

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

DATE: April 28, 2014

COAC NUMBER: 14-5229

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

**SUBJECT: REZONING TO AMEND  
THE PALM VALLEY PHASE V  
PLANNED AREA DEVELOPMENT TO  
CHANGE THE LAND USE  
DESIGNATION ON 9.70 ACRES AT THE  
NORTHWEST CORNER OF INDIAN  
SCHOOL ROAD AND FALCON DRIVE  
FROM MIXED USE COMMERCIAL TO  
HIGH DENSITY RESIDENTIAL**

**CASE NUMBER:** 13-210-00006

**STAFF PRESENTER:** Joe Schmitz,  
Planning Manager

**APPLICANT:** Michael J. Curley,  
Earl, Curley & Lagarde, P.C.

**RECOMMENDATION:**

1. Conduct a public hearing to consider a rezoning request to amend the Palm Valley Phase V Planned Area Development (PAD) to change the land use designation on 9.70 acres at the northwest corner of Indian School Road and Falcon Drive from MUC - Mixed Use Commercial to UR/H - High Density Residential (12-18 du/ac).
  - a. Open public hearing
  - b. Staff presentation
  - c. Receive public comment
  - d. Close public hearing
2. ADOPT ORDINANCE NO. 14-1291 REZONING APPROXIMATELY 9.70 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF INDIAN SCHOOL ROAD AND FALCON DRIVE BY AMENDING ORDINANCE NO. 03-858 AS IT APPLIES TO THE PROPERTY BY ADOPTING THE AVILLA PLANNED AREA DEVELOPMENT (PAD) AMENDMENT DATED FEBRUARY 7, 2014 TO GOVERN THE DEVELOPMENT OF THE PROPERTY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**PURPOSE:**

This request is for an amendment to the Palm Valley Phase V PAD to change the land use designation on a vacant 9.70-acre parcel at the northwest corner of Indian School Road and Falcon Drive from MUC - Mixed Use Commercial to UR/H - High Density Residential (12-18 du/ac), as amended by the Avilla Planned Area Development (PAD) Amendment to allow development of 125 attached or detached single-story residential dwellings for lease at a density of 12.9 units per acre. The proposed Avilla development is a “leased home neighborhood” that combines the elements of single-family and multi-family residential living environments.

Since the City has received written protests against this rezoning request from owners of more than 20% of the land area within 150' directly opposite of or adjacent to the side of the subject property, pursuant to Article 1, Section 1-3-1(D) of the City's Zoning Ordinance, a favorable vote of three-fourths (3/4) of the governing body (6 out of 7 members) will be required to approve and adopt Ordinance No. 14-1291.)

### **BACKGROUND AND COMMUNITY BENEFIT:**

The Avilla PAD Amendment proposes deviations from some of the MF-18 Multi-Family Residential zoning district development standards and contains specific Development Standards, Design Guidelines for site design and building architecture, and conceptual site, landscape and other plans that will serve to guide future development of the property. The Planning and Zoning Commission recommended approval of this item at its regular meeting of February 19, 2014.

### **Current Policy:**

The Planned Area Development (PAD) zoning district is intended to accommodate, encourage and promote developments with innovative design involving residential and nonresidential land uses, which together form an attractive, harmonious unit in the community. The planned development, if so specified at the time of zoning approval, may include standards or criteria that differ from those regulations pertaining to other zoning districts (including deviations from the development standards prescribed for the district) when warranted by circumstances such as but not limited to: alternative residential lot design, innovative architectural or subdivision design features, retirement housing, in-fill development involving a small or irregularly shaped parcel, or other circumstances found by the City through the PAD approval to merit departure from the regulations pertaining to other districts.

The Zoning Ordinance sets forth the following objectives for a Planned Area Development (PAD):

- to accommodate variations in building design, lot arrangements and land uses for a maximum choice in the types of environments for residential, commercial, industrial uses and facilities;
- to provide for a coordinated and compatibly arranged variety of land uses -- with efficient and safe traffic circulation, including the separation of pedestrian from vehicular traffic -- through innovative site planning;
- to maintain quality of living excellence with the provision of usable open space standards to minimize adverse environmental impact on surrounding areas; and
- to assist in fulfilling the goals, objectives and policies of the City of Goodyear General Plan and amendments thereto.

Unless otherwise provided for in the PAD, a request to amend the land uses of an approved PAD must be processed as a rezoning request, which requires public review and approval by the Planning and Zoning Commission and City Council. The proposed amendment should be consistent with the intended purpose and objectives for a PAD and should not adversely impact the surrounding area.

