

ITEM #: 6.
DATE: 09/27/2021
AI #:464



CITY COUNCIL ACTION REPORT

SUBJECT: PRELIMINARY PLAT FOR LA PRIVADA PARCELS 3 AND 7

STAFF PRESENTER(S): Christian M. Williams, Planner

OTHER PRESENTER(S):

Laurie Castillo, Rick Engineering Co

SUMMARY

Preliminary Plat for La Privada Parcels 3 and 7 subdividing approximately 87.82 acres of the approximate 240.32 acres rezoned by Ordinance No.2021-1505 into 284 lots and 28 tracts. (The property rezoned by Ordinance 2021-1505 is referred to as the "La Privada Property" and the portion of the La Privada Property included within the Preliminary Plat for La Privada Parcels 3 and 7 is referred to as the "Property").

Recommendation

Approve the preliminary plat for La Privada Parcels 3 and 7, subdividing approximately 87.82 acres into 284 lots and 28 tracts (the "Property"), subject to stipulations and grant the City Engineer or his designee to modify stipulations provided the modifications are consistent with the intent of the stipulations being modified and are not inconsistent with the terms of any other document adopted by the Goodyear City Council related to the development of the La Privada Property. (Christian M. Williams, Planner)

STIPULATIONS

1. Prior to the recordation of the first final plat subdividing all or part of the Property, Owner shall form a homeowners' association ("HOA") for the La Privada; and
2. As a condition of the rezoning of the La Privada Property, Owner/Developer is required to construct a 6.5-acre centralized park located at the heart of the La Privada Property that provides localized usable active open space area and that includes all of the following resident and recreational amenities:
 - An outdoor community center that provides a covered and connected community space that surrounds a centralized event lawn on three sides. The outdoor community center shall not be a ramada structure, but shall be designed to feel like a unified outdoor building. The back side of the community center (i.e. the side not adjacent to the centralized event lawn) shall be constructed to have the feel of a solid wall but does not have to be a solid wall. The outdoor community center shall be designed to provide areas that are separated from one another that allow for small and large group gatherings and/or that provide for entertainment activities such as ping pong, pool, and areas to play board games;
 - Shaded or trellised areas with seating, which shall be clustered adjacent to the community center and/or centralized event lawn;

- Areas for activities such as cornhole, bocce ball and the like, which shall be located adjacent to the community center and/or centralized event lawn;
- Kitchen preparation facilities with a built-in counter top sink and a minimum of two gas barbecue grills, which can be located either within the outdoor community center or under a shaded or trellised structure;
- A splash pad fountain with shaded perimeter seating;
- An area with a fireplace and fire pits that provides for seating;
- Sports courts such as basketball courts, tennis courts, pickleball courts and the like, which shall be located adjacent to the Outdoor Community Center and/or centralized event lawn;
- A multi-use turf field;
- Amphitheater seating;
- The resident and recreational amenities to be provided as set forth above may be modified subject to the determination of the City of Goodyear Zoning Administrator, at his sole discretion, that the alternatively proposed resident and recreational amenities shall collectively be of an equal or greater quality to those described above; and

3. No Temporary Certificates of Occupancy, Certificates of Occupancy or Certificates of Completion shall be issued for any structure within the Property, except for model homes, until the 6.5-acre centralized park has been substantially completed as determined by the City of Goodyear Building Official or his designee or are under construction and bonded for completion as approved by the City of Goodyear Zoning Administrator; and

4. Owner/Developer shall construct an 8-foot decomposed granite bridle/equestrian trail along the eastern boundary of the Property, which shall be completed prior to the issuance of any Certificate of Completion, Certificate of Occupancy or Temporary Certificate of Occupancy for any structure located within the Property. The bridle/equestrian trail shall be owned and maintained by the HOA that is to be formed, but shall be available for use by the general public. An easement, in a form acceptable to the City Attorney or his designee, that allows for such public use over the portion of the bridle/equestrian trail that is to be constructed as provided herein shall be dedicated to the City prior to or concurrently with the recordation of the first final plat subdividing all or part of the Property; and

5. As a condition of the rezoning of the La Privada Property, Owner/Developer is required to construct paved 5-foot wide off-street paths/trails (i.e. the trails/paths are not adjacent to public right-of-way) within the La Privada Property that interconnect the development parcels and connect all the development parcels to the 6.5-acre centralized park as well as to the 6-foot paved pedestrian trail and to the 8-foot decomposed granite bridle/equestrian trail. The final plat(s) for the Property shall include these 5-wide off-street paths/trails and where these trails cross any roads, they should be marked with pavers, colored concrete or stamped concrete. The paved off-street paths/trails referred to herein shall be completed prior to the issuance of any Certificate of Completion, Certificate of Occupancy, or Temporary Certificate of Occupancy for any structure within the Property. The pavers, colored concrete or stamped concrete constructed within public roadways shall be maintained by the HOA; and

