

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Villages at Pebble Creek PAD	STAFF PRESENTER: Alex Lestinsky, Planner II
	CASE NUMBER: 17-210-00006
	APPLICANT: Benjamin Tate, Withy Morris, PLC

PROPOSED ACTION:

1. Conduct a public hearing to consider a rezone of approximately 15 acres to the Villages at Pebble Creek Planned Area Development (PAD).
 - a. Open public hearing
 - b. Staff presentation
 - c. Receive public comment
 - d. Close public hearing
2. ADOPT RESOLUTION NO. 2018-1886 DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK TITLED “SUPPLEMENTARY ZONING MAP 17-06A CITY OF GOODYEAR, AZ – REZONE CASE – PAD FINAL TO PAD FINAL 17-210-00006 DATED JUNE 2018”; “VILLAGES AT PEBBLE CREEK LEGAL DESCRIPTION”; AND “VILLAGES AT PEBBLE CREEK – PAD DEVELOPMENT REGULATIONS DATED MAY 30, 2018.”
3. ADOPT ORDINANCE NO. 2018-1396 REZONING APPROXIMATELY 15 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF PEBBLECREEK PARKWAY AND VIRGINIA AVENUE FROM FINAL PLANNED AREA DEVELOPMENT (PAD), MIXED USES, TO FINAL PLANNED AREA DEVELOPMENT (PAD) VILLAGES AT PEBBLE CREEK PAD; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

BACKGROUND AND PREVIOUS ACTIONS:

The General Plan Land Use Plan designates the subject property as ‘Neighborhoods’. The ‘Neighborhoods’ land use category provides areas for the growth and development of neighborhoods having a wide range of densities and housing types.

The Palm Valley Phase 8 PAD is a planned mixed-use development that includes a range of residential densities and commercial. The PAD is generally located between Interstate 10 and Virginia Avenue, west of PebbleCreek Parkway to Sarival Avenue. The underlying zoning of the subject property is General Commercial (C-2). Below is a history of zoning actions by Ordinance Number and a brief description of the action:

- On May 9, 2005, the City Council adopted Ordinance No. 05-940 approving the zoning of 562 acres to the Final PAD zoning district to facilitate development of Palm Valley Phase 8.

STAFF ANALYSIS:

Current Policy:

A request to remove the Property from the Palm Valley Phase 8 PAD to create a separate PAD known as Villages at Pebble Creek PAD must be processed as a rezoning request, which requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed amendment must be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance.

Details of the Request:

The request is to rezone approximately 15 acres to Final PAD to facilitate multi-family development on the subject property. The proposed Villages at Pebble Creek PAD will designate the land use as multi-family residential.

The subject property is currently zoned general commercial (C-2) under the Palm Valley Phase 8 PAD. However, the property owner would like to develop the approximate 15-acre property as a multi-family development. The conceptual site plan proposes 184 single story rental units. The 1 bedroom units are in packs of two, and the 2 and 3 bedroom units are detached units providing for a single family residential type environment. The proposed development plan is attached. As noted on the exhibit, the net density is proposed at 12.07 dwelling units per acre although the standards allow for up to 13 dwelling units per acre.

The rezoning request identifies the development standards and use for the subject property. The documents provided in the project narrative, including the conceptual site plan are conceptual and will not be approved with this rezoning action. Stipulation #2 requires a separate site plan and design review for the property. If the applicant decided to no longer develop the property, the development standards in Exhibit C run with the land and apply to any project moving forward, regardless of developer.

Development standards specific to the subject property have been included in Exhibit C, Villages at Pebble Creek – PAD Development Regulations. Per these proposed standards the maximum building height would be 22 feet, and buildings would be limited to single-story. The new development standards noted in the Final PAD Development Regulations are specific to the subject property and unless Palm Valley Phase 8 is rezoned to allow for the application of the development standards applicable to the Villages at Pebble Creek, they will not apply to any other multi-family parcel or development within Palm Valley Phase 8.

