

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Las Ventanas Preliminary Plat	STAFF PRESENTER: Karen Craver, AICP Planner III
	CASE NUMBER: 17-500-00011
	OTHER PRESENTER: David Coble, Coe and Van Loo, representing Tait Development

PROPOSED ACTION:

Approve the preliminary plat for Las Ventanas subdividing 159.31 acres into 412 single family lots and one 13.21-acre commercial parcel, located at the southeast corner of Perryville Road and Yuma Road, subject to the following stipulations:

- 1) Compliance with the stipulations contained in Ordinance No. 2006-1001 conditionally approving the rezoning of approximately 159.31 acres of property for the purpose of establishing the Las Ventanas Final Planned Area Development (PAD) and adopted by City Council on May 8, 2006;
- 2) Compliance with the stipulations contained in Ordinance No. 17-1364 conditionally amending the Las Ventanas Final Planned Area Development (PAD) and adopted by City Council on September 25, 2017;
- 3) The following right-of-way dedications shall be included on the final plat:
 - a) East half of Perryville Road right-of-way, 65 feet from centerline
 - b) South half of Yuma Road right-of-way, 75 feet from centerline
 - c) North half of Durango Street right-of-way, 30 feet from centerline
 - d) West half of 183rd Avenue right-of-way, 30 feet from centerline;
- 4) The final plat shall include a statement that Las Ventanas is within the vicinity of a proposed 230 kV overhead electric line planned along the west side of Perryville Road.
- 5) The developer is responsible for the half street and half median improvements along those portions of Perryville Road and Yuma Road adjacent to Las Ventanas, and provided the city obtains an easement for such right-of-way, the half street and half median improvements to Perryville Road and Yuma Road adjacent to the corner parcel (outside the boundaries of Las Ventanas) at the immediate southeast corner of Perryville Road and Yuma Road. An Engineer's estimate that meets city of Goodyear requirements shall be provided to determine the costs for the street improvements along the north and west perimeters of the corner parcel (outside the boundaries of Las Ventanas). All half streets shall be constructed with the following minimum improvements: three 12-foot travel lanes, one four-foot shoulder opposite of the development for a total of 44 feet of pavement.

- 6) Provided the city obtains an easement for the right-of-way for those portions of Perryville Road and Yuma Road adjacent to the corner parcel (outside the boundaries of Las Ventanas) at the immediate southeast corner of Perryville Road and Yuma Road, the developer shall construct the half street and half median improvements to Perryville Road and Yuma Road adjacent to the corner parcel (outside the boundaries of Las Ventanas), with the costs for said improvements being eligible for cost recovery, when the corner parcel is developed by others, subject to each developers compliance with the city's cost recovery ordinance.
- 7) If W. Durango Street between S. Citrus Road and S. 183rd Avenue is not constructed by others prior to the construction of Phase 2 of Las Ventanas, then W. Durango Street between S. 183rd Avenue and S. Perryville Road shall be constructed by Las Ventanas as part of Phase 2;
- 8) An in lieu payment for the following traffic signals shall be required of the developer:
 - a) 25% of the cost of a traffic signal at the intersection of Perryville Road and Yuma Road to be paid to the city prior to recordation of the first final plat within Las Ventanas.
 - b) 25% of the cost of a traffic signal at the intersection of Yuma Road and 183rd Avenue to be paid to the city prior to recordation of any final plat that includes any of the property included within the area identified as Phase 2 of Las Ventanas.
 - c) 25% of the cost of a traffic signal at the intersection of Perryville Road and Durango Street to be paid to the City prior to recordation of any final plat that includes any of the property included within the area identified as Phase 3 of Las Ventanas.
- 9) Prior to final plat recordation, the existing water rights, irrigation rights, and assured water credits associated with such final plat shall be extinguished and conveyed to the city.
- 10) Unless otherwise modified by an amendment to the Second Amended and Restated Development Agreement for Las Ventanas, or by an amendment to the Development Agreement for West Goodyear Sewer and Water Infrastructure, or by an amendment to any currently existing cost recovery resolution applicable to the water and wastewater lines addressed in the approved cost recovery resolutions, owner shall, prior to recordation of the first final plat subdividing all or part of the property subject to the preliminary plat being approved herein, remit all cost recovery payments owed pursuant to: CRO 06-1065 as amended by Resolution 14-1622 and Resolution 16-1748; CRO 06-1064 as amended by Resolution 14-1621 and Resolution 16-1747 and the Second Amended & Restated Development Agreement for Las Ventanas. As of the date this preliminary plat is approved the cost recovery payments are:

Wastewater Line B	\$286,035.00
Wastewater Line E	\$110,941.00
Water Line C	\$ 98,139.71
Water line D	\$178,655.35
<u>Water Line F</u>	<u>\$181,115.32</u>
Total	\$854,886.38

If CRO 06-1065 as amended by Resolution 14-1622 and Resolution 16-1748; CRO 06-1064 as amended by Resolution 14-1621 and Resolution 16-1747; the Second Amended & Restated Development Agreement for Las Ventanas; and/or the Development Agreement for West Goodyear Sewer and Water Infrastructure are amended and such amendment(s) impact the amount of the cost recovery payments required for the foregoing lines, owner shall be responsible only for paying the amounts that would be owed under the amended agreement(s) and/or cost recovery resolution(s).

- 11) The submittal for the final plat for Phase 1, shall be revised to reflect that the median, identified as Tract B is to be owned by the City but maintained by the HOA.
- 12) Developer shall commence construction of external and internal infrastructure (except Regional Water Delivery Lines and Trunk Lines) within 180 days of final plat recordation in accordance with the phasing plan approved by the Director of Engineering.
- 13) The Las Ventanas drainage report states that offsite flows from the north are being mitigated by Amber Meadows and La Privada. Based on this assumption, construction permits for the Las Ventanas project cannot be pulled until both Amber Meadows and La Privada have pulled construction permits. If Amber Meadows and La Privada do not develop prior to Las Ventanas, then the Las Ventanas drainage design shall be updated to account for the additional offsite flows that were to be mitigated with the construction of Amber Meadows and La Privada and may require a modification to the Preliminary Plat. .
- 14) The underground placement of all permanent utilities, excluding power lines 69 kV or larger, within the proposed development and abutting the development's portion of perimeter arterial streets is required per phase prior to issuance of the first certificate of occupancy for each phase of the development.
- 15) The final plat that includes Tract B (i.e. the final plat that includes Phase 1) shall:
 - a) reflect the City's ownership of Tract B and the HOA's maintenance responsibility for Tract B in the Tract Table
 - b) include the following language for the dedication of public streets

_____(*INSERT DEVELOPER'S CORPORATE NAME*)_____, INCLUDING ITS HEIRS, SUCCESSORS, AND ASSIGNS, AS OWNER, HEREBY DEDICATES, GRANTS, AND CONVEYS TO THE CITY OF GOODYEAR THE PUBLIC STREETS AND TRACT B, IN FEE, SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

- c) include the following language for the declaration of purpose and dedication of Tracts

_____(*INSERT OWNER'S CORPORATE NAME*)_____, INCLUDING ITS HEIRS, SUCCESSORS, AND ASSIGNS, AS OWNER, HEREBY DECLARES ALL TRACTS

WITHIN THE FINAL PLAT, EXCEPT FOR TRACT B, AS COMMON AREAS FOR THE USE AND ENJOYMENT OF THE OWNERS WITHIN _____(CORPORATE NAME OF HOA) _____AND SUBJECT TO THE COVENANTS AND EASEMENTS HEREIN, DEDICATES TO _____(*INSERT CORPORATE NAME OF HOA*) ALL TRACTS WITHIN THE SUBDIVISION, EXCEPT FOR TRACT B, FOR THE PURPOSES INDICATED HEREIN AND AS MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

- d) Include the following language regarding the HOA's maintenance of the landscaping in the median