6. Owner/Developer shall construct a path/trail along Yuma Road, which shall be part of the Maricopa Trail, that consists of a minimum of an 8-foot concrete sidewalk with 2-feet of compacted decomposed granite on both sides of the concrete sidewalk (which are level with the concrete sidewalk) and that shall be setback a minimum of 12 feet from the curb of Yuma Road following the completion of the Yuma Road Improvements. No Temporary Certificates of Occupancy, Certificates of Occupancy or Certificates of Completion shall be issued for any structure within the Property, except for model homes until the path/trail referred to herein has been completed; and

7. A raised and landscaped median island, which shall be owned by the City but maintained by the HOA, shall be constructed within 183rd Avenue in front of the centralized park and community

center; and

8. The following shall be added as notes on each final plat that includes any portion of the Property:
 - a. Only single-story structures shall be constructed within the south - southwest corner of the Property on lots that are within 100-feet east of the western boundary of the Property and 295-feet north of the northern boundary of the Yuma Road alignment; and
 - b. The Public Sales Report(s) shall disclose that the Property is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses; and
 - c. The Public Sales Report(s) shall disclose that the Property is subject to noise, cheering, paddles making contact with balls, bouncing balls, splashes and other loud noises commonly associated with recreation centers, parks and the like; and
 - d. The Public Sales Report(s) shall include a statement that 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
 - e. HOA shall own and is responsible for maintaining all private open space areas; common areas, and all amenities and enhancements described above, except that the HOA shall not own, any of the enhancements or amenities located within right-of-way conveyed to the City of Goodyear in fee, but shall be responsible for maintaining such amenities and enhancements. With respect to the paths and trails the HOA is responsible for maintaining, the HOA shall ensure that they are cleared, visible, and safely accessible to all users. The HOA shall also be responsible for maintaining all landscaping within street right-of-way within or abutting the Property except for landscaping within medians located within any arterial street. Notwithstanding the foregoing, any portion of the Maricopa Trail located within right-of-way conveyed to the City shall be maintained by the City; and
9. 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; and
10. 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 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
11. 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, departure corridors, and vicinity boundary. 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; and
12. Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the La Privada 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. Said extinguishment shall occur prior to 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, whichever is earlier; and
13. 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 \$231,022.18 pursuant to the Cost Recovery Resolution of Intention No. 06-1064 as amended by Resolution No. 14-1621 and Resolution No. 16-1747 (the "Cost Recovery Resolution – Water Delivery Lines") for regional water delivery line E that has been fully constructed and regional water delivery line F that has been partially constructed. No building permits for any structures within the Property shall be issued until this payment has been received by the City; and

14. 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 \$1,586,284.03 pursuant to the Cost Recovery Resolution of Intention No. 06-1065 as amended by Resolution No. 14-1622 and Resolution No. 16-1748 (the "Cost Recovery Resolution – Wastewater Trunk Lines") for regional water line B, E, I, J and K that have been fully constructed. No building permits for any structures within the Property shall be issued until this payment has been received by the City; and

15. Unless the following water lines and wastewater lines have been fully constructed or are under construction by others when the first final plat subdividing all or part of the Property is recorded, Owner/Developer shall construct and/or complete the construction of the following water delivery lines identified in the Cost Recovery Resolution – Water Delivery Lines as benefitting the La Privada Property and the following wastewater trunk lines identified in the Cost Recovery Resolution – Wastewater Trunk Lines as benefitting the La Privada Property:

- a. Complete construction of Water Delivery Line F
- b. Construct Water Delivery Lines C and D
- c. Construct Wastewater Trunk Line N

Regardless of who is constructing the foregoing water delivery lines and wastewater trunk line, no building permits for any structures within the Property shall be issued until all of the foregoing water delivery lines and wastewater trunk line have been completed and accepted by the City Engineer of his designee subject to completion of the two-year warranty period; and

16. If Wastewater Trunk Line N 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 Wastewater Trunk Line N 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 actual cost of Wastewater Trunk Line N if it has been completed and the actual cost of the Wastewater Line documented and approved by the City Engineer. If Wastewater Trunk Line N is under construction but has not been completed, or if the actual cost of Wastewater Trunk Line N has not been documented and approved by the City Engineer, the amount of the cost recovery payment shall be \$644,282.70, which is the amount reflected in the Cost Recovery Resolution – Wastewater Trunk Lines as the proportionate share of Wastewater Trunk Line N attributable to the La Privada Property. No building permits for any structures within the Property shall be issued until this payment has been received by the City; and

