

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

SUBJECT: Rezone of City-Owned Lands at and around the 157th Avenue Water Reclamation Facility to the Public Facilities District with a Final PAD District Overlay	STAFF PRESENTER: Joe Schmitz, Long Range Planner CASE NUMBER: 19-200-00006 APPLICANT: Teresa Smith-Dehesus, Jacobs Engineering, representing COG Public Works Department
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PROPOSED ACTION:

1. Conduct a public hearing to consider a request to rezone approximately 155 acres of land located at and around the existing 157th Avenue Water Reclamation Facility at 4980 S. 157th Avenue from Preliminary PAD District (Riverside Park PAD), Agricultural (AG) District, Public Facilities District (PFD), and I-2 General Industrial Park District with a Final PAD District Overlay (I-2 in Estrella Commerce Park PAD) to PFD with a Final Planned Area Development (PAD) District Overlay to allow increased height, additional permitted uses, and modified landscaping and fencing standards and construction of a new Surface Water Treatment Facility on the westerly 40 acres.
 - 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 the conditionally rezoning 155 acres owned by the city of Goodyear to the PFD zoning district with a Final Planned Area Development (PAD) District Overlay as set forth in the draft of Ordinance No. 2019-1433 attached hereto.

BACKGROUND AND PREVIOUS ACTIONS:

The General Plan Land Use Plan designates the subject property as “Business & Commerce.” The “Business & Commerce” land use category provides areas predominantly retail, entertainment uses, and service-oriented uses, but also allows business parks, offices, warehouses and other light industrial uses. The General Plan also acknowledges that public and community facilities may be allowed in the “Business & Commerce” land use classification and the Public Facilities District is listed as an appropriate zoning district for this purpose.

The City of Goodyear owns 155 acres that are located between Estrella Parkway and Sarival Road and between Broadway and Roeser Roads and the Buckeye Irrigation District canal. The property was acquired over a number of years with the intent for it to serve as a Public Facilities

Campus. It already is the site of the 157th avenue Water Reclamation Facility, the COG fleet maintenance facility, the Public Works Administration building and storage yard, a BMX bicycle race course and a dog park. In February 2018, the City bought an additional 28.5 acres located west of the existing 157th Avenue Water Reclamation Facility for the purpose of constructing a new Surface Water Treatment Facility. This new plant will increase the capacity of the city's water system by 8 mgd; reduce the city's reliance on groundwater; and allow the City to take direct delivery of the water it owns from the Central Arizona Project. The additional property purchased needs to be rezoned to facilitate construction of the new water treatment plant. It was also determined that it would be advantageous to rezone the entire 155 acres at this time to the same zoning district to address some discrepancies in the existing zoning and to facilitate future development of other portions of the property.

The 155-acre site currently consists of eight parcels in four different zoning districts:

1. A 0.50-acre parcel purchased in 1983 for the original Water Reclamation Facility that is still zoned Agricultural (AG) District and apparently was never rezoned to the Public Facilities District by previous rezoning actions;
2. A 7.85-acre parcel purchased in 1983 for the original Water Reclamation Facility that was rezoned to the Public Facilities District through the adoption of Ord. No. 00-709 on February 12, 2001 which referenced a 6.52-acre parcel, but included a legal description and map of a 7.85-acre parcel;
3. A total of 117.49 acres made up of four parcels that were rezoned to the Public Facilities District through the adoption of Ord. No. 04-922 on November 22, 2004. This rezoning included 13.0 acres purchased in 1990; 9.62 acres purchased in 1994; 57.14 acres purchased in 2002; and another 37.73 acres also purchased in 2002;
4. A 1.01-acre parcel purchased in 2008 that was rezoned to the I-2 General Industrial Park District with a Final PAD District Overlay pursuant to the Estrella Commerce Park PAD approved through the adoption of Ord. No. 07-1068 on April 9, 2007; and,
5. A 28.5-acre parcel recently purchased in 2018 that was rezoned Preliminary PAD District pursuant to the Riverside Park PAD approved through the adoption of Ord. No. 05-976 on December 12, 2005.

STAFF ANALYSIS:

Current Policy:

A rezoning request requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed rezoning must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance.

Details of the Request:

The City of Goodyear owns approximately 155 acres at and around the 157th Avenue Water Reclamation Facility at 4980 S. 157th Avenue. The majority of the property is already zoned PFD, except for about 30 acres that was acquired in 2018 for a new surface water treatment facility. The

City is proposing to rezone the entire 155-acre site to the Public Facilities District with a Final PAD District Overlay to legitimize the existing vehicle maintenance use; allow use of the newly acquired property for the surface water treatment plant; and modify certain PFD development standards related to height, fencing and landscaping to allow use of chain link fencing at certain locations and construction of a wireless communications tower up to 60 feet tall. Development of the property will be in compliance with the PFD regulations and standards, except as modified by the proposed Final PAD District Overlay Development Regulations, as detailed in Exhibit C to Resolution No. 2019-1970 attached thereto. In brief, the proposed Final PAD District Overlay Development Regulations include the following modifications:

1. The Principal Permitted Uses, as set forth in Section 3-3-5 A. of the Zoning Ordinance Public Facilities District, are being amended to specifically include water treatment facilities, vehicle maintenance buildings and facilities, including automobile and truck service stations and the dispensing of oil and gasoline.
2. The Permitted Accessory Uses, as set forth in Section 3-3-5 B. of the Zoning Ordinance Public Facilities District, are being amended to allow wireless communication facilities up to 60 feet in height (current limit is 40 feet); above ground silos, tanks and other similar structures for water treatment processes; and outside storage areas for materials, supplies, fixtures, equipment, vehicles, and treatment process bi-products or similar items, provided such storage areas are screened from view along all street frontages.
3. The Development Standards for Commercial Districts, as set forth in Section 3-3-6 of the Zoning Ordinance, are being amended to allow the following:
 - a. An exception from the metal building prohibition for Public Utility Facilities buildings used for process facilities, chemical storage, process equipment, maintenance, or operations functions.
 - b. Chain link fencing in appropriate areas, except along public street frontages, unless otherwise approved in writing by the Development Services Director.
 - c. Landscaping being required only in areas accessible to the public and not within the secured water or wastewater treatment process areas;
 - d. Above ground silos, tanks, and other similar structures being permitted as accessory uses, subject to the same standards as currently listed in the Development Standards for Industrial Districts. These standards also include a requirement to file a Notice of Proposed Construction with the FAA due to the proximity of this property to the Phoenix-Goodyear Airport.
 - e. Uses being restricted to closed buildings, except for automobile and truck service stations, utility treatment process units, and outside storage areas for materials, supplies, fixtures, equipment, vehicles, and treatment process bi-products or similar items that are permitted accessory uses, provided storage areas are screened from view along all public street frontages.

- f. The requirement for four-sided architecture is limited to administrative buildings.
- g. Communications Tower up to and including 60 feet will be permitted without a use permit subject to the requirement that they file a Notice of Proposed Construction for structures with the FAA due to the proximity of this property to the Phoenix-Goodyear Airport. Communications Towers in excess of 60 feet require a use permit.
- h. Building heights were increased from 40 feet to 50 feet as is permitted in industrial districts, subject to the requirement that they file a Notice of Proposed Construction for structures with the FAA due to the proximity of this property to the Phoenix-Goodyear Airport.
- i. Revised the street side setback requirement to apply only to public streets.

Evaluation Criteria:

Per the city of Goodyear Zoning Ordinance, the City's review and recommendation on a zoning amendment is to be guided by the following criteria:

1. Consistency with the General Plan.

The proposed rezoning is consistent with the General Plan's Business and Commerce land use designation for this property which identified the proposed Public Facilities District as an appropriate zoning district to implement this designation.

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

The subject property is relatively flat and has no unusual physical or natural features that would preclude the development of the property for its intended purpose as a Public Facilities Campus for a variety of public uses.

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

Current and future uses and development of the properties surrounding the subject property include:

North – Vacant land zoned I-1 Light Industrial District and I-2 General Industrial District with a PAD Overlay pursuant to the Estrella Commerce Park PAD, and vacant land zoned Business Park pursuant to the Riverside Park Preliminary PAD, all of which is currently being farmed. The property to the north is the future location of the SR30 freeway, for which a Recommended Build Alternative was recently identified by ADOT;

South – Vacant land south of the Buckeye Irrigation District canal that is zoned AG Agricultural and AU Agricultural Urban and in the floodplain of the Gila River;

East – Vacant land zoned I-1 Light Industrial District and I-2 General Industrial District with a PAD Overlay pursuant to the Estrella Commerce Park PAD which is currently being farmed;

West – Vacant land zoned Business Park pursuant to the Riverside Park Preliminary PAD which is currently being farmed.

The proposed PFD zoning for a Public Facilities Campus, which is to be used for a variety of public uses, is compatible with the existing farming uses and also will be compatible with the future development of industrial uses 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 bulk of the property (125 of the 155 acres) is already zoned PFD with the balance zoned Planned Area Development for Business Park, Light Industrial or General Industrial uses. The purpose of the rezoning is to consolidate the zoning for the City's properties, ratify the vehicle maintenance use that requires a Use Permit, and adopt a Final PAD District Overlay that will modify some of the PFD development standards with regard to height, landscaping, and fencing.

Luke Air Force Base:

The subject property is **not** located within the vicinity of a military airport. Notice was provided to Luke AFB and they have indicated that given the location of the subject property, base operations will not be adversely impacted by this proposed increase in height.

Phoenix-Goodyear Airport:

The subject property is located within the Phoenix-Goodyear Traffic Pattern Airspace and the 60 to 70 DNL noise contour. The property also is below the runway centerline extended. Notice was provided to the City of Phoenix Aviation Department and planning staff expressed a concern about the modification to increase building height from 40 feet to 60 feet, primarily for the future installation of a wireless communication tower. They also questioned whether any of the facilities will have open water or any other storage that might attract birds. The Aviation Department was advised that there would be no open water facilities other than the filter basins which was fairly small in size, and there would be no open storage of any kind that would attract birds. The location of any future communications tower would be coordinated with the Phoenix-Goodyear Airport and FAA through the filing of a FAA Form 7460-1 which prompts the evaluation of a proposed construction to determine if it will be an obstruction to navigable airspace. Given the nature of the uses and location of the property, airport operations will not be adversely impacted by this proposed increase in height.

