

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Preliminary Plat for Vistas at Palm Valley

STAFF PRESENTER: Joe Schmitz, Long Range Planner**CASE NUMBER: 17-500-00004****OTHER PRESENTER:** Eric Montgomery, Meritage Homes

PROPOSED ACTION:

Approve the Preliminary Plat for the Vistas at Palm Valley proposed by Meritage Homes subdividing 53.6 acres into 86 single family detached home lots, 111 duplex/triplex single family attached lots and 19 tracts located in the Vistas at Palm Valley Planned Area Development at the southwest corner of Palm Valley Boulevard and Litchfield Road, subject to the following stipulations:

1. Compliance with the stipulations stated in Section 3 of Ordinance 17-1351, the ordinance adopting the Vistas at Palm Valley Planned Area Development (PAD) dated July 27, 2017 and approved by the City Council on August 28, 2017;
2. All final plats shall include a note disclosing that the property 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;
3. The owner/developer shall acknowledge and disclose to any subsequent purchaser or tenant that the subject property 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. The owner/developer shall provide for a waiver agreement for any subsequent purchaser to sign which shall run with the land and which shall include the following statement: "The subject property 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. The Purchaser does release and discharge the city of Goodyear, the owner, and developer from any liability from any claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of such aircraft near or over the area;"
4. The homebuilder 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 per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9.2). 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;

5. All final plats shall include a note disclosing that there are three cell phone towers and their associated ground equipment on Tract S which may remain on that tract indefinitely under its existing zoning;
6. The lot lines which will be developed with attached homes shall be identified on the final plat;
7. CCR&Rs establishing a Homeowners Association (HOA) to maintain all open space areas, trails, and other community amenities, including the private streets, shall be submitted for review and recorded prior to, or concurrent with, the Final Plat;
8. A note shall appear on the Final Plat stating that no more than three two-story homes will be allowed side by side, and three consecutive two-story homes must be followed by a minimum of two single-story homes;
9. A safety barrier or suitably dense landscaping shall be shown on the Construction Documents submitted with the first Final Plat along the top of channel adjacent to pedestrian accessible locations, such as near parking lots and the community center, where side slopes are greater than 4:1.
10. Prior to the approval of any construction plans, documentation shall be submitted demonstrating that the developer has the legal right, and/or approval of the property owner, for any off-site construction activities related to the existing drainage channel located along the west boundary of the site,
11. The design of the storm drain pipes shown in the Preliminary Drainage Report shall be revised in the Final Drainage Report to be submitted with the Final Plat to demonstrate compliance with the standard velocities for storm drain pipes.
12. Cross lot drainage easements for the single family attached lots shall be shown in the Typical Lot Detail on the Final Plat.
13. The owner/developer shall be responsible for an in-lieu payment equal to 16% of the total cost of a traffic signal at intersection of the private driveway to be used by the development and Litchfield Road prior to the issuance of the first building permit. The in-lieu payment shall be based on the actual cost of the traffic signal if it has already been constructed or upon an engineer's estimate of the probable cost of such signal, which shall be approved by the City Engineer or his/her designee;
14. Building Setback Lines shall be shown and dimensioned on the Final Plat for any lot that does not meet the minimum lot requirement at the front setback line (Lots 18, 19, 30 and 70);

15. Prior to recording of the first Final Plat, documentation shall be submitted that demonstrates Liberty Utilities has legal access to the existing utility easement south of the south property line to McDowell Road, or that a new sewer easement has been obtained for the proposed off-site sewer line between the south boundary of the property and McDowell Road;
16. The owner/developer shall be responsible for constructing a decel lane for southbound traffic on Litchfield Road at its intersection with the private driveway to be used by the development and shall include those improvements in the construction documents for the final plat for Parcel B and construct such improvements prior to the issuance of the first building permit in Parcel B of the project; and,
17. Prior to recording of the first Final Plat subdividing all or part of the Vistas at Palm Valley, documentation shall be submitted that demonstrates that the owners of property within the Vistas at Palm Valley have an access easement, in a form approved by the Engineering Department and Development Services Department Directors, for the purposes of ingress and egress on, over and across the properties between Parcel B and Litchfield Road.