17. If Water Delivery Line C 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 cost of Water Delivery Line C pursuant to the Cost Recovery Resolution – Water Delivery 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 actual cost of Water Delivery Line C if it has been completed and the actual cost of the Water Delivery Line C documented and approved by the City Engineer. If Water Delivery Line C has not been completed, or if the actual cost of Water Delivery Line C has not been documented and approved by the City Engineer, the amount of the cost recovery payment shall be \$149,469.09, which is the amount reflected in the Cost Recovery Resolution – Water Delivery Lines as the proportionate share of Water Delivery Line C attributable to the La Privada Property. No building permits for any structures within the Property shall be issued until this payment has been received by the City; and

18. If Water Delivery Line D 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 cost of Water Delivery Line D pursuant to the Cost Recovery Resolution – Water Delivery 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 actual cost of Water Delivery Line D if it has been completed and the actual cost of the Water Delivery Line D documented and approved by the City Engineer. If Water Delivery Line D has not been completed, or if the actual cost of Water Delivery Line C has not been documented and approved by the City Engineer, the amount of the cost recovery payment shall be \$272,096.31, which is the amount reflected in the Cost Recovery Resolution – Water Delivery Lines as the proportionate share of Water Delivery Line D attributable to the La Privada Property. No building permits for any structures within the Property shall be issued until this payment has been received by the City; and

19. Owner/Developer is responsible for constructing all drainage facilities required to convey, retain, and/or otherwise dispose of on-site storm-water run-off and storm-water run-off from adjacent streets and all drainage facilities required to convey and dispose of off-site storm water run-off from north of the La Privada Property as generally described in that certain document titled La Privada Conceptual Drainage Map declared a Public Record by Resolution No. 2021-2165, and which is referred to and made a part hereof as if fully set forth herein (the "Drainage Map"), including an Emergency Conveyance Channel through the La Privada Property that is approximately 95-feet wide. The Emergency Conveyance Channel is being phased while the final location of the channel is being determined. Owner/Developer shall complete the first phase of the Emergency Conveyance Channel, which consists of the portion of the channel located along the eastern boundary of the Property prior to the issuance of any Certificate of Completion, Certificate of Occupancy or Temporary Certificate of Occupancy for any structure within the Property. Unless otherwise approved in a written phasing plan approved by the City Engineer or his designee, the remainder of the Emergency Conveyance Channel shall be completed prior to the issuance of any Certificate of Completion, Certificate of Occupancy or Temporary Certificate of Occupancy for any structure within the portion of the La Privada Property not included within this preliminary plat; and

20. Owner/Developer shall construct full half-street improvements required for a Scenic Arterial as set forth in the Engineering Design Standards and Policies for the section of W. Yuma Road along or abutting the southern boundary of the Property, which includes but is not limited to pavement, curb and gutter, one-half median, sidewalks, street frontage landscape and landscape irrigation, and street lighting (the "Yuma Road Improvements). The Yuma Road Improvements shall be completed prior to the issuance of any Certificate of Completion, Certificate of Occupancy or Temporary Certificate of Occupancy for any structure within the Property; and

21. Owner/Developer 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. Yuma Road along or adjacent to the frontage of the Property. The in-lieu payment for the median and median landscaping shall be based on the actual cost of the full median and full median landscaping if completed or 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; and

22. Owner/Developer shall construct full street improvements (i.e. improvements to the east and west sides of 183rd Avenue) required for a Minor Collector, as set forth in the Engineering Design Standards and Policies in effect at the time of construction, for the section of 183rd Avenue located within the Property (i.e. between Yuma Road and Harrison Street), including, but not limited to, pavement, curb and gutter, sidewalks, street frontage landscape and landscape irrigation, and street lighting (the "183rd Avenue Improvements"). Full street improvements to the section of 183rd

Avenue included within the Property shall be completed prior to the issuance of any Certificate of Completion, Certificate of Occupancy or Temporary Certificate of Occupancy for any structure located within the Property; and

23. In addition to the constructing the specific infrastructure identified in the stipulations herein, Owner/Developer shall construct, at no cost to the City, all public infrastructure improvements: (i) needed for the city to provide water and wastewater services to the Property and (ii) required to be constructed 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; and

