



City of Goodyear

See meeting location
below

Meeting Minutes

Planning & Zoning Commission

Wednesday, November 18, 2020

6:00 PM

Goodyear Municipal Court and Council
Chambers
14455 W. Van Buren St., Ste. B101
Goodyear, AZ 85338

While Planning and Zoning Commission meetings are open to the public, the occupancy has been reduced to implement social distancing. Seating is generally available on a first come basis, but meeting attendees will be cycled in and out if necessary to allow for speakers to speak on certain agenda items.

If you wish to speak during a meeting, please complete a speaker's card so that we may ensure you are in the room for that item.

Face Masks are required and must be worn when moving throughout the building.

CALL TO ORDER

Chairman Bray called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioner Kish attended the meeting telephonically.

Present 6 - Chairman Bray, Commissioner Kish, Commissioner Molony, Commissioner Steiner, Commissioner Clymer, and Commissioner Ellison

Absent 1 - Vice Chairman Barnes

MOTION BY Commissioner Clymer, SECONDED BY Commissioner Ellison to EXCUSE Vice Chairman Barnes from the meeting. The motion carried by the following vote:

Ayes 6 - Chairman Bray, Commissioner Kish, Commissioner Molony, Commissioner Steiner, Commissioner Clymer and Commissioner Ellison

Excused 1 - Vice Chairman Barnes

MINUTES

1. [P&Z MIN 29-2019](#) Approve draft minutes of the Planning and Zoning Commission meeting held on November 4, 2020.

MOTION BY Commissioner Molony, SECONDED BY Commissioner Steiner to APPROVE the draft minutes of the Planning and Zoning Commission meeting held on November 4, 2020. The motion carried by the following vote:

Ayes 6 - Chairman Bray, Commissioner Kish, Commissioner Molony, Commissioner Steiner, Commissioner Clymer and Commissioner Ellison

Excused 1 - Vice Chairman Barnes

PUBLIC COMMENTS

None.

DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

PUBLIC HEARINGS

2. [19-210-00011B](#) **REZONING FROM PAD (PLANNED AREA DEVELOPMENT) AND AG (AGRICULTURAL) TO PAD (PLANNED AREA DEVELOPMENT) FOR THE INNOVATION CENTRE**

Chairman Bray opened the public hearing at 6:02 p.m.

Principal Planner Steve Careccia presented the request for rezoning of property from the PAD (Planned Area Development) and AG (Agricultural) zoning districts to the PAD (Planned Area Development) zoning district to facilitate the development of light industrial and commercial uses for a project to be called the Innovation Centre. The subject property is located south of Interstate 10, between the Loop 303 and Citrus Road. This request was previously heard by the Planning and Zoning Commission on September 16, 2020, was continued to the November 4, 2020 Commission meeting and again continued to tonight's meeting.

The General Plan Land Use Plan designates the subject property as 'Business and Commerce'. The 'Business and Commerce' land use category provides for the growth and development of shopping, office and entertainment areas along with high-density residential and public and community facilities. Light industrial uses may also be appropriate in this land use category under certain conditions.

In accordance with the General Plan, Chapter 5 - Physical Growth and Development, the subject property is located within a designated growth area identified as the Interstate 10 Corridor. This growth area is intended to promote the development of office, entertainment, and hospitality uses that can maximize and leverage the access and visibility inherent in a transit corridor.

The subject property is zoned PAD and AG (Agricultural). The portion of the property zoned PAD is part of the Cotton Lane RV/Mobile Home & Golf Resort PAD, which was initially approved on May 28, 1996, with the adoption of Ordinance No. 96-551. The PAD provides for the development of 1,500 residential sites along with complementary commercial uses. Portions of the PAD north of Van Buren Street have been developed with residential and commercial uses in accordance with the PAD development plan. Other portions of the subject property had been developed as a trotter park, but those facilities have since been demolished. No residential development has occurred on the subject property.

