

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Preliminary Plat for PebbleCreek Phase II Unit 55 subdividing approximately 41.63 acres into 217 single-family lots and 6 open space tracts generally located at the northeast corner of McDowell Road and the Loop 303 zoned PAD

STAFF PRESENTER: Christopher Flodin,
Architectural Planner

CASE NUMBER: 15-500-00003

APPLICANT: Jeff Uhrick P.E., B&R
Engineering, on behalf of Pebble Creek
Properties Limited Partnership.

RECOMMENDATION:

Approve a request for the Preliminary Plat from PebbleCreek Properties Limited Partnership to subdivide approximately 41.63 acres into 217 single-family residential lots and six open space tracts for a development known as PebbleCreek Unit 55 generally located at the northeast corner of McDowell Road and the Loop 303 zoned PAD, subject to the following stipulations:

1. Compliance with those conditions stated in Section II of Ordinance No. 98-620 and Ordinance No. 98-621, rezoning the land being developed as PebbleCreek Phase II;
2. The plat shall comply with the Subdivision Ordinance and all other applicable codes and ordinances, except as otherwise approved in those certain documents titled Development Agreement for PebbleCreek Resort Community Phase II recorded in the official records of Maricopa County at Document No. 2005-0632743 (the "2005 Development Agreement") and Agreement Regarding Building Standards and Fees for PebbleCreek Resort Community recorded in the official records of Maricopa County at Document 1999-0283656 (the "1998 Development Agreement"), collectively the 2005 Development Agreement and the 1998 Development Agreement are hereinafter referred to as the "PebbleCreek Development Agreement;
3. Compliance with the 2005 Development Agreement and the 1998 Development Agreement;
4. The applicable zoning stipulations regarding residential design and development shall be included as notes on the final plat;
5. Prior to the issuance of any civil construction permits, 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;
6. A current Soils Report, including all of the information outlined in the City of Goodyear EDS&PM Section 4.1.9.B.1, is required prior to paving;

7. The final water report shall include the results of a fire flow test performed within 1 year of the second civil construction document submittal. The connection to the existing water system shall be represented as a reservoir and a theoretical pump with a 3-point characteristic curve based on static and residual pressure obtained during a two-hydrant flow test near the connection point;
8. The completion of road improvements (pavement, curb, gutter, sidewalk, street lighting, and landscaping) within and abutting the subdivision as per the Engineering Design Standards or in accordance with approved exceptions as established by the Pebble Creek Development Agreement and Planned Area Development;
9. Streets within the subdivision shall be privately 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;
10. Per section 25 of the 1998 Pebble Creek Development Agreement, if the required retention basins do not drain within the prescribed time frame, then parties shall mutually agree upon a solution, considering all reasonable options.
11. The Developer shall provide for a waiver agreement, for each initial homebuyer to sign, and shall include the following statement in the waiver agreement: "Pebble Creek Phase II Unit 55 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;"
12. The public sales report and final plat shall include a statement that Pebble Creek Phase II Unit 55 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;
13. 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 sales facility, be clearly visible on the wall, 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.
14. The following information shall be disclosed in the public sales report and final plat:
Pebble Creek Phase II Unit 55 is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;
15. The following information shall be disclosed in the public sales report and final plat:
Pebble Creek Phase II Unit 55 is in proximity to the Loop 303 freeway and may be

subject to potential noise intrusion, vibrations, dust and all other effects that may be caused by said freeways and the construction of thereof;

16. The developer shall have a separate waiver agreement signed by the homeowner that recognizes that “Pebble Creek Phase II Unit 55 is subject to attendant noise and visible intrusion from Interstate 10 and the Loop 303, a proposed freeway”;
17. For all Units within Pebble Creek Phase II, a note shall be provided on the final plat and the public sales report 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;
18. No two-story homes shall be permitted on corner lots. The final plat for PebbleCreek Unit 55 shall contain a note listing all lots subject to this stipulation;
19. Dwelling units located on lots that front a T-intersection shall be configured so that the non-livable portions of the dwelling face oncoming traffic. The final plat for PebbleCreek Unit 55 shall contain a note listing all lots subject to this stipulation;
20. Driveways upon key lots shall be located on the opposite side of the lot from the view obstruction;
21. 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.
22. Property walls on any lots that back up to a rear yard common area that do not maintain a 5'-0" separation between rear property walls shall be limited to a maximum height of 36" above grade.

