

AGENDA ITEM #:
DATE: 3/22/2021
CAR #: 2021-7175



COUNCIL ACTION REPORT

SUBJECT: PRELIMINARY PLAT FOR AVION AT BALLPARK VILLAGE

CASE NUMBER: 20-500-00008

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

OTHER PRESENTER(S): Malik Brown, Bowman Consulting

SUMMARY:

Preliminary Plat for Avion at Ballpark Village subdividing approximately 153.65 acres into 575 lots, 49 tracts and 2 parcels.

RECOMMENDATION:

Approve the preliminary plat for Avion at Ballpark Village attached hereto, subdividing approximately 153.65 acres into 575 lots, 49 tracts and 2 parcels (the "Property"), subject to the following stipulations:

1. Final plats subdividing all or part of the Property shall not be approved unless they provide for secondary access points and a looped water system that meet applicable standards. No final plat subdividing all or part of the Property shall be recorded until all dedications of easements and/or right-of-way located outside the boundaries of the portion of the Property included in the final plat(s) needed for secondary access points and a looped water system have been recorded and recording information inserted onto the final plat(s). All of the easements referred to herein shall be in a form approved by the City Attorney or his designee and the rights-of-way shall be dedicated lien free and in fee.
2. Unless Owner has received approval of the City Council for the abandonment of the right-of-way for the southern half of W. Lower Buckeye Road from 157th Avenue to the eastern boundary of the Sarival Village subdivision and all conditions for the abandonment to become effective have been satisfied, Owner shall construct full south half-street improvements within the existing W. Lower Buckeye Road alignment from Estrella Parkway to the western boundary of the Property required for a Minor Collector Road, which road shall include but not be limited to: paving consisting of a minimum 4-foot bike lane and two 12-foot travel lanes, curb and gutter, sidewalks, street frontage landscape and landscape irrigation, and street lighting. The south half-street improvements referred to herein shall be constructed

pursuant to a written phasing plan approved by the City Engineer or his designee;

3. If the right-of-way for the southern half of W. Lower Buckeye Road from 157th Avenue to the eastern boundary of the Sarival Village subdivision is to be abandoned, no final plat subdividing all or part of the Property located within the portion of the Property identified as Phase 1B shall be recorded until the City Council has approved the abandonment and all conditions for the abandonment to become effective have been satisfied, including the relocation, at Owner's sole cost and expense, of existing improvements within the abandonment area if required and the granting of easements needed for the relocated utilities.
4. If the right-of-way for the southern half of W. Lower Buckeye Road from 157th Avenue to the eastern boundary of the Sarival Village subdivision has been abandoned, Owner shall construct full south half-street improvements within the existing W. Lower Buckeye Road alignment from Estrella Parkway to 157th Avenue required for a Minor Collector Road, which road shall include but not limited to: paving consisting of a minimum 4-foot bike lane and two 12-foot travel lanes, curb and gutter, sidewalks, street frontage landscape and landscape irrigation, and street lighting. In addition, Owner shall construct a pedestrian path along the northern boundary of the Property west of 157th Avenue following the abandonment referred to below beginning at the point where the existing improvements within W. Lower Buckeye Road ends to the western boundary of the Property. The pedestrian path shall include a minimum of an eight (8) foot stabilized granite path with landscaping on either side of the pedestrian path comparable to landscaping required for a Collector Street Median with low water consumptive plants from the ADWR's approved list and decomposed granite in accordance with the Engineering Design Standards and Policies. The improvements described herein shall be constructed pursuant to a written phasing plan approved by the City Engineer or his designee.
5. Unless Owner makes an in-lieu payment as provided in stipulation 6, Owner shall construct full north half-street improvements for Elwood Street required for a Minor Arterial as set forth in the Engineering Design Standards in effect at the time of construction for the section of Elwood Street along the southern boundary of the Property, including, but not limited to, pavement, curb and gutter, one-half median, one-half median landscaping, sidewalks, street frontage landscape and landscape irrigation, and street lighting (the "Elwood Street Improvements"). 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. The Elwood Street Improvements shall either be completed and accepted by the City Engineer or his designee subject to the two-year warranty period or shall be substantially completed as determined by the City Engineer or his designee and financial assurances provided to the City to ensure the completion of the Elwood Street Improvements prior to the issuance of the first building permit for the construction of any structure, except for model homes; within any portion of the

