AGENDA ITEM #: _____
DATE: August 24, 2020
CAR #: 2020-7015

CITY COUNCIL ACTION REPORT

SUBJECT: Preliminary Plat for Paseo Place

CASE NUMBER: 20-500-00003

STAFF PRESENTER: Alex Lestinsky, Senior Planner

APPLICANT: Dawn Fortuna, Paradigm Design

Summary: Preliminary Plat for Paseo Place (formerly Paseo Place Parcel 2), subdividing approximately 80 acres of property into 295 lots and 22 tracts.

Recommendation:
Approve the preliminary plat for Paseo Place attached hereto, subject to the following stipulations:

1. Phasing of the Development of the property within the Preliminary Plat for Paseo Place is not approved by the approval of this preliminary. If Owner/Developer wishes to phase the development of the Property a written phasing plan consistent with the requirements for a phasing plan as defined in the Second Amended & Restated Development Agreement for Paseo Place Parcel 2 recorded August 26, 2016 as 2016-0614477 of the Official Records of Maricopa County, Arizona and the obligations therein. The written phasing plan shall be submitted to the City Engineer or his designee for review who will review the proposed phasing plan and who may deny, approve or modify the phasing plan in his/her sole discretion.
2. Property Owner shall, at no cost to the City, construct or make in-lieu payments for all infrastructure improvements. whether within the boundaries of the Property or outside the boundaries of the Property, that are: (i) required for the City to provide water and wastewater services to the Property; (ii) required to be constructed under any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies; (iii) required to be constructed pursuant to any development agreement with the City regarding the development of the Property; and /or (iv) required to be constructed pursuant to the stipulations herein ("Owner's Infrastructure Obligations");
3. Property Owner shall dedicate, at no cost to the City, all rights-of-way and/or easements, whether within the boundaries of the Property or outside the boundaries of the Property that are: (i) needed for the construction of infrastructure improvements

required for the City to provide water and wastewater services to the Property; (ii) required to be dedicated under any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies; (iii) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; and/or (iv) required for the construction of infrastructure improvements required to be constructed pursuant to the stipulations herein. The rights-of-way to be dedicated shall be dedicated in fee and all rights-of-ways and easements shall be dedicated lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances. Unless the timing of the required dedications is modified by the terms of a development agreement with the City regarding the development of the Property, all dedications shall be made prior to or concurrent with recordation of a final plat that includes the area in which the dedicated property is located as required by the City Engineer or his designee. The rights-of-way to be dedicated include, but are not limited to the following:

a. South half of Yuma Road right-of-way, 75 feet from centerline;

b. North half of Durango Street right-of-way, 30 feet from centerline;

c. East half of 183rd Avenue right-of-way, 30 feet from centerline for the sections of 183rd Avenue to be constructed;

4. Except as otherwise provided herein, Property Owner shall, at no cost to the City, construct Half-Street Improvements along and adjacent to the boundaries of the Property for the following roadways. Half-Street Improvements are the improvements required in the Engineering Design Standards and Policies Manual for the applicable street designation (i.e. scenic, major arterial, arterial, major collector, collector etc.) and include, but are not limited to curb, gutter, sidewalk, paving, half street width of medians if required, half of median landscaping, landscaping, landscape irrigation, street lights, signing and striping.

   a. Half-Street Improvements to the section of Yuma Road along and adjacent to the frontage of the Property. The construction of the Half-Street Improvements to Yuma Road, shall include the removal and replacement of the existing concrete roadway located beneath the A/C pavement in Yuma Road.

   b. Half-Street Improvements to the section of Durango Street along and adjacent to the frontage of the Property.

   c. Half-Street Improvements to the section of 183rd Avenue adjacent to the frontage of the Property between Durango Street through the southern entry into the Property (W. Hualapai Street alignment).

   d. Half-Street Improvements to the section of 183rd Avenue adjacent to the frontage of the Property between Yuma Road through the northern entry into the Property (W. Yavapai Street alignment).