PURPOSE:

The request is for approval of a preliminary plat for PebbleCreek Phase II Unit 55. The preliminary plat consists of 41.63 acres that will be subdivided into 217 single-family lots and six open space tracts. The proposed PebbleCreek Phase II Unit 55 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 August 19, 1998, the City Council approved Ordinance Nos. 98-620 and 98-621 conditionally rezoning approximately 1610.51 acres to be developed as the second phase of the PebbleCreek Golf Resort. Phase II is generally located between Indian School Road and McDowell Road, and between PebbleCreek Parkway and the Loop 303.

On January 28, 2002, the City Council approved Ordinance No 02-782 conditionally rezoning five parcels to move some of the single family homes out of the noise contour. It replaced some of the homes with the RV storage area which was planned at the southwest corner of Phase II and changed that corner to single family residential.

The 2005 Development Agreement provided for an administrative amendment to the Phase II PAD that relocated all of the single family development out of the noise contour and replaced it with golf course uses.

On August 27, 2007, the City Council approved Ordinance No. 07-1081 conditionally rezoning 1.1 acres of property from the Planned Area Development (PAD) zoning district to the Public Facilities District (PFD) for the Goodyear Fire Station No. 185.

On April 17, 2008, Case No. 08-200-0003 approved an administrative amendment to the PAD to eliminate the walking paths behind the homes due to the residents' concerns about lack of privacy and the expense of constructing and maintaining.

DISCUSSION:

Background:

Entitlements for the PebbleCreek Golf Resort date back to 1998 and as such the existing PAD and Development Agreements are in place and governing. It should be noted that the proposed development of Pebble Creek Phase II Unit 55 does comply and is consistent with the 2025 General Plan.

The General Plan Land Use Map designates the subject property as Neighborhood. The Development Standards for Neighborhoods allows for Medium Density Residential. Residential uses with densities greater than 5 dwelling units per acre up to 12 dwelling units per acre, may be considered along arterial roads, adjacent to commercial areas, adjacent to community and regional parks, or significant open space areas, adjacent to interstates when appropriately buffered, or to provide transition between low and high density residential uses. 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.

Existing land uses surrounding the subject property include the following:

- **North** – Existing PebbleCreek Tuscany Falls Golf Course
- **South** – Undeveloped Commercial property
- **East** – Existing PebbleCreek Unit 54 residential development
- **West** – Loop 303 Freeway and the Perryville Prison

Over the years, the West Valley communities and Maricopa County have worked in concert to support the mission of Luke Air Force Base and protect it from encroachment by incompatible land uses so that its operation remains viable and not at risk of closure.

In 1988, the Maricopa Association of Governments (MAG) conducted a noise study which resulted in the Westside Joint Land Use Study (WJLUS) noise contours being established.

In 1995, Luke AFB released a second study defining the Air Installation Compatible Use Zone (AICUZ) noise contours. Both studies defined similar noise contours, however, the 1995 Luke AFB study was based upon noise generated by the F-16 aircraft, a single engine jet plane used by the base. The 1988 MAG study was based upon use of multiple types of aircraft, some with multiple engines, such as the F-15. The 1988 MAG WJLUS noise contours were slightly larger than those in the 1995 AICUZ Luke AFB study.

In 1995, in order to protect military airports from encroachment by incompatible land uses, the State Legislature enacted a statute (Senate Bill 1062) that required jurisdictions within Maricopa County to adopt noise contours and restrict development within those noise contours to certain land uses that would be compatible with operations at Luke AFB.

The City adopted a new General Plan on May 26, 1998 by Res. No. 98-631. Since the United States Air Force (USAF) had developed a new noise study in 1995, as amended in 1997, it was most current and relevant to Luke's operations. As a result, the City adopted the 1995 AICUZ noise contours in the new General Plan. The 1998 General Plan also included a policy not to allow any residential zoning inside the 65 Ldn, which is the outermost "ring" of the study's noise contour.

On August 24, 1998, the City approved the Final PAD for PebbleCreek Phase 2 which included a Final Development Plan with single family development outside of the 65 Ldn noise contour, as shown on the 1998 General Plan and based on the smaller 1995 AICUZ noise contour.

However, the US Air Force subsequently concluded that WJLUS noise contours established in the 1988 noise study should be used for land use decisions, rather than the noise contours established in its 1995 noise study, to provide greater protection to Luke AFB. This apparently also was based on the fact that some of the other cities had already been enforcing the 1988 noise contour and the base did not want to change the state law to a new, smaller standard.