### **Historical Information:**

The General Plan Land Use Map designates the subject property for Community Commercial development with a Medium Density Residential (6-10 du/ac) designation to the north and west; High Density Residential (20+ du/ac) to the east and Low Density Residential (2-4 du/ac) and additional Medium Density Residential (6-10 du/ac) designations to the south.

On August 11, 2003, the City Council adopted Ordinance No. 03-858 rezoning approximately 744 acres known as Palm Valley Phase V PAD in the area from Indian School Road to Camelback Road and from the Bullard Wash to Sarival Road. The Palm Valley Phase V PAD provides for a mixture of uses and zoning/land use designations different from the City's standard zoning classifications for implementing the Palm Valley Master Plan.

The subject property is designated for Mixed-Use Commercial (MUC) development in the Palm Valley Phase V PAD. The MUC zoning classification in the Palm Valley Phase V PAD is subject to development in compliance with the City's General Commercial (C-2) zoning district criteria. The C-2 District allows a wide range of retail, office and personal service uses. Other land use/zoning designations contained within the Palm Valley Phase V provided for development of Single-Family Residential (UR/L) (0-6 du/acre), Medium Density Residential (UR/M) (6-12 du/acre), High Density Residential (UR/H) (12-25 du/acre), and other mixed-use development. The High Density Residential (UR/H) zoning classification in the Palm Valley Phase V PAD is subject to development in compliance with the City's Multi-Family Residential (MF-18) zoning district criteria. By stipulation of Ordinance No. 03-858, the maximum allowable density for the High Density Residential (UR/H) parcels within the Palm Valley Phase V was established at 18 dwelling units per acre.

A Site Plan (Indian Creek Plaza) for commercial development of the subject property was approved on November 7, 2007, but that approval has since expired due to inactivity. The then proposed Indian Creek Plaza development plan contained a total of 84,800 square feet of commercial building area at a Floor Area Ratio of 0.20 (30,600 s.f. of retail, 13,000 s.f. of restaurant use, and 40,800 s.f. of office space).

### **Surrounding Properties:**

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

- North – Existing single-family residential development (density of 3-4 du/ac) within Palm Valley Phase V PAD; zoned UR/M (6-12 du/acre).
- East – Vacant Land; zoned UR/H (18 du/ac max.) within Palm Valley Phase V PAD with an expired site plan approval for a 288-unit apartment project.
- South – Existing single-family residential development (density of 3-4 du/ac) within PebbleCreek; zoned Single-Family Residential UR/L (0-6 du/acre).
- West – Existing single-family residential development (density of 3-4 du/ac) within Palm Valley Phase V PAD; zoned UR/M (6-12 du/acre).

A Site Plan for the development of a 288-unit apartment project (Harmony at Goodyear) was approved on December 18, 2007 for the vacant property zoned High Density Residential (UR/H) at the northeast corner of Indian School Road and Falcon Drive to the east of the subject property. Approval of that Site Plan has since expired due to inactivity, and future development

of that multi-family property will require the submission of a new Site Plan application for staff review and approval.

**Details of the Request:**

This request is for an amendment to the Palm Valley Phase V Planned Area Development (PAD) to change the land use designation on 9.70 acres at the northwest corner of Indian School Road and Falcon Drive. The current zoning designation for this parcel within the Palm Valley Phase V PAD is MUC - Mixed Use Commercial, subject to compliance with the General Commercial (C-2) zoning district criteria. This zoning amendment would change the designated land use for the property to UR/H - High Density Residential (12-18 du/ac), subject to compliance with the Multi-family (MF-18) zoning district criteria, as amended by the development standards defined within the Avilla Planned Area Development (PAD) Amendment.

The proposed Avilla Homes development contains 125 attached or detached single-story residential dwellings at a density of 12.9 units per acre. As stated in the PAD Amendment narrative, Avilla is a planned “leased home neighborhood” that combines the elements of single-family and multi-family residential living environments. While the residential units are leased in manner similar to a typical garden apartment complex with common amenities and property management, each residential unit within Avilla includes a private fenced patio or rear yard space for individual tenant use and enjoyment, similar to that associated with traditional single-family residential living.

The residential units within Avilla will be a mix of one, two and three bedroom single story homes ranging in size from 635 sq. ft. to 1,244 sq. ft. As proposed, there will be 26 one bedroom units, 62 two bedroom units and 37 three bedroom units. Each unit within Avilla will contain a private rear yard space or patio area enclosed by a masonry wall that generally will be 8 feet in depth along the width of the unit (35 to 45 feet) providing from 280 to 360 square feet of private open space per unit. The units planned along the northern and western edges of the development adjacent to the existing single-family homes will have a rear yard depth of 20 feet providing 700 to 900 square feet at each of those units. The two and three bedroom homes will be detached units and account for approximately 80% of the proposed homes, while the one bedroom homes will be attached in a duplex style. As identified on the conceptual site plan and as further illustrated within the PAD Narrative, the majority of the proposed units in Avilla are clustered in groupings of 4 to 6 units around a pedestrian courtyard to create a sense of place and to provide the opportunity for resident interaction and connection.

