



## City of Goodyear

See meeting location  
below

### Meeting Minutes

#### Planning & Zoning Commission

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Wednesday, November 14, 2018

6:00 PM

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

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#### 1. CALL TO ORDER

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

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

**Present** 7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

Staff Present: Development Services Director Christopher Baker, Assistant City Attorney Sarah Chilton, Planning Manager Katie Wilken, Management Assistant Heather Harris

#### 4. MINUTES

- 4.1 [P&Z MIN 12-2018](#) Approve draft minutes of the Planning and Zoning Commission meeting held on October 10, 2018.

**MOTION BY Commissioner Kish, SECONDED BY Commissioner Steiner, to APPROVE the draft minutes of the Planning and Zoning Commission meeting held on October 10, 2018. The motion carried by the following vote:**

**Ayes** 7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

#### 5. PUBLIC COMMENTS

None.

#### 6. DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

#### 7. OLD BUSINESS

None.

**8. NEW BUSINESS****EXECUTIVE SESSION**

Pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) for consultation with the City Attorney for legal advice and consultation regarding the Use Permit for Assisted Living Home with up to 10 residents.

**MOTION BY Vice Chairman Barnes, SECONDED BY Commissioner Kish, to ADJOURN into Executive Session. The motion carried by the following vote:**

**Ayes**      7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

Chairman Bray adjourned the meeting into Executive Session at 6:04 p.m.

Chairman Bray reconvened the meeting at 6:22 p.m.

**8.1 [18-300-00007](#)      USE PERMIT FOR ASSISTED LIVING HOME**

Chairman Bray opened the public hearing at 6:23 p.m.

Planning Manager Katie Wilken presented the applicant's request to approve a use permit to increase the maximum number of residents from 6 to 10. The home, located at 4349 N. 161st Avenue, is an existing assisted living home currently allowed to have up to 6 residents. The home is located 1,145 feet from an existing assisted living home with 7 to 10 residents, as measured from property line to property line. The Zoning Ordinance requires a separation distance of 1,320 feet from property line to property line. The purpose of limiting the number of residents in an assisted living home is to ensure that a neighborhood does not lose its single-family residential feel. If several homes with 7 to 10 residents were to locate within a cluster, it could have an impact to the neighborhood. A use permit requires that the property will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and that the proposed use is reasonably compatible with uses permitted in the surrounding area. The recommendation is for denial of a Use Permit to allow up to ten people in an Assisted Living Home due to the location not adhering to the Zoning Ordinance separation requirements and incompatible calls for service and resulting impacts to the immediate single family neighborhood and financial burden.

Applicant and CEO, Crawford Breedlove, of Arizona Behavioral Care Homes, LLC presented the request to recommend approval of the use permit. Mr. Breedlove explained that the home acts as a transitional living site and Arizona Behavioral Care Homes, LLC has six other locations in Goodyear. Residents are voluntary participants, stay an average of 9 months, and are screened to ensure they are not a danger to others. The homes are not restrictive. Most clients were living in Goodyear or nearby prior to living in the care home. Provide a cost effective alternative for clients to receive the care they need. Try to be good neighbors and are careful about where they locate. Two employee vehicles and a van are located at the home. Clients do not have vehicles and are not an impact on parking. Being granted a use permit will only add one more vehicle to the location.

Mr. Breedlove has addressed the complaints at the neighborhood meeting by limiting where residents may smoke, implemented a quiet time policy, requiring the van to be stored in the garage whenever it is not scheduled to be in use, and requiring respectful language. However, one of the three attendees of the meeting stated that he calls whenever he sees a resident from the home walking the neighborhood.

Mr. Breedlove disagrees with the City's position that the use permit would be "materially detrimental" and stated that none of the police calls were related to violent situations. Out of the twenty-two calls made to the police, four were made by an employee. Most calls were made by residents or neighbors concerned that the clients were out unattended.

Mr. Breedlove presented his financial impact analysis of having Arizona Behavior Homes, LLC in the city of Goodyear and determined that they have a positive financial impact on the City of \$1,514,760 annually.

