

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Preliminary Plat for Enclave at Palm Valley North subdividing approximately 8.61 acres into 48 single-family residential and 4 open space tracts generally located at the northeast corner of 146 th Avenue and Camelback Road zoned PAD	STAFF PRESENTER: Christopher Flodin, Architectural Planner CASE NUMBER: 15-5667 APPLICANT: Jose Castillo, Mattamy Homes
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RECOMMENDATION:

Approve a request for the Preliminary Plat from Mattamy Homes to subdivide approximately 8.61 acres into 48 single-family residential and four open space tracts for a development known as Enclave at Palm Valley North generally located at the northeast corner of 146th Avenue and Camelback Road zoned PAD, 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 Ordinance No. 14-1294 and the stipulations thereto and as further modified by Ordinance No. 15-1325, the Enclave at Palm Valley North (PAD) Amendment dated April 2015 and the stipulations thereto;
2. The plat shall comply with the Subdivision Ordinance and all other applicable codes and ordinances;
3. The applicable zoning stipulations regarding residential design and development shall be included as notes on the final plat;
4. Prior to final plat recordation, a performance bond or letter of credit shall be provided by the subdivider to cover 100% of the cost of all the off-site and on-site improvements that have been identified as being the responsibility of the subdivider;
5. Prior to final plat recordation, a stormwater maintenance agreement prepared pursuant to Section 9.1.3.C.11.b. of the Engineering Design Standards & Policy Manual (EDS&PM) must be submitted to and approved by the Engineering Department. All private storm-water management facilities shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm-water management facilities, and to perform routine maintenance as necessary to ensure proper functioning of the storm-water management facility. In addition, a binding covenant specifying the parties responsible for the proper maintenance of all storm-water management facilities shall be secured prior to approval of final subdivision plat and issuance of any permits for land disturbance activities;

6. All new or existing utilities within the proposed development and the arterial street right-of-way abutting the development shall be placed underground, except for power lines of 69 kV or larger. This shall be shown on the construction plans submitted with the final plat, noted on the final plat, and completed as each phase is developed, prior to the issuance of the first Certificate of Occupancy in such phase
7. The subdivider shall submit a current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made together with any additional environmental surveys which the City Engineer deems necessary dependent upon the contents of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, easements or other parcels of land dedicated to the public and shall be submitted with the final plat for the project. Any environmental conditions identified by the Phase I Environmental Survey shall be addressed and remediated to the satisfaction of the City Engineer or his designee prior to approval of any final plat for the project;
8. A current Soils Report, including all of the information outlined in the Engineering Design Standards and Policies Manual (Section 4.1.9.B.1), shall be submitted with the construction documents prior to approval of any final plat for the project;
9. The final drainage report submitted with the construction plans shall demonstrate that the finish floors of all residential lots adjacent to existing shotcrete lined channel along the east property line of the site and the existing channel along the south of the site are at a minimum freeboard per Section 6.5.4 (FCDMC Hydraulics Volume) above the 100-year water surface elevation; the freeboard requirement shall also include the existing lots north of Lot 20 which are adjacent the proposed revision to the existing east channel. The 100-year water surface elevation shall be established by a HEC-RAS model;
10. Prior to recordation of the final plat, the project shall provide construction documents and an associated drainage report or an update to an applicable previously approved drainage report for revisions necessary to fix the undersized existing culvert at the North 147th Drive entrance off Camelback Road;
11. The final grading plans in the first construction document submittal shall provide revised grading and retaining wall heights adjacent to the two subdivision entrance driveways to demonstrate compliance with the required 33' x 33' sight visibility easement per City of Goodyear Standard Detail G-3228;
12. The construction plans in the first construction document submittal shall demonstrate that any retaining/site wall(s) and associated below grade footings do not encroach on any public utility easement(s);
13. The construction plans in the first construction document submittal shall either remove the proposed slope along the south face of the existing retaining wall in the rear of Lots 20 and 21 by either raising the pad elevation of the lots or providing a tiered retaining wall or if the

slope is to remain, provide a slope easement over the sloped area for the purpose of restricting the re-grading or removal of material from the said easement;

