

AGENDA ITEM #:
DATE: 02/22/2021
CAR #: 2021-7176



CITY COUNCIL ACTION REPORT

SUBJECT: PRELIMINARY PLAT FOR CITRUS PARK

STAFF PRESENTER(S): Steve Careccia, Principal Planner

OTHER PRESENTER(S):

Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC

SUMMARY:

Preliminary plat for Citrus Park (20-500-00006) subdividing approximately 160 acres into 616 residential lots. The subject property is located at the southwest corner of Citrus Road and Lower Buckeye Road.

Recommendation:

Approve a request for the Preliminary Plan Plat for Citrus Park attached hereto subdividing approximately 160 acres located at the southwest corner of Citrus Road and Lower Buckeye Road (the "Property") subject to the following stipulations. (Steve Careccia, Principal Planner)

STIPULATIONS:

1. The approval of this preliminary plat shall be effective upon the date zoning Ordinance No. 2021-1493, the ordinance rezoning the property to be developed in the manner reflected in the preliminary plat, becomes effective;
2. Owner shall construct full half-street improvements required for a Minor Arterial as set forth in the Engineering Design Standards in effect at the time the improvements are constructed, except for ½ meridian and ½ median landscaping, for the south half of W. Lower Buckeye Road along or adjacent to the frontage of the Property, including, but not limited to, pavement, curb and gutter, sidewalks, street frontage landscape and landscape irrigation, and street lighting (the "Lower Buckeye Road Improvements"). Except for model homes, no building permits for any structure within any of the areas identified as Phase 03 in the Preliminary Plat for Citrus Park shall be issued until the Lower Buckeye Road Improvements have been substantially completed, as determined by the City Engineer or designee;
3. Owner shall remit to the city an in-lieu payment for one-half the cost of a full median and one-half the cost of full-median landscaping for the median that is to be installed within the section of W. Lower Buckeye Road along or adjacent to the frontage of the Property. The in-lieu payment for the median shall be based on the estimated cost of the full median and full median landscaping as determined by the City Engineer or designee, and it shall be paid prior to the recordation of any final plat that includes any of the areas

identified as Phase 03 in the Preliminary Plat for Citrus Park;

4. Owner shall construct full half-street improvements required for a Minor Arterial as set forth in the Engineering Design Standards in effect at the time the improvements are constructed, except for ½ median and ½ median landscaping, for the west half of S. Citrus Road along or adjacent to the frontage of the Property, including, but not limited to, pavement, curb and gutter, sidewalks, street frontage landscape and landscape irrigation, and street lighting (the "S. Citrus Road Improvements"). Except for model homes, no building permits for any structure within any of the Property shall be issued until the S. Citrus Road Improvements have been substantially completed, as determined by the City Engineer or designee;
5. Owner shall remit to the City an in-lieu payment for one-half the cost of a full median and one-half the cost of full-median landscaping for the median that is to be installed within the section of S. Citrus Road along or adjacent to the frontage of the Property. The in-lieu payment for the median shall be based on the estimated cost of the full median and full median landscaping as determined by the City Engineer or designee, and it shall be paid prior to the recordation of the first final plat subdividing all or part of the Property;
6. An eight-foot wide concrete sidewalk or a pedestrian pathway with an alternative surface, such as compacted decomposed granite as may be determined by the Development Services Director or designee shall be constructed when the S. Citrus Road Improvements) are constructed;
7. The Property Owner shall dedicate, at no cost to the city, all rights-of-way and/or easements within 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 for the construction of improvements for which Owner is responsible for making in-lieu payments; (iv) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; (v) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein, and/or (vi) required public infrastructure improvements Owner is required to construct pursuant to 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. 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 any stipulation in this ordinance, the terms of a written development agreement approved by the Council or a written phasing plan approved by the City Engineer or designee, 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 designee;
8. Owner shall make an in-lieu payment for the cost of traffic signal identified below. The in-lieu payment shall be made prior to the recordation of any final plat that includes any portion of the Property located within the areas identified as Phase 03 in the Preliminary Plat for Citrus Park. The in-lieu payment shall be based on the actual cost of the traffic signal if it has been constructed or if the payment is required before the signal is constructed it shall be based on the estimated cost of the traffic signal as determined by

the City Engineer or designee.