The Avilla PAD identifies Site Design and Building Architecture Design Guidelines for the proposed development, and contains illustrated building concepts for the proposed homes. The architectural theme proposed for the residential units is desert contemporary which is generally defined by crisp straight lines and use of flat rooflines. Muted desert hues are applied to large massing areas, while accent materials and colors are used to create interest near entryways. All homes within each pedestrian courtyard will be finished with one of three architectural color themes in order to create a consistent identifiable aesthetic for each home cluster. Each of the three unit types within a courtyard will have a slightly different building architecture in terms of building form, materials and accents, while maintaining the architectural color theme for that courtyard.

To facilitate the implementation of the unique development concept proposed, the Avilla PAD Amendment proposes deviations from some of the MF-18 (Multi-Family Residential) zoning district development standards, while establishing more restrictive development standards in other aspects of the development. The following table provides a summary comparison of the MF-18 (Multi-Family Residential) zoning district development standards and the proposed Avilla PAD development standards:

<b>Criteria</b>	<b>Required MF-18 Standards</b>	<b>Proposed PAD Standards</b>
<b>Minimum Net Site Area</b>	10,000 sq.ft. first two units; +2,222 sq.ft. additional units	10,000 sq.ft. first two units; +2,222 sq.ft. additional units
<b>Maximum Density in Du/Ac</b>	18	13
<b>Minimum Lot Width</b>	200 ft	200 ft
<b>Minimum Lot Depth</b>	N/A	N/A
<b>Maximum Height:</b>	30 ft (2-story)	16 ft (1-story)
<b>Accessory Building</b>	12 ft	12 ft
<b>Maximum Building Coverage</b>	50%	40%
<b>Minimum Building Setbacks from Property Line</b>	Northern: 30 ft. Eastern: 30 ft. (Falcon Dr) Western: 125 ft. (20% lot depth) Southern: 20 ft. (Indian School Rd)	Northern: 20 ft. Eastern: 18 ft. Western: 20 ft. Southern: 8 ft.
<b>Minimum Recreational O/S</b>	400 sq.ft./d.u.	1,000 sq.ft./d.u.
<b>Minimum Private Outdoor Space</b>	60 sq.ft./d.u.	200 sq.ft./d.u.
<b>Minimum Landscape Setbacks</b>	Northern: 20 ft. Eastern: 25 ft. Western: 20 ft. Southern: 10 ft.	Northern: 20 ft.* Eastern: 10 ft. Western: 20 ft.* Southern: 0 ft.
<b>Building Separation:</b>	Minimum Building: 15 ft. Minimum Principal Entrances: 20 ft.	Minimum Building: 6 ft. Minimum Principal Entrances: 10 ft.

\* Landscape setback is inclusive of rear yards.

All homes and garages within the Avilla project will be constructed with fire sprinkler systems, which will allow the building separation to be less than what is typically required by the Building Code and Zoning Ordinance.

Access to the proposed Avilla development will be from two (2) gated vehicular entrances on Falcon Drive. The northern access will be a full access driveway and primary project entry that is aligned directly across from the entry driveway of the proposed multi-family project on the east side of Falcon Drive. The southern access will be an exit-only driveway to Falcon Drive. The conceptual site plan shows 250 off-street parking spaces which are provided in garages (28), carports (126) and uncovered spaces (96). The parking provided meets the minimum requirement of 237 spaces plus 13 guest spaces.

If the rezoning is approved, future development of the property would proceed through the normal City development review process, and all elements of the proposed development would be subject to compliance with the Avilla Planned Area Development (PAD) Land Use and

Development Standards Narrative, dated February 7, 2014. Included within the Avilla PAD are conceptual site, landscape and other plans that illustrate the proposed Avilla Homes development project, and defined Development Standards and Design Guidelines for site design and building architecture will serve to guide future development of the property. While the conceptual site plan generally conforms to the City's Development Standards and Design Guidelines for site design and building architecture, a more detailed review will be conducted during the formal Site Plan review process which may result in modifications to the conceptual site plan, such as shifting or loss of units, to ensure all minimum access and safety requirements are met.

