

AGENDA ITEM #: _____

DATE: December 5, 2018

CAR #: 2018-6537

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

SUBJECT: Special Use Permit for a church in the Estrella Crossing Business Park Planned Area Development District	STAFF PRESENTER: Joe Schmitz, Long Range Planner CASE NUMBER: 18-350-00003 APPLICANT: Sword of the Spirit Church, represented by Paul Sarantes, Archicon Architecture & Interiors LC
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PROPOSED ACTION:

1. Conduct a public hearing to consider a request for a Special Use Permit to allow a church in a portion of a building on 5.0 acres in the Business Park/Light Industrial area of the Estrella Crossing Business Park Planned Area Development (PAD) District.
 - a. Open Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive Public Comment
 - e. Close the Public Hearing
2. Recommend approval of a request for a Special Use Permit to allow a church in a portion of a building on 5.0 acres in the Business Park/Light Industrial area of the Estrella Crossing Business Park Planned Area Development (PAD) District at 15635 W. Illini Street (Lot 16 of the Estrella Crossing Business Park), subject to the following stipulations:
 1. Prior to occupancy of the property by the church, the property owner and the church shall sign a waiver agreement, in the form provided by the City, which shall run with the land and include the following statement in the waiver agreement: "The property at 15635 W. Illini Street (Maricopa County Assessor Parcel Number 500-07-251) is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from the Phoenix-Goodyear Airport. The owner and the church does release and discharge the City of Goodyear and the Phoenix Goodyear Airport from any liability for any and all claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of such aircraft near and over the area and shall be responsible for any and all mitigation measures that may be needed to use the property as a church;"
 2. Prior to building occupancy, the church shall obtain approval of a Change of Occupancy application from the City of Goodyear;

3. The City of Goodyear reserves the right to initiate revocation of the Special Use Zoning in the event that the Special Use is not operated in compliance with the stipulations stated herein or as represented in the Special Use Permit application; and;
4. The property owner and the church shall comply with the City of Phoenix Aviation Department recommendations pertaining to the operation of the Phoenix Goodyear Airport as follow:
 - i. Any plats and public reports filed with the Arizona Department of Real Estate shall provide notice that discloses the location of Phoenix Goodyear Airport and the potential for aircraft overflights and objectionable aircraft noise; and,.
 - ii. An FAA no hazard determination must be provided to the City of Goodyear prior to issuance of any construction permits if development height, construction activity, or development operational activity may cause an obstruction under 14 CFR Part 77.

BACKGROUND AND PREVIOUS ACTIONS:

Churches are allowed in any district with the approval of a Special Use Permit. The existing building formerly housed the Arizona Republic printing operation. A portion of the 25,852 square foot building – 19,552 square feet - is occupied by a metal working business (Basic Metals, Inc.). The balance of the building will be occupied by the church – about 6,300 square feet. The property is zoned Business Park/Light Industrial under the Estrella Crossing Business Park Planned Area Development (PAD) District approved by Ord. No. 05-950 which is a modified I-1 Light Industrial District.

STAFF ANALYSIS:

The Sword of the Spirit Church is proposing to lease 6,300 square feet of a 25,852 square foot building located on 5.0 +/- acres which is Lot 16 of the Estrella Crossing Business Park located at 15635 W. Illini Street. The adjacent property consists of vacant Business Park/Light Industrial-zoned parcels to the north; a commercial center, self-service storage units, car wash, and auto repair to the east; new self-service storage units and RV parking in an I-2 district to the south, and Lorts Manufacturing and Arizona Galvanizing in an I-2 district to the west.

The building will remain essentially as is with the church occupying the existing meeting room and office space and the metal working business occupying the warehouse and storage area. There will be no changes to the exterior of the building or the site. The only changes that the church plans to make are some modifications to the building's air conditioning system. The occupancy of the building by both uses will comply with all building code requirements. The building is already equipped with a fire suppression system that meets the minimum requirements for an assembly occupancy.

The project narrative attached explains why the church is being proposed at this location and the nature of the church's operation. The following evaluation is being provided in conformance with Section 1-3-4 of the Zoning Ordinance:

1. Will be desirable or necessary to the public convenience or welfare:

The use of a portion of an underutilized building by a small but growing church is desirable since the church is able to take advantage of finished space that is affordable and the church would create more activity in this area outside of normal business hours which enhances security. The church is aware that the other occupant of the building is a light industrial use and will assume responsibility for mitigation of any noise, dust, odor, or similar complaints, if any occur. A church was previously established in the commercial center within this PAD and there have been no complaints regarding that church's operation from any of the adjacent commercial uses.

2. Will be harmonious and compatible with the other uses adjacent to and in the vicinity of the selected site or sites:

The use of the property as a church can be harmonious and compatible with other uses adjacent to and in the vicinity of the property, provided that the church accepts the fact that it will be located within a commercial and industrial area and the permitted uses on the surrounding properties may at times generate noise, dust and odors. The operation of the church will have no adverse impacts on the surrounding properties, however, allowing a church in a commercial and industrial area could create an obstacle to the establishment of certain uses which are required to be separated from a church, such as adult businesses, medical marijuana dispensaries and cultivation facilities, breweries or microbreweries and some other liquor-related businesses.

3. Is in conformance with the adopted General Plan and any adopted Area Plans:

The use of the property as a church is not in conformance with the General Plan, since a church is considered a noise sensitive use which may be incompatible with the operation of the Phoenix Goodyear Airport. However, the potential incompatibility of the church use with the airport is addressed in the section on the Phoenix Goodyear Airport and by the stipulations in the staff recommendation. There are no Area Plans applicable to this area.

