

AGENDA ITEM #: _____

DATE: July 13, 2020

CAR #: 2020-6842B



CITY COUNCIL ACTION REPORT

SUBJECT: Hancock Communities at Canyon Trails PAD Amendment

CASE NUMBER: 19-210-00006A

STAFF PRESENTER(S): Alex Lestinsky, Senior Planner

APPLICANT: Andy Jochums, Beus Gilbert PLLC

Summary: Request a rezone to amend the Christopher Todd Communities at Canyon Trails Planned Area Development (PAD) to incorporate acres south of the existing PAD boundary into the PAD, update the regulatory standards to incorporate additional design guidelines, and rename the entire PAD to the Hancock at Canyon Trails PAD.

Recommendation:

1. Conduct a public hearing to consider a request to amend the Christopher Todd Communities at Canyon Trails PAD:
 - a. Open Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive public comment
 - e. Close Public Hearing
2. ADOPT RESOLUTION NO. 2020-2021, DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK TITLED "OFFICIAL SUPPLEMENTARY ZONING MAP 19-06A REZONE FROM PAD TO PAD AMENDMENT 19-210-00006"; "LEGAL DESCRIPTION – HANCOCK COMMUNITIES AT CANYON TRAILS"; AND "HANCOCK COMMUNITIES AT CANYON TRAILS FINAL PAD DEVELOPMENT REGULATIONS," DATED DECEMBER 4, 2019.
3. ADOPT ORDINANCE NO. 2020-1460, CONDITIONALLY REZONING APPROXIMATELY 46 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF 173RD AVENUE AND VAN BUREN STREET BY ADOPTING THE HANCOCK COMMUNITIES AT CANYON TRAILS PAD; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

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.

Background and Previous Actions

The General Plan Land Use Plan designates the subject property as ‘Neighborhoods’ with a ‘Village Center Overlay’. The ‘Neighborhoods’ land use category provides areas for the growth and development of neighborhoods having a wide range of densities and housing types. The ‘Village Center Overlay’ provides for multi-family residential developments with strong ties to nearby commercial areas and ample pedestrian access.

The north half of the subject property (~19 acres net) is currently zoned Final Planned Area Development (PAD) under the Christopher Todd Communities at Canyon Trails PAD. The south ~27 acres of the subject property is currently zoned Final Planned Area (PAD) District, Court Homes within the Canyon Trails Phase II PAD adopted on December 13, 2009.

This rezoning was first presented to the Planning and Zoning Commission and the City Council in January 2020. The Planning and Zoning Commission recommended approval (4-2) at the public hearing held on January 15, 2020. The City Council opened the public hearing for the item on January 27, 2020 but continued the item to February 10, 2020. The applicant suspended its application so that a study could be completed on the condition of the existing wall that would separate the proposed development from the adjacent single family residential development. The public was informed that when the study was complete, new public hearings would be held on this application.

The Planning and Zoning Commission recommended approval (6-0) at the public hearing held on July 1, 2020.

Staff Analysis

Current Policy:

The request to rename the existing PAD from Christopher Todd Communities at Canyon Trails II PAD to Hancock Communities at Canyon Trails PAD; to include additional property that is currently subject to the Canyon Trails PAD into the Hancock Communities at Canyon Trails PAD; and to incorporate additional design guidelines for the property within the Hancock Communities at Canyon Trails PAD must be processed as a rezoning request, which requires public review and recommendation by the Planning and Zoning Commission and approval by the City Council. The proposed amendment must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance.

Details of the Request:

The request is to rename the PAD for property generally located at the southwest corner of the Van Buren Street and Cotton Road (the Loop 303 alignment), which was zoned PAD by Council

on June 25, 2018 and amended by Council on April 22, 2019, from Christopher Todd Communities at Canyon Trails PAD to Hancock Communities at Canyon Trails PAD; to rezone approximately 27 acres of property to the south of the Christopher Todd Communities at Canyon Trails PAD that is currently subject to the Canyon Trails PAD II to include it within the Hancock Communities at Canyon Trails PAD (the "Property"); and to incorporate additional design guidelines for the property within the Hancock Communities at Canyon Trails PAD. This rezone would facilitate multi-family development on the subject property. The proposed Hancock Communities at Canyon Trails PAD will designate in total approximately 46 acres use as multi-family residential, specifically single family rentals.

The rezoning request identifies the development standards and use for the Property. The documents provided in the project narrative, including the conceptual site plan are conceptual and will not be approved with this rezoning action. Stipulation #2 requires a separate site plan and design review for the property. If the applicant decided to no longer develop the property, the development standards in Exhibit C run with the land and apply to any project moving forward, regardless of developer.