Evaluation Criteria:

1. *Consistency with the General Plan.*

The General Plan identifies the subject property within the Neighborhoods category. The Neighborhood category calls for a variety of densities in order to provide buffering of

single family from commercial developments. As the property is currently zoned for general commercial, the proposed amendment will provide a buffer to the adjacent single family residential from the remaining general commercial portion.

General Plan Standard 27

Residential uses with densities over 12 dwelling units per acre may be considered along arterial roads, interstate corridors, and transit corridors. Because the Property is located adjacent to PebbleCreek Parkway, General Plan Standard 27 permits the proposed residential use at the requested density.

2. *Suitability of the subject property's physical and natural features for the uses permitted under the proposed zoning district.*

There are no irregular physical or natural features preventing the use from rezoning as proposed for multi-family use as the property will be required to be graded and developed in accordance with all applicable engineering design guidelines and standards.

3. *Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning.*

The request is to allow for multi-family residential use on the parcel. The multi-family use will only allow residential uses and accessory uses as permitted by the Zoning Ordinance. The proposed density and proposed uses are consistent with the surrounding area uses and zoning as summarized below.

Surrounding Properties:

North – Private Park within the PebbleCreek PAD.

South – Vacant land zoned for Multi-Family (MF-18) within the Palm Valley Phase 8 PAD.

East – PebbleCreek Parkway; Commercial Development (PebbleCreek Plaza Shops).

West – Existing residential within the Palm Valley Phase 8 PAD. A 50 foot wide landscape strip is located between the houses and the subject property.

4. *Proposed zoning district's consistency with other land uses within the immediate area and whether uses allowed under proposed zoning district would be better suited to the subject property than the uses allowed under current zoning.*

The proposed use will provide a buffer between residential and commercial uses and is well suited for the location.

Luke Air Force Base:

The subject property is located approximately 1.5 miles from the 65 Ldn noise contour and is subject to periodic overflights from Luke Air Force Base. A copy of the request was sent to Luke Air Force Base for review and comment. The staff of the Community Initiatives Team has indicated that the density proposed in this development is higher than what is suggested under the graduated density concept promoted by Luke AFB and that rezoning to a residential use will not negatively impact base operations but the proposed density will.

Staff has reviewed the graduated density concept and made the following findings:

- Because the graduated density concept is not an adopted city of Goodyear regulation, there is no specific guidance on how to apply the density concept. Although this PAD will be removed from the Palm Valley Phase 8 PAD, it is surrounded by Palm Valley Phase 8 and in looking at density should be considered with Palm Valley Phase 8. The entire Palm Valley Phase 8 development is currently at a density of 3.07 dwellings per acre. With the addition of the proposed development, it will increase to 3.42 dwellings per acre. This is well below the Luke AFB recommended density limit of 6 dwellings per acre. If this development had been part of the original PAD, it would have met the graduated density concept. Because the rezoning is moving forward as a PAD amendment for an individual parcel, Luke AFB can only review the individual development which is a density of 12.07 dwellings per acre. It seems reasonable to review the density concept against the entire Palm Valley Phase 8 development rather than looking at this individual parcel.
- The proposal is for rental units which allows residents who may be disturbed by overflights to move more easily than if they were owner occupied units. Although a lower density may be seen as better on the surface, it would likely mean an owner-occupied product.

Although Luke Air Force Base has indicated that the proposed density will negatively impact base operations, we understand their concerns stem from the number of people living near the noise corridor who may lodge noise complaints. Therefore, it was recommended by Luke AFB that the developer review the sound attenuation guidance provided by ARS Section 28-8482 and 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. A stipulation has been provided regarding this requirement.

Since the primary concern with higher densities is noise complaints, two stipulations have been added to address these concerns. The first one requires that construction be in conformance with ARS Section 28-8482. The second is that the rental office provide notice of the proximity of Luke AFB, similar to what is done at model home sales offices.

Phoenix-Goodyear Airport:

The subject property is not located within the Phoenix-Goodyear Traffic Pattern Airspace. Given the location of the property, airport operations will not be adversely impacted by this proposed multi-family development.