**Staff Analysis and Findings:**

The Zoning Ordinance establishes the following guidelines for the review of zoning amendments. Staff analysis and findings for this PAD Amendment request relative to these guidelines are as follows:

1. *Consistency with the goals, objectives, policies and future land use map of City's General Plan; consideration of current market factors, demographics, infrastructure, traffic, and environmental issues; and if conditions have changed significantly since the Plan was adopted.*

The proposed PAD Amendment for the development of multi-family residential on the subject property is not consistent with the Community Commercial land use designation for the property as established on the General Plan Land Use Map. However, a General Plan Amendment is not required because the General Plan does not require an amendment for land use changes when the land area affected by the proposed change is less than 20 acres.

The proposed PAD amendment for Avilla Homes is consistent with the following stated objectives of the General Plan:

- 1) Provide for a mix of housing types and densities for all residents;
  - 2) Attempt to locate higher density residential adjacent to and proximate to high capacity roadways to leverage visibility and access, and to buffer /protect lower density uses;
  - 3) Encourage a mix of housing types that is consistent with market trends, satisfies demand, and adequately meets the needs of all prospective residents and workers.
2. *Suitability of the subject property's physical and natural features for the uses permitted under the proposed zoning district.*

The subject property is appropriately located at the corner of an arterial street and major collector street for the development of multi-family residential development. The vacant property is relatively flat and has no physical features that would impact future development. The property has adequate frontage and access to Falcon Drive, a residential collector street.

3. *Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of such things as land suitability, environmental impacts, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential impact on property values.*

The subject property abuts existing single-family residential lots to the west and north. Multi-family residential development can be a compatible land use adjacent to single-family residential provided appropriate measures are taken to ensure there is no negative impact generated by the multi-family development. The Avilla PAD amendment contains the following features which provide compatibility with the adjoining single-family residential lots:

- 1) The proposed density for the Avilla multi-family development is 12.9 du/acre which is significantly less than the maximum allowable density of 18 du/acre permitted within the Palm Valley Phase V PAD High Density Residential (UR/H) zoning category;
  - 2) The leased units within the Avilla PAD will maintain a minimum building setback of 20 feet from the adjoining single family residential lots which will be private rear yard space for the individually leased units in Avilla and similar in use to the rear yards of the adjacent single family lots;
  - 3) All buildings within the Avilla PAD will be limited to single-story, with a maximum building height of 16 feet; considerably less than the 30-foot building height allowed in the UR/H district and the 56 feet currently allowed under the property's Mixed-Use Commercial (MUC) designation;
  - 4) The intensity of a multi-family residential development at 13 du/acre, with all units being single-story, is likely to be significantly less than that created by general commercial development that typically tends to have much higher building heights and more intense activity (delivery trucks, late night operations, greater traffic volume);
  - 5) The Avilla PAD contains appropriate multi-family residential development standards and design guidelines to ensure a level of development quality similar to and compatible with adjoining properties; and,
  - 6) Potential neighborhood traffic impacts were studied with the PAD Amendment. The anticipated traffic volumes from the proposed multi-family development will be significantly less than that which would be generated by commercial development of the property. In addition, the traffic analysis concluded that the proposed development will not adversely impact traffic along Falcon Drive or degrade the operating Level of Service for the intersection at Indian School Road and Falcon Drive.
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 current PAD zoning for the property permits commercial land uses subject to compliance with the City's General Commercial (C-2) zoning district criteria. Some level of commercial development would be appropriate for the subject property, and generally can be developed in a manner that is compatible with adjoining residential neighborhoods. In fact, the General Plan encourages development of neighborhood commercial centers at the intersection of arterial and collector streets. However, the existing C-2 General Commercial

zoning allows a wide range of retail, office and personal service uses, such as a grocery store, restaurant, bar, or hotel, that could have a negative impact on adjacent single-family residential lots. The C-2 district also allows commercial buildings up to 56 feet in height (with increased setbacks) which could have a negative impact on adjoining properties. To provide desired arterial street commercial frontage and access, driveway crossings over the drainage channel would be required to access Indian School Road, but these crossings are expensive and may be a limiting factor for future commercial development of the property.

The proposed PAD amendment providing for the development of multi-family residential is considered reasonable and appropriate for the property since the PAD would limit development to the development plan submitted and the intensity and scale proposed. Due to the lower traffic generation rate, the presence of the drainage channel along Indian School Road would not be an impediment to a multi-family development since it would not benefit from an arterial street access point as much as a commercial development might.

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 Avilla PAD narrative indicates there is a need for additional High Density Residential (UR/H) zoned properties within the Palm Valley Master Plan area. The narrative also indicates that there are numerous commercially zoned parcels currently in Palm Valley that remain vacant. The Avilla PAD narrative makes the argument that the proposed rezoning of the property from Mixed-Use Commercial to High Density Residential is necessary to meet existing demands for multi-family residential while reducing an abundance of vacant commercial. The Palm Valley Master Plan in general provides an appropriate balance of residential land uses at varying densities and commercial land uses that are needed to serve the residential population. However, some portions of the adjoining residential areas in Palm Valley Phase V have developed at densities lower than that envisioned in the Palm Valley Master Plan, and additional residential density is needed to support and spur future commercial development.

