

AGENDA ITEM # _____

DATE: June 17, 2015

COAC NUMBER:

**CITY OF GOODYEAR
PLANNING AND ZONING COMMISSION ACTION FORM**

SUBJECT: Rezoning to amend the Palm Valley Phase IX Development for a site on 8.61 acres at the northeast corner of 146 th Avenue and Camelback Road to allow attached duplex product on 48 lots and modify the development standards for the site.	STAFF PRESENTER: Christopher Flodin, Architectural Planner APPLICANT: Jose Castillo, Mattamy Homes CASE NUMBER: 145-210-00002
---	--

RECOMMENDATION:

- A. Conduct a public hearing to consider a rezoning request to amend the Palm Valley Phase IX Planned Area Development (PAD) for the site on the vacant 8.61 acres at the northeast corner of 146th Avenue and Camelback Road to allow attached duplex product on 48 lots and modify the development standards for the site.
 1. Open public hearing
 2. Staff presentation
 3. Receive public comment
 4. Close public hearing
- B. Approve a rezoning (Case No. 15-210-00002) to amend the Palm Valley Phase IX (PAD) for a site on 8.61 acres at the northeast corner of 146th Avenue and Camelback Road to allow attached duplex product on 48 lots and modify the development standards, subject to the following stipulations:
 1. All development within the subject property shall be in compliance with the development standards, design guidelines, design concepts, and other provisions contained within the Palm Valley Phase IX (PAD) as adopted by Ordinance No. 06-1002 and the stipulations thereto, as modified by the Enclave at Palm Valley North (PAD) Amendment dated April 2015 and the stipulations thereto;
 2. If the developer fails to comply with any of the stipulations contained within the Palm Valley Phase IX (PAD) as adopted by Ordinance No. 06-1002 and the stipulations thereto, as modified by the Enclave at Palm Valley North (PAD) Amendment dated April 2015 and the stipulations thereto, or fails to comply with any other City codes and regulations in the development of the property, then the City Engineer, or designee, may suspend the issuance of building and construction permits for the project until the developer cures the item in default;
 3. This rezoning permits the development of attached duplex product on 48 lots. The maximum number of residential dwelling units permitted within the subject property

shall not exceed 48. The development shall be in conformance with the narrative dated April 2015;

4. Any proposed deviations to the Engineering Design Standards and Policy Manual are not approved with this rezoning;
5. The rights granted under the rezoning shall not vest unless vertical construction of an attached duplex product on 48 lots is commenced within two years from the date of the adoption of this ordinance; and if vertical construction is not commenced within two years from the date of the adoption of this ordinance, the City of Goodyear shall be entitled to initiate a rezoning of the property voiding the rezoning authorized by this ordinance and reverting the zoning of the property to its previous zoning classification;
6. All development within the subject property shall comply with the City of Goodyear Design Guidelines Manual except as modified by the Enclave at Palm Valley North Planned Area Development (PAD) Amendment dated April 2015;
7. The developer shall be required to construct all infrastructure identified as being necessary for the proposed development of the property and for ensuring that adequate public services are available to the property in accordance with the Engineering Design Standards and Policy Manual and all other applicable City Codes, except as modified by the Enclave at Palm Valley North Planned Area Development (PAD) Amendment dated April 2015;
8. Approval of the Enclave at Palm Valley North PAD Amendment does not constitute approval of a preliminary or final plat. All future development will be subject to preliminary and final plat and engineering plan review and approval, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation; and,
9. The owner/developer of the enclave at Palm Valley North development shall include a disclosure statement in any agreement for prospective residents to sign acknowledging that the development is in proximity to Luke AFB and 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, Luke Air Force Base and/or the Phoenix-Goodyear Airport.
10. The owner/developer of the Enclave at Palm Valley North development shall meet or exceed the sound attenuation requirements found in A.R.S. § 28-8482. Consideration shall be given to potential blast effects in the layout of the development and design of the structures.
11. Modify Stipulation #43 from ordinance 2006-1002 to read *“The areas designated Medium Density UR/M shall have a minimum of 14 percent (14%) of the net site / lot*

area in landscaping acceptable to City Staff, which shall be demonstrated during site plan review. Common open space usable for recreation or leisure purposes ("active" open space) shall constitute not less than 45% (45%) of the development's open space requirements."

12. Remove stipulation # 45 from ordinance 2006-1002. *"The Medium Density Residential UR/M tract shall include single story elements and a 20-foot wide landscape buffer along the north property line in order to provide appropriate building setbacks from the adjacent single-family residential uses. Said buffer shall include landscaping only and shall not include any parking or drive aisles."*

PURPOSE:

This request is for an amendment to the Palm Valley Phase IX PAD for the site on the vacant 8.61 acres at northeast corner of 146th Avenue and Camelback Road. The current zoning designation for this parcel within the Palm Valley Phase IX PAD is MF-18. This zoning amendment would allow attached duplex product on 48 lots and revise the development standards, as amended by the Enclave at Palm Valley North Planned Area Development containing approximately 48 attached duplex residential dwelling units for sale.