The request is to rezone the approximate 224-acre subject property from PAD and AG to PAD. The rezoning will create a new PAD to be known as the 'Innovation Centre'. The PAD will permit the development of commercial and light industrial uses upon the subject property. The PAD proposes to establish three land use districts, with each district having established uses and development standards. The three districts include:

1. District A - Commerce Park District: This district encompasses approximately 139 of the 224 acres (62% of total acreage) comprising the rezoning area, and is the predominant district proposed in the PAD. It is intended for the development of light industrial uses, including warehousing and large distribution facilities with dock doors and trailer storage. Uses and development standards will be based on the city's I-1 (Light Industrial) zoning district, as modified by the PAD. Building heights within this district are intended from 40 feet up to a maximum of 150 feet.
2. District B - Commercial/Retail and Entertainment District: This district encompasses approximately 26 acres (12% of total acreage) located in the northwest portion of the property. It is intended for the development of commercial uses, including retail, service and entertainment uses. Uses and development standards will be based on the city's C-2 (General Commercial) zoning district, as modified by the PAD. Building in this district will observe a maximum height of 56 feet.
3. District C - Office/Employment District: This district encompasses approximately 59 acres (26% of total acreage) located in the southwest portion of the property. It is intended for the development of office and employment uses, but would also permit entertainment, restaurant and other services. Uses and development standards will be based on the C-2 (General Commercial) zoning district, as modified by the PAD. Building in this district will observe a maximum height of 56 feet.

With the rezoning request, the PAD is proposing deviations from city standards. The following is a list of the requested deviations:

1. Building Height - The maximum building height in the city's I-1 (Light Industrial) zoning district is 50 feet while the PAD is proposing a maximum building height up to 150 feet within District A (Commerce Park). It should be noted that while the PAD is requesting this deviation for additional height, Stipulation Nos. 8 and 27 from draft Ordinance No. 2020-1472 state only those buildings used for such uses as office and retail, may observe the maximum height of 150 feet. All other uses will be limited to 70 feet in height, and those uses within 300 feet of the south property line will be limited to a maximum height of 50 feet.
2. Landscape Setback from Freeway - The city's design guidelines require a 30-foot wide landscape buffer adjacent to freeway rights-of-way while the PAD is proposing a 20-foot wide buffer. It should be noted that while the PAD is requesting this deviation to the freeway buffer, Stipulation No. 33 from draft Ordinance No. 2020-1472 maintains the 30- foot landscape buffer as required.

A set of design guidelines have been included within the PAD and provide general direction on the development of the property. Given that the ultimate end users of the property have yet to be determined, specific design details have not been provided at this time. However, as noted in Stipulation No. 7 from draft Ordinance No. 2020-1472, buildings within 300 feet of the north property line will need to be architecturally consistent with the elevations as presented in the Enhanced Design Examples.

Mr. Careccia reviewed the city's review of the Goodyear Zoning Ordinance in relation with this project. Staff recommendation is guided by the following criteria:

1. Consistency with the General Plan.
2. Suitability of the subject's property's physical and natural features for the uses permitted under the proposed zoning district.
3. Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning.
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.
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.
6. Demands for public services that will be generated by the uses permitted in the proposed zoning district.
7. Potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided.
8. General public concerns.
9. Whether the amendment promotes orderly growth and development.
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.

Staff analysis of the General Plan concluded that development that furthers the goals of the city, as established by the General Plan, is encouraged. Such encouraged development includes new development that is compatible with and enhances the existing development in the area. This is especially applicable to any new proposal for non-residential development adjacent to an existing residential development. The proposed nonresidential development needs to be developed with sensitivity to the surrounding residential area and incorporate buffers and land use controls as needed to promote such sensitivity. The city also understands that a variety of housing options are needed for residents in order to create a vibrant, diverse community. This includes residential development of varying densities, housing types, and for-sale and rent. Further discussion on these and other General Plan Policies and recommended measures to achieve consistency with said policies.

The property, as it fronts I-10, is located within a transit corridor. The General Plan states development in transit corridors may include taller buildings to support higher residential densities and employment uses in appropriate locations; include a mix of uses such as commercial, residential, recreation and arts; include destination uses; include pedestrian and bicycle access and connectivity; and integrate bicycling and walking. As currently proposed, staff finds the application does not provide sufficient information nor a development plan that demonstrates conformance with the General Plan's intent for mixed-use, transit-oriented development within a transit corridor. Instead, the application predominately focuses on single-use industrial facilities dependent on heavy truck traffic and, as noted previously, such uses comprise the majority (62%) of the entire project. Increased building height for light industrial uses does not meet the intent of this objective.