#### *Public Comments*

Mary Lou Facelo, who resides in the neighborhood, stated the following regarding the case:

- \*Concerned with security and safety
- \*Calls to police indicate something is going on; maybe assistance or guidance
- \*A lot of calls made to the police in the last six months (about 26)
- \*Her husband inquired about what the police calls were for and said that some were related to assault, missing persons, drugs, and things like that are a concern
- \*Wants the neighborhood to be safe for families
- \*Very nice neighborhood; neighbors help each other

Barbara Grey lives across the street from the care home and stated:

- \*26 calls to the police have been made; has witnessed several
- \*Feeling of safety is gone
- \*Has never seen the van being parked anywhere but outside; many vehicles on the road (maybe for meetings)
- \*Were led to believe the home would be for the elderly
- \*Stated some of the 26 police items were for aggravated assault, fighting, and missing persons
- \*She has not called the police on the home
- \*A young girl lives next door and that family is very concerned, but could not make it tonight
- \*Does not know what happened, but was not aware of the neighborhood meeting
- \*Does not support doubling capacity
- \*Posting of the public hearing has affected property values
- \*Yelling and screaming can be heard from the home

There being no further public comment, Chairman Bray closed the public hearing at 6:43 p.m.

Commissioner Walters recused herself from voting as she has an immediate family member living

nearby the address. Commissioner Walters left the room while the motion and vote occurred.

After the vote, Chairman Bray reminded the audience that the Commission is only an advisory board and the case will move on to City Council. Planning Manager Katie Wilken added that the case will be heard at the scheduled City Council meeting on November 26th, 2018.

**MOTION BY Commissioner Kish, SECONDED BY Commissioner Steiner, to follow staff's recommendation to recommend DENIAL for case 18-300-00007 Use Permit for Assisted Living Home. The motion carried by the following vote:**

**Ayes**      6 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Keys, and Commissioner Steiner

**Recused**   1 - Commissioner Walters

**8.2**      [18-210-00006](#)      **LUCERO PAD AMENDMENT**

Chairman Bray opened the public hearing at 6:45 p.m.

Planning Manager Katie Wilken presented the request for the proposed amendment to the Lucero PAD which modifies two Development Standards that will affect four parcels in Lucero. The modifications are as follows:

18. The front yard setback for parcels 5 and 10 shall be 10' to livable space

19. The side yard setback for parcels 1a and 1b shall be 5'

The proposed PAD Amendment to modify the development standards is consistent with the Neighborhoods land use designation in the General Plan. The changes reflect standards already permitted by the City's Zoning Ordinance and will only apply to a few parcels in Lucero.

There being no public comment, Chairman Bray closed the public hearing at 6:48 p.m.

**MOTION BY Commissioner Keys, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-210-00006 Lucero PAD Amendment. The motion carried by the following vote:**

**Ayes**      7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

**8.3**      [18-200-00009](#)      **LIBERTY 303 REZONE**

Chairman Bray opened the public hearing at 6:49 p.m.

Planning Manager Katie Wilken presented the request rezone approximately 114 acres generally located south of the southwest corner of Camelback Road and Cotton Lane from Planned Area Development to Light Industrial (I-1). The subject property is currently zoned I-1 under the Camelback 303 Commerce Park Planned Area Development (PAD). This request does not include

the approximate 15 acres of C-2 property within the Camelback 303 Commerce Park PAD.

The request is to remove the PAD Overlay from the property, which allowed for flexibility with some of the development standards, otherwise applicable in the I-1 (Light Industrial) zoning district. Staff is also recommending to delete stipulation number 12 as well as changing the setbacks in stipulation number 15 from 60' minimum building setback from property line to 30' and the 60' landscape setback from the property line to a minimum of 30' unoccupied landscape yard from the property line.

Staff finds that the rezone request is consistent with the General Plan, the Zoning Ordinance, and best serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Goodyear. Staff recommends approval of the request to rezone approximately 115 acres from PAD to Light Industrial (I-1), as set forth in the draft ordinance.

Applicant Brian Greathouse, Burch & Cracchiolo, gave a brief presentation and was available for comments or questions from the Commission.

There being no public comment, Chairman Bray closed the public hearing at 6:55 p.m.