Property included within any final plat subdividing all or part of the Property adjacent to Elwood Street;

6. If, when Owner records a final plat subdividing all or part of the Property adjacent to Elwood Street or seeks approval of a site plan for development of a portion of the Property adjacent to Elwood Street, the Elwood Street Improvements have been constructed by others, are under construction by others, or have been permitted by others, Owner shall remit to the City an in-lieu payment for the costs incurred in constructing such improvements if completed or an in-lieu payment for the estimated costs of constructing such improvements. The in-lieu payment required herein shall be made prior to the recordation of the first final plat subdividing all or part of the Property adjacent to Elwood Street or prior to the issuance of any permit associated with infrastructure required with the approval of the first site plan for development of a portion of the Property adjacent to Elwood Street, whichever is earlier. To the extent legally enforceable, the City will limit the amount of the in-lieu payment to be made pursuant to this stipulation to the amount reflected in any private agreement between the Owner and the entity that funded the construction of the Elwood Street Improvements provided a copy of the private agreement is submitted to the City when the in-lieu payment is requested. If there is a challenge to the enforceability to the amount of the in-lieu payment, the City will collect the full amount of the in-lieu payment described herein until the dispute is resolved;
7. Owner shall construct full west half-street improvements to Estrella Parkway required for a Scenic Arterial as set forth in the Engineering Design Standards in effect at the time of construction for the section of Estrella Parkway along the eastern boundary of the Property, which improvements include, but are not limited to, pavement, curb and gutter, sidewalks, bus bays, street frontage landscape and landscape irrigation, and street lighting (the "Estrella Parkway Improvements"). No building permits for the construction of any structure, except for model homes, shall be issued within any portion of the Property until the Estrella Parkway Improvements have been completed and accepted by the City Engineer or his designee subject to the two-year warranty period or have been substantially completed as determined by the City Engineer or his designee and financial assurances provided to the City to ensure the completion of the Estrella Parkway Improvements;
8. 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 his 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 his designee;

9. The Owner is responsible for a proportionate share of the costs for adjacent traffic signals and for additional adjacent traffic signals identified in an approved Traffic Impact Analysis/Study as being needed. Owner shall make an in-lieu payment for the cost of traffic signal adjacent to the Property. The in-lieu payment shall be made prior to the recordation of any final plat that includes any portion of the Property adjacent to the intersection for which an in-lieu payment is required. 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. Owner's traffic signal obligations include, but may not be limited to:
 - a. 25% at Lower Buckeye Road and Estrella Parkway;
 - b. 50% at Wood Boulevard and Estrella Parkway;
 - c. 25% at Elwood Street and Estrella Parkway;
10. In addition to the specific infrastructure identified herein, 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;
11. 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. 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 permits for work within the Property, whichever is earlier;
12. Owner shall dedicate to the City, at no cost to the City and in a form approved by the City Attorney or his designee, drainage easements located within or outside the boundaries of portion of the Property being platted prior to or concurrent with the recordation of any final plat that will accommodate storm-water run-off generated from the portion of the Property being platted, from historical flows from the portion of the Property being platted, and from roadways within and adjacent to the portion of the Property being platted.
13. Prior to or concurrent with the recordation of any final plat subdividing all or part of the portion of the Property, Owner shall dedicate sanitary sewer (and access) easements in locations approved by the City Engineer, whether inside or outside the boundaries of such final plat, as needed to provide sewer service to the portion of

the Property subject to the final plat. Such easements shall be dedicated to the City, at no cost to the City and in a form approved by the City Attorney or his designee.

