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CAR #: 202X-XXXX
CASE #:



CITY COUNCIL ACTION REPORT

SUBJECT: PRELIMINARY PLATS FOR ESTRELLA PARCEL 9.7, MONTECITO PARCEL 9.39 & 9.40, MONTECITO PARCEL 9.41, AND MONTECITO PARCEL 9.42

STAFF PRESENTER(S): Alex Lestinsky, Senior Planner

OTHER PRESENTER(S): Andrew Yancey, Bergin, Frakes, Smalley & Oberholtzer, PLLC

SUMMARY:

Preliminary Plats for Estrella Parcel 9.7, Montecito Parcel 9.39 & 9.40, Montecito Parcel 9.41, and Montecito Parcel 9.42 subdividing approximately 71 acres of property into 365 lots and 39 tracts. (Case Nos. 22-500-00001, 21-500-00004, 21-500-00005, & 21-500-00006)

RECOMMENDATION:

Approve the Estrella Parcel 9.7 Preliminary Plat, the Preliminary Plat of Montecito – Parcel 9.39 & 9.40, the Preliminary Plat for Montecito Parcel 9.41, and the Preliminary Plat for Montecito Parcel 9.42, subject to stipulations:

STIPULATIONS: The following stipulations are conditions of approval of the preliminary plats for Estrella Parcel 9.7, Montecito Parcel 9.39 & 9.40, Montecito Parcel 9.41, and Montecito Parcel 9.42 (collectively the “Estrella Parcel 9 Preliminary Plats”):

1. The infrastructure needed to support development within each preliminary plat being presented for approval, which includes, but is not limited to, roads for access, wastewater infrastructure, water infrastructure, including infrastructure needed for a looped system, drainage infrastructure and infrastructure needed for secondary access, is interrelated and dependent upon the completion of the infrastructure in the other preliminary plats being presented for approval. Accordingly, final plat(s) that include all of the property included within the Estrella Parcel 9 Preliminary Plats shall be presented to council for approval concurrently and shall be recorded concurrently (collectively the “Estrella Parcel 9 Final Plats”); and

2. Two of the Estrella Parcel 9 Preliminary Plats (Estrella Parcels 9.7 and 9.42) were designed in conformance with an amendment to the existing PAD zoning that is set forth in Ordinance 2022-1544 being presented to City Council for approval concurrently with the request for approval of the Estrella Parcel 9 Preliminary Plats. Because the final plats for the property included within the Estrella Parcel 9 Preliminary Plats have to be approved and recorded concurrently, if Ordinance No. 2022-1544 is not approved or does not become effective, the approval of the Estrella Parcel 9 Preliminary Plats shall be void. No final plat(s) including any of the property within the Estrella Parcel 9 Preliminary Plats shall be approved until Ordinance 2022-1544 becomes effective; and
3. Prior to approval of the Estrella Parcel 9 Final Plats, owner shall demonstrate to the city that adequate potable water resources exist to serve the Property in the form of Equivalent Dwelling Units (EDU) pursuant to any development agreement with the City. The EDU calculation demonstrating compliance with such agreement shall be placed on the final plat(s); and
4. Except as provided herein, The Estrella Parcel 9 Final Plats shall not be approved and no construction permits shall be issued for any work within any of the property included within the Estrella Parcel 9 Final Plats until both of the following conditions have been satisfied: (1) The Rainbow Valley WRF, has been modified or expanded and permitted to treat average day wastewater flows in amounts equal to or greater than 0.75 million gallons per day (mgd) (the "Rainbow Valley WRF Expansion(s)"); and (2) capacity resulting from the Rainbow Valley WRF Expansion(s) is available, that is, the capacity resulting from the Rainbow Valley WRF Expansion(s) has not been committed, by final plat or site plan approval, to serve other developments. Upon the written consent of the City Engineer or his designee, the Estrella Parcel 9 Final Plats and/or construction permits for work within the property included in the Estrella Parcel 9 Final Plats may be issued prior to the completion of the Rainbow Valley WRF Expansion(s) if a Rainbow Valley WRF Expansion is under construction and the City Engineer or his designee determines that the Rainbow Valley WRF Expansion will be completed prior to when wastewater services to the property within the Estrella Parcel 9 Final Plats will be needed and that the capacity resulting from the Rainbow Valley WRF Expansion(s) is available to serve the property within the Estrella Parcel 9 Final Plats; and
5. Owner shall comply with the requirements of Stipulation 7 in Ordinance 2022-1544 being presented to City Council for approval concurrently with the request for approval of the Estrella Parcel 9 Preliminary Plats, which requires the construction of the a community park within Parcel 9.23 as set forth in the Montecito Planned Area Development Regulatory Standards Booklet dated May 2022 in conjunction with vertical construction in connection with the recordation of the final plat subdividing all or part of the property subject to Ordinance 2022-1544 that includes the 351st lot created by all final plats recorded after the date this Ordinance is adopted, as approved by the Zoning Administrator. (For example, if a final plat is recorded for Parcel 9.40 creating 105 lots followed by the recordation of a final plat for parcel 9.17, creating 184 lots and then a final plat for Parcel 9.42 is recorded creating 150 lots, the recordation of the final plat for Parcel 9.42 will trigger the obligation to construct the park in Parcel 9.23 because it will include the 351st lot ($105 + 184 + 150 = 439$)) Park and open spaces areas, except for those areas (if any) that are