**MOTION BY Vice Chairman Barnes, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-200-00009 Liberty 303 Rezone with amended stipulations. The motion carried by the following vote:**

**Ayes**      7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

**8.4      [18-500-00014](#)      **PRELIMINARY PLAT FOR PALM VALLEY CROSSING****

Planning Manager Katie Wilken presented the request for a preliminary plat for Palm Valley Crossing, subject to stipulations. The request is to subdivide the approximate 7-acre subject property into six parcels. The subdivision of the property into these parcels will facilitate future development and infrastructure planning. A site plan has been submitted for review concurrently with this preliminary plat. The site plan includes six buildings, one on each parcel, designed for light industrial, office/warehouse uses. The preliminary plat is consistent with the technical requirements of the City's Subdivision Regulations. The proposed subdivision provides for the orderly development of the property by identifying the required infrastructure needed to serve the development. Staff recommends approval.

**MOTION BY Commissioner Kish, SECONDED BY Commissioner Steiner, to recommend APPROVAL for case 18-500-00014 Preliminary Plat for Palm Valley Crossing. The motion carried by the following vote:**

**Ayes**      7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

**8.5      [18-500-00004](#)      **PRELIMINARY PLAT FOR LA PRIVADA****

Planning Manager Katie Wilken presented the request to subdivide 197.79 acres into 602 single-family lots. The subdivision is located north of Yuma Road and West of Perryville Road. Lot sizes are consistent with what each individual parcel is zoned and range from 45-70 feet wide as permitted by the Zoning Ordinance. The Ordinance approving the R1-4 zoning in La Privada included several stipulations regarding the amenities that would be provided to support the R1-4 zoning. The preliminary plat provides for these amenities.

Staff finds that the preliminary plat is compatible with the surrounding area and consistent with the land use and zoning stipulations in Ordinance 2018-1411, the ordinance zoning the property, zoning standards and technical requirements of the city's Subdivision Regulations, and Design Guidelines. Staff recommends approval.

**MOTION BY Commissioner Keys, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-500-00004 Preliminary Plat for La Privada. The motion carried by the following vote:**

**Ayes**        7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

**8.6        [18-500-00013](#)        **PRELIMINARY PLAT FOR HUDSON COMMONS PARCEL 2****

Planning Manager Katie Wilken presented the request for a preliminary plat for Hudson Commons Parcel 2. This parcel consists of 66.39 acres subdivided into 250 single family detached residential lots and 20 tracts. The preliminary plat is consistent with the land use, development standards and density approved by the Hudson Commons PAD. The typical lot within the subdivision will be 50'x115' (5,750 SF Lots) and 60'x120' (7,200 SF Lots). As designated in the PAD, minimum setbacks are 20-feet to the front, 5-feet for the sides, and 15-feet for the rear. Lot coverage is 55% (5,750 SF Lots) and 50% (7,200 SF Lots). The maximum height for residential units is 30 feet. Richmond American has purchased the property and intends to develop single-family homes in conformance with the PAD requirements.

The preliminary plat is consistent with the technical requirements of the City's Subdivision Regulations. The proposed subdivision provides for the orderly development of the property by identifying the required infrastructure needed to serve the development. Staff recommends approval.

**MOTION BY Commissioner Kish, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-500-00013 Preliminary Plat for Hudson Commons Parcel 2. The motion carried by the following vote:**

**Ayes**        7 - Chairman Bray, Vice Chairman Barnes, Commissioner Kish, Commissioner Molony, Commissioner Walters, Commissioner Keys, and Commissioner Steiner

**9.        STAFF COMMUNICATIONS**

Development Services Director Christopher Baker reviewed cases from the October 22, 2018 City Council meeting that were previously recommended by the Commission.

Planning Manager Katie Wilken reminded the Commission that some terms are expiring and that staff will be reaching out to those commissioners with further information.

**10. NEXT MEETING**

As noted in the agenda, the next Planning and Zoning Commission meeting will be held on Wednesday, December 5, 2018 at 6 p.m. at the Goodyear Justice Center, 14455 W. Van Buren St., Ste. B-101, Goodyear, AZ 85338.

**11. ADJOURNMENT**

There being no further business to discuss, Chairman Bray adjourned the meeting at 7:06 p.m.

Respectfully Submitted By:

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Heather Harris, Commission Secretary

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Patrick Bray, Chairman

Date: \_\_\_\_\_