

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

DATE: March 27, 2017

COAC #: 17-6011

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

**SUBJECT:** Amendment to the La Jolla Vista  
PAD Stipulation No. 35

**STAFF PRESENTER:** Joe Schmitz, Long  
Range Planner

**CASE NUMBER:** 17-210-00001

**OTHER PRESENTER:** N/A

**PROPOSED ACTION:**

1. Conduct a public hearing to consider an Amendment to the La Jolla Vista Planned Area Development (PAD) to delete or otherwise modify Stipulation No. 35 which requires the developer to provide pedestrian access to Durango Street.
  - a. Open public hearing
  - b. Staff presentation
  - c. Receive public comment
  - d. Close public hearing
2. ADOPT ORDINANCE NO. 17-1340 AMENDING THE FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING FOR LA JOLLA VISTA COMPRISED OF APPROXIMATELY 198.5 ACRES LOCATED AT THE NORTHEAST CORNER OF CITRUS AND LOWER BUCKEYE ROADS TO MODIFY STIPULATION NO. 35 OF ORDINANCE NO. 2005-971 TO ELIMINATE THE REQUIREMENT TO PROVIDE PEDESTRIAN ACCESS BETWEEN LA JOLLA VISTA AND THE ADJACENT SWEETWATER ESTATES SUBDIVISION; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**BACKGROUND AND PREVIOUS ACTIONS:**

On October 24, 2005, the Goodyear City Council approved Ordinance No. 2005-971 which established the Planned Area Development zoning for the La Jolla Vista residential development. That ordinance included Stipulation No. 35 which required that the developer provide a pedestrian connection through La Jolla Vista to permit access between the Sweetwater Estates development and a proposed elementary school to be located in La Jolla Vista

At that time, the stipulation requiring the pedestrian connection between La Jolla Vista and Sweetwater Estates was a compromise to an initial proposal to have a full street connection from La Jolla Vista to Durango Street. This compromise was the result of opposition from the residents of the Sweetwater Estates subdivision to a roadway or a pedestrian connection.

Additionally, during the approval process in 2005 a representative of the Avondale School district had recommended that at least a pedestrian connection be provided so that children from

the Sweetwater Estates subdivision would have a more direct path to the proposed school site to be developed in La Jolla Vista. If the pedestrian connection were not provided, the School District was concerned that the distance children would have to walk could trigger a need for bus service, thereby increasing transportation costs.

The preliminary plat for the La Jolla Vista development approved in 2006 and the final plats approved in 2007 all included the planned pedestrian connection from Sweetwater Estates through La Jolla Vista to the future elementary school site.

More recently, the owner of La Jolla Vista proposed an amendment to the La Jolla Vista PAD to change the zoning of Parcels 4 and 6 from court homes to detached single family homes. During a Neighborhood Meeting held on Thursday, September 29, 2016, the owner of the La Jolla Vista project presented the details of the proposed PAD Amendment to the community in an open house format. Approximately 10 people attended the neighborhood meeting, mostly from the Sweetwater Estates No. 2 subdivision located north of Durango Street on the east side of Citrus Road. The questions and comments focused on the type of housing product being proposed, the development schedule, and access to Durango Street. City staff advised the neighbors that vehicular access from La Jolla Vista to Durango Street was prohibited, but pedestrian access would be provided to allow access from Sweetwater Estates to the park site and the future planned elementary school located within the La Jolla Vista development.

At the Planning and Zoning Commission meeting held on Wednesday, October 19, 2016, about 25 people were in attendance and eight expressed concerns about the development proposal. All of the speakers were from Sweetwater Estates, a county island located north of the proposed La Jolla Vista development. While they did not object to the proposed zoning change, they did object to any form of access from La Jolla Vista to or from Durango Street, pedestrian or otherwise. They said they were concerned about increased traffic through their neighborhood; lack of sidewalks and street lighting in Sweetwater Estates; liability associated with the residents' farm animals; the potential increase in vandalism and theft; lack of privacy and the need for restrictions on two-story homes. Several expressed concern about how notice was provided for the public hearing. The County residents presented a petition at the Planning Commission meeting that included 51 signatures in opposition to the pedestrian connection.

City staff explained that the requirement for a pedestrian access from La Jolla Vista to Durango Street was a stipulation on the original zoning approved in 2005 and represented a compromise by changing the roadway connection originally proposed to a pedestrian only connection. The pedestrian connection was considered important to provide a way through La Jolla Vista for residents of Sweetwater Estates to access the future public park and elementary school planned at the NWC of Magnolia Street and 173rd Avenue. It was also noted that the pedestrian connection was not the subject of the proposed PAD Amendment being considered at this time and would have to be addressed by a separate zoning action.