On August 28, 2000, the City amended its General Plan by adopting Res. No. 00-714 which included the noise contours in the 1998 WJLUS noise study. As a result of this change, approximately 200 acres of land within Goodyear that had previously been zoned residential (including the Pebble Creek Resort Community) were now inside the noise contour lines.

On January 28, 2002, the City approved Ord. No. 02-782 which rezoned 25 acres of PebbleCreek Phase 2 which reduced the number of single family homes planned within the 65 Ldn from 204 to 147. Although this reduction of single family homes reduced the number of single family homes within the 65 Ldn, it did not eliminate single family development from within the 65 Ldn which was the goal of the revised General Plan and state law.

In 2005, further negotiations ensued with Robson over the single family area within the 65 Ldn. A Development Agreement was negotiated which addressed the single family land use issue; the construction of a perimeter noise wall along the Loop 303 side of the development; a fire station

site; certain density transfers; and payment of certain development fees. Under this development agreement, the proposed residential units were to be moved to other areas of PebbleCreek Phase II through density transfers processed as a minor amendment to the PAD in exchange for a waiver of any right the developer may have had to build residential units within the noise contours.

The impetus for this negotiation was the creation of the Base Closure and Realignment Commission (BRAC) established by the U.S. Congress in 2005 to evaluate and recommend for closure or realignment military bases primarily throughout the United States. The Mayor and City Council at the time shared the concern of leaders within the Valley who were concerned that Luke AFB was at risk of closure or realignment. One of the criteria used in the evaluation process was encroachment of incompatible land uses within the noise contours and the City saw this Development Agreement as a way to eliminate the single family uses from within the 65 Ldn in exchange for concessions on the other issues noted above. The Development Agreement was approved by the City by adoption of Res. No. 05-977 on May 9, 2005.

Details of the Request:

The applicant is requesting the subdivision of 41.63 acres into 217 single-family lots for a residential project known as PebbleCreek Phase II Unit 55, generally located at the northeast corner of McDowell Road and Loop 303. PebbleCreek Phase II Unit 55 proposes a lot yield of 217 single-family residential lots on 41.63 gross acres resulting in a density of 5.21 units per acre.

There are multiple access points into PebbleCreek Phase II Unit 55 development along 169th Avenue.

Approximately 9.46 acres or 22.7% (net acreage) of open space are proposed in the PebbleCreek Phase II Unit 55 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 Single-Family Residential Zoning standards, the Medium Density Residential land use designation as specified on the General Plan Land Use Map, and applicable 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 PebbleCreek Phase II Unit 55 development.

Approval of the Pebble Creek Phase II Unit 55 will not increase the maximum allowable density approved within the overall Pebble Creek Phase II PAD.

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.

Luke AFB Impact:

The subject property is located in the vicinity of a military airport and is approximately 0.75 miles from the high noise zone and 1.25 miles from the accident potential zones. Luke AFB has commented that the proposed PebbleCreek Phase II Unit 55 development complies with the recommended densities as stated in the Graduated Density Concept and recommends that the developer pursue an aggressive notification procedure to inform potential homebuyers of base operations.

Electric Impact:

Electric service will be provided by APS.

Fire/Response Time:

Fire Station No. 185 is located at the southwest corner of PebbleCreek Parkway and Clubhouse Drive and is approximately 3 miles from the subject property and can provide an adequate response to the subject property.

Solid Waste Impact:

Solid waste collection will be provided at curbside by the City of Goodyear in accordance with standard solid waste collection policy at the time.

Storm Water Impact:

The Developer will be required to retain all storm water drainage generated by this development on the site. Off-site flows that currently pass through the site will need to be accommodated. During construction plan review, additional information on infrastructure sizes, depths, elevations, etc., may be required due to the preliminary nature of the preliminary plat.

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.

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. Commissioner Kish brought up that placing residential lots against a freeway is not allowed in the 2025 General Plan. Staff responded that while that is correct, the entitlements for Pebble Creek Phase II preceded the 2025 General Plan. Staff also mentioned that there is a Development Agreement in place from 2005 (Resolution 05-977) that discusses this residential development and the developer's contribution towards the costs of a sound wall should a sound wall be constructed. A copy of the 2005 Development Agreement has been included in this staff report and information regarding the sound wall can be found under section 3(c).

The Commission unanimously voted (4-0) to forward a recommendation of approval to the City Council for the pre-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. Resolution 05-977 – Pebble Creek Phase II Development Agreement