



City of Goodyear

See meeting location
below

Meeting Minutes

Planning & Zoning Commission

Wednesday, February 22, 2017

6:00 PM

Goodyear Justice Center
14455 W. Van Buren St., Ste. B101
Goodyear, AZ 85338

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Absent 2 - Chairman Bray, and Commissioner Milton

Staff Present: Development Services Director Christopher Baker, Economic Development Director Michelle Lawrie, Assistant City Attorney Sarah Chilton, Planning Manager Katie Wilken, Planner III Steve Careccia, Planner III Karen Craver, Planner II Alexandra Lestinsky, Project Manager Harry Paxton, Project Manager Robert Ito, Management Assistant Heather Harris

A vote shall be taken at this time to excuse only those Commission members who were unable to attend the meeting due to extenuating circumstances.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Molony, to EXCUSE Chairman Bray and Commissioner Milton from the meeting. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

4. MINUTES

- 4.1** [P&Z MIN 02-2017](#) Approve draft minutes of the Planning and Zoning Commission meeting held on January 18, 2017.

MOTION BY Commissioner Molony, SECONDED BY Commissioner Kish, to APPROVE the draft minutes of the Planning and Zoning Commission meeting held on January 18, 2017. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

5. PUBLIC COMMENTS

None.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS

Vice Chairman Barnes stated that he has had conversations with the applicant on agenda item 8.2 and will recuse himself from the meeting for 16-210-00009.

7. OLD BUSINESS

None.

8. NEW BUSINESS

8.1 [17-210-00001](#) AMENDMENT TO THE LA JOLLA VISTA PAD STIPULATION NO. 35 REGARDING PEDESTRIAN ACCESS TO DURANGO STREET

Vice Chairman Barnes opened the Public Hearing at 6:03 p.m.

Planning Manager Katie Wilken presented an Amendment to the La Jolla Vista Planned Area Development (PAD) to modify Stipulation No. 35 to prohibit all access between the La Jolla Vista development and Durango Street, except for limited access as needed by the Roosevelt Irrigation District (RID) to access its facilities or as needed by emergency vehicles and personnel.

Commissioner Keys wanted further information about the school district recommendation. Wilken stated that the district requested the walkway, but due to the distance, it is practical to believe it will not be used. Commissioner Keys then asked if there had been any further recommendations by the school district. The planning manager stated there had not been further recommendation.

Vice Chairman Barnes inquired about the type of barrier to be erected along Durango St. Wilken stated she believed it would be a view wall that would be part masonry and part iron gate.

Sweetwater resident Christian Vetea David spoke against the pedestrian walkway. Vice Chairman Barnes requested clarification that the recommendation is to remove public access and the planning manager confirmed that the pathway is being removed.

Sweetwater resident James Boehm addressed the 4 access points from La Jolla Vista into the Sweetwater community. Development Services Director Baker clarified that every pedestrian access point has been closed with the exception of the RID emergency access.

Sweetwater resident Ken Bradley expressed his thanks for closing the pedestrian access points. He expressed concern over what he believed could lead to future annexation.

There being no further public comment, Vice Chairman Barnes closed the Public Hearing at 6:19 p.m.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Molony, to recommend APPROVAL of Case 17-210-00001 Amendment to the La Jolla Vista PAD Stipulation No. 35 Regarding Pedestrian Access to Durango Street. The motion carried by the following vote:

Ayes 4 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, and Commissioner Keys

Nayes 1 - Commissioner Walters

Excused 2 - Chairman Bray, and Commissioner Milton

ELECT CHAIRMAN (16-210-00009)

Vice Chairman Barnes recused himself and left the meeting prior to the vote.

A vote shall be taken at this time to elect a Chairman to preside over Case 16-210-00009 Amendment to the PV303 PAD to Change the Land Use on Four Parcels from General Commercial to Light Industrial.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Keys, to ELECT Commissioner Molony as Chairman for Case 16-210-00009. The motion carried by the following vote:

Ayes 3 - Commissioner Kish, Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

Recused 1 - Vice Chairman Barnes

Abstain 1 - Commissioner Molony

8.2 [16-210-00009](#) AMENDMENT TO THE PV303 PAD TO CHANGE THE LAND USE ON FOUR PARCELS FROM GENERAL COMMERCIAL TO LIGHT INDUSTRIAL

Acting Chairman Molony opened the Public Hearing at 6:21 p.m.

Planner III Steve Careccia presented an amendment conditionally rezoning the property within the PV303 Planned Area Development from C-2 to I-1 as reflected on the PV/303 Underlying Zoning dated January 13, 2017 subject to stipulations.

Eileen Hardy, a property owner just outside of the proposed rezone, expressed concern with building height blocking signage and wanted clarification. Careccia explained that the light industrial does allow taller building heights, but we have not seen a site plan or any other

applications indicating taller buildings will be constructed. Land use is what is being addressed with this movement.