conveyed to the City or school district, shall be privately owned and maintained by the Homeowners Associations; and

6. Prior to recordation of the Estrella Parcel 9 Final Plats, Owner shall dedicate to the City the following:
 - a. all right-of-way needed for the construction of full street improvements (both halves of the street) to complete the loop connecting West Mountain Vista Drive and West Calistoga Drive, which improvements commence at West Calistoga Drive at approximately the South 186th Avenue alignment heading south until it turns into W. Mountain Vista Drive at approximately the South 184th Drive alignment and
 - b. public utility easements along all road right-of-way to be dedicated herein.

The right-of-way to be dedicated shall be dedicated in fee and all right-of-way and easements shall be dedicated lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances. All dedications shall be made prior to or concurrent with the recordation of the Estrella Parcel 9 Final Plats or the approval of a site plan that includes any of the property included within the Estrella Parcel 9 Preliminary Plats or when requested by the City Engineer or his/her designee, whichever is earlier. The easements and conveyances referred to herein shall be recorded prior to the recordation of the Estrella Parcel 9 Final Plats, and the recording information for the easements and conveyances shall be inserted onto the final plats before they are recorded; and

7. Owner shall construct full street improvements (both halves of the street) to complete the loop connecting West Mountain Vista Drive with West Calistoga Drive, which improvements commence at West Calistoga Drive at approximately the South 186th Avenue Alignment heading south until it turns into W. Mountain Vista Drive at approximately the South 184th Drive alignment (the "Loop Improvements"). The Loop Improvements shall include wash crossings that meet the requirements of the City Engineering Design Standards and Policies and shall be constructed pursuant to construction plans approved by the City Engineer or his/her designee. Owner shall provide the City Engineer with financial assurances in an amount sufficient to ensure the completion of the Loop Improvements prior to the recordation of the Estrella Parcel 9 Final Plats. Except for model homes, no certificates of completions, temporary certificates of occupancy or certificates of occupancy shall be issued for structures within the property included within the Estrella Parcel 9 Final Plats until the Loop Improvements have been completed and accepted by the City Engineer subject to the completion of the two-year warranty period; and
8. Owner shall channelize the Wash I66 pursuant to an approved CLOMR/LOMR process to bring that portion of the property within the Estrella Parcel 9 Preliminary Plats that is currently in the floodplain out of the floodplain. The CLOMR/LOMR shall be approved pursuant to the Engineering Design Standards and Policies Manual in effect at the time of development and shall be approved by FEMA. The channelization of the portion of Wash I66 from the southern boundary of Estrella Parcel 9.8 as reflected in the Final Plat for Estrella Parcel 9.8 recorded in the Official Records of the Maricopa County Recorder at Book 1313 of Maps Page 21 to the Rainbow Valley Road alignment shall be designed and constructed as a single

project, and unless otherwise approved in a development agreement approved by the City Council, the channelization shall be completed prior to the issuance of any building permits for any structure within the property included within the Estrella Parcel 9 Preliminary Plats; and