- a. 25% of the cost of the full traffic signal (all four legs) at W. Lower Buckeye Road and S. Citrus Road;
9. In addition to being responsible for a proportionate share of the cost of a full traffic signal (all four legs) at the intersection at W. Lower Buckeye Road and S. Citrus Road, Owner is also responsible for a proportionate share of the costs of additional traffic signals identified in an approved Traffic Impact Analysis/Study as being needed and for conveying, in fee, lien free, and free of any easements or encumbrances unless specifically agreed to by the city, any additional right-of-way needed for the construction of the portion of the traffic signal that will be located on the Property pursuant to Stipulation 23 in Ordinance No. 2021-1493;
10. Prior to recordation of the first final plat subdividing all or part of the Property, Owner shall remit a cost recovery payment to the city in the amount of \$368,229 pursuant to the Cost Recovery Resolution – Wastewater Trunk Lines for regional wastewater lines B and C that have been fully constructed;
11. Unless regional wastewater Line O identified in the West Goodyear Master Wastewater Study as benefiting the Property (“Wastewater Line O”) has been constructed or under construction by others when the first final plat subdividing all or part of the Property is to be recorded, Owner shall be responsible for constructing Line O;
12. If Wastewater Line O has been or is being constructed by others when the first final plat subdividing all or part of the Property is to be recorded, Owner shall make a cost recovery payment for its proportionate share of the costs of the lines being constructed by others pursuant to the Cost Recovery Resolution – Wastewater Trunk Lines prior to the recordation of the first final plat subdividing all or part of the Property. The amount of the cost recovery payment owed shall be based on the percentage of the actual cost of Wastewater Line O if it has been constructed or if Wastewater Line O is under construction but has not been completed, the amount of the cost recovery payment shall be \$186,376, which is the amount reflected in the Cost Recovery Resolution – Wastewater Trunk Lines;
13. Unless such sewer line has been constructed or is under construction by others, Owner shall, at no cost to the City, construct an 8-inch sewer line within Citrus Road from the southern boundary of the Property to El Cidro Drive where the line connects to Wastewater Line O referred to above. No building permits for any structure within any of the Property shall be issued until this line has been substantially completed, as determined by the City Engineer or designee;
14. No building permits for any structure within any of the Property shall be issued until Wastewater Line O has been substantially completed, as determined by the City Engineer or designee;
15. Prior to recordation of the first final plat subdividing all or part of the Property, Owner shall remit a cost recovery payment to the city in the amount of \$314,814 owed pursuant to the terms of the Cost Recovery Resolution – Water Delivery Lines;
16. Prior to the earlier of the recordation of the first final plat subdividing all or part of the Property or the issuance of any construction permit for work within the Property, Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the Property and request that any assured water supply credits issued by ADWR as a result of any such extinguishment be credited to the city of Goodyear;
17. In addition to the specific infrastructure identified in this Ordinance, the Property Owner shall construct all infrastructure improvements required by the city of Goodyear subdivision regulations and Engineering Design Standards and Policy Manual in effect at the time of construction;

18. The Property Owner shall dedicate, at no cost to the city, all rights-of-way and/or easements within 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 for the construction of improvements for which Owner is responsible for making in-lieu payments; (iv) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; (v) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein; and (vi) required for public infrastructure improvements Owner is required to construct pursuant to 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;
19. In addition to compliance with the stipulations and conditions of approval set forth herein, the development of the Property shall comply with the Goodyear Zoning Ordinance, the city of Goodyear subdivision regulations, the city of Goodyear's Engineering Design Standards and Policies, except as modified by the City Engineer, the Maricopa County Association of Governments standards for public works construction, and all other federal, state and locals laws, ordinances, rules, regulations, standards, and policies applicable to the development of the Property;
20. Except for model homes, no Temporary Certificate of Occupancy, Certificate of Occupancy or Certificate of Completion shall be is issued for any structure within any of the areas identified as Phase 02 and Phase 03 in the Preliminary Plat for Citrus Park until the outdoor community pool that is to be constructed pursuant to stipulations 6 and 7 in Ordinance No. 2021-1493 has been completed;
21. At the time of development, all new and existing utilities shall be placed underground except power lines 69kV or larger;
22. The Public Sales Report and all final plats subdividing all or part of the Property shall include the following disclosures:
 - a. The Property is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflight and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport; and
 - b. The Property is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses e subject to noise, dust, and odors associated with such uses.
23. Owner shall obtain from all initial homebuyers an executed acknowledgment that runs with the land in which the homebuyer(s) acknowledge that the lot they are purchasing is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;
24. Owner shall obtain an executed waiver agreement from all initial homebuyers that complies with the following. The waiver agreement shall run with the land and shall include the following waiver language: "Buyer(s) acknowledge that the lot being purchased is subject to attendant noise, vibrations, dust, and all other effects that may be caused by over flights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport, and hereby releases and discharges the city of Goodyear 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”; and,
25. Signage shall be posted 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. This display shall include a 24-inch x 36-inch map at the main entrance of such sales facility and shall include the approximate locations of the homes being sold clearly depicted.

