

AGENDA ITEM #: _____

DATE: August 24, 2020

CAR #: 2020-6965



CITY COUNCIL ACTION REPORT

SUBJECT: Preliminary Plat for El Cidro Parcels 4 & 5

CASE NUMBER: 19-500-00010

STAFF PRESENTER(S): Alex Lestinsky, Senior Planner

APPLICANT: Benjamin Tate, Withey Morris, PLC

Summary: Preliminary Plat for El Cidro Parcels 4 & 5, which includes the Vita at El Cidro Ranch multi-family parcel.

Recommendation:

Approve the preliminary plat for El Cidro Parcels 4 & 5, which includes the Vita at El Cidro Ranch (Parcel 5), subdividing approximately 24 acres into one lot for a multi-family development, and the addition of one lot to Parcel 4 (the "Property"), subject to the following stipulations:

1. Owner is responsible for constructing all on-site and off-site infrastructure, including road improvements and utility infrastructure, needed to serve the portion of the Property included in any final plat subdividing all or part of the Property, which includes, but is not limited to the infrastructure described below.
2. Owner shall be responsible for acquiring, and conveying to the City at no cost, in fee, and lien free the right of way needed for the construction of all of the public infrastructure improvements Owner is required to construct in connection with the approval and recordation of any final plat subdividing all or part of the Property.
3. Prior to approval of any final plat subdividing all or part of the Property, Owner shall coordinate with the City to declare a portion of parcel 500-06-017A as right-of-way for Cotton Lane prior to recordation of the first final plat subdividing all or part of the Property. Said portion being from W. Elwood Street to the northern boundary of the existing WAPA electric transmission easement. Owner shall be responsible, at Owner's sole cost, of submitting any application, paying any fee, and preparing any document, including the legal description of the property to be declared as public right-of-way. Said declaration is subject to approval of the City Council in its sole discretion and under such terms as may be required by the City Council;

4. The access driveway onto S. Cotton Lane from Parcel 5 shall be designed and constructed to allow only right-out access from the property onto S. Cotton Lane;
5. Full half-street improvements for the east side of Cotton Lane between Elwood Road and the northern boundary of Pioneer Street adjacent to the Property (the "Cotton Lane Improvements") shall be constructed at no cost to the City, the timing of and responsibility of which will be determined at the time of final plat;
6. Full half-street improvements to the north half Elwood Street along southern boundary of Property (the Elwood Street Improvements") shall be constructed at no cost to the City, the timing and responsibility of which will be determined at the time of final plat
7. An in-lieu payment for the cost of half median and landscape improvements for the Cotton Lane Improvements prior to recordation of section of S. Cotton Lane shall be submitted to the City prior to: the recordation of any final plat including any part of the property that is adjacent to where the Cotton Lane Improvements are to be constructed or the issuance of a permit for the S. Cotton Lane Improvements, whichever is earlier; and an in-lieu payment for the cost of half median and landscape improvements for the Elwood Street Improvements shall be submitted to the City prior to: recordation of any final plat including any part of the property that is adjacent to where the Elwood Street Improvements are to be constructed or the issuance of a permit for the Elwood Street Improvements, whichever is earlier;
8. An in-lieu payment of 25% for the full construction cost of the full traffic signal (all four corners) at W. Elwood Street & S. Cotton Lane shall be submitted to the City prior to: the recordation of any final plat that includes any part of the property that is adjacent to where the Cotton Lane Improvements are to be constructed, the recordation of any final plat that includes any part of the property that is adjacent to where the Elwood Street Improvements are to be constructed , the issuance of a permit for the S. Cotton Lane Improvements, or the issuance of a permit for the Elwood Street Improvements, whichever is earlier;
9. The property owner and/or developer for each respective parcel shall provide a waiver agreement, which shall run with the land, for each initial homebuyer to sign, and shall include the following statement in the waiver agreement: "El Cidro 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. The Owner does release and discharge the City of Goodyear and the developer from any liability for any and all claims for future damages to persons or property and complaints of any kind that may arise at any time in the future from the operation of such aircraft near and over the area;"
10. The Public Sales Report for Parcel 4 and any final plat in which all or part of Parcel 4 is subdivided shall include a statement that El Cidro 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;
11. The property owner and/or developer of each respective parcel shall post signage within all subdivision sales offices and/or leasing 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 24-inch by 36-inch 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;