BACKGROUND AND PREVIOUS ACTIONS:

On August 28, 2017, the City Council adopted Ordinance No. 17-1351, and Resolution No. 17-1803, approving the Vistas at Palm Valley Final Planned Area Development (PAD) for 53.6 acres located at the southwest corner of Palm Valley Boulevard and Litchfield Road. The Vistas at Palm Valley PAD rezoned the property from GC/OS – Golf Course/Open Space and MUC – Mixed Use Commercial to the Vistas at Palm Valley PAD to allow development of the northerly 32.6 acres, referenced as Parcel A, with Low Density Single Family Detached Uses and development of the southerly 20.7 acres, referenced as Parcel B, with Medium Density Residential Single Family Attached Uses, both parcels having modified development standards as detailed in the Final PAD document dated July 27, 2017.

STAFF ANALYSIS:

Current Policy

Preliminary plats are reviewed by the Planning and Zoning Commission and City Council for conformance with the requirements of the Zoning Ordinance, Subdivision Regulations, and General Plan. The Planning and Zoning Commission makes a recommendation to the City Council for approval, approval with conditions, or denial. The City Council reviews the preliminary plat against the requirements of any federal, state, and/or local law, ordinance, code, rule, regulation, policy and/or guideline.

Surrounding Area

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

- North – Golf course holes and an irrigation lake owned by the Palm Valley Golf Club and single family homes in the Cottages at Palm Valley (5.22 du/ac) designated Medium Density Residential on the north side of Palm Valley Boulevard.
- East – Golf course club house on the east side of Litchfield Road and various commercial uses on property zoned Mixed Use Commercial between Litchfield Road and the subject property including a Marriot Residence Inn, a Hampton Inn, several restaurants and a Montessori school.
- South – The Palm Valley Office Park and Great Hearts School zoned Mixed Use Commercial and the Liberty Utilities Water Reclamation Facility zoned Public Facilities District.
- West - Single family homes in Camelot at Palm Valley (3.05 du/ac) and in Palm Valley Phase 2, Parcel 10 (3.10 du/ac) zoned Medium Density Residential, golf course holes for the Palm Valley Golf Club zoned Golf Course/Open Space and the Palm Valley Community Center zoned Community Center under the Palm Valley Phase II PAD.

Details of the Request

This request from Meritage Homes seeks approval of preliminary plat to subdivide 53.6 acres into 86 lots for single family detached homes in Parcel A and 111 lots for single family attached homes in Parcel B arranged in duplex or triplex structures (30 duplex units and 81 triplex units) pursuant to the development standards in the recently approved Vistas at Palm Valley PAD. Five of the proposed attached units (one duplex and one triplex) will be located in Parcel A near the primary entrance to the development as part of a model home complex.

The 86 single family detached lots have a minimum lot size of 60' x 120' (7,200 sq. ft.) and the lots for the duplex/triplex units have a minimum lot size ranging from 36' to 47' wide by 106' deep (3,800 to 4,982 sq.ft.). The zoning allows for side turned garages and living area forward at a setback of 10 feet, but a 20-foot setback is required for front facing garages. Pursuant to the approved PAD zoning for the property, a number of lots are restricted to single story homes and are noted with a black diamond symbol on the preliminary plat.

This will be a gated community with privately-maintained streets. The primary entrance will be through Parcel A from a driveway on Palm Valley Boulevard located west of Litchfield Road and east of 142nd Avenue, which is the entrance to the Cottages at Palm Valley. A second access gate will be located on the east side of Parcel B and will connect to Litchfield Road by way of a private driveway located between the Hampton Inn and the Macaroni Grill. A standard street section will be used in Parcel A, but a reduced street section (30-foot wide from back of curb to back of curb) has been proposed for the streets in Parcel B with parking being allowed on only one side of the street, and a waiver to allow the proposed street section has been approved by the Engineering Department.