Commissioner Kish stated that he understands the concern and at what point would we address potential harm to the signage. Planning Manager Wilken explained the signage is a separate application and a pre-application would be recommended to discuss a comprehensive sign package. Commissioner Kish wanted to know if the signage would be able to be changed. Development Services Director Baker encouraged a pre-application meeting to discuss concerns.

Commissioner Keys inquired about added a stipulation for a pre-application meeting. Baker explained that they are two separate issues and the stipulation is not necessary. Commissioner Keys asked Hardy if she understood what is being offered and Hardy responded in the affirmative.

There being no further public comment, acting Chairman Molony closed the Public Hearing at 6:32 p.m.

MOTION BY Commissioner Keys, SECONDED BY Commissioner Walters, to recommend APPROVAL of Case 16-210-00009 Amendment To The PV303 PAD to change the Land Use on four parcels from General Commercial to Light Industrial. The motion carried by the following vote:

Ayes 4 - Commissioner Kish, Commissioner Molony, Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

Recused 1 - Vice Chairman Barnes

8.3 [16-210-00007](#) PLANNED AREA DEVELOPMENT AMENDMENT TO MAKE MINOR MODIFICATIONS TO A PORTION OF THE GOODYEAR CROSSING INDUSTRIAL PARK FINAL PAD OVERLAY

Vice Chairman Barnes returned to the meeting and opened the Public Hearing at 6:34 p.m.

Planner III Karen Craver presented a Planned Area Development Amendment (PAD) to make minor modifications to approximately 95 acres of the 293-acre Goodyear Crossing Industrial Park Final PAD Overlay located at the southeast corner of Cotton Lane and West Commerce Drive, subject to stipulations.

Applicant Ed Bull was present and offered a presentation to the commission, but the commission felt it was not needed in addition to the staff presentation.

There being no public comment, Vice Chairman Barnes closed the Public Hearing at 6:38 p.m.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Molony, to recommend APPROVAL of Case 16-210-00007 Planned Area Development Amendment to make minor modifications to a portion of the Goodyear Crossing Industrial Park Final

PAD Overlay. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

8.4 [16-500-00009](#) **PRELIMINARY PLAT FOR PEBBLECREEK PHASE II UNIT 48**

Planner II Alexandra Lestinsky presented the request for a preliminary plat for PebbleCreek Phase II Unit 48, subject to stipulations. Staff finds that the preliminary plat is compatible with the surrounding area and consistent with the land use, zoning standards and technical requirements of the city's Subdivision Regulations, Design Guidelines, and the exceptions as established by the PebbleCreek Development Agreement and Planned Area Development.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Walters, to recommend APPROVAL of Case 16-500-00009 Preliminary Plat for PebbleCreek Phase II Unit 48. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

8.5 [16-220-00004](#) **ZONING ORDINANCE TEXT AMENDMENT TO REMOVE THE CITY CENTER GATEWAY OVERLAY DISTRICT**

Vice Chairman Barnes opened the public hearing at 6:41 p.m.

Planner II Alexandra Lestinsky presented the recommendation to approve an amendment to the city of Goodyear Zoning Ordinance, as amended, amending Article 1 (Administration) and Article 9 (Special Districts) to remove Section 9-2 in its entirety. Planner II Lestinsky reviewed with the commission the benefits of removing the overlay district.

Vice Chairman Barnes wanted to know what happens to the Yuma Road intersection and the city center plans. Planning Manager Wilken explained that there are no changes to the plans for the city center nor the PAD for that area.

Commissioner Kish asked for clarification that the look of the area won't change and staff confirmed that the look of the area will not be changed.

Vice Chairman Barnes closed the public hearing at 6:50 p.m.

MOTION BY Commissioner Keys, SECONDED BY Commissioner Kish, to recommend APPROVAL of Case 16-220-00004 Zoning Ordinance Text Amendment to remove the City Center Gateway Overlay District. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

8.6 [17-220-00001](#) **ZONING ORDINANCE TEXT AMENDMENT TO ALLOW INERT MATERIAL LANDFILLS AS A SPECIAL USE IN ANY ZONING DISTRICT**

Vice Chairman Barnes opened the Public Hearing at 6:51 p.m.

Planning Manager Katie Wilken presented an amendment to the City of Goodyear Zoning Ordinance, as amended, amending Article 2 (Definitions) to add definitions for inert material landfill and public project borrow pit and amending Article 4 (Special Uses) to allow inert material landfills in any zoning district by Special Use Permit. The Special Use Permit criteria allows staff, the Planning and Zoning Commission, and City Council to create stipulations of approval to mitigate potential impacts of noise, aesthetics, traffic, and dust that may be created by an inert material landfill. By approving the zoning ordinance text amendment, it will allow for these public project borrow pits to be reclaimed while being able to impose stipulations consistent with State Law and Article 1 of the Zoning Ordinance.