The conversion of all or part of vacant commercial parcels in the Palm Valley area to residential uses has occurred twice within the past year to facilitate the development of assisted living facilities. However, within a one mile radius of the subject property there still are 3 vacant commercial properties containing approximately 44 acres (300,000 to 400,000 square feet of gross leasable area); with an additional 65 acres (425,000 to 550,000 square feet of gross leasable area) of vacant commercial land on four additional sites within a 1.5-mile radius from the subject property. There is one vacant property containing 16 acres that is zoned for multi-family residential development within a one mile radius of the subject property; with an additional three vacant multi-family sites containing approximately 50 acres within a 1.5-mile radius from the subject property.

It is the opinion of staff that the rezoning this 9.7-acre parcel to multi-family residential would not negatively impact the land use balance within Palm Valley, and that it would help meet an existing need for additional higher density residential projects. Maintaining the existing commercial zoning of the property is not required to sustain a desired level of



commercial land uses, and may be contributing to a current excess of commercial properties in the Palm Valley area. The additional units provided by this proposed multi-family project would not only provide greater diversity in housing choice, but it would help replace some of the units that have been lost which are needed to support commercial development in the Palm Valley area.

6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district and requirements for meeting such demands in terms of public infrastructure and facilities and other capital equipment, such as water supplies, water treatment, storage, and distribution facilities, wastewater treatment, recharge and distribution facilities, streets, bridges, schools and emergency services facilities and equipment.*

The developer will be required to construct all infrastructure identified as being needed for the development and ensure that adequate public services are available to the property in accordance with City standards. Existing street infrastructure and water/sewer lines exist adjacent to the property, and the proposed development will be provided water and sewer services by Liberty Utilities. Fire Station No. 185 on PebbleCreek Parkway is located in the vicinity of the project and can provide an acceptable level of service to the property.

Typically, multi-family residential developments generate significantly less school age populations as compared to single-family residential developments. The applicant states in the Avilla PAD that, based upon the experience of similar types of leased home neighborhoods, there will be a very light public school impact from the proposed development, and that the demographics on similar projects indicate that two students for every ten homes will be generated from this community, or approximately 25 students. The applicant has also noted that they will enter into a Contribution Agreement with the Litchfield Elementary School District to mitigate the minimal impact this development will have on the existing elementary school in the neighborhood.

While it is acknowledged that existing schools in the Palm Valley area are near capacity, this is not unusual in growing communities where additional schools are not funded by the State for construction until a need is demonstrated, typically through overcrowding. The Agua Fria School Union High School District has stated that while the passage of the last bond issue has helped the over capacity issue, it fully expects to pursue construction of a new high school within a two to three year time frame, based upon an expected continued improvement of the housing market. The Litchfield School District has indicated that Mabel Padgett Elementary School is near capacity but has some out-of-district students using some that capacity. If there is not enough room, it is likely that the students from the Avilla development may have to be transported to another school within the district. The District is planning to construct another elementary school in 2015 in the Verrado area to respond to anticipated growth.

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

The project is in an area that has existing public services, infrastructure and utilities. As previously noted, any additional improvements or services required to serve the development will be the responsibility of the developer.

8. *General public's concerns.*

The developer conducted a neighborhood meeting to introduce the project to the community and to answer questions concerning the proposed development. At the meeting, residents had questions on the nature of the proposed development, and voiced concerns regarding traffic impacts, school impacts, parking adequacy, density of development, and the architecture of the residential units. Some residents in attendance expressed a preference for commercial development of the property under the existing zoning rather than the proposed multi-family zoning and development contained in this PAD amendment.

In response to concerns voiced at the neighborhood meeting, the applicant conducted an additional traffic impact analysis for the proposed development, made additional contacts with the affected School Districts, and initiated a number of modifications to several elements of the proposed PAD. The developer will need to ensure that community expectations are met in the future project design and development processes through adherence to the PAD Amendment Design Guidelines and Development Standards.

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

The multi-family residential zoning and development proposed in the Avilla PAD amendment is a reasonable and appropriate alternate to the existing commercial zoning of the property. The proposed development is within the developed area of the City and the Palm Valley Master Plan community, and has existing available City services and infrastructure.

Staff supports the proposed PAD Amendment and recommends that the application be approved, subject to the stipulations set forth in Ordinance No. 14-1291.

