

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: El Cidro Final PAD Amendment to modify rear & side setbacks and maximum lot coverage development standards, and to consolidate stipulations	STAFF PRESENTER: Karen Craver, AICP Planner III CASE NUMBER: 18-210-00002 OTHER PRESENTER: Jeff Blilie, Beus Gilbert
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PROPOSED ACTION:

1. Conduct a public hearing to consider a request to amend the El Cidro Final Planned Area Development.
 - a. Open the Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive public comment
 - e. Close the Public Hearing
2. ADOPT RESOLUTION NO. 2018-1898 DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND TITLED "SUPPLEMENTARY ZONING MAP NO. 18-02B", "EL CIDRO FINAL PAD LEGAL DESCRIPTION", AND "EL CIDRO PAD FINAL PAD JUNE 2018".
3. ADOPT ORDINANCE NO. 2018-1408 CONDITIONALLY REZONING THE PROPERTY WITHIN THE EL CIDRO FINAL PLANNED AREA DEVELOPMENT CONSISTING OF APPROXIMATELY 636.73 ACRES, GENERALLY LOCATED SOUTH OF LOWER BUCKEYE ROAD AND EAST OF CITRUS ROAD BY CONSOLIDATING STIPULATIONS OF APPROVAL FROM PREVIOUS REZONINGS AND BY ADOPTING THE EL CIDRO FINAL PAD DATED JUNE 2018, WHICH MODIFIES THE REAR AND SIDE YARD SETBACKS AND THE MAXIMUM LOT COVERAGE DEVELOPMENT STANDARDS FOR THE LDR1, LDR2, AND LDR3 LOW DENSITY RESIDENTIAL LAND USE CATEGORIES; 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:

On March 5, 2007, the City Council adopted Ordinance No. 07-1060, which rezoned approximately 616.70 acres to the Final PAD Zoning District for El Cidro (Case No. 06-200-00015). The El Cidro Final PAD has been amended six times to modify development standards, to increase the number of residential lots, to change land use designations, to modify land use boundaries, and to increase total acreage. El Cidro is currently at 636.73 acres.

The currently proposed Final PAD Amendment has not previously been presented to the City Council. A related El Cidro PAD Amendment was approved by the City Council on July 9,

2018, modifying the rear yard setback from 20 feet to 18 feet on Parcel 1D Phase 1 to accommodate a 75-foot long, single-story home product proposed by Beazer Homes.

STAFF ANALYSIS:

Current Policy:

Unless otherwise provided for in the PAD, a request to amend the development standards and to consolidate the previously approved stipulations of an approved PAD must be processed as a rezoning request, which requires public review by the Planning and Zoning Commission and approval by the City Council. The proposed amendment should be consistent with the General Plan and should not adversely impact the surrounding area.

Details of the Request:

BET Investments has submitted a request to modify development standards within the LDR1, LDR2, and LDR3 land use categories as depicted on the attached Land Use Plan dated May 15, 2018. Specifically, BET is asking to reduce the rear yard setback from 20 feet to 18 feet on its property within the LDR2 and LDR3 land use categories, to reduce the side setbacks within the LDR1 and LDR3 land use categories from five feet and 10 feet (15 feet total) to five feet and five feet (10 feet total), and to increase the maximum lot coverage from 50% and 55% to 60% within the LDR1 and LDR3 land use categories to reflect the requested reduced setbacks.

The requested 18-foot rear setback will apply only to single-story homes within the LDR2 and LDR3 land use categories, and the rear yard setback will remain at 20 feet in the LDR1 land use category. If approved, all requested modifications will be incorporated into the El Cidro Final PAD as shown on the attached Residential Development Standards - Final. No modifications to the development standards are being requested in the LDR4 or the MU, Multi-use land use categories. All housing product proposed to be developed within El Cidro will be required to conform to the City's Design Guidelines Manual, as amended.

Additionally, BET and city staff have worked to consolidate all applicable stipulations of approval from the original 2007 El Cidro PAD approval, as well as from the six previously approved PAD Amendments. The consolidated list of stipulations are set forth in the attached Ordinance No. 2018-1408.

Of note is the deletion of stipulation No. 49 from Ordinance 2007-1060; the original ordinance approving the El Cidro PAD. The stipulation required the developer to construct an eight foot wall adjacent to certain residential parcels as a "visual mitigation measure" for the future Loop 303. Now that ADOT has designated all of El Cidro as being in its noise study area and has determined that sound attenuation walls will be constructed by ADOT as part of the Loop 303 extension construction, it is not necessary for El Cidro to construct an eight foot wall adjacent to certain residential parcels as a "visual mitigation measure". El Cidro will construct typical six foot privacy walls adjacent to residential parcels pursuant to approved civil construction documents.

Staff Evaluation:

Per the city of Goodyear Zoning Ordinance, the city's review and recommendation shall be guided by the following considerations:

1. *Consistency with the General Plan.*

The property is designated as Neighborhoods on the General Plan Land Use Plan. This land use permits residential development with a wide range of densities and housing products. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the consistency with 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's physical and natural features are suitable for single family development. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the suitability of the property for the permitted uses.

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

Existing land uses and zoning surrounding the El Cidro PAD include the following:

- North – Developing Sin Lomas residential development zoned PAD and the approved La Jolla Vista residential development zoned PAD.
- South – County flood control channel, property owned by the city of Goodyear reserved for the Loop 303, and industrial development zoned PAD.
- East – Residential development within Maricopa County.
- West – Residential development within Maricopa County and the Las Brisas residential development zoned PAD.