At the City Council meeting on Monday, November 14, 2016, three individuals spoke on the topic of the stipulation regarding the pedestrian connection. Since discussion of the pedestrian connection did not appear on the City Council meeting agenda, the City Council was unable to take any action on the matter at that meeting. However, after the City Council meeting, three

members of the City Council signed a written request asking that the topic of the pedestrian connection be placed on a future City Council meeting to discuss providing direction to staff.

On Monday, December 19, 2016, the agenda for the City Council meeting included an item entitled, “La Jolla Vista Pedestrian Walkway Stipulation Direction.” City staff presented background information regarding the requirement for the pedestrian connection between Sweetwater Estates and La Jolla Vista and three potential options:

1. Retain the existing stipulation, but revise it to state that the proposed perimeter wall be constructed to not allow through pedestrian access. This would result in a pedestrian path being constructed in the linear greenway, but prohibiting pedestrian through traffic. This option will require PAD zoning and Development Agreement amendments.
2. Direct staff to proceed with a PAD zoning and Development Agreement amendment to remove the pedestrian path stipulation.
3. Take no action. This would result in the existing PAD stipulation and Development Agreement requirements remain and require the pedestrian path between La Jolla Vista and West Durango St. be constructed.

At that meeting, the City Council approved a motion to direct staff to initiate the rezoning process and an amendment to the development agreement for the La Jolla Vista PAD to delete the stipulation requiring a pedestrian connection between Sweetwater Estates and the La Jolla Vista development, but preserving the sidewalk between the east-west street south of Durango Street and Watkins Avenue, without slowing down the developer or having the developer incur any additional costs.

### **STAFF ANALYSIS:**

#### **Current Policy**

Pursuant to Section 1-3-1 B. of the City of Goodyear Zoning Ordinance, any amendment of any terms, conditions, stipulations or other type of requirements set forth in an ordinance amending the boundaries of a Zoning District shall be decided by the City Council following receipt of a recommendation from the Planning and Zoning Commission. Furthermore, Section 1-3-1 C. states that any amendments shall be processed and reviewed in accordance with the procedures contained in the Zoning Ordinance which shall comply with the posting requirements, publication requirements and Citizen Review Process as required by law. To amend Stipulation No. 35 in Ord. No. 05-971, the procedures outlined in the Zoning Ordinance must be followed.

The provision of pedestrian connectivity between neighborhoods is supported by city adopted ordinances, plans, and policies.

#### **Surrounding Area**

North – Properties within Maricopa County comprised of semi-rural, large lot single family residential development in the Sweetwater Estates Subdivision and the Cottonflower Subdivision, a single family development on standard lots located in Goodyear;

East – Existing Sin Lomas subdivision located in Goodyear which is being developed with detached single family homes on standard lots;

South – Undeveloped land currently in agricultural use, some of which will be developed in the future with residential development, referred to as Citrus Ridge and Cotton Commons, along with a 50-acre future high school site owned by the Agua Fria H.S. District No. 216;

West – Undeveloped land currently in agricultural use referred to as the Levinson 160 PAD to the southwest across Citrus Road and the Pradera PAD on the west side of Citrus Road between Lower Buckeye Road and Durango Road.

### **Details of the Request**

At the direction of the City Council, the Development Services Department has initiated a request to amend the La Jolla Vista Planned Area Development (PAD) to delete or otherwise modify Stipulation No. 35 which requires the developer to provide a pedestrian connection through La Jolla Vista to permit access between the Sweetwater Estates development and a proposed elementary school to be located in La Jolla Vista. The planned La Jolla Vista development consists of approximately 200 acres located at the northeast corner of Citrus Road and Lower Buckeye Road upon which approximately 515 single family homes will be constructed on variety of lot sizes. The development includes an eight-acre park site and twelve-acre elementary school site at the northwest corner of 173<sup>rd</sup> Avenue and future Magnolia Street.

Sweetwater Estates residents, during a zoning action, strongly objected to any such connection and have asked that no access be allowed between the two developments. In response to these objections, the City Council directed staff to initiate action to eliminate or modify the stipulation to remove the requirement for the developer to provide a pedestrian connection.

This Amendment of the La Jolla Vista PAD Stipulation No. 35 is being processed pursuant to the direction provided by the Goodyear City Council.

