

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

DATE: October 3, 2016

COAC #: 16-5889

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

**SUBJECT: Preliminary plat for Paseo Place Parcel 2**

**STAFF PRESENTER:** Alex Lestinsky,  
Planner II

**CASE NUMBER:** 16-500-00008

**APPLICANT:** Dawn Fortuna, Rick  
Engineering

**RECOMMENDATION:**

Approve the preliminary plat for Paseo Place Parcel 2, subject to the following stipulations:

1. Compliance with the stipulations stated in Ordinance 2006-1016 that rezoned the land and established the development concepts and standards contained in the Paseo Ridge Phase 1 Rezone Development Plan dated May 9, 2006;
2. The applicable zoning stipulations regarding residential design and development shall be included as notes on the final plat;
3. Except as otherwise provided by development agreement, no final plat subdividing all or part of Parcel 2 shall be recorded until all of the following conditions are satisfied:
  - a. All construction plans for onsite and offsite infrastructure Developer is required to construct in connection with such Final Plat have been approved, which includes all infrastructure necessary per minimum City standards,
  - b. All construction plans for: the regional water deliver mains and the regional wastewater trunk lines required to be constructed pursuant to the terms of the Amended & Restated Development Agreement Resolution No. 16-1757; all construction plans for a 12-inch water line in Durango St. from Citrus to the west property line (183<sup>rd</sup> Ave. alignment); all construction plans for water lines necessary to provide looped connections between the mains in Yuma and Durango to the water lines within the Property; and all construction plans for a 10-inch sewer line within Durango St. between 181<sup>st</sup> Ave. and the west property line (183<sup>rd</sup> Ave.) have been approved.
  - c. All required financial assurances for the foregoing infrastructure improvements are in place. Performance bonding or letters of credit will be required to be provided to the City in the amount of 100% of the cost of the offsite and onsite improvements that are to be constructed.
  - d. All necessary easement(s) for secondary fire access shall be in place.
4. The regional wastewater trunk lines and regional water delivery mains required to be constructed pursuant to the terms of the Amended & Restated Development Agreement for Paseo Place Parcel 2 approved by Resolution No. 16-1757 (the "Paseo Place Development Agreement") shall be constructed. Unless otherwise amended by the Paseo Place Parcel 2 Development Agreement, such regional wastewater trunk lines and regional water delivery mains shall be constructed in conjunction with the recordation of the first final plat

subdividing all or part of the Property and approved plans and financial assurances for such regional wastewater trunk lines and regional water delivery mains shall be in place prior to the recordation of the first final plat subdividing all or part of the Property.

- a. Except as otherwise amended by the Paseo Place Parcel 2 Development Agreement, the water mains required to be constructed upon recordation of the first Final Plat subdividing all or part of Parcel 2 include lines C, D, E and F as identified in the West Goodyear Central Planning Area (WGCPA) Master Water Study Update dated 3/21/2014; the regional wastewater trunk lines required to be constructed upon recordation of the first Final Plat subdividing all or part of Parcel 2 include lines F, G2, G1, H1 and N as identified in the WGCPA Master Sewer Study Update dated 3/21/2014.

5. The following utility lines shall be installed:

- a. A 12-inch water line in Durango St. from Citrus to the west property line (183<sup>rd</sup> Ave. alignment);
  - b. Water lines necessary to provide looped connections between the mains in Yuma and Durango to the water lines within the Property; and
  - c. A 10 inch sewer line within Durango Street between 181<sup>st</sup> Ave and the west Property line (183<sup>rd</sup> Ave.).
6. This project is financially responsible for 25% of the cost to construct the traffic signals at the intersection of Yuma and 183<sup>rd</sup>. If warranted when development of the Property begins, this project will be responsible to construct this signal at the time of development. If not warranted when development begins, an in-lieu payment in the amount of 25% of the cost of the traffic signal shall be paid to the City before any civil permits are issued.
7. This project is financially responsible for 25% of the cost to construct the traffic signals at the intersection of Durango and 183<sup>rd</sup>. If warranted when development of the Property begins, this project will be responsible to construct this signal at the time of development. If not warranted when development begins, an in-lieu payment in the amount of 25% of the cost of the traffic signal shall be paid to the City before any civil permits are issued.
8. Compliance with the terms of the Amended & Restated Development Agreement for Paseo Place Parcel 2 approved by Resolution No. 16-1757, as it may be amended from time to time, is required.
9. The existing concrete roadway located beneath the A/C pavement in Yuma Road shall be removed in association with the half street improvements of the arterial for this project.
10. The City of Goodyear is investigating an alternate use for the reclaimed water (injection wells) in lieu of the reclaimed water system as described in the West Goodyear Central Planning Area Master (WGCPA) (non-potable) Reclaimed Water Study; therefore the reclaimed water system will most likely be removed as a requirement on future projects within this planning area. However, per the Engineering Design Standards and Policy Manual, if a separate reclaimed water system is not provided, the reclaimed water 'irrigation' demands must be added to the potable water demands. As the current WGCPA (potable) Water Study does not include reclaimed water demands, the City is currently contemplating the need for another update. If it is determined an update is necessary, the offsite water infrastructure requirements may be impacted.

