

AGENDA ITEM # _____

DATE: May 18, 2015

COAC NUMBER: 15-5597

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: APPROVAL OF FINAL PLAT
FOR ESTRELLA PARCELS 12.37, 12.39
AND 12.40

CASE NUMBER: 14-520-00008

STAFF PRESENTER: Joe Schmitz, Long
Range Planner

APPLICANT: Stuart Barney, Newland
Communities

RECOMMENDATION:

Approve the Final Plat for Estrella Parcels 12.37, 12.39 and 12.40 subdividing 39-acres into 126 single family residential lots and 12 tracts, generally located east of Estrella Parkway between Spring Drive to the north and San Miguel Drive to the south within Estrella Phase One Planned Area Development (PAD), subject to the following stipulations:

1. Compliance with the stipulations stated in Ordinance No. 10-1213, the ordinance approving an amendment to the Estrella Phase One Planned Area Development (PAD) for Parcel 12.37, 12.39, 12.40 and 12.41; and the stipulations and conditions of approval of the preliminary plat. If the property owner or developer fails to comply with any of the stipulations contained in Ordinance No. 10-1213, the stipulations and conditions of approval of the preliminary plat, or fails to comply with any other City Codes and Regulations in the development of Estrella Parcels 12.37, 12.39, and 12.40, then the City Engineer, or designee, with respects to such property owner or developer may suspend issuance of building or construction permits within the future subdivision parcel in violation until the developer or homebuilder cures the item in default;
2. The developer shall post signage within all subdivision sales offices identifying the location of Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Area and noise contours. This display shall include a 24-inch by 36-inch map at the main entrance of such sales facilities and shall include the approximate locations of the homes being sold clearly depicted;
3. The following information shall be disclosed in the Public Sales Report and shall be provided in a separate waiver agreement, which shall run with the land, for each initial homebuyer to sign: "This development is subject to attendant noise, vibrations, dust and other effects that maybe caused by overflights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or Phoenix-Goodyear Airport. The owner does release and discharge the City of Goodyear, developer, and homebuilder for any and all claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of such aircraft near and over the area.";
4. All technical corrections to the final plat required by the City Engineer shall be made prior to recordation of the final plat;

5. Easements for off-site improvements shall be dedicated through a separate instrument prior to the recordation of the final plat and such dedication shall be duly noted on the final plat prior to recording;
6. Prior to the recordation of the final plat, all off-site easement(s) required to be dedicated shall be noted on the final plat by providing a blank space or a place holder in addition to an MCR number;
7. All preliminary plat stipulations that pertain to the updated Drainage Report must be addressed prior to the recording of the final plat;
8. Performance bonding or letters of credit shall be required to cover all off-site and on-site improvements that have been identified as being the responsibility of the developer. Occupancy Clearance Agreements will not be acceptable means of covering off-site and on-site improvements that have been identified as being the responsibility of the developer.

PURPOSE:

The applicant is requesting approval of the Final Plat for Estrella Parcels 12.37, 12.39 and 12.40. These parcels are generally located east of Estrella Parkway between Spring Drive to the north and San Miguel Drive to the south within Estrella Phase One Planned Area Development (PAD). The subdivision consists of 39 acres of land with 126 single-family residential lots and 11 tracts of open space. A Final Plat for this subdivision was approved by the City Council on December 14, 2014, but that approval has expired. Due to the expiration, and some changes to the final plat, approval of a revised final plat is being requested and recommended for approval.

BACKGROUND AND COMMUNITY BENEFIT:

Current Policy:

A final subdivision plat is the second step in the process of subdividing land into individual parcels for future sale or lease. Once a preliminary subdivision plat has been approved by the City Council the final plat process may begin. Final plats are reviewed in relation to their consistency with the preliminary plat applications. Final plat approval expires if the plat is not recorded within 90 days and an extension is not requested and approved.

Historical Information:

On June 14, 2010, the City Council adopted Ordinance No. 10-1213 that approved an amendment to the Estrella Phase One Planned Area Development (PAD) for Parcels 12.37, 12.39, 12.40 and 12.41. This Ordinance changed the planned land use from Townhomes of 12 units per acre, Multi-Family Residential of 20 units per acre, and a Church to Single-Family Residential of 3.9 units per acre.

On October 25, 2010, the City Council approved a Preliminary Plat for Estrella Phase One Parcels 12.37, 12.39, 12.40 and 12.41, pursuant to the approved land uses and densities of Ordinance No. 10-1213, however this preliminary plat was never followed by a final plat.

On February 24, 2014, the City Council approved the Preliminary Plat for Estrella Phase One Parcels 12.37, 12.39 and 12.40, without Parcel 12.41, which was consistent with the approved land uses and densities approved in Ordinance No. 10-1213.

On December 15, 2014, the City Council approved a Final Plat for Parcels 12.37, 12.39, and 12.40, but that plat has not been recorded and its approval has expired.

DISCUSSION:

Land uses and existing zoning surrounding the site include the following:

- North – The Estrella Mountain Ranch Public Safety Facility, the Avalon del Lago Residential Subdivision, vacant Estrella Parcel 12.41 all zoned PAD and an APS Substation.
- South/East – Vacant Estrella Parcel 36 zoned PAD Commercial and Estrella Parcel 79 zoned PAD Community Maintenance Facility and the existing City of Goodyear's Water Resources Site No. 13.
- West – Vacant property and Copper Ridge I and II Residential Subdivisions all zoned PAD.