9. No certificates of completion, temporary certificates of occupancy or certificates of occupancy shall be issued for any structure within any of the property included within the Estrella Parcel 9 Preliminary Plats except for model homes until all on-site and off-site infrastructure needed for the City to provide services to such property has been completed and all public infrastructure accepted by the City Engineer or his/her designee subject to the completion of the two year warranty period. This includes by way of example but not limitation on-site and off-site street improvements, secondary access improvements, water and wastewater improvements, including improvements for a looped water system and drainage improvements. The Estrella Parcel 9 Final Plats shall provide for secondary access points and a looped water system that meet applicable standards; and
10. All existing above ground utility lines, excluding power lines 69 kv or larger, within and abutting the boundaries of the Estrella Parcel 9 Final Plats shall be undergrounded prior to issuance of any certificate of completion, temporary certificate of occupancy, or certificate of occupancy for any structure within the property included in the Estrella Parcel 9 Preliminary Plats, other than for model homes; and
11. Owner shall dedicate, at no cost to the city, all right-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 included within the Estrella Parcel 9 Preliminary Plats; (ii) required to be dedicated under any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the property included within the Estrella Parcel 9 Preliminary Plats, 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 included within the Estrella Parcel 9 Preliminary Plats; (v) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein, and/or (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 included within the Estrella Parcel 9 Preliminary Plats, 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 right-of-way to be dedicated shall be dedicated in fee and all right-of-way and easements shall be dedicated lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances. All dedications required herein shall be made prior to or concurrent with the recordation of the Estrella Parcel 9 Final Plats or the approval of a site plan that includes any of the property included within the Estrella Parcel 9 Preliminary Plats or when requested by the City Engineer or his/her designee, whichever is earlier; and

12. Owner shall dedicate to the City, by separate instrument, all easements and right-of-way outside the boundaries of the Estrella Parcel 9 Preliminary Plats required for infrastructure: needed to handle stormwater run-off generated on the property within the Estrella Parcel 9 Preliminary Plats and from adjacent roadways; needed for access to the property within the Estrella Parcel 9 Preliminary Plats; and needed for the city or others to provide utility services to the property included within the Estrella Parcel 9 Preliminary Plats. This may include, but is not limited to, water easements, sewer easements, public utility easements, access easements, drainage easements, and right-of-way. The right-of-way to be dedicated shall be dedicated in fee and all right-of-way and easements shall be dedicated lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances. All of the easements referred to herein shall be in a form approved by the City Attorney or his designee and the right-of-way shall be dedicated lien free and in fee. The easements and conveyances referred to herein shall be recorded prior to the recordation of the Estrella Parcel 9 Final Plats and the recording information for the easements and conveyances shall be inserted onto the Estrella Parcel 9 Final Plats as applicable; and
13. In addition to compliance with the stipulations and conditions of approval set forth herein, the development of the property included within the Estrella Parcel 9 Preliminary Plats 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, all Building Codes and Regulations adopted by the City of Goodyear, and all other federal, state and local laws, ordinances, rules, regulations, standards, and policies applicable to the development of the property included within the Estrella Parcel 9 Preliminary Plats; and
14. 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;
15. Prior to approval of the construction documents for any of the infrastructure improvements Owner is required to construct as set forth herein, the Owner shall provide a recorded document showing that the existing drainage easement recorded in the Official Records of Maricopa County at Instrument 2020-0919474 has been partially abandoned within the area of the proposed lots, right of way, and public utility easements.

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:

The site is located within the Calistoga Drive and Mountain Vista Drive loop. On January 22, 2018, the City Council adopted Ordinance No. 2018-1380 approving the Montecito PAD Amendment, which designated the subject parcel as a mix of SFD-60 (single family detached with a minimum lot width of 60 feet). A PAD Amendment which modifies the district applicable to four parcels within the Montecito area and includes Parcels 9.7 and 9.42 is being processed concurrently with these preliminary plats. Parcel 9.42 is proposed for the SFD/A (single family detached/attached) district within the Montecito PAD and stipulated to a minimum lot width of 47 feet. Parcel 9.7 is proposed for SFD-50 single family detached with a minimum lot width of 50 feet). If the PAD Amendment is not approved by City Council, these Preliminary Plats will not move forward as currently designed.

The Planning and Zoning Commission recommended approval of the preliminary plats with a 7-0 vote on August 17, 2022. At the meeting, staff combined the presentations for both sets of preliminary plats in the Montecito area. A resident presented a question to the Commission about the proposed lots being “condensed lots” and whether the developer was trying to increase the number of lots developed in this area. Chairman Kish noted that staff had advised that the number of lots permitted to be developed within Montecito was not being changed, which the applicant then confirmed. Commissioner Sambito questioned whether court home type products would be developed in the platted properties. The applicant explained that the preliminary plat and zoning only permitted single family residential on these parcels and did not allow for the Court Home products developed in other areas of Montecito.

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. Subject to the satisfaction of the conditions of approval set forth above and as discussed below, the preliminary plats presented herein satisfy the foregoing preliminary plat requirements. Approved preliminary plats expire within 12 months from the date of City Council approval unless either a final plat has been submitted for all or part of the property included in the preliminary plat or an extension has been obtained.