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.*

Since there are several public facilities already located on this site, expanding the property to accommodate the construction of a new surface water treatment facility with a production capacity of 8 mgd (expandable to 22.4 mgd) is logical and appropriate due to the

interdependency of the new plant with the existing 157th Avenue Water Reclamation Facility. Solids produced by the water treatment plant will be conveyed to the adjacent WRF for treatment and the existing reclaimed water reservoir is being repurposed for solids handling for the water plant which would be more difficult to do if these facilities were not located next to one another.

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

The existing and proposed uses of this property are public facilities that provide various types of public services including potable water, wastewater treatment and disposal, fleet vehicle maintenance for City departments who provide services directly to the public, and recreation in the form a dog park and a bicycle racing track. While the facilities may generate some demands for public services, such as police and fire emergency response, the current and future uses will provide public services rather than consume them.

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

The subject property is already served by public services and will not create any adverse fiscal impacts.

8. *General public concerns.*

Public Participation:

Notice of this proposed rezoning was sent by regular mail to the owners of property within 500 feet of the subject property pursuant to the Alternate Public Notice Process on April 9, 2019. No comments were received in response to that notification. Notice for the public hearings before the Planning and Zoning Commission and City Council was sent via a postcard to the owners of property within 500 feet of the subject property on April 16, 2019; a legal notice was published in the Arizona Republic on April 19, 2019; and a notice of public hearing sign posted on the property on April 22, 2019. To date, staff has not received any public inquiries as a result of these notices.

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

The proposed rezoning will promote orderly growth and development by reserving land that is appropriately zoned and allows the development of the facilities related to the provision of public services.

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 and continued development of a Public Facilities Campus at this location will help ensure that necessary public services are provided in a logical and cost effective manner. In particular, the new surface water treatment plant will allow the city to make better use of

the water rights it owns in the Central Arizona Project by taking direct delivery of that water; decrease the city's reliance solely on groundwater; increase the capacity of the water system; and distribute potable water from a location that is well positioned to serve the central area of the city and residents south of the Gila River.

PLANNING AND ZONING COMMISSION ACTION:

At the May 8 Commission meeting during the staff presentation, it was noted that the City of Phoenix Aviation Department asked that three stipulations be added to the approval regarding compliance with FAA wildlife attraction guidance, obtaining a no hazard determination from the FAA, and granting of an aviation easement as follows:

1. Development shall conform with FAA Advisory Circular 150/5200-33 (as amended) "Hazardous Wildlife Attractants on near or Airports" with specific adherence to Perimeter B and C standards.
2. Development shall secure a no hazard determination from FAA through the 7460 obstruction evaluation process and provide a copy of the determination to the City of Goodyear prior to building permit approval.
3. Development shall dedicate an Aviation Easement to the City of Phoenix specifying the maximum height of the development, compatible use and operation of the site relative to the flying public and GYR airport. The form and content of the easement shall be as prescribed by the City of Phoenix and recorded by the Development prior to City of Goodyear building permit approval.

Planning staff believes that the proposed PAD Overlay standards are sufficient that will be adopted by the proposed ordinance are sufficient to address the Aviation Department's concerns, and, upon the advice of the City Attorney's Office, has declined adding the stipulations requested.

One person appeared and asked for a description of the treatment process to be used at the new surface water treatment plant. Barbara Chappell said raw water would enter the plant where it will be filtered and disinfected and then leave the plant as potable water for distribution throughout the city.

A motion to recommend approval of the proposed rezoning was passed by the Planning and Zoning Commission by a vote of 6 to 0 with one commissioner absent.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. This proposed rezoning involves property owned by the City of Goodyear and will allow development of additional infrastructure programmed in the City's Capital Improvement Program to increase the capacity of the water system. The existing and proposed uses of this property are public facilities that provide various types of public services including potable water, wastewater treatment and disposal, fleet vehicle

maintenance for City departments who provide services directly to the public, and recreation in the form a dog park and a bicycle racing track. While the facilities may generate some demands for public services, such as police and fire emergency response, the current and future uses will provide public services rather than consume them.

RECOMMENDATION:

Staff finds that the rezoning requested for the City of Goodyear Public Facilities Campus to allow the construction of a new Surface Water Treatment Facility is in conformance with the General Plan and will not adversely affect the surrounding area. As such, staff recommends approval of the conditional rezoning pursuant to Ordinance No. 2019-1433, a draft of which is attached hereto.

ATTACHMENTS:

1. Draft Resolution No. 2019-1970
 - a. Exhibit A – Supplementary Zoning Map 19-06
 - b. Exhibit B – Legal Description
 - c. Exhibit C – COG Public Facilities Campus Final PAD District Overlay Development Regulations
2. Draft Ordinance No. 2019-1433
3. Aerial Photo
4. Project Narrative
5. Site Plan and Rendering
6. Building Elevations