Details of the Request:

A Final Plat was approved by the City Council on December 15, 2014 for Estrella Parcels 12.37, 12.39 and 12.40 which consists of 39 acres that will be subdivided into 126 single family residential lots and 11 open space tracts in a single phase. The maximum allowed density is 3.9 dwelling units per acre, which is higher than the planned density of the proposed development of 3.22 dwelling units per acre.

The minimum lot size within the proposed subdivision is 47-feet wide by 110-feet deep and 5,170 square feet in area. The plan for this subdivision is to offer single-family detached residential products primarily on lots that are 47 to 52 feet wide.

There will be two (2) access points for the future subdivision. The primary access point will be on the west edge from Estrella Parkway through the future Polaris Drive. The additional access point will be on the development's north side from Spring Drive via the future 175th Drive. All of the streets in this subdivision will be public and constructed to the City's Engineering Design Standards.

Prior to recording the final plat, Newland Communities had been working with staff to finalize construction plans for the development, but discovered a previously unidentified and unrecorded underground electric utility facility. The discovery of this facility required an additional utility easement to be defined and adjustments to be made to some of the adjacent lots which delayed recording. At the same time, Newland re-evaluated its construction plans and determined that a number of lots would require higher than usual retaining walls, but lower walls, or no walls, could be accommodated through an adjustment of the lots. The final plat has been revised with adjustments to 84 of the 126 lots, but the street pattern has remained largely unchanged and is consistent with the preliminary plat. The number of lots is the same as previously approved, and the area devoted to open space increased by 0.48 acres. The tot lot originally planned adjacent to Lot 84 will now be developed in the same manner closer to West Summit Drive across from Lots 120 and 121.

The delay in recording the plat and the redesign of a number of lots has resulted in the final plat expiring and the need to approve a new, revised final plat. During this time, the applicant has been actively marketing the site to local builders and expects to transfer ownership soon after the final plat is approved.

Staff Analysis and Findings:

The final plat is consistent with the land use, development standards and densities approved by the Estrella Phase One PAD Amendment for Estrella 12.37, 12.39, 12.40 and 12.41. In addition, the revised Final Plat is consistent with the requirements of the City's Subdivision Regulations and the approved preliminary plat. Finally, the proposed development will provide additional housing opportunities within the City and will also provide an increase of the City's construction sales tax revenues.

FUNCTIONAL/DEPARTMENTAL IMPACT:

Phoenix-Goodyear Airport:

The subject property is located approximately 3.6 miles outside of the 65 Ldn noise contour of the Phoenix-Goodyear Airport. The subdivision should have no impact on airport operations, nor be impacted by airport operations. However, a general note has been placed on the final plat to inform the public and the homeowners that the subdivision does have the potential for overflights from this airport.

Luke Air Force Base:

The subject property is located approximately 7.2 miles from the 65 Ldn noise contours of Luke Air Force Base and should have no impact on base operations. However, a general note has been placed on the final plat to inform the public and homeowners of the military base and potential for overflights.

School Districts:

The subject property is located within the Liberty Elementary School District and the Buckeye Union High School District. Both school districts previously have indicated they have sufficient capacity within the existing schools of Estrella to accommodate the students from this future development.

Electrical Service:

Electric service will be provided by APS. This site is adjacent to an APS Substation and a high voltage transmission line easement is located to the east of this subdivision.

Fire Response:

The future subdivision will be served by the adjacent Fire Station No. 182 located on the northeast corner of Estrella Parkway and Spring Drive (10701 South Estrella Parkway).

Streets/Access:

The proposed subdivision will have two (2) points of access from Estrella Parkway. The first access point is from the northwest via Spring Drive through 175th Drive. The second access point is from the west via Polaris Drive. The streets will be public and constructed in accordance with the City's Engineering Design Standards.

Water/Wastewater:

This future subdivision will be served by the City of Goodyear Water and Wastewaters Utilities. The City and Newland Communities of Estrella have entered into an agreement that pertains to the provision of the potable water supply for Estrella. The agreement allows approval of final plats provided that certain conditions are fulfilled. These conditions include improvements either being completed or guaranteed prior to the recording of the final plat. Newland Communities is close to fulfilling these conditions and will have a sufficient amount of potable water available for this future development by the time the first home is ready for occupancy. A note outlining these conditions appears on the final plat. Common areas of this future subdivision shall be watered from a non-potable water supply system.

Stormwater:

The conveyance and management of both on-site and off-site stormwater flows will be done in accordance with the City of Goodyear Engineering Design and Policies Manual.

Solid Waste Impact:

Residential solid waste and recyclables collection will be provided at curbside by the City of Goodyear in accordance with standard solid waste collection policy.

PREVIOUS ACTIONS AND DISCUSSIONS:

A Final Plat for Estrella Parcels 12.37, 12.39 and 12.40 was previously approved by the City Council on December 15, 2014. However, due to the discovery of an unidentified and unrecorded underground electric utility facility, an additional utility easement had to be defined and some adjustments made to some of the lots which delayed recording. At the same time, the subdivider determined that additional changes to a number of lots should be done to adjust grades within the subdivision to minimize the height of retaining walls. For these reasons, the original approval of this Final Plat has expired and approval of a new, revised final plat is being requested. A Final Plat is reviewed directly by the City Council without review by the Planning and Zoning Commission or a formal public participation process.

FISCAL IMPACT:

A fiscal analysis was not conducted for this item.

ATTACHMENTS:

1. Aerial Photo Exhibit
2. Copy of Final Plat Approved on December 15, 2014
3. Copy of Revised Final Plat