Although being renamed, the development standards for the Christopher Todd Communities at Canyon Trails PAD approved on June 25, 2018 and amended on April 22, 2019 will remain the same except for the addition of additional supplemental design guidelines, which are being required in response to Council's guidance from the August 26, 2019 work session regarding single family rentals. The design guidelines require general conformance with conceptual elevations attached to the PAD, requires a minimum of three color schemes per theme, and prohibits flat roofs. The remaining development standards in the PAD are the same from the previous amendment.

This rezoning was first presented to the Planning and Zoning Commission and the City Council in January 2020. The Planning and Zoning Commission recommended approval (4-2) at the public hearing held on January 15, 2020. The City Council opened the public hearing for the item on January 27, 2020 but continued the item to February 10, 2020. The applicant then suspended its application so that a study could be completed on the condition of the existing wall that would separate the proposed development from the adjacent single family residential development.

As noted above, this rezoning was first presented to the Planning and Zoning Commission and the City Council in January 2020 but was suspended so that a study could be completed on the condition of the existing wall that would separate the Property from the adjacent single family residential development. During both the hearing before the Planning and Zoning Commission and the hearing before the City Council in January, 2020, the owners of the single family residences adjacent to the south boundary of the site expressed concerns about the condition of the existing perimeter wall on their property that is to be shared with the Hancock units as part of this rezone expansion. After discussions with staff, the applicant agreed to pay for a wall study and delay the city's final consideration of the application until the study was complete. The city selected Michael Baker International as the 3rd party engineering firm to conduct the study and the applicant will reimburse the city for the cost of the study.

The adjacent property owners were notified by postcard of inspection dates and were given the opportunity to grant permission to the firm for entry into the backyards for further inspection on the inside of the wall. The wall was inspected on the entirety of the north side of the fence (the side adjacent to the Property and owners of three of the single family residences asked that the interior of the wall to be shared with the Property be inspected.

The city received the final study on June 12, 2020. The results identified that the wall is generally in good condition with no severe cracking, settlement or tilting. The predominant issues observed were the loss of paint and surface degradation on the bottom two rows of the blocks of the existing wall. The study advised keeping moisture away from the wall and grading the Property to slope away from the existing wall.

Evaluation Criteria:

1. *Consistency with the General Plan.*

As mentioned in the Backgrounds and Previous Actions section, the General Plan designates this area as Neighborhoods. Residential uses are appropriate in this category.

General Plan Standard 27

Residential uses with densities over 12 dwelling units per acre may be considered along arterial roads, interstate corridors, and transit corridors.

2. *Suitability of the subject property's physical and natural features for the uses permitted under the proposed zoning district.*

The subject property is currently irrigated farm field. The property's physical and natural features are suitable for the proposed Final PAD and multi-family use as the property will be required to be graded and developed in accordance with all applicable engineering design guidelines and standards.

3. *Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning.*

Uses and development surrounding the subject property include:

North – Vacant Arizona State Land Department land zoned Agriculture

South – Existing single family residential (Canyon Trails Phase II)

East – Maricopa County Flood Control District and Loop 303

West – Existing single family residential (Canyon Trails Phase II)

The multi-family use proposed with this Final PAD will be compatible with the development in the surrounding area. The multi-family units will be limited to single story buildings, and the development will provide a buffer between the Loop 303 and single family residential.

Stipulation #6 references outside noise attenuation measures required. Staff is in the process of updating the noise level requirements in the Zoning Ordinance in order to reflect the state's standards. The city's current maximum noise level would require the

construction of a 14-foot wall separating the property from the 303, whereas complying with the state standard would only require an 8-foot wall. Under the proposed stipulation, the City is requiring that a wall be installed that meets the state's current standards. That is a sound wall is to be designed and constructed so the projected exterior noise levels on the Property at ground level shall not exceed a maximum noise level of (LEQ) sixty-seven (67) dBA noise level.

4. *Proposed zoning district's consistency with other land uses within the immediate area and whether uses allowed under proposed zoning district would be better suited to the subject property than the uses allowed under current zoning.*

The proposed use will provide a buffer between residential and industrial uses and is well suited for the location.

Luke Air Force Base:

The subject property is located within the vicinity of a military airport. Notice was provided to Luke AFB and they have indicated that given the location of the subject property, base operations will not be adversely impacted by this proposed multi-family development.

Phoenix-Goodyear Airport:

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

5. *Demand for the types of uses permitted in the proposed zoning district in relation to amount of land currently zoned and available to accommodate the demand.*

The north piece was previously designated as single-story multifamily. The developer has indicated that the development of the additional property as a single-story multi-family will result in a viable infill multifamily development site. While a portion of the existing site is already zoned for multifamily, the expansion of the use offers additional multifamily opportunities not readily available for development in Goodyear.