5. *Demand for the types of uses permitted in the proposed zoning district in relation to amount of land currently zoned and available to accommodate the demand.*

Additional multi-family units in this area will complement the amount of commercial area around PebbleCreek Parkway and the Goodyear Planned Regional Center and is an appropriate use for the site.

6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

Rezoning of the property from PAD/commercial to PAD/Multi-Family Residential will not have a significant impact of public services. Below is a summary of impact to public services.

Fire Response:

Emergency response times and distances are provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#185	3.35	1.18	3.56	1.28	#183	7.53	3.27	7.75	3.37

Police Response:

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

School Districts:

The subject property is located within the Litchfield Elementary School District and the Agua Fria Union High School District.

Streets/Transportation:

The subject property will have direct access to Virginia Avenue and connection to PebbleCreek Parkway via Harvard Street.

Water/Wastewater:

The subject property is located within the city of Goodyear wastewater service area and the Liberty Utilities water service area.

Solid Waste/Recycling:

Solid waste and recycling services for future development will be contracted through a commercial provider.

7. *Potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided;*

The subject property is in proximity to where existing public services are provided.

8. *General public's concerns.*

Public Participation:

Pursuant to the Citizen Review process, a neighborhood meeting was held on April 25, 2018. Postcards were sent to the owners of all property within 500 feet of the boundaries of the rezoning request informing them of the meeting. A public notice was also placed in the Southwest Edition of the Arizona Republic. Approximately 8 residents who lived just west of the proposed rezone were in attendance to learn about the project. The general feedback provided was concerning additional density adjacent to single family homes and impacts to noise and traffic.

Additionally, residents questioned the required setback from the single family residential. When the zoning was originally approved, a stipulation required a minimum 30-foot wide landscape buffer along the property line of any commercial parcel adjacent to single family residential. The buffer could be reduced to ten feet if the adjacent residential parcel included a 30-foot landscaped buffer. There is currently a 50-foot open space buffer between the single family residential and the subject property line. The request additionally sets the western building setback at 20 feet.

Notice for the public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of property within 500 feet of the subject property; a legal notice and display ad published in the Arizona Republic on June 8, 2018; and a notice of public hearing sign posted on the property. City Council received an email of opposition of the proposal with concerns of traffic and noise impacts. Staff received a letter from the President of the Portales HOA on behalf of the Portales Board of Directors in support of the rezone.

The Planning and Zoning Commission hearing was held on June 27, 2018. Two residents spoke in favor of the proposal however expressed concern regarding the existing conditions of the site related to fill and drainage. Staff is working directly with the residents to address these concerns. The Planning and Zoning Commission voted 5-0 to recommend approval of the rezone.

9. *Whether the amendment promotes orderly growth and development;*

The subject property is located adjacent to existing infrastructure and developed areas. The amendment will allow development of the subject property and promotes the orderly growth and development of the City.

10. *Any other factors related to the impact of the amendment on the general health, safety and welfare of the citizens of the City and the general public.*

The development of the proposed multi-family project will be required to adhere to all applicable design, building, and engineering standards of the city of Goodyear. Adherence to these standards will be evaluated during the site plan, civil engineering, and building plan review processes.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

The following specific future fiscal impacts are anticipated:

- The Developer is responsible for 25% of the cost of installing the traffic signals at PebbleCreek Parkway and Virginia Avenue, and PebbleCreek Parkway and Harvard Street.

RECOMMENDATION:

Staff has found that the rezone request is consistent with the General Plan, Zoning Ordinance, and best serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Goodyear. As such, staff recommends conditional approval of the Villages at Pebble Creek PAD, pursuant to Ordinance No. 2018-1396, attached. The Planning and Zoning Commission recommended approval of the request on June 27, 2018.

ATTACHMENTS:

1. Resolution No. 2018-1886
 - a. Exhibit A – Supplementary Zoning Map 17-06A
 - b. Exhibit B – Legal Description
 - c. Exhibit C – Villages at Pebble Creek PAD – Development Regulations
2. Ordinance No. 2018-1396
3. Aerial Photo
4. Project Narrative
5. Conceptual Site Plan
6. Luke AFB Letter
7. Letter of Support
8. Letter of Opposition