



City of Goodyear

See meeting location
below

Meeting Minutes

Planning & Zoning Commission

Wednesday, December 5, 2018

6:00 PM

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

AGENDA AMENDED ON DECEMBER 4, 2018

Item 8.1 Supporting attachments revised

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Absent 2 - Commissioner Kish, and Commissioner Keys

Staff Present: Development Services Director Christopher Baker, Assistant City Attorney Sarah Chilton, Assistant City Attorney Lisa Maxie-Mullins, Planning Manager Katie Wilken, Long Range Planner Joe Schmitz, Planner III Karen Craver, Planner III Steve Careccia, Planner II Alex Lestinsky, Project Manager Harry Paxton, and Management Assistant Heather Harris

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

MOTION BY Commissioner Steiner, SECONDED BY Commissioner Walters, to EXCUSE Commissioner Keys and Commission Kish from the meeting. The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

4. MINUTES

- 4.1 [P&Z MIN 13-2018](#) Approve draft minutes of the Planning and Zoning Commission meeting held on November 14, 2018.

MOTION BY Vice Chairman Barnes, SECONDED BY Commissioner Steiner, to

APPROVE the draft minutes of the Planning and Zoning Commission meeting held on November 14, 2018. The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

5. PUBLIC COMMENTS

None.

6. DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

7. OLD BUSINESS

None.

8. NEW BUSINESS

8.1 [18-200-00012](#) REZONE OF PHX 10-11 PROPERTY FROM FINAL PAD TO I-1 (LIGHT INDUSTRIAL) WITH A PAD OVERLAY

Chairman Bray opened the public hearing at 6:04 p.m.

Planner III Karen Craver presented the request to recommend approval to rezone PHX 10-11 subject property from Final Planned Area Development (PAD) to I-1 (Light Industrial) Zoning District with a PAD Overlay. The overlay will allow the phased development of a five-building technology center. Phase 1 of the project will consist of the construction of two buildings at the southern end of the property adjacent to Broadway Road.

The PAD District Regulations document submitted by the applicant includes the following proposed development standards and design guidelines: 1) Increasing the maximum allowed building height from 50 feet to 60 feet; staff can support this modification of the I-1 regulations, 2) Increasing the maximum allowed building coverage from 50% to 60%; staff can support this modification of the I-1 regulations, 3) Constructing buildings using a metal façade; this request is not supported by the literal application of the City Design Guidelines, 4) Utilizing chain link fencing; this request is not supported by the literal application of the City Design Guidelines.

Ms. Craver provided examples of metal buildings that existed prior to the current design guidelines, indicated that the technology center will not be highly visible to traffic, is required to have a 325 ft. setback from Broadway Rd., and is not located near residential. Staff is also in discussion with the applicant to require 36" box trees to be installed and a decision will be determined before going to City Council on December 17, 2018. Ms. Craver also stated that stipulations 2 and 5 were updated

and number 3 was deleted.

Staff finds that the rezone from Final PAD to I-1 (Light Industrial Park) zoning with a PAD Overlay is consistent with the General Plan and the Zoning Ordinance, and best serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Goodyear. Staff also finds that the utilization of metal building construction and chain link fencing can be considered a minimal impact due to the berming and landscaping mitigation proposed by the applicant, and because of the location of the project and the uses surrounding the project.

Applicant Jordan Rose, Rose Law Group, thanked the City and staff for their assistance on this project and was available for any questions from the Commission.

There being no public comment, Chairman Bray closed the public hearing at 6:15 p.m.

MOTION BY Commissioner Walters, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-200-00012 Rezone of PHX 10-11 Property from Final PAD to I-1 (Light Industrial) with a PAD Overlay. The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

8.2 [18-350-00002](#) **SPECIAL USE PERMIT FOR A VERIZON WIRELESS COMMUNICATION FACILITY CONSISTING OF A 65 FOOT TALL MONOPALM**

Chairman Bray opened the public hearing at 6:16 p.m.