14. Prior to or concurrent with the recordation of any Final Plats subdividing all or part of the portion of the Property identified in this preliminary plat as Phase 1A, Owner shall dedicate temporary turnaround easements to the city, in form approved by the City Attorney or his designee, at the following locations:
 - a. within lots 37 and 38 reflected in this preliminary plat needed for the construction of a cul-de-sac for W. Kendall Street to be located at the western boundary of the portion of the Property identified in this preliminary plat as Phase 1A
 - b. within lots 46 and 45 reflected in this preliminary plat needed for the construction of a cul-de-sac for W. Winslow Avenue to be located at the western boundary of the portion of the Property identified in this preliminary plat as Phase 1A
 - c. within lots 130 and 131 reflected in this preliminary plat needed for the construction of a cul-de-sac for W. Williams Street to be located at the western boundary of the portion of the Property identified in this preliminary plat as Phase 1A
 - d. within lots 139 and 138 reflected in this preliminary plat needed for the construction of a cul-de-sac for W. Miami Street to be located at the western boundary of the portion of the Property identified in this preliminary plat as Phase 1A
15. No building permits shall be issued for Lots 37, 38, 45, 46, 130, 131, 138, and 139 until the temporary turn-around easement located within such lots have been terminated.
16. No building permits shall be issued for Lots 37, 38, 574, 575, 45, 46, 83, 84, 130, 131, 91, 92, 139 and 138 until all street improvements need to provide two points of access to such lots have been completed and accepted by the City subject to the two-year warranty period and all utility infrastructure improvements (water and sewer) needed for the City to provide water and sewer service to such lots have been completed and accepted by the City subject to the two-year warranty period.

Because the locations of 157th Lane and 157th Avenue within the Property are not aligned with and are out of sequence with the locations of these roadways within Estrella Vista on the north side of W. Lower Buckeye Road, signing and striping plans submitted with construction plans for W. Lower Buckeye Road shall provide for signage identifying the turn-off from W. Lower Buckeye Road to 157th Avenue into Estrella Vista and for signage identifying the turn-off from W. Lower Buckeye Road to 157th Lane into the Property.

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 October 26, 2020 the City Council adopted Ordinance No. 2020-1480 approving the Avion at Ballpark Village Planned Area Development 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 included in the preliminary plat or an extension has been obtained.

Details of the Request:

This parcel consists of subdividing approximately 153.65 acres into 575 lots, 49 tracts and 2 parcels. One of the two parcels will contain the central amenity center, the other parcel will be subdivided into additional lots as part of a separate future action.

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

- North - Estrella Vista (residential)
- South – Estrella Crossing Business Park (commercial) (vacant industrial) and Arizona Galvanized (industrial);
- East – Ballpark Village (vacant multi-family residential and commercial), Goodyear Ballpark;
- West – Sarival Village (residential)

Luke Air Force Base and Phoenix Goodyear Airport:

The subject property is not located within the vicinity of a military airport. Given the location

of the subject property, base operations will not be adversely impacted by this proposed residential development.

The subject property is located within the overflight boundary of Phoenix-Goodyear Airport. Phoenix-Goodyear Airport was given the opportunity to comment on the application and recommended approval subject to the applicable stipulations that were approved with the 2008 PAD Ordinance. Those stipulations were carried over to the proposed rezone and are included in the PAD Ordinance. A portion of the area being rezoned is within the 60 DNL (Day-night Noise Level), which does not restrict residential uses.

Fire Department:

Fire station response times are provided 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	3.91	1.95	5.11	2.56	#185	9.92	4.96	11.13	5.56

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 the city of Goodyear. Existing public infrastructure is located adjacent to the property, and the property owner and/or developer will be responsible for the costs of making the necessary connections to these existing services.

Streets/Access:

The property is adjacent to Estrella Parkway, Elwood Street and Lower Buckeye Road; all of these are city of Goodyear rights-of-way. Future development will be responsible for improving adjacent roadways to their ultimate condition and constructing other internal public roadways as needed to serve the development.

School Districts:

The subject property is located within the Avondale Elementary School District and the Agua Fria 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 Avion at Ballpark Village Planned Area Development. 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 (7-0) at their regular meeting on March 10, 2021.

ATTACHMENTS:

1. Aerial Photo
2. Preliminary Plat
3. Conceptual Landscape Plan