

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

**SUBJECT: Pebble Creek Marketplace
Mixed Use Phase II PAD**

STAFF PRESENTER: Alex Lestinsky,
Planner II

CASE NUMBER: 18-210-00004

APPLICANT: Adam Baugh, Withey Morris
PLC

PROPOSED ACTION:

1. Conduct a public hearing to consider a rezone of approximately 30 acres from the Agricultural (AG) zoning district to the Pebble Creek Marketplace Mixed Use Phase II Planned Area Development (PAD).
 - a. Open the Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive Public Comment
 - e. Close the Public Hearing
2. ADOPT RESOLUTION NO. 2018-1891 DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK TITLED “OFFICIAL SUPPLEMENTARY ZONING MAP 18-04A”; “PEBBLE CREEK MARKETPLACE MIXED USE PHASE II PARENT PARCEL LEGAL DESCRIPTION”; AND “PEBBLE CREEK MARKETPLACE MIXED USE PHASE II – PAD DEVELOPMENT REGULATIONS DATED JUNE 25, 2018”.
3. ADOPT ORDINANCE NO. 2018-1403 REZONING APPROXIMATELY 30 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF MCDOWELL ROAD AND 159TH AVENUE FROM AGRICULTURAL (AG) TO FINAL PLANNED AREA DEVELOPMENT (PAD) PEBBLE CREEK MARKETPLACE MIXED USE PHASE II PAD; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT, CORRECTIONS, AND 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 ‘Business & Commerce’ with a ‘Transit Oriented Development (TOD) Overlay’. The ‘Business & Commerce’ land use category provides areas for the growth and development of Goodyear’s economic base, including high density residential that supports the area. The TOD Overlay denotes areas within walking distance to a major future or existing transit route. Higher density and intensity uses are encouraged in the TOD Overlay.

The property is currently zoned Agricultural and is adjacent to the Pebble Creek Marketplace PAD to the east and the Palm Valley Phase 8 PAD to the west and north.

STAFF ANALYSIS:

Current Policy:

A request to amend an approved 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 30 acres of land currently zoned Agricultural (AG), to Planned Area Development (PAD), to be called the Pebble Creek Marketplace Mixed Use Phase II, which includes approximately 17 acres of multi-family residential and approximately 13 acres of commercial. The multi-family standards in the PAD are similar to the city's MF-24 district development standards except they include a deviation from three MF-24 district standards: maximum height; rear yard setback; and street side setback. The commercial portion of the PAD will defer to the city's C-2, General Commercial standards. The PAD intends to create a mixed use environment that creates pedestrian connections between the commercial and residential areas. The mixed use proposal emphasizes walkability and pedestrian-level sense of place features, including shaded gathering spaces and walkways, to be achieved through the PAD Development Regulation item 3i.

The proposed deviations from the city's MF-24 standards are as follows:

Standard	MF-24	Proposed
Maximum Bldg. Height	40'	45'
Rear yard setback	20% of lot depth	35'
Street side setback	30'	25'

Staff supports the PAD request to deviate from three of the MF-24 development standards. The deviation of these standards is supported by General Plan Standard 55, which allows for additional building intensity through modified standards such as increased height and reduced setbacks for properties within the Transit Oriented Development Overlay.

The applicant has submitted a conceptual site plan with the PAD that demonstrates how the property may be developed with 296 multi-family dwelling units at 19.1 units per acre. The site plan proposes a development consisting of three-story multi-family buildings. Carriage units are proposed along I-10 and throughout the site. Due to the RID canal to the north, the building setback from McDowell Road would be a minimum of 126'. The main entry into the multi-family development is from 159th Avenue. Additional driveway and pedestrian access is proposed on the eastern portion of the multi-family site that directly connects to the proposed commercial property.

The conceptual site plan includes three commercial pads and two buildings on the 13 acre commercial portion of the PAD. The main access to this site is a drive from McDowell Road that is currently being platted as a common driveway easement on the Pebble Creek Marketplace final plat.