Details of the Request:

The request is to subdivide approximately 28 acres into 95 lots and 8 tracts within Parcel 9.7, approximately 18 acres into 97 lots and 14 tracts within Parcels 9.39 and 9.40, approximately 9 acres into 52 lots and 10 tracts within Parcel 9.41 and approximately 16

acres into 121 lots and 7 tracts within Parcel 9.42. In total, these preliminary plats include approximately 71 acres of property into 365 lots and 39 tracts. The subdivision reflected in the preliminary plats presented herein will be accessed by entries off of West Calistoga Drive and West Mountain Vista Drive.

This Planning & Zoning Commission Action Report has been combined for the four respective preliminary plats because the infrastructure needed to support development within each preliminary plat being presented for approval, which includes, but is not limited to, roads for access, wastewater infrastructure, water infrastructure, including infrastructure needed for a looped system, drainage infrastructure and infrastructure needed for secondary access, is interrelated and dependent upon the completion of the infrastructure in the other preliminary plats being presented for approval. Accordingly, the approval of each preliminary plat presented herein is contingent on all of the preliminary plats presented herein being approved. Although it is anticipated that separate final plats will be prepared corresponding to each of the preliminary plats being presented for approval, all of the final plats will need to be approved and recorded concurrently because of the interdependency of the infrastructure required to serve the property included in the preliminary plats being presented for approval.

Surrounding development includes:

- North – W. Calistoga Drive; Existing Parcel 9.43
- East – Existing Parcel 9.6 and Parcel 9.23 (Future park site)
- South – W. Mountain Vista Drive; Future Parcels 9.18 and 9.21
- West – W. Calistoga Drive; Future residential

The typical lot within Parcel 9.7 is 50-feet wide and 120-feet deep. As designated in the PAD and modified by the proposed PAD Amendment, minimum setbacks are 18-feet to the front, 5-feet for the sides, and 10-feet for the rear. Lot coverage is 75%. The maximum building height is 30 feet. Conventional single family detached homes are planned for this development however a homebuilder has yet to be determined.

The typical lot within Parcel 9.42 will be 47-feet wide and 120-feet deep. As designated in the PAD and modified by the proposed PAD Amendment, minimum setbacks are 18-feet to the front, 5-feet for the sides, and 10-feet for the rear. Lot coverage is 75%. The maximum building height is 30 feet. Conventional single family detached homes are planned for this development however a homebuilder has yet to be determined.

The typical lot within Parcels 9.39 and 9.40 and Parcels 9.41 are 65-feet wide and 120-feet deep. As designated in the PAD, minimum setbacks are 18-feet to the front, 5-feet for the sides, and 15-feet for the rear. Lot coverage is 60%. The maximum building height is 30 feet. Conventional single family detached homes are planned for this development however a homebuilder has yet to be determined.

Approximately 45 acres of open space is provided between the five parcels, additionally, the Montecito area is provided amenities such as the Presidio Residents Club, a future 12+ acre park, and multiple trail connections within the community.

School Districts:

The subject property is located within the Liberty Elementary School District and the Buckeye Union High School District. Westar Elementary School and Estrella Foothills High School are located approximately 3 miles from this site.

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 amendment.

Phoenix-Goodyear Airport:

The subject property is not located within the Phoenix-Goodyear Traffic Pattern Airspace. Given the location of the property, airport operations will not be adversely impacted by this proposed amendment.

Fire Department:

Emergency response times and distances 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
#186	1.56	0.78	5.66	2.83	#182	5.12	2.56	11.44	5.72

Police Department:

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

Solid Waste/Recycling:

Solid waste and recycling will be provided by the City of Goodyear.

Water/Wastewater:

Water and wastewater services will be provided by the City of Goodyear.

Streets/Transportation:

The parcels will be accessible by required entry points off of West Mountain Vista Drive and

Calistoga. All streets within the subdivision will be public and constructed to city standards. Required access and secondary access shall be provided with the construction of each parcel as required in the stipulations.

Staff Findings:

The preliminary plats are consistent with the development standards established within the Montecito PAD, as amended. The preliminary plats are 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 plats on August 17, 2022.

ATTACHMENTS:

1. Estrella Parcel 9.7 Preliminary Plat,
2. Preliminary Plat of Montecito – Parcel 9.39 & 9.40
3. Preliminary Plat for Montecito Parcel 9.41
4. Preliminary Plat for Montecito Parcel 9.42
5. Aerial Photo