Planning Manager Katie Wilken presented the request to recommend approval of a Special Use Permit to allow the installation of a proposed Verizon Wireless Communication Facility (WCF) consisting of a 65-foot tall monopalm and support equipment on property located at Goodyear Centerpointe, subject to stipulations. There is an existing antenna within the Goodyear Centerpointe freeway pylon sign that would be removed if this request is approved. The equipment that currently serves the antenna located within the pylon sign will remain in place on the back of the commercial building and is not visible to the public. The proposal meets all of the design requirements provided by the Zoning Ordinance (Section 4-2-4-C).

Staff finds the proposed Special Use will be compatible with the existing and proposed uses in the surrounding area, and will not be a detriment to any surrounding properties or persons, and will be in conformance with the General Plan, therefore recommends approval.

Applicant Steve Ciolek, Coal Creek Consulting provided further explanation as to why the tower needed to be relocated and was available for questions.

There being no public comment, Chairman Bray closed the public hearing at 6:18 p.m.

MOTION BY Commissioner Walters, SECONDED BY Commissioner Molony, to recommend APPROVAL for Case 18-350-00002 Special Use Permit for a Verizon Wireless Communication Facility Consisting of 65 Foot Tall Monopalm. The motion carried by the following vote:

Ayes 4 - Chairman Bray, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Nays 1 - Vice Chairman Barnes

Excused 2 - Commissioner Kish, and Commissioner Keys

**8.3 [18-350-00003](#) **SPECIAL USE PERMIT FOR A CHURCH IN ESTRELLA CROSSING
BUSINESS PARK PLANNED AREA DEVELOPMENT DISTRICT****

Chairman Bray opened the public hearing at 6:19 p.m.

Long Range Planner Joe Schmitz presented the request to recommend approval 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, subject to stipulations. The Sword of the Spirit Church is proposing to lease 6,300 square feet of a 25,852 square foot building, 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.

Due to certain separation requirements, staff did receive protest letters. Mr. Schmitz provided exhibits to show separation requirements for adult businesses, medical marijuana, microbrewery, and certain liquor licenses. 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.

Commissioner Barnes asked staff if there was possibility for a waiver for some businessness to obtain a liquor license. Mr. Schmitz indicated that anything within City Ordinance could be considered for a waiver; however the State is in control of the liquor licenses.

Commissioner Bray asked if there had been a church in this area before, which Mr. Schmitz responded that the River of Life Church had received a special use permit.

Lupe Brown presented on behalf of senior pastor Jim Brown and read to the Commission reasons for the Commission to recommend approval. This is an established church seeking an affordable space and this location has adequate space and parking. The River of Life Church a received special use permit 2014 near this location. The location is near child and family friendly businesses. Services are geared toward Sundays, will bring business to local businesses, and will be a great benefit to the

community.

Chairman Bray asked Ms. Brown if the church was looking to make this a permanent location of is this temporary to accommodate a growth period? Ms. Brown indicated that this was a growth period for the church.

Terry Kirk stated that he was the Managing Partner of Kuma Development LLC, owner of several lots in Estrella Crossing Business Park; President of the Crossing Development Inc.; a member of the board for the Estrella Crossing Business Park Property Owners Association (POA); and a member of the Architectural Review Board for the POA. Mr. Kirk disagreed with the buffer map provided by staff and was particularly concerned with the church impacting the liquor license of an existing pizzeria. He said they do not have a problem with the church, but do have a problem with the separation requirement that comes with the church and precludes them from using their property for certain uses. He noted that the 1,000-foot buffer starts at the property line of the church and extends north of Elwood Street and even reaches the property at the northeast corner of Elwood Street and Estrella Parkway. It also would extend to cover Lot 8 which is currently for sale and would not be able to put in any of the uses with the exception of adult uses. He restated that they do not want to have the use of their properties restricted in any way by setback requirements due to a church. He would support the issuance of a waiver, through designation of an entertainment district, if that was possible. He concluded his remarks by saying that staff only notified property owners within 500 feet, so owners between 500 feet and 1,000 feet were not notified, but are affected.