IN CONSIDERATION OF THE CITY'S AGREEMENT TO ALLOW THE CONSTRUCTION OF A MEDIAN AND INSTALLATION OF LANDSCAPING WITHIN TRACT B, _____(*INSERT CORPORATE NAME OF HOA*)_____ HEREBY EXPRESSLY AGREES THAT IT SHALL, AT ITS SOLE COST, , MAINTAIN AND REPLACE LANDSCAPING WITHIN THE TRACT B, INCLUDING PROVIDING ALL WATER NEEDED FOR THE MAINTENANCE OF SUCH LANDSCAPING. _____(*INSERT CORPORATE NAME OF HOA*)_____ SHALL OBTAIN ALL PERMITS AS MAY BE REQUIRED BY THE CITY FOR UNDERTAKING WORK WITHIN CITY RIGHT-OF-WAY. _____(*INSERT CORPORATE NAME OF HOA*)_____ EXPRESSLY AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, ELECTED OFFICIALS, EMPLOYEES AND AGENTS FOR ALL CLAIMS ARISING FROM OR ALLEGED TO HAVE ARISEN FROM THE LANDSCAPING, INCLUDING THE FAILURE TO MAINTAIN SUCH LANDSCAPING, WITHIN THE MEDIAN. EXCEPT AS PROVIDED HEREIN, _____(*INSERT CORPORATE NAME OF HOA*)_____ SHALL BE RESPONSIBLE FOR TAKING ACTION TO REMEDY ANY UNSAFE CONDITION IDENTIFIED BY THE CITY WITHIN THREE (3) BUSINESS DAYS AFTER BEING NOTIFIED OF SUCH UNSAFE CONDITION BY THE CITY. THE CITY SHALL BE ENTITLED TO REMEDY ANY UNSAFE CONDITION RESULTING FROM THE LANDSCAPING WITHIN THE MEDIAN IF THE CITY ENGINEER OR HIS/HER DESIGNEE IN HIS/HER REASONABLE DISCRETION DETERMINES THAT THE SAFETY OF THE PUBLIC REQUIRES THAT THE UNSAFE CONDITION BE REMEDIATED BEFORE THREE (3) BUSINESS DAYS OF ITS DISCOVERY; AND THE CITY SHALL BE ENTITLED TO REMEDY ANY UNSAFE CONDITION RESULTING FROM THE FAILURE OF _____(*INSERT CORPORATE NAME OF HOA*)_____ TO REMEDY THE UNSAFE CONDITION WITHIN THREE (3) BUSINESS DAYS OF BEING NOTIFIED OF SUCH UNSAFE CONDITION BY THE CITY. IN THE EVENT THE CITY EXERCISES ITS RIGHT TO REMEDY UNSAFE CONDITIONS AS PROVIDED HEREIN, _____(*INSERT CORPORATE NAME OF HOA*)_____ SHALL REIMBURSE THE CITY FOR THE COSTS INCURRED IN DOING SO. SHOULD

THE HOA FAIL TO MAINTAIN THE LANDSCAPING WITHIN TRACT B AS PROVIDED HEREIN, THE CITY SHALL BE ENTITLED TO REMOVE THE LANDSCAPING AND OR REMOVE THE LANDSCAPING AND MEDIAN, AND _____(INSERT CORPORATE NAME OF HOA)_____ SHALL REIMBURSE THE CITY FOR THE COSTS INCURRED IN SUCH REMOVAL. IN ANY DISPUTE UNDER THIS AGREEMENT, THE SUCCESSFUL PARTY SHALL BE ENTITLED TO COLLECT ITS REASONABLE ATTORNEYS' FEES, AND OTHER COSTS AS DETERMINED BY A COURT OF COMPETENT JURISDICTION.

BACKGROUND AND PREVIOUS ACTIONS:

On May 8, 2006, the City Council approved the Las Ventanas PAD with the adoption of Ordinance No. 2006-1001, conditionally rezoning the subject property from the Agricultural Urban (AU) zoning district to the Final Planned Area Development (PAD) zoning district. The Planning and Zoning Commission had recommended approval of the rezoning on March 1, 2006.

On September 25, 2017, the City Council adopted Ordinance No. 17-1364, conditionally amending the stipulations of approval for the Las Ventanas PAD. The Planning and Zoning Commission had recommended approval of the stipulation modifications on September 13, 2017. To date, no development has occurred at Las Ventanas.

This preliminary plat for Las Ventanas has not previously been presented to the City Council.

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 and other public facilities necessary to serve the subdivision. An approved preliminary plat expires 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.