BACKGROUND AND COMMUNITY BENEFIT:

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:

On May 8, 2006, the City Council adopted Ordinance No. 06-1002 rezoning approximately 209.3 acres of property, generally located north of Camelback Road, west of the Sun Health property in Litchfield Park and east of the Falcon Dunes Golf Course in Maricopa County, known as Palm Valley Phase IX from the Agricultural (AG) District to the Final Planned Area Development (PAD) District for a mixed-use residential, light industrial, and open space development, subject to the stipulations contained in Ordinance No. 2006-1002.

The Palm Valley Master Plan incorporates land use designations that differ from the City of Goodyear General Plan Land Use Map. According to the Palm Valley Development Agreement between the City and SunCor Development Company, SunCor is permitted to maintain their land use designations. However, the zoning of the property within the master plan must include a corresponding zoning district by which criteria are established. Therefore, the Medium Density Residential (UR/M) designation is subject to compliance with the MF-18 Multi-Family Residential zoning district criteria except that the density would be limited to no more than twelve dwelling units per acre except as otherwise modified by a PAD or PAD amendment.

The subject property is designated for MF-18 development in the Palm Valley Phase IX PAD.

DISCUSSION:

Background:

The General Plan Land Use Map designates the subject property as Neighborhood. The Development Standards for Neighborhoods allows for Medium Density Residential with densities greater than 5 dwelling units per acre and up to 12 dwelling units per acre may be considered along arterial roads. The 2025 General Plan encourages Neighborhood development that supports the City's desired community character and vision by creating and fostering complete neighborhoods. Complete neighborhoods shall include a range of housing options, places that encourage social interaction, access to healthy food, and accessibility for people of all abilities.

Surrounding Properties:

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

- **North** – Existing single-family residential development within Palm Valley Phase IX PAD;

- **East** – Existing single-family residential development within Palm Valley Phase IX;
- **South** – Litchfield Park – Existing single-family residential development.
- **West** – Existing single-family residential development within Palm Valley Phase IX PAD.

Details of the Request:

This request is for an amendment to the Palm Valley Phase IX Planned Area Development (PAD) to allow attached duplex product on 48 lots and modify the development standards on 8.61 acres at the southwest corner of northeast corner of 146th Avenue and Camelback Road. The current zoning designation for this parcel within the Palm Valley Phase IX PAD is MF-18. This zoning amendment would allow attached duplex product to be constructed on the subject property and modify development standards defined within the Enclave at Palm Valley North Planned Area Development (PAD) Amendment.

The proposed enclave at Palm Valley North development contains 48 attached residential dwellings at a density of 5.58 units per acre. The development of this site will not increase the allowable maximum building units nor the maximum allowable density within Palm Valley Phase IX.

The Enclave at Palm Valley North PAD identifies Site Design and Building Architecture Design Guidelines for the proposed development, and contains illustrated building concepts for the proposed building. The architectural elevation themes proposed for the project are Spanish, Craftsman, and Prairie.

Access to the proposed Enclave at Palm Valley North development will be from two (2) vehicular entrances, both off 164th avenue.

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 Enclave at Palm Valley North Planned Area Development (PAD) Land Use and Development Standards Narrative, dated April 10, 2015. Included within the Enclave at Palm Valley North PAD are conceptual site, landscape and other plans that illustrate the proposed attached duplex 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 residential architecture, a more detailed review will be conducted during the formal Pre-plat, Final Plat, and Residential Design 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 attached duplexs on the subject property is consistent with the Neighborhood land use designation for the property as established on the General Plan Land Use Map. The Development Standards for Neighborhoods allows for Medium Density Residential with densities greater than 5 dwelling units per acre and up to 12 dwelling units per acre. The proposed development would yield a density of 5.58.