Development of the subject property will need to occur in conformance with all applicable engineering, public works and public safety standards for infrastructure improvements and provision of city services. Such development will require the dedication of all necessary easements, substantial improvements to adjacent infrastructure and the extension of off-site utility lines to serve the property. And in accordance with the General Plan, all such costs will need to be borne by the property owner and/or developer, and not shifted to existing city residents. Stipulations of approval, as noted in the draft Ordinance No. 2020-1472, attached hereto, will require the property owner and/or developer to bear all applicable costs for additional public infrastructure and services needed to serve the development.

The General Plan promotes the I-10 Corridor as a designated growth area intended for office, entertainment, and hospitality uses, as these uses can maximize the visibility and access provided by the interstate. The application's predominant focus on industrial uses is not in conformance with the intent of the General Plan for this portion of the I-10 Corridor.

High employment uses consistent with the general plan objective ED-1-2-b are permitted uses within District A (Commerce Park) of the PAD. However, the PAD does not limit development to the high

employment uses contemplated by this objective, and instead focuses on warehousing and distribution as the predominant land use. Given this focus, the application does not demonstrate how the proposed warehousing/distribution will qualify as high employment uses nor why such a highly visible location is necessary for these proposed industrial uses. As such, the rezoning request cannot be considered as consistent with this provision of the General Plan.

The General Plan generally considers distribution and warehousing facilities as uses with low employment populations, as described in General Plan Objective GD-2-2 and the Luke Compatible Land Use Area Overlay. Accordingly, such uses are encouraged within the Luke Compatible Land Use Overlay and Loop 303 Corridor, so as to protect both Luke Air Force Base and to limit the number of people working and congregating in the area. On the other hand, the General Plan promotes the I-10 Corridor as a designated growth area intended for uses that can maximize the visibility and access provided by the interstate. As such, the PAD's predominant focus on light industrial uses, which comprise 62% of the entire PAD, and on warehousing and distribution, which could be built without limitation, are not in conformance with the intent of the General Plan for this portion of the I-10 Corridor.

The General Plan states that light industrial uses may be appropriate in the Business & Commerce category but should be buffered from residential uses. This is because light industrial uses have the potential to adversely impact residential areas, given the large bulk and height that can be associated with such industrial buildings and the noise and light trespass that can be associated with outdoor activities such as cross dock loading/unloading and heavy truck traffic, unless such adverse impacts are mitigated through development controls and buffers.

Within the city of Goodyear, there are several examples of developments that incorporated significant measures to promote compatibility between residential and non-residential uses. Given the PAD did not provide such similar measures, staff has worked to address the issue of compatibility through stipulations, and it should be specifically noted that Stipulation Nos. 27, 28, 29 and 30 from draft Ordinance No. 2020-1472 are being proposed to help mitigate any adverse impacts the proposed industrial uses may have on the existing residential to the south. These stipulations propose reduced building heights, increased landscape buffers and aesthetics, and operational limitations intended to reduce noise trespass.

The subject property was developed in the 1960s as a trotting park. However, the facility was shortly thereafter abandoned and then ultimately demolished in 2017. Other portions of the property include undeveloped land and a borrow pit. While the majority of the property appears suitable for the uses permitted under the proposed PAD zoning district, the borrow pit and adjacent surrounding area are currently unsuitable for development. As such, the remediation process for the borrow pit area must occur so as to provide for the safety and welfare of the general public and those working, visiting and residing in the area. As noted in Stipulation No. 36 from draft Ordinance No. 2020-1472, the submittal of a Special Use Permit (SUP) for Land Reclamation will be required within 18 months of

zoning approval, with the SUP establishing the framework for the safe reclamation of the borrow pit over time.

Staff is recommending several stipulations of approval to promote compatibility between the requested uses and development proposed on the subject property and the adjacent residential areas to the south. Such stipulations address limitations on building height and hours of operation, location of dock doors, and provision of landscape buffers for those portions of District A (Commerce Park) adjacent to the existing residential area. Regarding operational limitations, as noted in Stipulation Nos. 29 and 30 of draft Ordinance No. 2020-1472, certain outdoor activities will be prohibited between the hours of 10 PM and 6 AM for those areas within 300 feet of the south property line (Area A) and 220 feet of the south property line (Area B), as described on the attached Areas with Operational Limitations exhibit.

The staff recommendation is for denial of this rezoning request.

Or in the alternative, should the Commission choose to recommend approval of this request, then staff has proposed several stipulations of approval, as discussed previously herein and as provided within draft Ordinance No. 2020-1472. It should be noted that the applicant has reviewed the stipulations as presented within the draft ordinance and finds them acceptable.