Vice Chairman Barnes wanted to know if this pertains to lots that are not city owned. Wilken explained that it is for a public benefit by helping private owners. Vice Chairman Barnes inquired about soils testing to ensure not just any kind of material can be buried. Wilken stated that these types of items can be required by the special use permit.

Commissioner Molony asked if the potential buyer would have the right to know what they would be building on and Wilken confirmed that a stipulation could be added to the special use permit to require a disclosure. Development Services Director Baker added that stipulations would be added to address these types of concerns as well as require sales disclosures. Vice Chairman Barnes stated that the owner has control of what is dumped, but Wilken informed the commissioners that the city can put stipulations in place to ensure the material is compatible with the goal.

Commissioner Walters wanted to know if any inquiries had been done to see if this is a common solution to this type of issue. Wilken explained that it is not easy to find other examples as there is no registration for sites like these. Commissioner Walters then asked for clarification that the Commission is being asked to approve the concept and Wilken responded in the affirmative and stated that this would determine the rules for this sort of activity.

Commissioner Kish inquired if there is a stipulation regarding how long a site like this can be used for and Wilken responded there is not a set timeframe, but that would be part of the special use permit and be considered for the specific site.

Attorney Ed Bull requested to speak as he represents property near such a site. He provided an example of a high end home builder in North Phoenix where a pit is being used and will be filled someday to accommodate homes in the future.

There being no public comment, Vice Chairman Barnes closed the Public Hearing at 7:05 p.m.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Molony, to recommend APPROVAL of Case 17-220-00001 Zoning Ordinance Text Amendment to allow Inert Material Landfills as a Special Use in any Zoning District. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

8.7 [16-220-00003](#) **ZONING ORDINANCE TEXT AMENDMENT TO CREATE AN EXPIRATION FOR PLANNING APPLICATIONS**

Vice Chairman Barnes opened the Public Hearing at 7:06 p.m.

Planning Manager Katie Wilken presented an amendment to the City of Goodyear Zoning Ordinance, as amended, amending Article 1 (Administration) to create an expiration date for applications made to the Development Services Department. If an application remains inactive for 6 months after staff comments are provided to the customer, the application can be considered expired. Staff will give customers a 30-day notice before expiring applications to give the customer an opportunity to resubmit their application before it is expired. There will also be an opportunity to request a 3 month extension for extenuating circumstances. This change will only impact new submittals moving forward and will not be enforced retroactively.

Commissioner Keys asked if this is day forward. Wilken stated that staff is working on how to identify the when.

Vice Chairman Barnes invited audience member and Attorney Ed Bull, to come up and provide an opinion. Bull appreciated that it is important for city staff to know if dormant applications are viable. Vice Chairman Barnes asked when the 6 month clock starts. Wilken explained that it begins when the review comment letter has been sent to the customer. Vice Chairman Barnes asked for clarification about the 3 month extension and Wilken explained that it is a one time extension. Development Services Director Baker further clarified it does not impact building plans or civils; this is strictly planning applications such as zoning, site plan, special use permits, etc. Wilken stated that projects drop off in the midst of application and Baker let it be known that it is not rescinding entitlements. Commissioner Keys expressed concern about the financial impact to customer. Wilken explained that if enough time goes by, for example two years, then reviewing the project again would be like a first review. Therefore, the fees are fair for the work required.

Vice Chairman Barnes expressed that he would like to see more than one extension if staff deems appropriate. Staff agreed to add such a stipulation.

There being no public comment, Vice Chairman Barnes closed the Public Hearing at 7:20 p.m.

MOTION BY Commissioner Kish, SECONDED BY Commissioner Molony, to recommend APPROVAL for Case 16-220-00003 Zoning Ordinance Text Amendment to create an expiration for planning applications with the additional stipulation to modify

extension. The motion carried by the following vote:

Ayes 5 - Vice Chairman Barnes, Commissioner Kish, Commissioner Molony,
Commissioner Walters, and Commissioner Keys

Excused 2 - Chairman Bray, and Commissioner Milton

9. STAFF COMMUNICATIONS

Development Services Director Baker updated the commissioners regarding past cases that moved on to Council. Also, there are current items moving in the Arizona state legislature that may impact city zoning ordinances and require changes.

Planning Manager Wilken thanked the commissioners for accommodating the February meeting date change.

Planning staff addressed questions from commissioners regarding development and shared some exciting development underway.

10. ADJOURNMENT

There being no further business to discuss, Vice Chairman Barnes adjourned the meeting at 7:25 p.m.

Respectfully Submitted By:

Patrick Bray, Chairman

Heather Harris, Commission Secretary

Date: _____