The proposed uses and the development of the site will be required to proceed through the site plan review process to ensure the development meets the City's adopted design guidelines, developments standards, codes, and ordinances.

Evaluation Criteria:

Per the city of Goodyear Zoning Ordinance, the City's review and recommendation on a zoning amendment is to be guided by the following criteria:

1. Consistency with the General Plan

As mentioned in the Background and Previous Actions section, the General Plan designates this area as 'Business and Commerce' with a 'TOD Overlay'.

Standard 41

High Density residential development is permitted in the Business & Commerce category when located adjacent to commercial areas. Circulation and access to necessary amenities such as grocery stores shall be taken into account when considering this type of category in the Business & Commerce category

High density is defined by the General Plan as 12 dwelling units per acre. To ensure that the multi-family zoned area adjacent to the freeway is in conformance with the General Plan, stipulation #3 has been added to provide a minimum dwelling count.

Standard 54

Development in the TOD Overlay should be pedestrian oriented.

Standard 55

When vertical mixed use development or TND principles are utilized, additional building intensity (such as height and reduced setbacks) and increased residential may be granted.

Standard 58

Higher density and intensity uses are encouraged in the TOD Overlay.

This PAD includes high density residential (up to 24 dwelling units per acre) and general commercial to create a mixed use extension of the Pebble Creek Marketplace commercial corner. The PAD emphasizes and requires pedestrian connectivity between the commercial and multi-family uses, meeting the requirements of the General Plan.

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

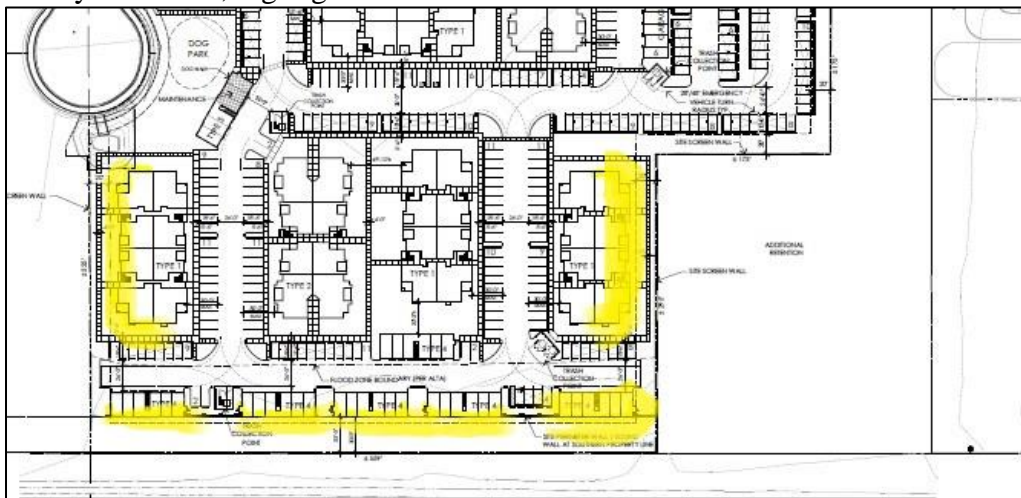
The subject property is currently vacant. The property's physical and natural features are suitable for the proposed multi-family and commercial uses. The property is required to be graded and developed in accordance with all applicable engineering design guidelines and standards.