24. Owner shall dedicate, at no cost to the City, all rights-of-way and/or easements that are: (i) needed for the construction of infrastructure improvements required for the City to provide water and wastewater services to the Property, including rights-of-way and/or easements needed for the construction of any regional water delivery lines identified in the Cost Recovery Resolution – Water Delivery Lines as benefitting the Property and/or for the construction identified in the Cost Recovery Resolution – Wastewater Trunk Lines as benefitting the Property (iii) 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; (iv) required for the construction of improvements for which Owner is responsible for making in-lieu payments; (v) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; (vi) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein, and/or (vii) 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 his designee, all dedications shall be made at the earlier of the following: (i) prior to or concurrent with recordation of a final plat that includes the area in which the portion of the Property to be dedicated is located or (ii) prior to the issuance of any construction permit, including grading permits, for work of any public infrastructure Owner/Developer is required to construct; and

25. Prior to recordation of any final plat subdividing all or part of the property including within this preliminary plat, Owner shall make an in-lieu payment for 50% of the full traffic signal (all four legs) at W. Yuma Road and S. 183rd Avenue. 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; and

26. Owner shall comply with any and all Development Agreements that apply to the development of the Property in whole or in part and shall remit all payments owed pursuant to the terms of any and all Development Agreements that apply to the development of the Property in whole or in part; and

27. In addition to compliance with the stipulations 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; and

28. Prior to recordation of the first final plat subdividing all or part of the Property, Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the entire La Privada Property zoned by Ordinance 2021-1505 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; and

29. In the final plat that includes Parcel 3 of the preliminary plat, Owner shall dedicate to the City a 20' Temporary Emergency Access Easement over Lot 8 of Parcel 3 as reflected in the preliminary plat. No building permit for Lot 8 within Parcel 3 of this preliminary plat shall be issued until such Temporary Emergency Access Easement has been terminated.

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. 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

On July 19, 2021, the City Council adopted Ordinance No. 2021-1505 rezoning approximately 240.32 Acres generally located at the northwest corner of 181st Avenue and Yuma Road (the "La Privada Property") to R1-4 (Single Family Detached) Zoning District with R1-4 Reduced Development Standards and a PAD Overlay for a development to be known as La Privada, which designated the parcels for single-family residential uses.

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 required reports and studies submitted in connection with the application for the preliminary plat have been approved and demonstrate compliance with applicable subdivision regulations and design principals and the proposed preliminary plat demonstrates compliance with the property's zoning, public objectives, subdivision design principles and standards, and streets and thoroughfare planning, including open space 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 or an extension has been obtained.

Details of the Request:

This parcel consists of subdividing approximately 87.82 acres into 284 lots and 28 tracts. One of the tracts will contain the centralized park located at the heart of the Property.

Existing land uses and zoning surrounding the subject property include the following:

- North – Vacant land zoned R1-4 with R1-4 Reduced Standards/La Privada PAD Overlay;
- South – County island, largely vacant agricultural lands (largely zoned RU-43/city equivalent to AU (Agricultural Urban)), Las Ventanas (zoned PAD) and Paseo Place Parcel 2 (zoned R1-6);

- East – County island, homes and vacant agricultural lands (largely zoned RU-43/city equivalent to AU (Agricultural Urban));
- West –County island, largely vacant agricultural lands (largely zoned RU-43/city equivalent to AU (Agricultural Urban));

Luke Air Force Base and Phoenix Goodyear Airport:

The property does not fall within the Luke Air Force Base Accident Potential Zone or the DNL. However, the property does fall within the Luke Air Force Base Military Vicinity boundary thus disclosure statements shall be required as a condition of approval.

Fire Department:

Fire station response times 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
Fire Station #184	5.41	2.71	7.83	3.91	Fire Station #185	14.36	7.18	16.78	8.39

Police Department:

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

Water/Wastewater:

The subject property will be served by city of Goodyear water and wastewater utilities.

Streets/Access:

The property will be accessed from Yuma Road and Perryville Road. The Engineering Department has created stipulations to address traffic issues caused by the development of this property. Those stipulations address traffic signals, roadway construction and access to needed and adjacent streets.

School Districts:

The subject property is located within the Liberty Elementary School District and the Buckeye Union High School District. Both school districts have been notified of the rezoning request.

Staff Findings:

The preliminary plat is consistent with the development standards established within the R1-4 (Single Family Detached) Zoning District with R1-4 Reduced Development Standards and a PAD Overlay. The preliminary plat is consistent with public objectives, subdivision design principles and standards, and streets and thoroughfare planning. The information that accompanied it demonstrated the adequacy of utilities, open space and other public facilities necessary to serve the site. The Planning and Zoning Commission recommended approval of the preliminary plat by a vote of (4-0) at their regular meeting on September 15, 2021.

Attachments

Aerial Exhibit

Preliminary Plat

Conceptual Landscape Plan

Presentation