Part of the existing golf facility, which is an 18-hole short course called "The Lakes Course" located within Parcel A (a 1.2-acre irrigation lake, four holes, a putting green and a restroom building), will be removed and the 14 remaining holes will be reconfigured into a nine-hole championship course. Plans for the reconfiguration of the golf course have not yet been submitted. The former golf driving range and netting and poles on this site will be removed, except for three poles located at the southwest corner of the site upon which wireless

communication facilities are located. A parcel (Tract S) is being created around those facilities which will be retained by the Ogden family, the owners of the Palm Valley Golf Club. A new eight-foot high block wall will be constructed around the tract to screen the equipment from the neighboring residences. Restricted access to the site will continue to be by way of a gated access easement through the adjacent office properties to the south.

Luke Air Force Base:

The subject property is located within the territory in the vicinity of a military airport, but is about 2.75 miles from the 65 Ldn noise contour line and the Accident Potential Zones for Luke AFB. It is anticipated that the proposed development of the property will not adversely impact base operations, nor will the subject property be adversely impacted. A stipulation requires the developer to disclose to future residents the proximity of the property to Luke AFB and the potential for attendant noise impacts.

Phoenix-Goodyear Airport:

The subject property is located within the Phoenix-Goodyear Airport Traffic Pattern Airspace. The property is located approximately 1.0 mile from the 60 Ldn noise contour line. It is anticipated that the proposed development of the property will not adversely impact airport operations, nor will the development be adversely impacted. A stipulation requires the developer to inform future residents of airport operations and the potential for attendant noise and is included in the recommendation for this Amendment.

Fire Department:

The Vistas at Palm Valley will be served by Fire Station #183 which is 1.03 to 1.47 miles away with support from Fire Station #185 which is 3.27 to 3.63 miles away. The response time from Fire Station #183 is calculated to be 2.06 to 2.93 minutes and the response time from Fire Station #185 is calculated to be 6.55 to 7.26 minutes.

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#183	2.06	1.03	2.93	1.47	#185	6.55	3.27	7.26	3.63

Police Department:

The subdivision is located within an existing Police patrol beat and the current level of service within the beat can accommodate this development.

Water/Wastewater:

Water and wastewater will be provided by Liberty Utilities by connection to existing utilities in the area. Adequate infrastructure and capacity are available to the site.

Streets and Access:

As noted in the description of the request, this project is intended to be a gated community with the primary entrance through Parcel A from a driveway on Palm Valley Boulevard. A second access gate will be located on the east side of Parcel B and will connect to Litchfield Road at a

private driveway located between the Hampton Inn and the Macaroni Grill. The Traffic Impact Study for the proposed development indicates that at build out condition, a traffic signal may be warranted on Litchfield Road. In addition, the intersection of Litchfield Road with the existing driveway lacks a right-turn lane for southbound traffic on Litchfield Road which does not meet current City standards. The recommendation includes a stipulation that the applicant participate in the cost of a traffic signal based on the amount of traffic projected to be generated by this development (16% of the total cost of a traffic signal) and that a right-turn lane be installed on Litchfield Road. This is consistent with the stipulation required in connection with the recent rezoning of the property. The golf cart crossing will be well-identified with signs and demarcated by a change in paving materials.

School Districts:

City regulation requires adequate public facilities which includes schools. Historically, the developer and the school systems come to an “off-line” agreement on voluntary financial contribution to help offset upfront financial impacts of an increased student population created by proposed development. In this particular case, the contribution agreement has yet to have been made between the developer and the school system. The City does not require payments to be made and does not have jurisdiction over funding school facilities. The City’s role is to learn from both the developer and school system if adequate public facilities exist. The City has reached out to school system to determine if adequate public facilities are available to the project, but has not received a written response.