**DEPARTMENT/FUNCTIONAL IMPACTS:**

**Luke AFB:**

The property is located approximately ¾ mile from the 65 db DNL noise contour and is subject to periodic overflights from Luke Air Force Base. A copy of the PAD Amendment and conceptual development plan were sent to Luke Air Force Base for review and comment. The staff of the Communities Initiatives Team has indicated that the master plan for the Palm Valley area was prepared in concert with the master developer to ensure that the overall density of the master planned community was consistent with the graduated density concept which promotes lower densities in areas closest to the 65 DNL noise contour. While the density proposed in this development is higher than what is suggested under the graduated density concept promoted by Luke AFB, the number of units proposed is still within the overall density established for the Palm Valley master plan. It was recommended by Luke AFB that the developer include a disclosure statement in any rental agreement for prospective residents to sign acknowledging that the development is in proximity to Luke AFB and is subject to attendant noise, vibrations, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or

taking off from, Luke Air Force Base. This is a standard stipulation included in rezoning cases and has been included in the staff recommendation.

**Phoenix-Goodyear Airport:**

The subject property is located within the Phoenix-Goodyear Airport Traffic Pattern Airspace, but is more than 4 miles from the Airport. It is anticipated that the proposed development of the property will not adversely impact airport operations, nor will the development be adversely impacted. The developer shall include a disclosure statement in any rental agreement for prospective residents to sign acknowledging that the development is in proximity to the Phoenix-Goodyear Airport and is subject to attendant noise, vibrations, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from, the Phoenix-Goodyear Airport.

**Fire/Response Time:**

Fire Station No. 185 is located at the southwest corner of PebbleCreek Parkway and Clubhouse Drive and is approximately 1 mile from the subject property and can provide an adequate response to the subject property.

**Schools:**

The subject property is located within the Litchfield Elementary School District and the Agua Fria Union High School District. Typically, multi-family residential developments generate significantly less school age populations as compared to single-family residential developments. The applicant states in the Avilla PAD that their proposed unique development concept tends to draw residents from the following characteristics: more mature in age than typical apartment renters; professionals, managers, pre-seniors and seniors; few children; and two-income households. In addition, the applicant states that based upon the experience of similar types of leased home neighborhoods, there will be a very light public school impact from the proposed development, and that the demographics on similar projects indicate that two students for every ten homes will be generated from this community, or approximately 25 students based on the maximum proposed density.

The applicant advises that they will continue to work with the School Districts, and it is noted in the Avilla PAD that prior to Site Plan approval the developer will enter into a Contribution Agreement with the School District to mitigate the minimal impact this development will have on the existing elementary school in the neighborhood.

As noted previously the Agua Fria School Union High School District has stated that while the passage of the last bond issue has helped the over capacity issue, it fully expects to pursue construction of a new high school within a two to three year time frame, based upon an expected continued improvement in the housing market. Likewise, the Litchfield School District is anticipating additional growth and is planning an additional elementary school in the Verrado area in 2015. Both school districts acknowledge that existing schools in the Palm Valley area are near capacity, but that this is not unusual in growing communities where additional schools are not funded for construction until a definite need is demonstrated, typically through some overcrowding.

**Open Space:**

The Avilla PAD notes that the MF-18 District requires 400 square feet of recreational open space per dwelling unit and the proposed development plan provides a minimum of 1,000 square feet per dwelling unit. Given the size and location of the usable common open space areas within the project, it is difficult to determine how this standard has been met. While it is true that the proposed development plan provides ample private open space per dwelling unit which ranges in size from 200 square feet to 800 square, or more for some units, and far exceeds the 60 square feet generally required for apartment developments, the usable common open space appears to fall short of the minimum 1.15 acres that would be provided at 400 square feet per dwelling unit. The central common area appears to be just below one acre and still below the 1.15 acres if the other open areas are added to it. If the zoning request is approved, a specific calculation of the recreational open space provided within the development would be performed at the time of Site Plan review to demonstrate compliance with the Avilla PAD standard for a minimum of 1,000 square feet of recreational open space per dwelling unit.

**Solid Waste:**

Solid waste collection for the proposed multi-family development will be provided by private solid waste contract services.

**Stormwater:**

All project stormwater runoff will be contained on the site. The required on-site retention volume will be provided for the 100-year, 6-hour storm event through a combination of surface retention and underground storage piping, tanks and/or chambers within the project. A Conceptual Grading and Drainage Plan is included in the Avilla PAD Narrative. A portion of the project stormwater will be directed to an existing adjacent drainage channel to the south of the project that is owned by the City of Goodyear and that conveys drainage flows to the east, where they are discharged into the Bullard Wash.

**Streets/Transportation:**

Access to the proposed Avilla development will be from two (2) gated vehicular entrances on Falcon Drive. The northern access will be a full access driveway and primary project entry that is aligned directly across from the entry driveway of the proposed multi-family project on the east side of Falcon Drive. The southern access will be an exit-only driveway to Falcon Drive.