- Uses and development surrounding the subject property include:

West – Currently vacant land zoned for commercial uses under the Palm Valley Phase 8 PAD and the Sarival East Mixed Use Commercial with an Automotive and Related Commercial Overlay (Harley Davidson)

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

A noise study was conducted and approved by the Engineering department. The study calls for an 8-foot wall to be constructed between the carriage garages along the I-10 drainage easement. Stipulation #4 requires the project to be developed in accordance with the requirements of the noise study. Additionally, the applicant has included two development standards within the PAD. One requires the multi-family portion to incorporate greater building insulation than what is minimally required in the Zoning Ordinance. The second requires triple glazed windows and additional insulation and/or QuietRock assemblies to reach a Sound Transmission Class (SCT) Rating of at least 60 on areas adjacent to I-10 and Harley Davidson, highlighted below:



Luke Air Force Base:

The proposed PAD is located outside the high noise or accident potential zones for Luke Airforce Base, but is located within the vicinity of a military airport. Notice was provided to Luke AFB and they have indicated that although the density does not meet the Graduated Density Concept, given the location of the subject property, base operations will not be adversely impacted by this proposed multi-family development. As recommended by Luke AFB, a stipulation has been provided that requires the developer and/or owner to disclose any subsequent renter by means of recording an avigation notice 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.

Phoenix-Goodyear Airport:

Although the property may experience aircraft overflights since it is located within the Traffic Pattern area of the Phoenix-Goodyear Airport, the site is not within or adjacent to the high noise or accident potential zones. The previously mentioned stipulation will also address the Phoenix-Goodyear Airport.

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

The applicant has indicated that the project will provide for a range of uses and that the addition of high-quality workforce housing will allow existing and future employers to attract and sustain employees who choose to live nearby. This PAD will expand the existing commercial area at the southwest corner of Pebble Creek Parkway and McDowell Road as well as incorporate a multi-family component.

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

School Districts:

The subject property is located within the Avondale Elementary School District and the Agua Fria Union High School District. The school districts were notified of the application and did not provide objection to the request.

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	4.8	2.4	5.1	2.55	#184/181	7.25	3.63	7.56	3.78

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.

Streets/Transportation:

The multi-family component will have a main vehicular entrance off of 159th Avenue and a secondary entrance through the proposed commercial area. A traffic signal is planned at the intersection of McDowell Road and 159th Avenue and will be installed when warranted. The commercial area has access from an entrance on McDowell Road and shared access from the current Pebble Creek Marketplace commercial area. At the time of site plan review, the required connections to public streets will be reviewed for compliance with City engineering and public safety standards.

Water/Wastewater:

The subject property will be served by city of Goodyear water and wastewater utilities.

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

The proposed rezoning is within proximity to existing public services. The property owner and/or developer will be responsible for the costs of making the necessary connections to these existing services.

8. *General public concerns.*

Public Participation:

A neighborhood meeting was held on June 12, 2018. Staff and the applicant attended the meeting and were available for questions, however, no one from the public attended this meeting. The applicant received one general inquiry about the proposal, but did not object to project.

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, including the HOA for Canyon Trails and Palm Valley Phase 8; a legal notice and display ad published in the Arizona Republic on July 20; and a notice of public hearing sign posted on the property. To date, staff has not received any public inquiries as a result of this notice.

The Planning and Zoning Commission hearing was held on September 12, 2018. No one from the public spoke against this request. 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 an infill property located within the proximity of City services and infrastructure.

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 anticipated multi-family and commercial development 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.

RECOMMENDATION:

With the stipulation recommended by staff, we find the requested PAD zoning is in conformance with the General Plan and will not adversely affect the surrounding area. As such, staff recommends conditional approval of the Pebble Creek Marketplace Mixed Use Phase II PAD, Dated June 25, 2018, pursuant to Ordinance No. 2018-1403. The Planning and Zoning Commission recommended approval of the request on September 12, 2018.

ATTACHMENTS:

1. Resolution No. 2018-1891
 - a. Exhibit A – Supplementary Zoning Map No. 18-04A
 - b. Exhibit B – Legal Description
 - c. Exhibit C – Pebble Creek Marketplace Mixed Use Phase II – PAD Development Regulations
2. Ordinance No. 2018-1403
3. Aerial Photo
4. Project Narrative
5. Conceptual Site Plan
6. Luke AFB Letter