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 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. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

BACKGROUND AND PREVIOUS ACTIONS:

The Property consists of approximately 160 acres generally located at the southwest corner of Citrus Road and Lower Buckeye Road. The Property is located within West Goodyear and was one of the original “West Goodyear Properties.” The owners of various West Goodyear Properties undertook regional water and wastewater master studies, including amendment to those studies and identifying the regional water and wastewater lines that had had to be constructed to serve the West Goodyear properties, including the Property that were adopted by the city of Goodyear (referred to herein as the “West Goodyear Master Water Study” and the “West Goodyear Master Wastewater Study”). The City adopted Resolution of Intention No. 06-1064 as amended by Resolution No 14-1621 and Resolution No. 16-1747 to allocate the costs of the regional water lines among the benefitted properties (referred to herein as the “Cost Recovery Resolution – Water Delivery Lines”) and adopted Resolution of Intention No. 06-1065 as amended by Resolution No 14-1622 and Resolution No. 16-1748 to allocate the costs of the regional wastewater lines among the benefitted properties (referred to herein as the “Cost Recovery Resolution – Wastewater Trunk Lines”).

The Property is being rezoned from the existing PAD Zoning District that allows for the development of 422 dwelling units and commercial development within approximately 27 acres of the Property. A portion of the Property is being rezoned to R1-4 (Single Family Detached) Zoning District with the R1-4 Reduced Development Standards and another portion of the Property is being rezoned to R1-C (Court Homes) Zoning District. The maximum number of dwelling units that will be developed on the Property is 616.

The change in zoning does not impact the regional water and wastewater lines that are needed to serve the Property and Owner is required to construct the water and sewer lines identified in the West Goodyear Master Water Study and in the West Goodyear Master Wastewater Study as being needed to serve the Property and remit cost recovery payments pursuant to the Cost Recovery Resolution – Wastewater Trunk Lines and the Cost Recovery Resolution – Water Delivery Lines for the regional water and sewer lines that benefit the Property and that have been or will be constructed by others. To date, all of the regional water lines identified in the West Goodyear Master Water Study as serving the Property (lines A, B,

G and I) have been constructed and Owner is responsible for remitting a cost recovery payment in the amount of \$314,814 pursuant to Cost Recovery Resolution – Water Delivery Lines. To date, regional wastewater lines B and C identified in the West Goodyear Master Wastewater as benefiting the Property have been constructed and Owner is responsible for remitting a cost recovery payment in the amount of \$368,229 pursuant to Cost Recovery Resolution – Wastewater Trunk Lines. Regional wastewater Line O and Line P identified in the West Goodyear Master Wastewater Study as serving the Property have not been installed, however, pursuant to an updated wastewater study approved by the city for an adjacent development, staff approved the installation of a smaller sized line within the location of where Line P was to be installed, which will accommodate flows from the Property. Accordingly, the only regional wastewater line Owner is required to install is Line O unless it is constructed or being constructed by others, in which case, Owner shall be responsible for paying a cost recovery payment for Line O pursuant to the Cost Recovery Resolution – Wastewater Trunk Lines.

The Planning and Zoning Commission considered this item at their regular meeting of February 10, 2021. The Commission heard a presentation from staff and then asked questions on the extent of the residential amenities to be provided, which were answered by staff and the applicant. The Commission unanimously voted (6-0) to forward a recommendation of approval to the City Council. There was no opposition to the project voiced at the meeting.