12. The following information shall be disclosed in the Public Sales Report for Parcel 4, shall be noted on any final plat subdividing all or part of Parcel 4, and provided in a separate acknowledgment, which shall run with the land, for each initial homebuyer to sign: "El Cidro is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;"
13. The following information shall be disclosed in the Public Sales Report for Parcel 4, noted on any final plat subdividing all or part of Parcel 4, and provided in a separate acknowledgement, which shall run with the land, for each initial homebuyer to sign: "El Cidro is in proximity to the proposed Loop 303 and I-10 Reliever freeways and may be subject to potential noise intrusion, vibrations, dust and all other effects that may be caused by said freeways";
14. The City agrees to the locations of the access drives reflected in the preliminary plat for Parcel 4 subject to Owner acquiring easements from the City for either fair market value as determined by an appraisal paid for by the property owner but commissioned by the City or for 90% of the value the City paid when it acquired the property where the access drives are located. The easements shall be in place prior to the recordation of any final plat that includes the access drives within Parcel 4.

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.

Stipulation Regarding Access Easements

The stipulations of approval include a stipulation regarding access easements needed for the development of the property being platted (Stipulation 14). The approval of a final plat does not grant rights over property owned by others. To develop the property access easements are needed over a portion of the property the city purchased in furtherance of the city's efforts to support the alignment of the Loop 303 that the city favored. The property was purchased with the expectation that ADOT would purchase the property in connection with the development of the Loop 303.

The development of the Loop 303 south of interstate 10 has stalled and the city still retains ownership of the property. Moreover, it is not clear when the extension of Loop 303 will occur. The property owners want certainty that the City will grant them an easement over property it owns in the areas reflected in the preliminary plat. Accordingly, Stipulation 14 was added committing the City to provide access easements in the locations reflected on the preliminary plat. The property owner will have to compensate the city for the easements by paying the fair market value of the property as determined by an appraisal funded by the property owner or paying 90% of the value the City paid when it acquired the property where the access drives are located. Engineering staff reviewed ADOT's current plans for the Loop 303, which have not been finalized, to determine if the access drives will conflict with those plans. Based on the information available to date, there is no apparent conflict.

By approving this preliminary plat, Council is also agreeing to the access easements as discussed above.

Background and Previous Actions

A preliminary plat subdividing all of El Cidro, approximately 328.4 acres, into 1,260 single-family residential lots was approved on August 25, 2014, and an extension was approved on February 22, 2016. Final plat(s) subdividing three parcels (Parcels 3, 2, and 1D) in the preliminary plat have been approved and recorded and are currently under development. The property included in this proposed preliminary plat is considered Parcels 4 and 5 on the master preliminary plat. On August 19, 2019 City Council approved a rezone of Parcel 5 to MF-18 with a PAD Overlay (Vita at El Cidro Ranch PAD) in order to allow a single-family detached rental project. Because the parcel where Vita is to be developed had been platted into individual lots in the preliminary plat, the preliminary plat had to be revised to reflect the newly approved zoning. The Planning and Zoning Commission recommended approval of the request (6-0) 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. 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 for a preliminary plat that will allow for the subdivision of approximately 24 acres into one lot (Parcel 5) and slightly modify the preliminary configuration of Parcel 4 by removing a roadway that connects the two parcels. The roadway on Parcel 4 is proposed to be replaced with one additional lot. Parcel 5, which is anticipated to be developed as a multi-family residential development consisting of detached single family dwelling units, (Vita) will be

accessed from West Elwood Street and have an exit only/emergency access off of South Cotton Lane. Parcel 4 will have two points of access, one off of South Cotton Lane and one off of West Lower Buckeye Road.

Surrounding development includes:

- North – Vacant land zoned Low-density residential (LDR4) in the El Cidro PAD.
- South – Goodyear Crossing Industrial Park.
- East – Rural single-family residential, Maricopa County.
- West – Cotton Lane; Vacant Land designated for Commercial use in the El Cidro PAD.

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:

Fire station response times are provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#184/181	5.78	2.89	5.85	2.93

2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
9.99	5.00	10.24	5.12	#184/181

Attachments

1. Aerial Photo
2. Preliminary Plat