

AGENDA ITEM #: \_\_\_\_\_

DATE: October 28, 2019

CAR #: 2019-6782



## CITY COUNCIL ACTION REPORT

**SUBJECT:** Lakin Property Rezone

**CASE NUMBER:** 18-200-00014

**STAFF PRESENTER(S):** Alex Lestinsky, Planner III

**APPLICANT:** David Cornwall, Quantum Capital

**Summary:** Request to rezone approximately 696 acres from Agricultural Urban (AU) to a mix of Commercial, Industrial, and Multi-family uses, creating the CP Lakin Park Planned Area Development (PAD).

### Recommendation:

1. ADOPT RESOLUTION NO. 2019-2003 DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK TITLED "OFFICIAL SUPPLEMENTARY ZONING MAP 18-14"; "CP LAKIN PARK MASTER LEGAL DESCRIPTIONS"; AND "CP LAKIN PARK PAD OVERLAY REGULATORY STANDARDS BOOK, DATED SEPTEMBER 2019".
2. ADOPT ORDINANCE NO. 2019-1451 REZONING APPROXIMATELY 696 ACRES OF LAND LOCATED SOUTH OF MC-85, EAST AND WEST OF SOUTH COTTON LANE FROM AGRICULTURAL URBAN (AU) TO A MIX OF INDUSTRIAL, COMMERCIAL, AND MULTIFAMILY RESIDENTIAL USES WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT, CORRECTIONS, AND 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 majority of the subject property as ‘Traditional Neighborhoods’, the remainder of the subject property is designated as ‘Scenic Neighborhoods’.

A staff initiated major General Plan Amendment is being processed concurrently with this rezone in order to designate the majority of the property Industrial and the remaining area Business & Commerce.

The property is currently zoned Agricultural Urban and is adjacent to the Highway 85 (MC 85) to the north and the Gila River to the south.

## **Staff Analysis**

### **Current Policy:**

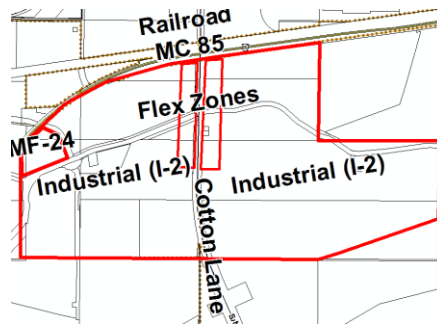
A request for rezoning must be processed as a rezoning request, which requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed amendment must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance.

### **Details of the Request:**

As previously stated, the property is currently designated by the General Plan as a mix of Neighborhoods and Scenic Neighborhoods land use districts. In accordance with the general plan, the applicant had originally submitted an application to rezone the property to facilitate a residential development. The property has many design challenges including the alignment of the SR 30, existing 230kv power lines, MC-85, the BID canal, and surrounding industrial development. Due to these site constraints, staff approached the applicant and requested they consider developing the property for industrial development rather than residential. The applicant agreed with staff’s request. Staff has initiated a Major General Plan Amendment to change the land use designation to a mix of Industrial and Business and Commerce land uses.

The request is to rezone approximately 696 acres of land currently zoned Agricultural Urban (AU), to a mix of Industrial, Commercial, and Multi-family with a PAD Overlay. Specifically, the rezone request proposes:

- Approximately 645 acres of industrial use
- Approximately 15 acres of multifamily use
- Approximately 35 acres of flex zoning areas located along Cotton lane at the north end of the property which can be developed as commercial or industrial.



*General land use boundaries*

The proposed CP Lakin Park Planned Area Development (PAD) (the “PAD”) identifies the permitted uses for the industrial zone, the multi-family zone and the flex zone and includes development standards for each.

- The permitted uses in the areas identified as industrial are those permitted to the I-1 (Light Industrial Park) district in the Goodyear Zoning Ordinance, those permitted in the I-2 (General Industrial Park) district in the Goodyear Zoning Ordinance data centers, and, subject to certain conditions, borrow pits except that a number of heavy general industrial uses such as sewage disposal and treatment plants, cement and paving material mixing plants, and sand blasting facilities are explicitly excluded as permitted uses. The development standards for industrial development are the development standards in the Goodyear Zoning Ordinance applicable to the I-1 (Light Industrial) district with the exception of the maximum building height which is proposed as 70 feet in the areas north of the SR 30 corridor and steps down to the 60 feet in the areas south of the SR 30 corridor and the development standards identified below.
- The permitted uses in the areas identified as Multi-Family Residential are those permitted in the MF-24 district in the Goodyear Zoning Ordinance, including specifically single-family for rent/horizontal apartments. The development standards for the multi-family residential development are the development standards in the Goodyear Zoning Ordinance applicable to the MF-24 district, except with some modified set-backs if the property is developed as single family for rent/horizontal apartments. Design guidelines applicable to the development of single family for rent/horizontal apartments are included in the PAD to require three different paint color schemes and roof colors in accordance with direction given by Council at the work session held on August 26, 2019.
- The permitted uses in the areas identified as the Flex Zone area those uses permitted in the industrial zone discussed above, those uses permitted in the C-2 (General Commercial) district in the Goodyear Zoning Ordinance and municipal fire stations. Borrow pits are specifically excluded from the Flex Zone Area. If property within the Flex Zone is developed as commercial, the development standards for the C-2 (General Commercial) zoning district as set forth in the Goodyear Zoning Ordinance shall apply to the portion of the Property designated Flex Zone except as modified in this PAD. If property within the Flex Zone is developed as industrial, the development standards for the industrial zone discussed above will apply to such development. If a municipal fire station is constructed within the Flex Zone, the development standards for the PFD

(Public Facilities) zoning district as set forth in the Zoning Ordinance shall apply to the development of the fire station.