### **Luke Air Force Base**

Whether or not a pedestrian connection is provided between the Sweetwater Estates subdivision and the La Jolla Vista development will have no impact on Luke Air Force Base.

### **Phoenix-Goodyear Airport**

Whether or not a pedestrian connection is provided between the Sweetwater Estates subdivision and the La Jolla Vista development will have no impact on Phoenix-Goodyear Airport.

### **Fire Department**

Prohibiting any pedestrian connection between the Sweetwater Estates subdivision and the La Jolla Vista development should have no significant impact on the Goodyear Fire Department. Adequate vehicular access to and through the La Jolla Vista development is being provided by connections to other arterial roadways, namely Citrus Road, Lower Buckeye Road and 173<sup>rd</sup> Avenue. In addition, a gated emergency access will be provided at the north end of the cul-de-sac for 175<sup>th</sup> Drive almost directly across from 175<sup>th</sup> Avenue. This limited, gated access for emergency vehicles will also be used by Roosevelt Irrigation District (RID) maintenance personnel so they will have convenient access to an irrigation water transmission line that will be installed in Durango Street to 175<sup>th</sup> Drive and then south in that street through La Jolla Vista to Lower Buckeye Road. This

gated access also can be used by emergency personnel as a second access route to the La Jolla Vista development, especially if the construction of that project is phased and a second means of access is needed until all of the roads planned within the development are fully built out.

### **Police Department**

Prohibiting any pedestrian connection between the Sweetwater Estates subdivision and the La Jolla Vista development should have no significant impact on Goodyear Police Department operations or response. A gated secondary access at Durango Street and 175<sup>th</sup> Drive would be available for Police emergency response if needed.

### **Transportation**

The decision whether or not to provide one or more roadway connections from the La Jolla Vista development to Durango Street was reviewed during initial consideration of this development proposal in 2005. At that time it was decided that a roadway connection to Durango Street and the La Jolla Vista Development was not needed to serve either the La Jolla Vista development or the Sweetwater Estates subdivision. However, it also was decided that there could be some benefit to the residents of the Sweetwater Estates subdivision if a pedestrian connection was provided so that those residents would have access to the school/park site planned within La Jolla Vista. For this reason, Stipulation No. 35 was included in the rezoning approval to require the developer of La Jolla Vista to provide such a connection.

The pedestrian connection issue was recently brought up once again by the residents of the Sweetwater Estates subdivision during the consideration of an amendment to the La Jolla Vista PAD and all of the residents who have spoken on the issue oppose any pedestrian connection between the developments. While it is generally the City's policy to encourage and promote connections between neighborhoods, in this instance, the neighborhood that would benefit the most is the one objecting to having a connection. With the pedestrian connection, school children from Sweetwater Estates would walk 4,500 feet (about 0.85 miles) from the entrance to the pedestrian connection on Durango Street to the school. Without the pedestrian connection, these same school children would walk 7,450 feet (about 1.41 miles) from the entrance to the pedestrian connection on Durango Street to the school. According to the Avondale School District, students who walk over a mile would be eligible for bus service. While it is unlikely that the school children would walk over a mile to school, it may be equally unlikely that they would even walk the shorter distance if the pedestrian connection were provided. Elimination of the pedestrian connection will reduce the travel route options available to the residents of both subdivisions, but it may not affect a large number of persons if this route was not that attractive in the first place.

### **Water and Wastewater**

Whether or not a pedestrian connection is provided between the Sweetwater Estates subdivision and the La Jolla Vista development should have no impact on the provision of water or sewer service in this area.

### **Public Participation**

#### *Citizen Review Meeting:*

A citizen review meeting was held on January 31, 2017. The meeting was attended by a dozen persons, most of whom were residents of the Sweetwater Estates development. An attorney

representing the developer of La Jolla Vista was also in attendance. City staff reviewed the issues regarding access to Durango Street and the process that must be followed to change a zoning stipulation. Staff also acknowledged that further research revealed that the development plans for La Jolla Vista had been prepared to provide three pedestrian access points to Durango Street which would more than satisfy the requirement of Stipulation No. 35 to provide at least one. The location of these three pedestrian access points were as follows:

1. One was planned at the north end of the cul-de-sac for 178<sup>th</sup> Lane about mid-way between Citrus Road and 178<sup>th</sup> Avenue;
2. A second was planned directly across from 177<sup>th</sup> Avenue; and,
3. A third was planned at the north end of the cul-de-sac for 175<sup>th</sup> Drive which was almost directly across from 175<sup>th</sup> Avenue. This third location also was designed to provide limited, gated access for vehicles so that Roosevelt Irrigation District (RID) maintenance personnel would have convenient access to an irrigation water transmission line that will be installed Durango Street to 175<sup>th</sup> Drive and then south in that street through La Jolla Vista to Lower Buckeye Road. This gated access also may be used by emergency personnel as a second access route to the La Jolla Vista development, especially if the construction of that project is phased and a second means of access is not otherwise provided.