In regard to Stipulation No. 37 as proposed in the draft ordinance, Section 1-3-1 of the Zoning Ordinance states that vertical construction within a rezoned area must occur within two years, or the City Council may act to rescind the zoning. The intent of this provision is to reduce speculative zoning requests, and to promote rezoning actions in conformance with the General Plan.

Wendy Riddell, representing the applicant, presented. Ms. Riddell was grateful for the additional time to work with staff and the focus of this project is what staff supports - retail, office, high wage employment and entertainment. The cross-dock logistics is the only area in which staff and applicant do not agree. District B and C would not include the cross-dock logistics. Ms. Riddell gave an overview of each District within the project with the PAD overlay based on the standards of C-2 zoning. District B and C make up 106-acres that contain the city's vision. District A Commerce Park is 108-acres and does allow cross-dock logistics or internet fulfillment.

Ms. Riddell explained that they had agreed to restrict the size of buildings within 300 feet of the northern boundary and that all buildings within this area would be similar in design and quality. Ms. Riddell showed examples of the enhanced design that would take place adjacent to the I-10.

Ms. Riddell explained why the cross-dock logistics and internet fulfillment facilities are necessary in this location.

- The cost of infrastructure necessary to make City's vision possible
- E-commerce is the future and growing by the day

- Alternative is the site remains vacant, or developed as an RV park

Ms. Riddell showed an exhibit of Citrus road, a 2 lane rural road which requires significant improvements as well as a new signal across Citrus road. There needs to be a new sewer and waterline system, approximately \$10 million in improvements required to start development of the site.

Ms Riddell reviewed the market analysis that was done by the city that included explanation that non-industrial uses may need financial assistance to help with access and infrastructure improvements.

Ms. Riddell reviewed other infrastructure investments made by neighboring municipalities for various employment corridors. The cross-dock logistics and internet fulfillment will provide for the development of commercial. Office and retail are suffering, with the brick and mortar stores giving way to E-commerce.

Ms. Riddell explained that industrial logistics space in Goodyear is expected to grow by more than 200% in the next 5-6 years. Over the next 10 years, there will be \$7.3 million in tax revenue and one-time construction revenue of \$382,000.

Ms. Riddell stated that the site has been on the market for 5 years and they have been working with Economic Development for the last 2 years for a user. The existing entitlements are for 1100 RV spaces, which is not the most advantageous use of this property.

Jeff Levy, Goodyear resident, spoke against the staff recommendation. Mr. Levy and his family were Industrial and Commercial developers and he believes that this development is what is best for that area. Rather than sitting vacant, there will be trees and walls to eliminate the issue of dock-doors. Mr. Levy asserted that if this is not approved in Goodyear that it will end up in another municipality. While there is a lot of industrial space within the City of Goodyear, a lot of the sites are not available to build on. Mr. Levy stated that many good locations for commercial have been taken for industrial.

Commission asked for clarification on the voting options. Chairman Bray explained that Commission could vote for denial, approval with stipulations or approval as submitted. There is also the option to discuss the stipulations.

There being no further public comment, Chairman Bray closed the public hearing at 6:38 p.m.

Chairman Bray explained that his vote is based on this being a hard case to work on with this property. There is difficulty in determining what is the best use for this property currently and in the future.

MOTION BY Commissioner Clymer, SECONDED BY Commissioner Kish to RECOMMEND denial for case 19-210-00011B REZONING FROM PAD (PLANNED AREA DEVELOPMENT) AND AG (AGRICULTURAL) TO PAD (PLANNED AREA DEVELOPMENT) FOR THE INNOVATION CENTRE. The motion carried by the following vote:

Ayes 5 - Commissioner Kish, Commissioner Molony, Commissioner Steiner, Commissioner Clymer and Commissioner Ellison

Nays 1 - Chairman Bray

Excused 1 - Vice Chairman Barnes

STAFF COMMUNICATIONS

Development Services Director Christopher Baker reviewed the cases previously presented to Commission.

NEXT MEETING

The next Planning and Zoning Commission meeting will be held on December 2, 2020 at 6 p.m. at the Goodyear Municipal Court and Council Chambers.

ADJOURNMENT

There being no further business to discuss, Chairman Bray adjourned the meeting at 6:44 p.m.

Respectfully Submitted By:

Alissa Magley, Commission Secretary

Patrick Bray, Chairman

Date: _____