6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

Below is a summary of impact to public services.

Fire Response:

Emergency response times and distances are provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#184/181	5.36	2.68	5.83	2.91	#185	10.35	5.18	10.81	5.61

Police Response:

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.

School Districts:

The subject property is located within the Avondale Elementary School District and the Agua Fria Union High School District. The application was sent to the school districts for comment and no objection was received.

Streets/Transportation:

The subject property will have two direct entry/exit access roads on 173rd Avenue and an exit only onto Van Buren Street. The southern property also includes an entry/exit to Lilac Street. At the time of site plan review, the required connections to public streets will be reviewed for compliance with City engineering and public safety standards.

Water/Wastewater:

The subject property is located within the city of Goodyear water and wastewater service area.

Solid Waste/Recycling:

Solid waste and recycling services for the entire 47 acres will be contracted through a commercial provider.

7. *Potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided;*

The subject property is in proximity to where existing public services are provided.

8. *General public's concerns.*

Public Participation:

Pursuant to the Citizen Review process, a neighborhood meeting was held on September 24, 2019. The applicant made a presentation to the residents. Staff and the applicant were available for questions. Approximately 5 adjacent property owners attended the meeting. There were no voiced objections to the rezone, however a recurring question raised, a summary of which is below:

- Existing Canyon Trails rear walls abutting new units: The applicant has identified that the existing walls will remain and serve as the perimeter wall for Hancock Communities. The applicant will work to ensure that the grading on each side of the wall will match so privacy is preserved on both sides. The applicant also identified that the quality and condition of the wall will be tested prior to development to ensure that it can be sustained with the new development. The 6/12/2020 wall study did not identify any major areas of degradation that would cause life/safety issues moving forward.

January 2020 Actions

Notice for the public hearings before the Planning and Zoning Commission and City Council in January 2020 included a postcard mailed to the owners of property within 500 feet of the subject property; a legal notice and display ad published in the Arizona Republic on December 27, 2019; and a notice of public hearing sign posted on the property. City Council received an email of opposition of the proposal with concerns of traffic and noise impacts.

The Planning and Zoning Commission hearing was held on January 15, 2020. During the meeting, staff advised the Commission that one additional stipulation was to be included in the ordinance regarding the design requirements for the project. At the meeting, one resident spoke in opposition of the project due to the shared wall conditions and potential increase in traffic. The Commission recommended approval of the request with a vote 4 to 2.

The ordinance presented to Council included the stipulation discussed with the Commission, it is stipulation number seven. The City Council opened the public hearing for the item on January 27, 2020. One resident spoke in opposition of the project due to the shared wall conditions. At staff's request, the public hearing was continued to February 10, 2020 before any staff presentation or council action was taken. The applicant then suspended its application so that a study could be completed on the condition of the existing wall that would separate the proposed development from the adjacent single family residential development.

July 2020 Actions

Planning and Zoning Commission

Notice for the July 2020 public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of property within 500 feet of the subject property; a legal notice and display ad published in the Arizona Republic on June 12, 2020; and a notice of public hearings sign posted on the property.

The Planning and Zoning Commission recommended approval of the request (7-0) on July 1, 2020. No public comments were received during this hearing.

After the meeting, staff and the applicant agreed to include Stipulation #8 which withholds approval of any site plan or permit related to the development until reimbursement for the wall study have been received. At the time of the Commission meeting and at the time this report was written, the city has not yet received the invoice for the wall study. Although the report was agreed to, the stipulation has been included to ensure reimbursement.

9. *Whether the amendment promotes orderly growth and development;*

The subject property is located adjacent to existing infrastructure and developed areas. The amendment will allow development of the subject property and promotes the orderly growth and development of the City.

10. *Any other factors related to the impact of the amendment on the general health, safety and welfare of the citizens of the City and the general public.*

The development of the proposed multi-family project will be required to adhere to all applicable design, building, and engineering standards of the city of Goodyear. Adherence to these standards will be evaluated during the site plan, civil engineering, and building plan review processes.

Attachments

1. Resolution No. 2020-2021
 - a. Exhibit A – Supplementary Zoning Map No. 19-06A

- b. Exhibit B – Hancock Communities at Canyon Trails Legal Description
 - c. Exhibit C – Hancock Communities at Canyon Trails – PAD Development Regulations
2. Ordinance No. 2020-1460
 3. Aerial Photo
 4. Project Narrative
 5. Wall Study 6-12-2020