Brian Gleason, who represents the owner of the property, said the statement that the businesses in the nearby commercial center could not have a liquor license was incorrect. The distance from the northeast corner of the church to the commercial building is over 460 feet, well in excess of the 300 foot required. The other buildings in the area are Wilhelm Automotive and a self-storage facility and it is unlikely that they would seek a liquor license. The other uses that might be affected by a separation requirement are marijuana facilities, adult bookstores, and strip clubs. Stated that he believes those businesses are the type they want to sell the property to.

Chairman Bray inquired if the existing pizzeria would have a problem receiving the new liquor license. Mr. Schmitz first apologized for the map confusion and explained the separations further in response to Mr. Kirk's objections. Mr. Schmitz explained that the 300 ft. line is correct, but the 500 ft. should have been drawn from the property line. Adult uses are expressly prohibited by the Estrella Crossing Business Park PAD zoning. The current business could have problems receiving a full liquor license due to the separation, but the current beer and wine license is exempt.

Planning Manager Katie Wilken added that restaurants are permitted as long as they do not sell growlers. Microbreweries and wholesale distributors would be allowed per the State of Arizona website. Information can be confirmed with City Clerk prior to the City Council. Mr. Schmitz clarified that what he provided Mr. Kirk is the City of Goodyear Zoning Ordinance. So, the State would allow it, but he would need to seek a waiver under the current city zoning ordinance.

Chairman Bray stated that city ordinances might consider matching the State requirements. Vice Chairman Barnes asked for clarification within the 300 ft. buffer. Ms. Wilken read off the State of Arizona liquor application what would be allowed.

There being no further public comment, Chairman Bray closed the public hearing at 6:47 p.m.

Vice Chairman Barnes stated that he would like to make a motion to approve, but would like to add a stipulation that preferential treatment be given to property owners who want to apply for a waiver. Assistant City Attorney Sarah Chilton advised the Vice Chairman against the stipulation as it may not be legally enforceable. It would be appropriate to ask staff to revisit the ordinance to be driven by state law. Director Christopher Baker added that staff is looking for improvement opportunities and this is a conversation that will be had and will be presented to the Commission. Also, religious activities are protected by the federal government and staff will review those provisions as well.

Motion was made by Commissioner Walters and seconded by Commissioner Molony. Vice Chairman Barnes stated that he believes preferential treatment should be given to property owners who want to apply for a waiver.

Commissioner Walters stated that she will vote nay because there is no apparent clarity between the city and state requirements. If it passes, there may be time before the case reaches council for staff to establish clarity. Chairman Bray agreed with both Commissioner Walters and Vice Chairman Barnes and stated that there is time to correct the issue. Also, agrees with Vice Chairman Barnes that we don't inhibit businesses within the location. Vice Chairman Barnes added that he understands the buffer zones, but does not believe most churches would have a problem with these types of businesses.

MOTION BY Commissioner Walters, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-350-00003 Special Use Permit for a Church in Estrella Crossing Business Park. The motion failed by the following vote:

Ayes 2 - Chairman Bray, and Vice Chairman Barnes

Nays 3 - Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

8.4 [18-300-00008](#) USE PERMIT REQUEST FOR A HAZARDOUS PROCESS ON PROPERTY IN THE I-2 GENERAL INDUSTRIAL AREA OF THE AIRPORT COMMERCENTER PLANNED AREA DEVELOPMENT

Chairman Bray opened the public hearing at 6:56 p.m.

Long Range Planner Joe Schmitz presented the request to recommend approval for a Use Permit for a hazardous process on a 5.0-acre parcel at 14535 W. La Estrella in the I-2 General Industrial area of the Airport Commercenter Planned Area Development (PAD), subject to stipulations.