It was also pointed out to the neighbors that the RID would also have limited, gated access to its well facility that is located on the south side of Durango Street between 175<sup>th</sup> and 176<sup>th</sup> Avenues.

The residents initially expressed some concerns over the additional pedestrian access points that had been planned and the limited vehicular access for RID and emergency personnel, but after some discussion, they generally had no objection to the limited vehicular access for RID and emergency personnel. They emphasized that they would like to see no pedestrian access of any kind to Durango Street, but they would accept limited vehicular access for RID and emergency personnel. They also had no objection to the RID having access to its well site. They expressed concerns regarding lack of maintenance of the wall around the Cottonflower development. They asked who would maintain the perimeter wall and staff indicated that it would be the responsibility of the La Jolla Vista Homeowners Association. In response to a question regarding the timing of the construction of the perimeter wall, it was noted that the wall would probably be built in phases when the adjacent residential parcel within the La Jolla Vista project was developed.

Notice for the February 22, 2017 Planning and Zoning Commission included a legal notice that appeared in the Arizona Republic Southwest Edition on February 3; two signs that were posted on the parcel on February 7, 2017; and a notice mailed to all property owners within 500 feet of the entire site, as well as to persons who lived beyond the 500-foot limit, but had signed the petition submitted to the City Council on November 14 objecting to the pedestrian access, also on February 7, 2017. As of the Commission meeting date, staff had not received any additional public comments or inquiries on this request.

#### *Planning and Zoning Commission Meeting:*

At the Planning and Zoning Commission meeting held on February 22, 2017, three individuals spoke on this item. All three speakers indicated that they were opposed to having any pedestrian

access to or through the La Jolla Vista development. They were concerned that access would allow persons from La Jolla Vista to travel through their neighborhood which is rural in character and disturb their animals. They also questioned the practicality of a pedestrian connection being used by school children who would more than likely be driven to school by their parents. Two of the speakers acknowledged that there would be access to a Roosevelt Irrigation District well site from Durango, but it would not provide through access between the neighborhoods. They also acknowledged that a gated and locked access would be provided at the easternmost cul-de-sac to Durango Street, but it would only be used by RID to maintain its underground pipe or by emergency personnel on an as needed basis. One of the residents stated that the emergency access point should not be used as a justification for future annexation of Sweetwater Estates as the residents have no interest in being accessed.

On a motion made by Commissioner Kish and seconded by Commissioner Maloney, the Planning and Zoning Commission voted to recommend to the City Council approval of an Amendment to the La Jolla Vista Planned Area Development (PAD) to modify Stipulation No. 35 to prohibit all access between the La Jolla Vista development and Durango Street, except for limited access as needed by the Roosevelt Irrigation District to access its facilities or as needed by emergency vehicles and personnel. The motion passed by a vote of 4 to 1, with Commissioner Keys voting nay, and Commissioners Bray and Milton absent.

### **RECOMMENDATION:**

Based on previous Council direction, Development Services recommends approval of the proposed amendment.

Additionally, it is recommended that the Amended and Restated Development Agreement adopted by Res. No. 16-1751 on April 25, 2016 that reinforced the pedestrian connection requirement from Ordinance No. 2005-971 be amended as needed to be consistent with the action taken with respect to Stipulation No. 35. If amendment of the Development Agreement is required, it will be brought forth at a future meeting and will not be allowed to be an obstacle to development of the La Jolla Vista project.

### **ATTACHMENTS:**

1. Ordinance No. 17-1340
2. Exhibit A to Ord. No. 17-1340 – Supplementary Zoning Map 17-01A
3. Exhibit B to Ord. No. 17-1340 – Legal Description
4. Aerial Photo
5. Stipulation No. 35 - Ord. No. 2005-971 La Jolla Vista PAD
6. La Jolla Vista PAD Original Development Plan
7. Pedestrian Connection Map Per PAD
8. Walking Routes Distance to School
9. Planned Pedestrian Connection Map Per Pre-Plat
10. Current Proposal to Eliminate All Access to Durango Street
11. Minutes from the Planning and Zoning Commission meeting of 2/22/17