The applicant had conducted two traffic impact analyses relative the proposed PAD amendment and the planned multi-family residential development of the site. The initial traffic report, dated September 23, 2013, primarily contained an analysis of the anticipated traffic generated by the proposed Avilla multi-family development in comparison to the traffic that would generated from commercial development of the property (100,000 sq. ft. on 9.7 acres at a Floor Area Ratio of 0.25) under its existing commercial zoning designation. That analysis concluded that the proposed Avilla multi-family residential development project would generate 3,678 fewer vehicle trips per day than commercial (neighborhood shopping center) development of the property. Fewer trips during weekday AM and PM peak hours were also identified for the multi-family development as compared to commercial development of the property. While the projected development assumptions in the traffic report could be challenged, particularly the

F.A.R. for the commercial project, it is still apparent that development of this site with commercial uses at a lower F.A.R. of 0.15 (similar to the commercial center where the Wal-Mart Neighborhood Grocery is located at the NWC of Indian School and Litchfield Road) would generate about twice as much vehicle trips per day as the proposed multi-family development.

In response to questions and concerns voiced by residents at a Citizen Review Meeting conducted on December 17, 2014, the applicant commissioned a second traffic report. The second traffic analysis, dated January 24, 2014 was to more specifically identify the projected traffic volumes and turning movements anticipated by this development, plus the traffic volumes that would be generated by the future apartment complex on the east side of Falcon Drive, and then assess their combined impact on Falcon Drive and the Indian School Road and Falcon Drive intersection. The planned location of the primary entry driveway into the Avilla project was also to be evaluated in the subsequent traffic report. The summary conclusions from the second traffic analysis are as follows:

1. The Avilla project is expected to generate an additional 832 daily weekday vehicle trips. Sixty-four of the additional daily trips will be produced during the AM peak hour, while seventy-eight will be produced during the PM peak hour.
2. The existing intersection of Indian School Road/Falcon Drive currently operates at an adequate Level of Service (LOS A or B) during the weekday AM and PM peak hours, and is expected to continue to operate at that service level in 2015, with and without traffic from the Avilla Luxury Homes and Harmony at Goodyear projects.
3. The north driveway is expected to be located approximately 185 feet north of the existing median on the north leg of the intersection of Indian School/Falcon Drive. This distance is anticipated to provide adequate storage space so as to avoid any conflicts between the northbound through and left vehicles movements into the site at the north driveway.

The City Traffic Engineer has reviewed the traffic reports submitted by the applicant. The City Traffic Engineer has confirmed that these Traffic Impact Analyses were properly conducted and contained reasonable assumptions and traffic calculations; and concurs with the TIA findings relative to the potential impact of the development. Specific findings and comments by the City Traffic Engineer are as follows:

- 1) The proposed multi-family development will generate much less traffic than the previously approved commercial/office complex for the subject property.
- 2) The number and location of the proposed driveways for the proposed development and that for the Harmony at Goodyear apartment project on the east side of Falcon Drive will function safely and properly, and that there is adequate vehicle storage within Falcon Drive to accommodate turning movements.
- 3) Major negative impacts to the operation of the intersection of Falcon Drive and Indian School Road are not anticipated due to this proposed development, and any impacts can be addressed or mitigated through adjustments in traffic signal timing. Traffic Engineering confirmed with the Police Department that there have been five accidents over the past two years with one involving a bicyclist. This is considered a low number with the amount of traffic using the intersection.

- 4) The amount of traffic generated by this development and the Harmony apartments traveling north on Falcon Drive is not expected to result in a noticeable increase in traffic (10% of the overall traffic generated travels north, with 5 vehicles per day (vpd) from Avilla and 12 vpd from Harmony in the AM peak hour, and 3 vehicles per day (vpd) from Avilla and 7 vpd from Harmony in the PM peak hour). With 90% of the anticipated traffic using Indian School Road, no noticeable negative impacts are anticipated on 152<sup>nd</sup> Avenue.
- 5) In recent years, City staff has responded to varied traffic concerns voiced by area residents by restricting truck usage on 152<sup>nd</sup> Avenue between Camelback Road and Indian School Road, and converting the intersection of 152<sup>nd</sup> Avenue and Meadowbrook Avenue to a four-stop control to provide a location for children to cross 152<sup>nd</sup> Avenue between Camelback Road and Falcon Drive.
- 6) City Engineering and PD Staff has observed the traffic circulation at the school during pick up and drop off, and overall the traffic circulation functions well. At this time, the only issue identified was that parents are not currently being directed to pull as far forward as possible to drop off and pick up children. This results in traffic on Falcon Drive backing up due to unnecessary gaps left in the school driveway. A police officer will be contacting the school to request that a school staff member assist with directing motorists to pull forward.