Arizona Isotopes Science Research Corporation is requesting a Use Permit to allow the construction of a cyclotron to produce radioactive isotopes for use in medical imaging and diagnosis. Due to the presence of radioactive material, it is considered a potentially hazardous process. The isotopes will be manufactured using a cyclotron, which will be encased within a vault that has 10-foot thick concrete walls and will be accessed through doors with a similar thickness. The doors must be closed in order to activate the cyclotron. The cyclotron will convert Rubidium into Strontium-82 that decays into Rubidium-82, which is used in Positron Emission Tomography (PET) scans to diagnose medical conditions, such as cardiovascular disease. The cyclotron also can be used to produce other radioactive isotopes for medicine, industry and scientific research. The proposed building will have a total of 83,668 square feet to be constructed in two phases.

Staff finds that the proposed hazardous process will be compatible with the existing and planned land uses within the area and will not be a detriment to surrounding properties or persons. The production and handling of radioactive material will be done within the confines of a facility that is specifically designed and constructed for such use and will be built and operated in conformance with a license issued by the Arizona Bureau of Radiation Control (BRC). The proposed use is located in an industrial area and is surrounded by other industrial uses. Staff finds that the Use Permit requested meets the evaluation criteria required for uses involving a hazardous process as established in the Zoning Ordinance, and recommends approval subject to the stipulations contained in this report.

Applicant Sheldon L. Trubatch, representing Arizona Isotopes Science Research Corp., read a letter from former City Manager Brian Dalke in favor of the project. This machine is larger than other cyclotrons in order to produce a chemical needed for diagnoses. Mayo Clinic has a cyclotron and is more powerful than the one proposed for Goodyear. Committed to safety and knows that the Bureau of Radiation will work with Arizona Isotopes to maintain safety.

Vice Chairman Barnes asked if the cyclotron is as large as the building? Mr. Trubatch responded that the cyclotron is quite heavy and will need an overhead crane to move things around. The thick concrete walls are designed to keep radiation from seeping out. Radiation is only present when machine is on.

Bureau Chief Brian Goretzki, State of Arizona Bureau of Radiation Control, addressed the Commission and stated that he is available for any questions.

There being no public comment, Chairman Bray closed the public hearing at 7:08 p.m.

MOTION BY Commissioner Walters, SECONDED BY Commissioner Steiner, to recommend APPROVAL for case 18-300-00008 Use Permit for a Hazardous Process on Property in the I-2 General Industrial Area of the Airport Commercenter Planned Area Development. The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

8.5 [18-200-00010](#) **REZONING FROM AU (AGRICULTURAL URBAN) TO I-1 (LIGHT INDUSTRIAL)**

Chairman Bray opened the public hearing at 7:09 p.m.

Planner III Steve Careccia presented the request to recommend approval of a rezoning for approximately 114 acres from the AU (Agricultural Urban) zoning district to the I-1 (Light Industrial) zoning district, subject to stipulations set forth in the draft Ordinance No. 2018-1414. The subject property is located at the northeast corner of Bullard Avenue and Yuma Road.

The property is currently undeveloped, but utilized for agricultural purposes. The requested I-1 (Light Industrial) zoning would permit the development of one or two large buildings instead of the proposal for several smaller buildings. The property is adjacent to Bullard Avenue and the applicant intends to develop the property in a manner that enhances the corridor. Proposed enhancements include a restriction on dock 3 doors/bays facing Bullard Avenue and adherence to special landscape standards developed specifically for the Bullard Avenue corridor. Design enhancements for Bullard Avenue corridor, between Van Buren Street and Yuma Road, were developed in accordance with City Council direction. The design includes major entry features at the intersections of Bullard Avenue with Van Buren Street and Yuma Road.

With the stipulations as recommended in the draft of Ordinance No. 2018-1414, staff finds the requested zoning is in conformance with the General Plan and will not adversely affect the surrounding area. Staff recommends approval of the rezoning from the AU (Agricultural Urban) zoning district to the I-1 (Light Industrial) zoning district, as set forth in Draft Ordinance No. 2018-1414.