14. The developer shall complete all road improvements (pavement, curb, gutter, sidewalk, street lighting, and landscaping) within and abutting to the subdivision, as per the Engineering Design Standards;
15. Streets within the subdivision shall be publically owned and maintained. The Developer and/or Homeowner's Association shall bring the streets to current City standards in the event that a request is made to dedicate the streets to the City of Goodyear and the City wishes to accept said streets;
16. Street names shall be approved by the City Engineer, or his designee, prior to approval of the final plat for Enclave at Palm Valley North;
17. Improvements made on all arterial, collector and local roads within and abutting Enclave at Palm Valley North shall comply with the City of Goodyear's prevailing engineering design standards;
18. The Developer or successor shall warranty all public and private improvements constructed by the developer or successors within the City of Goodyear rights-of-way, tracts and easements for a period of not less than two (2) years from the date of acceptance by the City Engineer, or his designee;
19. Prior to the issuance of the grading permit for the project, the developer shall identify on a grading and drainage plan corrective measures to be implemented should the required retention basins not drain within the prescribed time frame. The developer shall be responsible for implementing such corrective measures for the duration of the project's warranty period;
20. The Developer shall provide for a waiver agreement, which shall run with the land, for each initial homebuyer to sign, and shall include the following statement in the waiver agreement: "Enclave at Palm Valley North is subject to attendant noise, vibrations, dust, and all other effects that may be caused by over flights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport. The Owner does release and discharge the City of Goodyear and the developer from any liability for any and all claims for future damages to persons or property and complaints of any kind that may arise at any time in the future from the operation of such aircraft near and over the area";
21. The Public Sales Report and final plat shall include a statement that Enclave at Palm Valley North is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflight and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport;
22. The Developer shall post signage within all subdivision sales offices identifying the location of the 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 Pattern Area and noise contours. This display shall include a twenty-four by thirty-six inch (24"x36") map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted. The required contents of the map shall be provided by the City of Goodyear;

23. The owner/developer of the Enclave at Palm Valley North Final PAD shall include a note on any final plat and 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
24. The owner/developer of the property 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;
25. The following information shall be disclosed in the public sales report and final plat and shall be provided in a separate acknowledgment, which shall run with the land, to be signed by the initial homebuyer: Enclave at Palm Valley North is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;
26. For all Units within Enclave at Palm Valley North, a note shall be provided on the final plat, and the public sales report shall include a disclosure statement as a separate exhibit in the buyer contract documents acknowledging that the development is in close proximity to the Arizona Motorsports Park, generally located at Camelback and Reems Roads, and may be subject to noise intrusion;
27. The developer shall have a separate waiver agreement signed by the homeowner that recognizes that "Enclave at Palm Valley North will be subject to noise intrusion from the operation of the Arizona Motorsports Park should it resume operation at some future date" and such an agreement shall run with the land;
28. No two-story homes shall be permitted on corner lots. The final plat for Enclave at Palm Valley North shall contain a note listing all lots subject to this stipulation;
29. Driveways upon key lots shall be located on the opposite side of the lot from the view obstruction;
30. The Developer shall provide and install a front yard landscape package for each dwelling within 60 days of issuance of the Certificate of Occupancy for that dwelling. The CC&Rs shall contain language reflecting this requirement;
31. The Developer shall include a note on the final plat and require each homebuyer to sign an acknowledgment statement accepting maintenance responsibility for the landscaping between the sidewalk and curb in front of their home, and the side yard for homes on corner lots. The

CC&Rs for Enclave at Palm Valley North shall state that the HOA will enforce maintenance if there is non-compliance with this requirement;

32. The Developer shall ensure that all perimeter walls viewable from public roadways have an exposed face not to exceed eight feet in height;
33. Open space improvements and associated amenities located within a phase of development shall be substantially completed upon issuance of the first Certificate of Occupancy for any single-family dwelling unit within that phase; and,
34. All lots backing up to significant internal open space areas shall have rear yard view fences as determined by City Staff during the formal landscape plan review. Those lots that have view fences shall be required to complete their rear yard landscaping within 90 days of the issuance of a Certificate of Occupancy for the dwelling.

PURPOSE:

The request is for approval of a preliminary plat for Enclave at Palm Valley North. The preliminary plat consists of 8.61 acres that will be subdivided into 48 residential lots and four open space tracts. The proposed Enclave at Palm Valley North preliminary plat is consistent with the requirements of the City's Subdivision Regulations, and Design Guidelines. The proposed density is consistent with the City's General Plan and the proposed development will be compatible with the surrounding area.

BACKGROUND AND COMMUNITY BENEFIT:

Current Policy

Prior to subdividing a property, the owner must submit a preliminary plat that demonstrates compliance with public objectives, subdivision design principles and standards, and streets and thoroughfare planning. The preliminary plat also must be accompanied by information demonstrating the adequacy of utilities, open space and other public facilities necessary to serve the site.