Notwithstanding the foregoing, at the request of the City Engineer or designee, rather than constructing the median and installing the median landscaping, Property Owner

shall remit to the City an in-lieu payment for one-half the cost of a full median and full-median landscaping, for any required median. The in-lieu payment for the median shall be based on the estimated cost of the improvements as determined by the City Engineer or designee and the in-lieu payments for the medians and median landscaping shall be paid prior to the recordation of the first final plat subdividing all or part of the property adjacent to the roadway where a median is to be installed

5. Property Owner is responsible for constructing or making in-lieu payments for the costs of designing and constructing various traffic signals located at intersections adjacent to the Property, including the traffic signals set forth below. Property Owner shall dedicate to the City, lien free and at no cost to the City, the right-of-way within the Property needed for the eventual construction of all required traffic signals prior to the recordation of the final plat that includes any portion of the Property adjacent to the intersection where a traffic signal is to be constructed or earlier if requested in writing by the City Engineer of his designee.

    a. If a traffic signal at the intersection of Yuma Road and 183rd Avenue is not constructed but warranted when development of the Property commences, Property Owner shall, unless requested by the City Engineer or his designee to make an in-lieu payment to the City towards the cost of the of the signal, construct the full traffic signal at the intersection (i.e. all four legs of the signal). If a traffic signal at the intersection of Yuma Road and 183rd Avenue is either not warranted or has been or is being constructed when development of the Property commences, Property Owner shall make an in-lieu payment to the City towards the cost of the signal. The in-lieu payment shall be in the amount of 25% of the cost of the full traffic signal at the intersection (i.e. all four legs of the signal), which shall be based on the actual cost of the traffic signal if it has been constructed or, if the payment is made before the traffic signal has been completed, upon an engineer's estimate of the probable cost of the signal approved by the City Engineer or his designee.

    b. If a traffic signal at the intersection of Durango Street and 183rd Avenue is not constructed but warranted when development of the Property commences, Property Owner shall, unless requested by the City Engineer or his designee to make an in-lieu payment to the City towards the cost of the of the signal, construct the full traffic signal at the intersection (i.e. all four legs of the signal). If a traffic signal at the intersection of Durango Street and 183rd Avenue is either not warranted or has been or is being constructed when development of the Property commences, Property Owner shall make an in-lieu payment to the City towards the cost of the signal. The in-lieu payment shall be in the amount of 25% of the cost of the full traffic signal at the intersection (i.e. all four legs of the signal), which shall be based on the actual cost of the traffic signal if it has been constructed or, if the payment is made before the traffic signal has been completed, upon an engineer's estimate of the probable cost of the signal approved by the City Engineer or his designee.

6. Property Owner shall, at no cost to the City, construct all water infrastructure improvements needed for the City to provide water service to the Property. Except as otherwise provided in any development agreement with the City regarding the

development of the Property, Property Owner shall, at no cost to the City, construct all Regional Water Delivery Lines identified in the Cost Recovery Resolution - Water Delivery Lines as benefitting the Property.

7. Property Owner shall, at no cost to the City, construct all wastewater infrastructure improvements needed for the City to provide wastewater service to the Property. Except as otherwise provided in any development agreement with the City regarding the development of the Property, Property Owner shall, at no cost to the City, construct all Regional Wastewater Trunk Lines identified in the Cost Recovery Resolution – Wastewater Trunk Lines as benefitting the Property.

8. Prior to recordation of the first Final Plat subdividing all or part of the Property or the approval of the first site plan for development with the Property, whichever is earlier, Property Owner shall remit; (i) $198,487 to the City as set forth in the Second Amended & Restated Development Agreement for Paseo Place Parcel 2; (ii) except as otherwise provided in a development agreement with the City regarding the development of the Property, all reimbursement payments owed under the Cost Recovery Resolution – Water Delivery Lines for all fully completed Regional Water Delivery Lines that were not constructed solely by the owner of the Property; (iii) except as otherwise provided in a development agreement with the City regarding the development of the Property, all reimbursement payments owed under the Cost Recovery Resolution – Wastewater Trunk Lines for all fully completed Regional Wastewater Trunk Lines that were not constructed solely by the owner of the Property; (iv) all other payments owed for Regional Water Delivery Lines identified in the Cost Recovery Resolution – Water Delivery Lines as benefitting the Property that the owner of the Property has not constructed and will not construct in their entirety; and (v) all other payments owed for Regional Wastewater Trunk Lines identified in the Cost Recovery Resolution – Wastewater Trunk Lines as benefitting the Property that the owner of the Property has not constructed and will not construct in their entirety.

