted above and contained within Section 4-2-7 of the Zoning Ordinance can be and will be administered by staff in the site plan and design review process.

Staff proposes deleting the requirement for a Special Use Permit while keeping the regulations within Section 4-2-7 in place except for the following two regulations, which are required in other sections of the zoning ordinance or the Engineering Design Standards and Policies Manual:

- Requirement for Traffic Study – the Engineering Design Standards and Policy Manual states requirements for traffic studies. All site plan reviews require a traffic study. This is being deleted so that regulations are not repeated in multiple documents.
- Lighting Standards – the Large Retail User regulations were adopted before Article 10 Outdoor Lighting Standards were created. The lighting standards in the Large Retail User section repeat Article 10 standards and so they are being deleted.

There are three options regarding this zoning ordinance text amendment:

1. Approve the zoning ordinance text amendment which will remove the requirement for a Special Use Permit. This erases the approximate 112 business day delay and gets projects built more efficiently.
2. Disapprove the zoning ordinance text amendment which will keep the Special Use Permit requirement in place. This keeps the approximate 112 business day pre-development process intact.
3. Approve the zoning ordinance text amendment subject to additional stipulations identified by the City Council.

### **Public Participation**

In accordance with City Standards, a display ad was published in the Arizona Republic and the draft text amendment was posted on the City’s website.

The Planning and Zoning Commission heard this item at their regular meeting of June 14, 2017. One member of the public was in attendance and opposed the text amendment stating concerns that it could create an unlevel playing field for small businesses. Staff explained the text

amendment allows large retail users to go through the same process as smaller businesses and that we are looking at all of our processes to look for opportunities for streamlining. The Commission unanimously voted (5 to 0) to forward a recommendation of approval to the City Council.

**FISCAL ANALYSIS:**

There is no immediate impact to the budget associated with the approval of this Zoning Ordinance Text Amendment.

**RECOMMENDATION:**

Remove the requirement for Large Retail Users to obtain a Special Use Permit and keep the design requirements in place. Staff will administer the requirements during the site plan and design review process.

**ATTACHMENTS:**

1. Resolution 17-1812
  - A. Exhibit A - Redlined Version of Section 4-2-7
2. Ordinance 17-1355