Applicant Fritz Wyler, Prologis, gave an overview of the organization and indicated that his organizations works with global customers. The development is planned for three phases to total six buildings. Mr. Wyler stated his support of the Bullard Avenue corridor vision.

There being no public comment, Chairman Bray closed the public hearing 7:18 p.m.

MOTION BY Commissioner Steiner, SECONDED BY Vice Chairman Barnes, to recommend APPROVAL for case 18-200-00010 Rezoning from AU (Agricultural) to I-1 (Light Industrial). The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

8.6 [18-500-00019](#) **PRELIMINARY PLAT OF PV303 WEST II**

Planner III Steve Careccia presented the request to recommend approval for a Preliminary Plat of PV303 West II, subject to stipulations. The request is for a preliminary plat subdividing 121.95 acres

into five lots. The subdivision is intended to facilitate the development of light industrial uses on the property. The preliminary plat is consistent with the technical requirements of the city's subdivision regulations and engineering standards. The preliminary plat is consistent with the land use and development standards approved by the PV303 PAD for the parcel. The proposed subdivision 4 provides for the orderly development of the property by identifying the required infrastructure needed to serve the development.

MOTION BY Commissioner Molony, SECONDED BY Commissioner Steiner, to recommend APPROVAL for case 18-500-00019 Preliminary Plat of PV303 WEST II. The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

8.7 [18-500-00012](#) **PRELIMINARY PLAT OF FIRST PARK PV303 (WEST III)**

Planner III Steve Careccia present the request to recommend approval for a Preliminary Plat of First Park PV303, subject to stipulations. The request is for a preliminary plat subdividing 599.7 acres into five lots and one tract. The subdivision is intended to facilitate the development of light industrial uses on the property. The preliminary plat is consistent with the technical requirements of the city's subdivision regulations and engineering standards. The preliminary plat is consistent with the land use and development standards approved by the PV303 PAD for the parcel. The proposed subdivision provides for the orderly development of the property by identifying the required infrastructure needed to serve the development.

MOTION BY Vice Chairman Barnes, SECONDED BY Commissioner Walters, to recommend APPROVAL for case 18-500-00012 Preliminary Plat of First Park PV303 (WEST III). The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

8.8 [18-500-00017](#) **PRELIMINARY PLAT FOR ESTRELLA PARCEL 11.E**

Planner II Alex Lestinsky presented the request to recommend approval for a preliminary plat for Estrella Parcel 11.E, subject to stipulations. The typical lot within the subdivision will be 52-feet wide and 120-feet deep. As designated in the PAD, minimum setbacks are 10-feet to a side entry garage for the front (18-feet to front loaded garage), 6-feet for the sides, and 20-feet for the rear. Lot coverage is 60%. The maximum building height is 30 feet. Standard single family detached residential housing is intended for this subdivision. A specific housing product or homebuilder has yet to be determined. This parcel consists of 28.85 acres subdivided into 93 single family detached residential lots and five tracts.

The preliminary plat is consistent with the land use, development standards and density approved by

the Lucero PAD Amendment. 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 Steiner, SECONDED BY Commissioner Molony, to recommend APPROVAL for case 18-500-00017 Preliminary Plat for Estrella Parcel 11.E. The motion carried by the following vote:

Ayes 5 - Chairman Bray, Vice Chairman Barnes, Commissioner Molony, Commissioner Walters, and Commissioner Steiner

Excused 2 - Commissioner Kish, and Commissioner Keys

9. STAFF COMMUNICATIONS

Development Services Director Christopher Baker reviewed the cases previously presented to the Commission that received approval from City Council.

10. NEXT MEETING

Chairman Bray announced the next Planning and Zoning Commission meeting to be held on January 9, 2018 at 6 p.m. The meeting will be held at the Goodyear Municipal Court and Council Chambers, 14455 W. Van Buren St., Ste. B101, Goodyear, AZ 85338.

11. ADJOURNMENT

Chairman Bray adjourned the meeting at 7:29 p.m.