9. Any modifications to irrigation facilities shall be coordinated with the appropriate Irrigation District/private owner;

10. At the time of development, all new or existing utilities shall be placed underground except power lines 69 kV or larger;

11. The Public Sales Report and final plat shall include a statement that Paseo Place is in the vicinity of a 230kV overhead electric line planned along the west side of Perryville Road;

12. Property Owner shall provide a waiver agreement for each initial homebuyer to sign, and shall include the following statement in the waiver agreement as well as a similar statement in the Public Sales Report and on the final plat: "Paseo Place is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflights and by the operation of aircraft landing at or taking off from the Phoenix-Goodyear Airport and Luke Air Force Base. The Owner does release and discharge the City of Goodyear from any liability for any and all claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of such aircraft near and over the area."

13. Property Owner shall note on the final plat and disclose in the Public Sales Report the proximity of the proposed Loop 303, which may subject the property to noise;

14. The Public Sales Report and final plat shall include a statement that Paseo Place is subject to attendant noise, vibrations, dust and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport;

15. Property Owner shall post signage within all subdivision sales offices identifying the location of the Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Pattern Area and noise contours per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9.2). This display shall include a twenty-four by thirty-six inch (24"x36") map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted. The required contents of the map shall be provided by the City of Goodyear;

16. The following information shall be disclosed in the public sales report and final plat and shall be provided in a separate acknowledgment, which shall run with the land, for each initial homebuyer to sign: "Paseo Place is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses";

17. Property Owner shall establish a Homeowner's Association (HOA) for Paseo Place, with said HOA owning and maintaining all open space areas, trails, and other community amenities;

18. The Property Owner shall apply to the Department of Water Resources (DWR) for the extinguishment of the Type 1 Rights appurtenant to Paseo Place and request that any assured water supply credits issued by DWR as a result of any such extinguishment be credited to the City of Goodyear. Said extinguishment shall occur prior to recordation of any final plat for the property;

19. If a phasing plan is approved for the Property, open space improvements and associated amenities located within a phase of development shall be substantially completed prior to issuance of the first Certificate of Occupancy for any single-family dwelling unit within that phase, otherwise they shall be substantially completed prior to issuance of the first Certificate of Occupancy for any single-family dwelling unit within the Property other than model homes;

20. The Property Owner shall establish a Homeowners Association (HOA) for Paseo Place, with said HOA owning and maintaining all open space areas, trails, and other community amenities and maintaining all arterial and collector road rights-of-way landscaping except for arterial median landscaping. A note shall be placed on each final plat indicating HOA ownership and maintenance responsibilities of these tracts;

21. A note shall be included on the final plat that requires each homebuyer to sign an acknowledgment statement accepting maintenance responsibility for the landscaping between the sidewalk and curb in front of their home, and the side yard for homes on corner lots. The CC&Rs for Paseo Place shall state that the HOA will enforce maintenance if there in non-compliance with this requirement;

22. The Decorative Street Light poles shall be reviewed and approved by the city during the review of the construction drawings and the final plat shall include a note that all of the Decorative Street Light poles are to be owned and maintained by the the HOA.

Fiscal Impact: 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. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

Background and Previous Actions

The General Plan Land Use Plan designates the subject property as 'Neighborhoods'. The 'Neighborhoods' land use category provides areas for the growth and development of neighborhoods having a wide range of densities and housing types.

On June 11, 2006, the City Council adopted Ordinance No. 06-1009 which annexed the property and Ordinance 06-1007 which zoned the property to Single Family (R1-6) subject to the standards contained in the Paseo Ridge Phase 1 Rezone Development Plan dated May 9, 2006.

The parcel Paseo Ridge parcels were renamed using the Paseo Place moniker and the parcel being rezoned was identified as Paseo Place. Paseo Place Parcel 1 is being proposed as part of the La Privada development, therefore Paseo Place Parcel 2 will now move forward under the name Paseo Place.

The property is currently undergoing a request to rezone from R1-6 to R1-4. On April 27, 2015, the City Council approved the preliminary plat for Paseo Place, proposing a subdivision of the property into 214 lots. This new preliminary plat is proposed in compliance with the proposed rezoning that is taking place concurrently. If the rezoning of the property is not approved, this preliminary plat will be non-compliant with the 2006 zoning.

The Planning and Zoning Commission recommended approval (6-0) of the request at the August 12, 2020 meeting.

Staff Analysis

Current Policy:
Prior to subdividing a property, the owner must submit a preliminary plat that demonstrates compliance with public objectives, subdivision design principles and standards, and streets and thoroughfare planning. The preliminary plat also must be accompanied by information demonstrating the adequacy of utilities, open space and other public facilities necessary to serve the site. The preliminary plat presented herein, subject to the satisfaction of the conditions of

approval and as discussed below, satisfies the foregoing requirements. An approved preliminary plat shall expire within 12 months from the date of City Council approval unless either a final plat has been submitted for all or part of the property included in the preliminary plat or an extension has been obtained.