STAFF ANALYSIS

Current Policy:

Prior to subdividing a property, the owner must submit a preliminary plat that demonstrates compliance with zoning for the property, 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 preliminary plat for Citrus Park intends to subdivide the approximate 160-acre property into 616 residential lots. The following lot sizes and yields are proposed:

Area	Lot Size	Yield	Percentage
47.74	45' x 115'	216	35%
66.85	55' x 120'	205	33%
45.79	40' x 87'	195	32%
160.38		616	100%

The concurrent rezoning request for the R1-4 (Single Family Detached) zoning district also includes a request for reduced side yard setback, as permitted by the Zoning Ordinance. The minimum side yard setback in the R1-4 zoning district is five feet, with 15 feet total for both sides (i.e. 5'/10'). The request would reduce the total for both sides to 10 feet (i.e. 5'/5'). The preliminary plat reflects the reduced side yard setbacks.

The area proposed for the R1-C (Court Home) zoning district is intended for the development

of court homes. As represented on the preliminary plat, a typical court home pod will consist of six detached homes sharing a common driveway. Private yards will be provided.

Approximately 24 acres of open space (15% of project area) are required. The project proposes approximately 47 acres of open space (30% of project area), with 11 acres of usable open space distributed between five different park sites, including a 5.9 acre central park. The five parks will be programmed with various amenities, including a community pool with parking and restroom facility. Other amenities include turf play areas, play courts (i.e. corn hole, pickleball, bocce ball), ramadas and trail connections.

The concurrent rezoning request for the R1-4 and R1-C zoning districts requires the development to incorporate several design elements as set forth in the Zoning Ordinance. Further, the request to reduce the total side yard setback in the R1-4 zoning district requires the use of additional design elements. As these design elements are intended to justify the smaller lot widths and reduced setbacks, they have been formalized with the stipulations of approval for the proposed rezoning. Development in conformance with these stipulations will be considered as meeting the requirements of the Zoning Ordinance. As such, the rezoning ordinance and stipulations will need to be approved and become effective prior to the preliminary plat becoming effective.

Surrounding Area:

Uses and development surrounding the subject property include:

- North – Lower Buckeye Road and the future residential development within Pradera zoned R1-4 and R1-6 Single Family Residential.
- South – Existing residential development within Las Brisas zoned PAD.
- East – Citrus Road and future commercial development zoned C-1 Neighborhood Commercial, future residential development zoned R1-6 Single Family Residential and existing large lot residential zoned RU-43 (Maricopa County).
- West – Existing residential development within Las Brisas zoned PAD.

Luke Air Force Base:

The subject property is located within the vicinity of a military airport but is located approximately two miles from the 65 Ldn noise contour line for Luke AFB. Given the location of the subject property, base operations should not be adversely impacted by this proposed development nor should the subject property be adversely impacted. A stipulation of approval will require notice of base operations to future homebuyers.

Phoenix-Goodyear Airport:

The subject property is located within the Traffic Pattern area of the Phoenix-Goodyear Airport but is located outside of any noise contour or hazard zones. A stipulation of approval will require notice of airport operations to future homebuyers.

Fire Response:

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	7.18	3.59	8.02	4.01	#182	13.32	6.66	14.16	7.08

Police Response:

The property is located within an existing police patrol beat and the current level of service within the beat can accommodate the development of the property.

Schools:

The property is located within the Liberty Elementary School District and the Buckeye Union High School District. The rezoning project narrative states the applicant will work with the school districts regarding a donation agreement.

Solid Waste/Recycling:

Service will be provided by the city of Goodyear. Service to the court home parcels has been reviewed by the Public Works Department and determined to be viable as proposed with the intended subdivision design.

Streets/Transportation:

The subject property will have access to Citrus Road and Lower Buckeye Road and include a connection to Las Brisas via the north-south collector road. All required street improvements will be completed with development of the subject property in accordance with a phasing plan approved by the city.

Water/Wastewater:

The subject property is located within the city of Goodyear water and wastewater service area. It has been determined the increased unit count (over the currently approved PAD) does not impact the requirements in the master utility studies for the West Goodyear Central Planning Area.

STAFF FINDINGS

The preliminary plat is consistent with the development standards established with the R1-4 (Single Family Detached) and R1-C (Court Home) zoning districts. It is also consistent with the stipulations contained within Ordinance No. 2021-1493, the ordinance rezoning the property to be developed as Citrus Park. Staff finds the proposed preliminary plat incorporates the required design elements as stipulated with the concurrent rezoning request for Citrus Park.

The preliminary plat is consistent with the technical requirements of the city's subdivision regulations. It also provides for the orderly development of the property by identifying the required infrastructure needed to serve the development.