Because of site constraints associated with the development of this Property, including the future development of SR 30 and Loop 303, the existing Buckeye Canal, the limited access along MC 85, the electrical line easement running through the site, and the existing industrial uses to the north, the city staff recommended that the property be rezoned to primarily industrial. The property owner accepted the recommendation and because the nature of this rezoning was recommended by city staff, the city initiated the General Plan Amendment in support of the rezone. Once the General Plan Amendment is adopted the rezoning will be consistent with the General Plan and the rezoning ordinance will not be effective until such General Plan Amendment has been adopted by the Mayor and Council.

The proposed uses and the development of the site will be required to proceed through the site plan review process to ensure the development meets the City's adopted design guidelines, developments standards, codes, and ordinances.

**Evaluation Criteria:**

Staff supports the request for an increase in maximum building height within the industrial district in areas north of the Future SR 30. This area is generally bound by MC 85 and Union Pacific Railroad and future SR 30 development. The proposed multifamily is separated from the industrial area by a canal.

Staff supports the Flex Zone area because it allows for commercial development along Cotton Lane and provides flexibility for strategic placement of future buildings without requiring a rezone in the future.

Staff supports the use of multifamily at the proposed site based on the size of the property and limited access to the property. The additional design guidelines for single family rental development addresses Council's concerns for product diversity for single family rentals.

Per the city of Goodyear Zoning Ordinance, the City's review and recommendation on a zoning amendment is to be guided by the following criteria:

*1. Consistency with the General Plan*

As mentioned in the Background and Previous Actions section, the General Plan designated this area as Traditional and Scenic Neighborhoods, however the city initiated a General Plan Amendment to designate the majority of the property (MC 85 to SR 30, ADOT canal to eastern boundary) as Industrial and the remainder of the property as Business and Commerce. The rezone will be consistent with the General Plan if the amendment is approved. Stipulation #1 requires the General Plan Amendment be approved or this rezoning is not valid.

### Standard 37

Light industrial uses such as warehousing or distribution centers are appropriate throughout the Business & Commerce category but should be buffered from residential uses.

The land use plan includes a parcel designated for multi-family residential. The General Plan Standard 37 states that light industrial uses are appropriate throughout the Business & Commerce category but should be buffered from residential. The Buckeye Irrigation District (BID) canal and ADOT drainage channel provide a buffer around the residential parcel between the proposed multi-family residential use and industrial use.

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

The subject property includes several unique physical and natural features including the BID canal, MC 85, 230kv power lines, proximity to the railroad, and the location of the SR30 corridor. Standard 47 of the General Plan states: "Industrial land uses are encouraged to locate adjacent to high capacity roadway corridors (freeways, railroads, parkways, arterials) to leverage high visibility and vehicular access". The Lakin property is adjacent to MC 85 and Union Pacific Railroad. The future SR 30 bisects the property providing for an optimal transit corridor.

The subject property is currently vacant. The property is located within a flood plain, however, a Letter of Map Revision (LOMR) is required from FEMA in order to proceed with development of the project in areas south of the future SR 30. The property is 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 – State Route MC85; Union Pacific Railroad; Huhtamaki

South – Gila River

East – Sarival Avenue; ~140 acres of undeveloped land currently zoned Preliminary PAD

West – Future Loop 303 ROW; County land

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

### Luke Air Force Base:

The proposed PAD is located outside the high noise or accident potential zones for Luke Airforce Base, but 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 development.

Phoenix-Goodyear Airport:

Although the property may experience aircraft overflights since it is located within the Traffic Pattern area of the Phoenix-Goodyear Airport, the site is not within or adjacent to the high noise or accident potential zones.

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

As previously mentioned, the applicant is rezoning the property to industrial based on the recommendation of staff. The property is adjacent to existing industrial developments. An industrial developer has already partnered with the applicant in anticipation of the proposed rezoning. The area is adjacent to existing and future transit corridors that will provide additional job growth in Goodyear.

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

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
#185	4.8	2.4	5.1	2.55	#184/181	7.25	3.63	7.56	3.78

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.

Streets/Transportation:

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

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

The proposed rezoning is within proximity to existing public services. The property owner and/or developer will be responsible for the costs of making the necessary connections to these existing services.

8. *General public concerns.*

**Public Participation:**

An alternative citizen review process was conducted for this proposal. Notice of the application was provided to property owners within 500-feet of the property. To date, no objections or inquiries were received as a result of this notification.

Notice for the 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 September 27, 2019; and a notice of public hearing sign posted on the property. To date, staff has not received any public inquiries as a result of this notice.

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

The subject property is an infill property located within the proximity of City services and infrastructure.

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 anticipated industrial, multi-family, and commercial development 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.

**Planning and Zoning Commission Meeting**

In accordance with the city's Citizen Review Ordinance, a written notice of this application for use permit was mailed to all property owners within 500 feet of the subject property. To date, staff has not received any inquiries as a result of this written notice. Notice for the 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 published in the Arizona Republic; and a notice of public hearing sign posted on the property. To date, staff has not received any inquiries as a result of this notice.

At the regular Planning and Zoning Commission meeting on October 16, 2019, staff made a presentation to the Commission regarding the amendment request. Based upon the staff findings presented in the Commission staff report, and repeated in this Council Action Report, the Commission recommended approval of the amendment by a vote of 5 to 0, subject to the stipulations in the staff report.

## **Attachments**

1. Resolution No. 2019-2003
  - a. Exhibit A – Supplementary Zoning Map No. 18-14
  - b. Exhibit B – Legal Description
  - c. Exhibit C – CP Lakin Park Planned Area Development (PAD) dated October 4, 2019
2. Ordinance No. 2019-1451
3. Aerial Photo
4. Project Narrative