Surrounding Area:

North: Agricultural land, partially in unincorporated Maricopa County zoned RU-43 and in Goodyear zoned R1-6

South: Agricultural land in unincorporated Maricopa County zoned RU-43

East: Agricultural land in Goodyear zoned R1-6

West: Agricultural land in unincorporated Maricopa County Zoned RU-43

Details of the Request:

The Las Ventanas preliminary plat proposes:

- The subdivision of 159.31 acres into 412 single family lots (to be developed in four phases) and one 13.21-acre commercial parcel (5th phase)

- Phase 1 will consist of a mix of 60' x 120', 65' x 120', and 80' x 130' lots
- Phase 2 will be developed with 65' x 120' lots
- Phase 3 will be developed with 60' x 120' lots
- Phase 4 will be developed with 60' x 120' lots
- 23.78 acres of useable open space tracts
- Access from four perimeter roadways
 - Yuma Road
 - Perryville Road
 - Durango Street
 - 183rd Avenue

Impact to City Services

Fire Response:

The subject property will be served by Fire Station #184/181 located at 16161 W. Yuma Road, and by Fire Station #185 located at 15875 W. Clubhouse Drive. Emergency response times and distances are below.

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#184/181	5.92	2.96	7.65	3.82	#185	14.87	7.43	16.60	8.30

Police Services:

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

Water & Wastewater:

Water and wastewater services will be provided by the city of Goodyear pursuant to the West Goodyear Cost Recovery Resolution. As such, the developer will construct the Las Ventanas on-site utility lines and then extend lines off-site to connect with the regional utility lines being constructed pursuant to the Cost Recovery Resolution. The developer will then pay their proportionate share of the cost of the regional lines pursuant to the Cost Recovery Resolution.

Stormwater:

A stormwater management system and a storm water pollution prevention plan will be developed in accordance with city of Goodyear Engineering Design Standards.

Streets/Access:

Las Ventanas will be accessed from Yuma Road on the north, Durango Street on the south, 183rd Avenue on the east, and Perryville Road on the west. The intersections of Perryville & Yuma, Perryville & Durango, and Yuma & 183rd will be signalized.

Solid Waste/Recycling:

Solid waste and recycling services for the residential development will be provided by the city of Goodyear. Services for the commercial parcel will be contracted through a commercial provider.

Luke Air Force Base

Luke AFB has reviewed the preliminary plat request and determined that it will not have a negative impact on the flying operations at Luke AFB. The base did note that the site is inside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461. Luke also determined that the preliminary plat meets the guidelines of the Graduated Density Concept.

Public Participation

A Citizen Review Meeting and advertised public hearings before the Planning and Zoning Commission or City Council are not required as part of the preliminary plat approval process.

Planning and Zoning Commission Meeting

At its January 10, 2018 regular meeting, following a presentation by staff, the Commission voted 4 to 0 to recommend approval of the preliminary plat subject to the stipulations of approval that had been provided in the Commission staff report.

FISCAL ANALYSIS:

This development will consist of 412 new single family detached homes that will require public services such as water/wastewater, sanitation, police, and fire. The streets will be public and maintained by the city; the open space will be private and maintained by the homeowner's association.

There is no immediate impact to the current fiscal year budget associated with the approval of the preliminary plat. The following future fiscal impacts are anticipated:

- Before recordation of the first final plat within Las Ventanas, the developer shall pay to the city an in lieu payment for 25% of the cost of a traffic signal at Perryville and Yuma.
- Before recordation of any final plat within the area designated as Phase 2 of Las Ventanas, the developer shall pay to the city an in lieu payment for 25% of the cost of a traffic signal at Yuma and 183rd Avenue.
- Before recordation of any final plat within the area designated as Phase 3 of Las Ventanas, the developer shall pay to the city an in lieu payment for 25% of the cost of a traffic signal at Perryville and Durango.

The city separately accounts for and holds in lieu payments until the traffic signal is installed.

RECOMMENDATION:

The Las Ventanas preliminary plat:

- Is consistent with the land use and development standards of the Las Ventanas PAD; and,
- Is consistent with the technical requirements of the City's Subdivision Regulations.

Therefore, staff and the Planning and Zoning Commission recommend approval of the preliminary plat, subject to stipulations.

ATTACHMENTS:

1. Aerial Photo
2. Narrative
3. Preliminary Plat