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.

On January 12, 2009, the City Council adopted Ordinance No. 09-1154 deleting stipulation 55 allowing for rescission if vertical construction not commenced w/in 2 years.

On May 19, 2014, the City Council adopted Ordinance No. 14-1294 modified stipulation 26 to prohibit 2 story houses only on corner lots and deleted stipulation 27 limiting 2-story homes to three in a row.

On November 17, 2014, the City Council adopted Ordinance No. 14-1313 to add stipulation 57 to allow for water recharge facility as permitted use and to add stipulation 58 imposing conditions for water recharge facility.

On July 13, 2015 the City Council adopted Ordinance No. 15-1325 rezoning approximately 8.61 acres of property generally located 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. This rezone reduced the allowable density for the site.

DISCUSSION:

Background:

The General Plan Land Use Map designates the subject property as Neighborhood. The approved PAD Amendment for the development allows for attached duplexes and 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 applicable to the property allows for Medium Density Residential with densities greater than 5 dwelling units per acre and up to 12 dwelling units per acre. The 2025 General Plan encourages Neighborhood development that supports the City's desired community character and vision by providing trails, open space, and internal and external connectivity.

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** – Litchfield Park – Sun Health Property.
- **South** – Litchfield Park – Existing single-family residential development.
- **West** – Existing single-family residential development within Palm Valley Phase IX PAD.

Details of the Request:

The applicant is requesting the subdivision of 8.61 acres into 48 single-family residential lots for a residential project known as Enclave at Palm Valley North, generally located at the northeast corner of 146th Avenue and Camelback Road. Enclave at Palm Valley North proposes a lot yield of 48 single-family residential lots on 8.61 gross acres resulting in a density of 5.58 units per acre. The plat is consistent with the Enclave at Palm Valley North Final PAD Amendment dated April 10, 2015, which was adopted by Ordinance No. 15-1325. The development of this site will not increase the allowable maximum building units nor the maximum allowable density within Palm Valley Phase IX.

Access to the proposed Enclave at Palm Valley North development will be from two (2) vehicular entrances, both off 146th avenue. All roadways within the development will be built to public road standards and dedicated to the City of Goodyear.

Approximately 1.22 acres or 14.2% (net acreage) of open space are proposed in the Enclave at Palm Valley North development. A Homeowners Association (HOA) will maintain all community open space tracts, amenities, and right-of-way landscaping.

Staff Analysis:

The proposed subdivision plat is consistent with prevailing MF-18 Zoning standards as modified by the Enclave at Palm Valley North PAD Amendment, the Neighborhood land use designation as specified on the General Plan Land Use Map, and the current subdivision regulations set forth by the City of Goodyear. This land use was intended for residential development of the type and intensity proposed with the Enclave at Palm Valley North development.

DEPARTMENTAL/FUNCTIONAL IMPACTS:

Phoenix-Goodyear Airport Impact:

The subject property is located within the Phoenix-Goodyear Airport Traffic Pattern Airspace. However, the property is located over four miles from the 65 LDN noise contour line and should not be significantly impacted by airport noise.

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 a response 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.

Luke AFB objected to the reduction in density from the existing entitlement. 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. Stipulation (60.h) pertaining to sound attenuation requirements were included in Ordinance No. 15-1325 and as stipulation 24 of the Enclave at Palm Valley North Preliminary Plat.

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 for rezoning cases and was included in Ordinance No. 15-1325 (stipulation 60.g) and as stipulation 23 of the Enclave at Palm Valley North Preliminary Plat.

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.

Electric Impact:

Electric service will be provided by APS.

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 Camelback Road adjacent to the property.

CITIZEN PARTICIPATION:**Citizen Review Meeting:**

A citizen review meeting is not required for a preliminary plat.

Planning and Zoning Commission Meeting:

The Planning and Zoning Commission considered this item at its regular meeting of September 16, 2015.

No one from the public spoke for or against this item at the Commission meeting. There was no discussion by the Commission. The Commission unanimously voted (4-0) to forward a recommendation of approval to the City Council for the preliminary plat. (Commissioners Barnes, Bray, Hamilton were absent)

FISCAL IMPACT:

The development will be responsible for extending and constructing all infrastructure necessary to serve the site. Additional revenue initially will be generated through the payment of construction sales taxes and development impact fees, but residential development generally has a net negative impact on the general fund.

ATTACHMENTS:

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