11. All private storm-water management facilities shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.
12. An interim condition for the offsite emergency conveyance channel has been approved for this project, in concept. In the interim condition, the channelized offsite flows may weir over Durango Street provided the depths do not exceed 12 inches at the crest (EDS&PM Ch. 3, Table 3.3-1); however, the design of the subdivision shall be as such to keep the residential streets free of inundation due to backwater caused by the interim condition. A positive means of bleed off will be required for water that ponds in the channel (i.e. water that does not weir across Durango Street). Dewatering of the channel shall be accomplished by means of drywells, temporary bleed off pipes, etc. The City will not approve a scenario where a half constructed culvert has the potential to cause flooding on adjacent residential streets or lots and where standing water will remain for greater than 36-hours.
13. Building permits for vertical construction shall not be issued until improvements ensuring adequate water, wastewater and emergency service for the subdivision have been completed;
14. The Property Owner, as provided in the Paseo Place Parcel 2 Development Agreement, shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to Paseo Place Parcel 2 and request that any assured water supply credits issued by DWR as a result of any such extinguishment be credited to the City of Goodyear;
15. Prior to, or concurrent with the recordation of any final plat, the Property Owner shall dedicate, in fee and in form and substance acceptable to the City Engineer or his/her designee, the following rights-of-way:
  - a. South half of Yuma Road, right-of-way, 75 feet from centerline;
  - b. East half of 183<sup>rd</sup> Avenue right-of-way, 30 feet from centerline;
  - c. North half of Durango Road, right of way, 30 feet from centerline;
16. The Developer will be responsible for the design and construction of half-street and half-median improvements along those portions of Yuma Road and Durango Road adjacent to this development. An Engineer's estimate that meets City of Goodyear requirements shall be provided to determine costs for the improvements that are not required to be constructed in conjunction with the site's development. The half-streets shall be constructed with the following minimum improvements: three 12-foot travel lanes, one four-foot wide bike lane with curb and gutter (adjacent to development), and one four-foot shoulder (opposite of the development) for a total of 44 feet of pavement. All roadway centerlines shall be dimensioned on the final plat. At the request of the City Engineer or his/her designee, the construction of certain components of street improvements Developer is required to construct, such as median improvements, shall be deferred; in which case, an Engineer's estimate that meets City of Goodyear requirements shall be provided to determine costs for the improvements that are being deferred and an in-lieu payment shall be made to the City for the costs of the deferred improvements;
17. The Developer will be responsible for the half-street improvements along those portions of 183rd Avenue adjacent to this development. The half-streets shall be constructed with the following minimum improvements: two 12-foot travel lanes, one four-foot wide bike lane with curb and gutter (adjacent to development), one four-foot shoulder (opposite of the

development) for a total of 32 feet of pavement, as well as an 8-foot sidewalk and landscaping (adjacent to development). Roadway and utility easements required for the public access, construction and maintenance of the improvements on adjacent properties shall be dedicated prior to or concurrent with recordation of any final plat;

18. Prior to the recordation of any final plat or the approval of the first site plan, whichever is earlier, the Property Owner shall demonstrate that all cost recover payments required pursuant to the Second Amended and Restated Development Agreement for Paseo Place Parcel 2 approved by Resolution No. 16-1757 have been paid;
19. The Developer 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 Site Assessment shall be addressed and remediated to the satisfaction of the City Engineer, or his designee, prior to recordation of any final plat for the project;
20. The Property Owner shall provide easements with a width of at least 20 feet in areas where City of Goodyear sewer and water lines are to be constructed and right-of-way does not currently exist. The surface of the easement shall be improved with an all-weather surface. Easements shall be dedicated by separate instrument and all documents needed to process the easements shall be provided to the City of Goodyear prior to construction plan approval. Permits will not be issued for Phase 1 on-site sewer construction until the off-site sewer line construction project has commenced;
21. The Property Owner 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: "Paseo Place Parcel 2 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;"
22. The Public Sales Report and final plat shall include a statement that Paseo Place Parcel 2 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;
23. 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;