Parks and Open Spaces:

The PAD section of the Zoning Ordinance requires a minimum open space of 15% for lots between 5,500 and 7,000 sq. ft. The Vistas at Palm Valley PAD includes 25.6% open space, not including the private streets or Tract S which is occupied by the cell phone poles. There are two tot lots planned in this development, one in each parcel. The tot lot in Parcel A is about 0.25 acres, while the tot lot in Parcel B is about 0.75 acres. There is pedestrian connectivity throughout the project, including connections to Palm Valley Boulevard and Litchfield Road. There are four turf areas in the development – two at the entrance off of Palm Valley Boulevard; one by the golf cart crossing on 141st Avenue; and one that was recently added in the vicinity of Lots 30 and 31 in Parcel A. Additionally, the applicant has been in contact the Palm Valley HOA about potential annexation to the HOA, which would include access to the adjacent Palm Valley Community Center; however, that has not yet been determined and will require a vote of the HOA to allow this area to be added.

PUBLIC PARTICIPATION:

A preliminary plat does not require a Neighborhood Meeting, nor the publication of a legal notice advertising the Planning & Zoning Commission and City Council meetings.

Planning and Zoning Commission

Following a staff presentation, the Planning and Zoning Commission, at its regular meeting held on October 11, 2017, asked several questions regarding school participation, lot size, and relocation of the golf cart path. Mr. Eric Montgomery with Meritage Homes responded to the questions and stated that Meritage agreed to the stipulations recommended by staff. By a vote of

5 to 0, the Commission approved a motion to recommend to City Council approval of the preliminary plat, subject to the stipulations recommended by staff. No member of the public attended the Commission meeting.

Consideration of the Preliminary Plat for the Vistas at Palm Valley was postponed at the October 23, 2017 City Council meeting at the request of the applicant to allow more time for a vote to be held involving the annexation of the project to the Palm Valley Community Center. The vote has been held and it failed to achieve the 75% affirmative votes it needed (about 71% in favor). As a result, the applicant has revised the Conceptual Landscape Plan and added several turf play areas to the project and a pool amenity to the tot lot/park in Parcel B.

The applicant also informed staff that an agreement has been reached with the Agua Fria High School District and the Liberty Elementary School District through which Meritage Homes would make a voluntary contribution toward future school development in the amount of \$1,535 per dwelling unit. The agreement has not yet been signed since Meritage has not yet closed on the property, but is expected to be in place prior to the final plat.

Lastly, the applicant has advised staff that Meritage Homes is working with the adjacent property owners regarding improvement of the access easement between Parcel B and Litchfield Road not only to provide improvements to the easement, but to better define operation and maintenance of the easement. Because this has come to the attention of staff, an additional stipulation had been added to the recommendation for approval to require documentation to be submitted that demonstrates that the owners of property within the Vistas at Palm Valley have an access easement, in a form approved by the Engineering and Development Services Department Directors, for the purposes of ingress and egress on, over and across the properties between Parcel B and Litchfield Road, prior to recording of the first Final Plat subdividing all or part of the Vistas at Palm Valley.

FISCAL ANALYSIS:

There is no immediate impact to the current fiscal year budget associated with the approval of the preliminary plat. The following future fiscal impacts are anticipated:

- Before the issuance of the first building permit, the developer will make an in lieu payment to the city for 16% of the total cost for design and construction of a traffic signal at Litchfield Road and the private driveway between Parcel B and Litchfield Road. The developer will also be responsible for construction of a right-turn lane on Litchfield road at its intersection with said private driveway. The city holds such payments in a separate account and holds the in lieu payment until the traffic signal is warranted.
- This subdivision includes private streets and parks that will be constructed by the developer and maintained by the homeowner's association.
- This subdivision plat will create 197 new homes to which the city will provide public services including sanitation, police, and fire.

- There is no impact to the city water and wastewater utilities since the project will receive water and sewer services from Liberty Utilities.

RECOMMENDATION:

Approve the Preliminary Plat for the Vistas at Palm Valley proposed by Meritage Homes subdividing 53.6 acres into 86 single family detached home lots, 111 duplex/triplex single family attached lots and 19 tracts located in the Vistas at Palm Valley Planned Area Development at the southwest corner of Palm Valley Boulevard and Litchfield Road, subject to stipulations.

ATTACHMENTS:

1. Aerial Photo
2. Preliminary Plat
3. Conceptual Landscape Plan
4. Project Narrative