Details of the Request:
The request is to subdivide approximately 80 acres into 295 lots and 22 tracts. The subdivision will be accessed from 183rd Avenue which is to be developed with this property.

Surrounding development includes:

- North – The proposed La Privada residential development with a proposed density of 3.10 du/ac.
- East – Undeveloped Maricopa County single-family residential lots, one to five acres in size, zoned Rural Residential (R-43)
- South – The approved Pradera residential development with a density of 3.10 du/ac
- West – The approved Las Ventanas residential development with a density of 3.01 du/ac

The typical lots within the subdivision will be 45 & 50-feet wide and 120-feet deep. As identified in the R1-4 zoning district, minimum setbacks are 20-feet to a front facing garage (10-feet to patios, livable space, and side entry garages), 5-feet for the sides, and 20-feet for the rear. Lot coverage is 60%. The maximum building height is 30 feet. A specific housing product or homebuilder has yet to be determined.

The Zoning Ordinance requires a 5-acre park located within a ¼ mile walking distance of all dwelling units for developments that are 40 acres in size or larger. Given the 80 acres of this development, the Ordinance would require two 5-acre parks. Paseo Place is proposing a 2.21-acre park and a 3.76-acre park at the entrances of the community. Although this does not meet the minimum, given the shape of the parcel and the presence of a 9.93-acre emergency conveyance channel necessary to the development that will also be utilized as an active trail, staff finds that the proposal is justified.

The Ordinance approving the R1-4 zoning in Paseo Place included stipulations regarding the amenities that would be provided to support the R1-4 zoning. The preliminary plat provides for these elements as follows:

<u>Amenity Elements:</u>

1. Additional Internal Park Amenities – The landscape plan includes a full-size basketball court and pickleball court
2. Additional Internal Park Amenities – The sports courts will be lighted, which goes beyond the requirements of the Parks Master Plan.

<u>Connectivity Elements:</u>

1. Trail System Connections – Paseo Place includes a connection of the Maricopa Trail and an enhanced trail within the emergency conveyance channel along the east boundary. Additionally, a publicly accessible trail is provided along the west boundary adjacent to Las Ventanas.

2. Lot Diversity, i.e., at least 30% of the lots within the area zoned R1-4 are at least 50 feet wide.
3. No Subdivision Perimeter Wall – Paseo Place does not have a perimeter wall restricting connectivity from the trail systems to internal amenities or homes.
4. Infill Development – This site is located within a growth area as defined by the General Plan.

Streetscape Elements:

1. Detached Sidewalks – The local street details have been designed to include detached sidewalks meeting the Zoning Ordinance requirements.
2. Paving Material, Entrances – At the two main entrances, alternative paving will be provided to enhance the entry.
3. Decorative streetlights – Decorative streetlights will be provided and shall be maintained by the HOA. The review of the streetlights will be conducted during the construction drawing review per stipulation #14.
4. West Goodyear theming – Shaded bench areas, in keeping with the theming of West Goodyear as currently provided in Las Brisas, are provided in the landscape for consistency throughout West Goodyear.

School Districts:
The subject property is located within the Liberty Elementary School District and the Buckeye Union High School District.

Luke Air Force Base and Phoenix Goodyear Airport:
The subject property is located in the vicinity of Luke Air Force Base and the Phoenix Goodyear Airport Traffic Pattern Airspace. A stipulation has been included to require a general note on the final plat to inform the public and homeowners of base and airport operations and the potential for attendant noise and potential over-flights.

Fire Department:
Emergency response times and distances are provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#184/181	5.91	2.96	6.86	3.43	#185	14.86	7.43	15.81	7.91

Police Department:
This parcel is located within an existing patrol beat and the current level of service within the patrol beat can accommodate development of the property.

Solid Waste/Recycling:
Solid waste and recycling will be provided by the city of Goodyear.

Water/Wastewater:
Water and wastewater services will be provided by the city of Goodyear.

Streets/Transportation:
The parcel will be accessible by two points of entry off of 183rd Avenue. All streets within the subdivision will be public and constructed to city standards.

Attachments

1. Aerial Photo
2. Preliminary Plat