The proposed PAD amendment for the Enclave at Palm Valley North is consistent with the following stated objectives of the General Plan:

- 1) Create and foster complete neighborhoods, by providing a range of housing options, places that encourage social interaction, access to healthy food, and accessibility for people of all abilities;
 - 2) Utilize architecture and landscape that is compatible with the Sonoran Desert;
 - 3) 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;
 - 4) Encourage a mix of housing types that is consistent with market trends, satisfies demand, and adequately meets the needs of all prospective residents.
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 an attached duplex product. The vacant property is relatively flat and has no physical features that would impact future development. The property has adequate frontage along Camelback Road and access to 146th avenue

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 north, west, and south. The attached duplexs 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 attached duplex product. The Enclave at Palm Valley PAD amendment contains the following features which provide compatibility with the adjoining single-family residential lots:

- 1) The intensity of the attached duplex development at 5.58 du/acre, is significantly less than that created by MF-18 development.
 - 2) The Enclave at Palm Valley North PAD contains appropriate development standards and design guidelines to ensure a level of development quality similar to and compatible with adjoining properties; and,
 - 3) Potential neighborhood traffic impacts were studied with the PAD Amendment. The anticipated traffic volumes from the proposed attached duplexes will be significantly less than that which would be generated by MF-18 development of the property.
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.*

Since the subject property is designated MF-18 some level of multi-family 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 2025 General Plan encourages development of neighborhoods to include a wide range of densities and housing products that suit the needs of existing and future residents.

The proposed PAD amendment providing for the development of an attached duplex product 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.

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 Enclave at Palm Valley North PAD narrative indicates the request will provide the ability to develop a unique, quality product that will complement the adjacent residential properties to the north and south. 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.

Rezoning this 8.61-acre parcel to allow the attached duplex product would not negatively impact the land use balance within Palm Valley and that it would help meet an existing need for cost effective residential housing with minimal landscape maintenance. The additional units provided by this attached duplex project would provide greater diversity in housing choice in North Goodyear

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 Pebble Creek Parkway is located in the vicinity of the project and can provide an acceptable level of service to the property.

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. To date, no comments or inquiries have been received by staff in response to this notification.

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

The attached duplex zoning and development proposed in the Enclave at Palm Valley PAD amendment is a reasonable and appropriate alternate to the existing MF-18 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.

DEPARTMENT/FUNCTIONAL IMPACTS:

Luke AFB:

The subject property is approximately located ½ mile outside the 1988 JLUS 65 Ldn, “high noise or accident potential zone,” and is subject to periodic overflights from Luke Air Force Base. The proposed residential units will also be located adjacent to and within 1/2 mile of the Luke AFB Munitions Storage Area (MSA) Quantity Distance (QD) arc. A copy of the PAD Amendment and conceptual development plan were sent to Luke Air Force Base for review and comment. Staff received from Mr. James Mitchell, Director of Community Initiatives Team 56th Fighter Wing. Mr. Mitchell stated,

“Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/acre from the 65 Ldn to 1/2 mile, a maximum of 4 du/acre from 1/2 mile to 1 mile and a maximum of 6 du/acre from 1 to 3 miles. Enclave @ Palm Valley, with a density of 5.9 du/acre will not fall within these guidelines.”

“Of even greater concern is the close proximity to the Luke AFB, MSA DQ arc and Jet Engine Test Pad. On May 8, 2006, Luke participated in the City Council Meeting for the Palm Valley Phase IX Development and presented its concerns regarding the safety of building a residential development close to the MSA DQ arc and Jet Engine Test Pad. Despite these concerns the City Council Members voted to approve the Final Zoning and Preliminary Plat Development of Palm Valley Phase IX. On June 28, 2006, Luke sent the attached letter to reiterate the inherent dangers involved with the location of this development.”

Luke’s concerns remain the same as the inherent dangers have not changed; the property is located adjacent to the Luke AFB high-explosive munitions storage area as well as less than a mile from our jet engine maintenance test pad.

It was recommended by Luke AFB that if the City chooses to approve the Enclave PAD Amendment, special consideration must be made to mitigate the safety and noise issues. Luke AFB recommends that the sound attenuation requirements found in A.R.S. § 28-8482 and use those requirements as a bare minimum.

In addition, the developer shall include a disclosure statement in any 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 6 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. 183 is located at the southwest corner of Litchfield Road and Avalon Drive and is approximately 3 miles from the subject property and can provide an adequate response to the subject property.

Solid Waste:

Solid waste collection for the proposed assisted living 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.

Streets/Transportation:

Access to the proposed Enclave at Palm Valley North development will be from two (2) vehicular entrances, both off 164th avenue.

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 Pebble Creek Parkway 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 Thursday, May 28, 2015. Notices for the meeting were distributed to property owners within 500 feet of the subject property, public notice was provided in the newspaper, and a sign was posted on the property. To date, no comments or inquiries have been received by staff in response to this notification.

Planning and Zoning Commission Meeting:

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 a sign posted on the subject property. To date, no comments or inquiries have been received by staff in response to this notification.

ATTACHMENTS:

1. Aerial Photo Exhibit
2. Enclave Conceptual Site Plan
3. PAD Document
4. Letter from Luke AFB dated June 28, 2006
5. Letter from Luke AFB dated March 10, 2015