**Water/Wastewater/Reclaimed Water:**

The subject project is located within the service area of Liberty Utilities who will provide water and sewer services to the development project. Existing water and sewer infrastructure exists within Falcon Drive adjacent to the property.

**PREVIOUS ACTION AND DISCUSSION:**

**Citizen Review Meeting:**

In accordance with the City's Citizen Review Ordinance, a neighborhood meeting was held on Tuesday, December 17, 2013. Notices for the meeting were distributed to property owners within 500 feet of the subject property and to the homeowners association, public notice was provided in the newspaper, and a sign was posted on the property. At the Citizen Review Meeting, the applicant presented the details of the proposed PAD Amendment and answered questions concerning the development proposal. In attendance were 10 area residents, the owner of the multi-family property at the northeast corner of Indian School Road and Falcon Drive, and a representative of the Agua Fria High School District.

Attached is a summary of the discussion at the Citizen Review Meeting. At the meeting, residents had questions on the nature of the proposed development, and voiced concerns regarding traffic impacts, school impacts, parking adequacy, density of development, and the architecture of the residential units. Some residents in attendance expressed a preference for commercial development of the property under the existing zoning rather than the proposed multi-family zoning and development contained in this PAD amendment.

**Planning and Zoning Commission Meeting:**

The Planning and Zoning Commission considered this item at its regular meeting of February 19, 2014. Public notice for the Planning and Zoning Commission meeting included an advertisement

placed in the Arizona Republic; a notice letter mailed to surrounding property owners within 500 feet of the subject property; and with a sign posted at the intersection of Indian School Road and Falcon Drive.

At the Commission meeting, there were approximately 30 residents in attendance and 13 spoke in opposition to the request, including Dustin Jones with the law firm of Ridenour, Hienton & Lewis. Mr. Jones filed a formal protest on behalf of the owner of the property on the east side of Falcon Drive which is zoned for high density residential. The residents in attendance at the Planning Commission meeting voiced concerns regarding the following: existing traffic congestion on Falcon Drive which could be aggravated by more development; the safety of children walking to the nearby elementary school; the adverse affect lease homes would have on their home values; the zoning change not being consistent with Palm Valley Master Plan and what was represented to them (a commercial site) when they bought their homes; adding more children to an already overcrowded elementary school, as well as to the middle school and high school which are near capacity; the project being represented as being marketed to persons over 55 years of age; the need for housing for the mature market segment already being addressed by other projects currently under construction; no positive benefit to the neighborhood being demonstrated (unlike commercial which would provide shops and restaurants); no guarantees being provided that the project will not be sold or used for Section 8 housing units; the potential adverse affect on the ability of the adjacent owner to develop his apartment site; and inadequate parking on the site.

The Planning and Zoning Commission voted to forward a recommendation of approval of the request by a vote of 4 to 1, with two members absent.

**Neighboring Property Owners Written Protests and Opposition:**

The applicant submitted a petition signed by 106 individuals in support of the project and one email in support was received. Copies of those petitions are attached (Petitions in Support – Copies) along with a map that shows the location of those signatories within the boundary of the map (Petitions in Support – Map Exhibit).

The City also has received a number of written protests against this rezoning request from a number of neighboring property owners. Copies of that correspondence and petitions are also attached (Written Protests Received - Copies) along with a map that shows the location of those signatories within the boundaries of the map (Written Protests Received - Map Exhibit). In addition to these written protests, other neighboring property owners have voiced opposition to the proposed rezoning through telephone calls or attendance at the Planning and Zoning Commission. The map exhibit identifies the location of all property owners within the immediate area who have voiced objection to this rezoning request.

Staff has verified that the written protests represent more than 20% of the land area within 150' directly opposite of or adjacent to the side of the subject property. Accordingly, Article 1, Section 1-3-1(D) of the City's Zoning Ordinance requires a favorable vote of three-fourths (3/4) of the governing body (6 out of 7 members) to approve and adopt Ordinance No. 14-1291.

**ATTACHMENTS:**

1. Aerial Photo Exhibit
2. Palm Valley Master Plan
3. Palm Valley Phase V PAD Exhibit
4. Avilla PAD Amendment dated February 7, 2014
5. Citizen Review Meeting Summary, December 17, 2013
6. Planning and Zoning Commission Meeting Minutes, February 19, 2014
7. Ordinance No. 14-1291
8. Ordinance No. 14-1291 – Exhibit A Supplementary Zoning Map
9. Petitions in Support - Map
10. Petitions in Support - Copies
11. Written Protests Received - Copies
12. Written Protests Received - Map Exhibit