24. The Public Sales Report and final plat shall include a statement that Paseo Place Parcel 2 is in the vicinity of a 230 kV overhead electric line planned along the west side of Perryville Road;
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: Paseo Place Parcel 2 is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;
26. The following information shall be disclosed in the public sales report and final plat and shall be provided in a separate acknowledgement, which shall run with the land, to be signed by the initial homebuyer: Paseo Place Parcel 2 is in proximity to the proposed 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;
27. Dwelling units with the same elevation or color scheme within the Paseo Place Parcel 2 shall not be placed side-by-side or across the street from each other, unless the elevation is fundamentally different as determined by the Development Services Director , or his designee;
28. No more than three two-story homes shall be permitted side-by-side, and three consecutive two-story homes must be followed by a minimum of two single-story homes;
29. No two-story homes shall be permitted along an arterial road unless there is a 35-foot wide landscape tract between said right-of-way and the lot line;
30. No two-story homes shall be permitted on corner lots. The final plat for Paseo Place Parcel 2 shall contain a note listing all lots subject to this stipulation;
31. 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 Paseo Place Parcel 2 shall contain a note listing all lots subject to this stipulation;
32. The Property Owner shall establish a Homeowners Association (HOA) for Paseo Place Parcel 2, with said HOA owning and maintaining all open space areas, trails, and other community amenities and maintaining all arterial and collector road rights-of-way landscaping except for arterial median landscaping. A note shall be placed on each final plat indicating HOA ownership and maintenance responsibilities of these tracts;
33. A note shall be included on the final plat that requires 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 Paseo Place Parcel 2 shall state that the HOA will enforce maintenance if there is non-compliance with this requirement;
34. 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.
35. North/South Trail from Yuma Road to Durango Street located on the eastern and southern edge Paseo Place Parcel 2 shall be installed per the Goodyear Path/Trail System Guidelines, maintained by the HOA, and open to the public; and,

36. Yuma Road improvements shall include improvements to the Maricopa Trail and be installed per the Goodyear Path/Trail System Guidelines.

### **PURPOSE:**

The preliminary plat for Paseo Place Parcel 2 subdivides 77.64 acres into 214 single-family lots and 26 open space tracts. The Paseo Place 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 PREVIOUS ACTIONS:**

City Council approved the preliminary plat for this parcel on April 27, 2015. The preliminary plat has since expired and in order to move forward with review and approval of a final plat for the parcel, the preliminary plat must be re-approved. No changes to the preliminary plat have been made since it was originally approved. No revisions have been made to the City's Subdivision Regulations or Engineering Standards since the original approval.

### **CURRENT POLICY:**

Preliminary plats must be approved by City Council. Extensions or re-approvals must be approved by City Council.

### **DETAILS OF THE REQUEST:**

#### **Surrounding Properties:**

- **North** – The proposed La Privada residential development with a proposed density of 3.10 du/ac.
- **South** – The approved Pradera residential development with a density of 3.10 du/ac
- **East** – Undeveloped Maricopa County single-family residential lots, one to five acres in size, zoned Rural Residential (R-43)
- **West** – The approved Las Ventanas residential development with a density of 3.01 du/ac

#### **Phoenix-Goodyear Airport:**

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 Air Force Base:**

The subject property is located in the vicinity of a military airport and is approximately 0.75 miles from the high noise zone and 1.5 miles from the accident potential zones. Luke AFB has commented that the proposed Paseo Place Parcel 2 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.

**Fire Department:**

Two fire stations are planned in the West Goodyear Planning area. One will be located on the northeast corner of Harrison Street and Citrus Road on eight acres acquired for a fire station site and future water campus. The other station is planned on a yet to be determined site in the vicinity of Broadway and Citrus. Until an additional station is constructed, the subject property will be served from Fire Station #184 at the southwest corner of Yuma Road and Wildflower Drive, approximately 2.75 miles from the site, with an approximate 6-8 minute response time.

**Police Department:**

The subject property is located within an existing patrol beat and the current level of service within the patrol beat can accommodate development of the property.

**Water/Wastewater/Reclaimed Water:**

The reports necessary for preliminary plat approval were previously approved with the original application. No changes have been made to these reports. Further details are required with the final plat submittal and will be evaluated during that review.

**Streets/Access:**

Two points of access to Parcel 2 will be provided off of 183<sup>rd</sup> Avenue.

**School Districts:**

The planned Paseo Place Parcel 2 development lies within the jurisdiction of the Liberty Elementary School District and the Buckeye Union High School District. When the rezone for Paseo Place (called Paseo Ridge at the time) was approved, an Agreement of Understanding between the school districts and the property owner was submitted regarding contributions to the school districts. The property owner agreed to pay the Liberty Elementary School District #25 \$824 per dwelling unit and the Buckeye Union High School District #201 \$455 per dwelling unit.

**STAFF ANALYSIS:**

The proposed subdivision plat is consistent with the R1-6 residential Zoning District standards, the Neighborhoods category as designated by the 2025 General Plan Land Use Map, and current subdivision regulations. The amount of open space provided is consistent with the goals established within the Parks, Recreation, Trails, and Open Space Master Plan.

Since the preliminary plat has expired and an extension request was not submitted prior to the expiration date, staff has accepted the originally approved documents as the submittal for re-approval.

**FISCAL ANALYSIS:**

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
2. Preliminary Plat
3. Project Narrative