

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

DATE: November 8, 2017

CAR #: 17-6159

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

<b>SUBJECT:</b> Rezoning from the Agricultural (AG) zoning district to the Final Planned Area Development (PAD) zoning district	<b>STAFF PRESENTER:</b> Steve Careccia, Planner III  <b>CASE NUMBER:</b> 17-200-00006  <b>APPLICANT:</b> Ryan Weed, CVL Consultants, for Arizona Public Service Company (APS)
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**PROPOSED ACTION:**

1. Conduct a public hearing to consider a rezoning from the Agricultural (AG) zoning district to the Final Planned Area Development (PAD) zoning district.
  - a. Open public hearing
  - b. Staff presentation
  - c. Applicant presentation (10 minutes)
  - d. Receive public comment (3 minutes per speaker)
  - e. Close public hearing
2. Recommend approval of a rezoning from Agricultural (AG) to Final Planned Area Development (PAD), as set forth in the draft of Ordinance No. 17-1371 attached hereto.

**BACKGROUND AND PREVIOUS ACTIONS:**

The subject property is zoned Agricultural (AG) and is developed with an electrical substation operated by APS. Records indicate the substation has been in existence prior to 1969. The property was annexed into the city of Goodyear in 1989 with the adoption of Ordinance No. 89-285.

A use permit is required for public utility facilities in the Agricultural (AG) zoning district. Since this property was annexed into the City with an already developed public utility facility (substation), no use permit exists. Therefore, the current APS substation is considered a legal, nonconforming use. As a legal, nonconforming use, the existing substation cannot be modified or expanded.

APS intends to build a new substation to meet the growing demand for electrical service in this area. They have purchased additional property adjacent to the existing substation in which to build. However, in order to build the new substation, modifications to the existing substation will be required, including the eventual decommissioning of the substation tentatively planned in 2019. As such, the subject property must be brought into conformance with the Zoning Ordinance in order to allow these modifications. To bring the subject property into conformance, it was determined that the property should be rezoned to be consistent with the zoning of the expansion property purchased by APS. The expansion property is zoned Final PAD (part of PV303 PAD)

and has an underlying land use of Commercial (C-2). As such, the request is to rezone the subject property to Final PAD to be consistent with the expansion property.

This request has not been previously before the Planning and Zoning Commission and City Council.

### **STAFF ANALYSIS:**

#### **Current Policy:**

A request to rezone property from one zoning district to another zoning district requires public review and approval by the Planning and Zoning Commission and City Council. The proposed rezoning must be consistent with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance.

#### **Surrounding Properties:**

- North – Thomas Road and future industrial development within the PV303 PAD.
- South – Future commercial development within the PV303 PAD.
- East – Loop 303.
- West – Future commercial development within the PV303 PAD and property owned by the Arizona State Department of Corrections.

#### **Details of the Request:**

The request is to rezone approximately one acre from Agricultural (AG) to Final Planned Area Development (PAD). The development of the Property will be in conformance with the development regulations and standards applicable to the General Commercial (C-2) zoning district as set forth in the Goodyear Zoning Ordinance, as modified by the PV303 Planned Area Development Dated February 2017. The permitted uses will be those uses for the Commercial (C-2) zone in PV303 West II. Attached is the zoning exhibit for this area. Public utility facilities are a permitted use within the Commercial (C-2) zoning district.

#### **Evaluation Criteria:**

Per the city of Goodyear Zoning Ordinance, the City's review and recommendation of a rezoning request shall be guided by the following criteria:

1. *Consistency with the General Plan.*

The General Plan designates the subject property as Business & Commerce on the Land Use and Transportation Plan. The requested Final PAD zoning with General Commercial land uses is consistent with the Business & Commerce land use. As previously noted, public utility facilities, which includes electrical substations, are a permitted use within the Commercial (C-2) zoning district.

2. *Suitability of the subject property's physical and natural features for the uses permitted under the proposed zoning district.*

The subject property is developed with an existing substation. The property's physical and natural features will continue to support this existing use.

3. *Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning.*

Both the subject property and expansion property are located adjacent to the Loop 303 freeway and are surrounded by other properties within the PV303 PAD intended for commercial or industrial use. Property to the west is owned by the State and is partially developed with a prison complex. Luke Air Force Base is located several miles to the northeast of the property. However, given the nature of the substation, flying operations at the base will not be affected. As such, the intended use of the subject property for an electrical substation will be compatible with the other uses of land in the surrounding area.

4. *Proposed zoning district's consistency with other land uses within the immediate area and whether uses allowed under the proposed zoning district would be better suited to the subject property than the uses allowed under the current zoning.*

The proposed Final PAD will be consistent with the Final PAD zoning in the immediate area. The rezoning of the property to Final PAD will bring the existing substation use into conformance with the Zoning Ordinance.

5. *Demand for the types of uses permitted in the proposed zoning district in relation to the amount of land currently zoned and available to accommodate the demand.*

APS has indicated that the modification of the substation is necessary to serve the growing demand for electrical service in this area.

6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

Fire Department:

Emergency response times and distances are provided below (the shortest and longest paths are the same given the small size and configuration of the property):

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#185	6.32	3.16	6.32	3.16	#184/181	8.73	4.36	8.73	4.36

Police Department:

The subject property is located within an existing patrol beat and the current level of service within the patrol beat can accommodate development of the property.

Streets/Transportation:

Access to the subject property will be from Cotton Lane. The property owner will be responsible for completing the remaining improvements to Cotton Lane, including sidewalk, sidewalk ramps, and landscaping.

7. *Potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided.*

As noted above, the substation will not pose a demand on City services, and will therefore not result in any potential adverse fiscal impacts.

8. *General public concerns.*

Public notice for this rezoning was provided in the manner required by the Zoning Ordinance for public hearings. To date, there has been no public opposition voiced on this request.

9. *Whether the amendment promotes orderly growth and development.*

The rezoning will permit the modification to the existing substation, which will help provide additional electrical service to meet the growing demand in this area.

10. *Any other factors related to the impact of the amendment on the general health, safety and welfare of the citizens of the City and the general public.*

The expansion of the substation will occur in conformance with city of Goodyear regulations, including the Zoning Ordinance and engineering design standards.

**PUBLIC PARTICIPATION:**

Citizen Review

In accordance with the City's Citizen Review Process, an alternative notification process was used for this request. A formal citizen review meeting was not involved, but notice providing information on the request was mailed to surrounding property owners within 500 feet of the subject property. Staff has not received any public inquiries as a result of this notice.

Public Hearings

Notice for the public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of property within 500 feet of the subject property; a legal notice published in the Arizona Republic; and a notice of public hearing sign posted on the property. To date, staff has not received any public inquiries on this request.

**FISCAL ANALYSIS:**

There is no direct budget impact associated with this rezoning. There will be minimal future impacts as the rezoning, and subsequent use of the property as an electrical substation, will not

require water and wastewater services nor will the substation generate traffic demands on the City's roadway infrastructure.

**RECOMMENDATION:**

Staff recommends approval of the rezoning from Agricultural (AG) to Final Planned Area Development (PAD) as set forth in draft Ordinance No. 17-1371, attached hereto.

**ATTACHMENTS:**

1. Ordinance No. 17-1371
  - a. Ordinance Exhibit A – Supplementary Zoning Map No. 17-06
  - b. Ordinance Exhibit B – Legal Description
2. Aerial Photo
3. Preliminary Site Plan
4. Zoning Exhibit