4. Will not be detrimental to surrounding properties in the area due to:

- a. Impact on the circulation system of the adjacent neighborhood:

Use of the building as a church will not adversely impact traffic circulation in the area because the site has good access and the size of the church is such that it will not generate a significant amount of traffic. The cul-de-sac where the church is to be located has access to Estrella Parkway via Illini Street and to Elwood Street via S. 156th Avenue. Elwood Street connects to Estrella Parkway at a signalized intersection which will provide for safe turning movements.

The parking calculation provided by the applicant states that the church needs 27 spaces and Basic Metals needs 24 spaces for a total of 51 spaces. There are 240 spaces on site plus 7 accessible spaces, so the parking provided is more than

adequate. The only other potential adverse impact a church might have on surrounding properties would be if the presence of a church prevented certain uses, which are required to be separated from a church, from locating nearby. Based on the small number of such uses that would be affected, the impact would be minimal.

- b. Excessive noise or light generated from within the site:

The use of the property as a church will not generate excessive noise or light.

- c. Excessive scale or height in relationship to surrounding properties:

The church is to be located in an existing building which is similar in terms of height and bulk to the buildings on surrounding properties.

- d. Hours of operation:

As set forth in the Project Narrative, the proposed hours of operation are limited and will differ from those of the other occupant of the building. The sanctuary will be used primarily from 9:00 a.m. to noon on Sunday. The offices will be used from 8:00 a.m. to 2:30 p.m. daily and during the evenings for bible study. The proposed hours of operation will not be detrimental to the surrounding properties.

- e. Inadequate parcel size to provide adequate buffers or mitigation to surrounding properties:

The church is to be located in an existing building, which is not being modified. The property has a substantial amount of off-street parking, and there should not be any impact to surrounding properties that might otherwise be caused by inadequate parking.

- f. Inconsistency with the development character or architecture of the adjacent properties:

The church is to be located in an existing building, which is not being modified, except for some minor modifications to the air conditioning.

Luke Air Force Base:

The subject property is located on property that is not within the vicinity of a military airport. Given the location of the property, base operations will not be adversely impacted.

Phoenix Goodyear Airport:

The subject property is located within the Phoenix Goodyear Traffic Pattern Airspace and partially within the 60-64 LDN noise contour and partially within the 65-69 LDN noise contour, as shown on the Public Airport Disclosure Map on file with the Arizona Department of Real Estate. As such, the proposed church use could be adversely impacted by noise generated by aircraft operations. The City of Phoenix Aviation Department reviewed the proposed Special Use Permit for a church and did not object to it since the site is not within the noise contours of the current Airport Master Plan which forecasts airport activity over a 20-year time period. The City of Phoenix Aviation Department did request the inclusion of two stipulations regarding disclosure of the presence of the airport and notifying the FAA and airport of any proposed

construction activities. In the past when the City has approved a noise sensitive use in proximity to the airport, execution of a waiver agreement has been required. A stipulation has been included to address that concern.

Fire Department:

The property is served by Fire Station 181/184 located at Yuma Road and Sarival Avenue, approximately 5.2 miles north and west of the subject property. The emergency response to the subject property from that station is within the 6-7 minute estimate.

Nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#181/184	5.20	2.60	7.08	3.54

2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
Station #183	10.88	5.44	10.88	5.44

Police Response:

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

Solid Waste:

Solid waste service will be provided by a private commercial hauler.

Streets/Transportation:

The proposed church will not adversely impact any public street given the location of the church within the Estrella Crossing Business Park. The on-site parking provided exceeds the minimum required by a substantial amount and vehicles will not queue into the public street.

Water/Wastewater:

Water and wastewater service is provided by the city of Goodyear.

PUBLIC PARTICIPATION:

In accordance with the City's Citizen Review Process, since there were no residential uses within 500 feet of the site, an alternate notification process was used, and notices were sent to adjoining owners on November 2, 2018. No comments or public inquiries have been received to date from any of the adjoining owners.

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 received one inquiry by phone and three emails from adjoining owners objecting to the proposed church use. Terry Kirk, owner of several lots within the Estrella Crossing Business Park and a member of the Property Owners Association's Board, called and expressed concern that the church might preclude certain uses that are required to have a

minimum separation from a church. Three emails have been received from owners of neighboring properties in the Estrella Crossing Business Park. One is from the owner of Wilhelm Automotive (Lot 19) at 3900 S. Estrella Parkway who said a church is not an appropriate use in a business park. The second one from Debra Pollard, the owner of the vacant Lot 8 at 15615 W. Elwood Street, expressed a concern that the presence of a church use might trigger restrictions on the use of her property. The third was submitted by Terry Kirk as a board member of the Estrella Crossing Business Park Property Owners Association; as President of Crossing Development, Inc., owner of Lots 13, 14 and 15; and as a Member of Kuma Development LLC, owner of Lot 12 in the Estrella Crossing Business Park. Mr. Kirk stated that granting the special use permit for the church would severely curtail the ability of the lot owners of the Estrella Crossing Business Park to develop and market their properties. Copies of the emails are attached.

FISCAL ANALYSIS:

There is no immediate impact to this fiscal year budget associated with the approval of the Special Use Permit.

RECOMMENDATION:

Staff finds that the Special Use Permit request is compatible with the existing land uses within the area and will not be a detriment to surrounding properties or persons.

ATTACHMENTS:

1. Aerial Photo
2. Narrative
3. Site Plan
4. Floor Plan
5. Correspondence in Opposition