The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change El Cidro's compatibility with the surrounding area.

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.*

The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change El Cidro's allowed uses. The zoning remains consistent with other land uses in the immediate area.

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 proposed PAD Amendment to modify the development standards and consolidate stipulations does not change El Cidro's permitted uses or the demand for those uses.

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

School Districts:

The proposed PAD Amendment to modify the development standards and consolidate stipulations does not impact the school districts.

Fire Department:

Emergency response times and distances are provided below:

Nearest Fire Station	Shortest path		Longest path		2nd Nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#184/181	4.97	2.48	8.96	4.48	#182	10.76	5.38	12.04	6.02

The proposed PAD Amendment to modify the development standards and consolidate stipulations does not impact Fire Department response times.

Police Department:

El Cidro is located within an existing patrol beat and the current level of service within the patrol beat can accommodate development of the property. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not impact the Police Department.

Solid Waste/Recycling:

Solid waste and recycling will be provided by the city of Goodyear. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the provision of solid waste/recycling services.

Water/Wastewater:

Water and wastewater services will be provided by the city of Goodyear. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the provision of water and wastewater services.

Streets/Transportation:

El Cidro has approved access points off Cotton Lane, Lower Buckeye Road, Elwood Street, and Citrus Road, and the internal streets will be public. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the transportation network.

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

Public services exist and are being expanded adjacent to and in the vicinity of El Cidro. The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the public services needed.

8. *General public concerns.*

Citizen Review Process:

As allowed by the Citizen Review Process, and as an alternative to holding a neighborhood meeting, a postcard was mailed to the owners of all property within 500 feet of the boundaries of the El Cidro PAD notifying them of the request to modify the development standards. As the El Cidro land uses and densities were previously approved, the request to modify the development standards does not affect the neighboring property owners.

To date, only one inquiry, from a resident new to the city, was received as a result of the mailing. The resident was pleased to know that more homes would be built in the area.

Planning and Zoning Commission Meeting:

At its regular scheduled meeting of September 12, 2018, following a presentation by staff, the Commission discussed the proposed modification to reduce the side yard setback from five feet and 10 feet (15 feet total) to five feet and five feet (10 feet total). Although an aerial view of El Cidro's enhanced landscape package proposed to soften the canyon effect of the homes being 10 feet apart was presented to the Commission, one member of the Commission was not able to support the modification without seeing a street view of the landscape package. Another member of the Commission was unable to support the side yard setback modification due a belief that the value of the neighborhood would be lessened by the homes being 10 feet apart.

The Commission motion to recommend approval of the PAD Amendment to Council failed by a vote of 3-2. The Commission's Rules of Procedure state that on matters requiring official action by the Mayor and Council, the nature of the Planning Commission's recommendation shall be determined by an affirmative vote of at least 4 members.

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

The proposed PAD Amendment to modify the development standards and consolidate stipulations does not change the planned orderly growth and development of the area.

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 proposed PAD Amendment to modify the development standards and consolidate stipulations will have no negative affect on the general health, safety and welfare of the citizens of the city and the general public.

Staff Findings:

The proposed PAD Amendment to modify the development standards and consolidate stipulations is consistent with El Cidro's General Plan Neighborhood land use designation, which is intended for the type of residential development established within the El Cidro PAD providing for higher residential densities on 50, 55, and 60-foot wide lots. The deviations from the City's standards in the El Cidro Final PAD were justified because of the amount of open space that was being provided, the open space amenities that will be provided, and the landscape entries that are to be provided.

Committed to providing the larger homes on smaller lots that are currently being sought by the market, BET is requesting the reduced rear yard setback and reduced side yard setbacks. The requested reduction in the rear setback from 20 feet to 18 feet will apply only to single-story homes within the LDR2 and LDR3 land use categories, and will have minimal impact on adjacent neighbors and surrounding communities. Therefore, staff can support the reduction.

The requested reduction in the side yard setbacks from 5 and 10 feet to 5 and 5 feet will have an impact on the streetscape as homes will now be 10 feet apart. The impact will be greatest between two-story homes in that a canyon effect will be created between the exterior walls of the homes. To address the streetscape, staff has required the attached Enhanced Landscape Package dated June 4, 2018 that will soften the appearance of the canyon effect created by the homes being 10 feet apart. The ordinance approving the requested modifications to the development standards includes a stipulation regarding the enhanced landscape package, as well as stipulations imposed on a previous development standards modification that required enhancements to the homes themselves. Together, the stipulations address staff's concerns regarding the canyon effect of the homes being 10 feet apart.

From a functional standpoint, the reduction in the side yard setbacks will not adversely affect the administration of the Fire or Building Codes. The homes will all be located at least five feet or more from the side property lines. However, any projections into the five-foot setback, such as a roof eave, will require fire-rated construction in accordance with applicable Fire/Building Codes. BET is aware of this code requirement and resultant condition.

The requested increase in the maximum lot coverage is a direct result of the requested reductions in the rear and side setbacks, and can therefore also be supported by staff.

El Cidro is located adjacent to the future extension of the Loop 303. ADOT considers El Cidro as previously entitled and under development. Therefore, ADOT has designated all of El Cidro as being in its noise study area. The designation is the first step in the process for sound attenuation walls to be constructed by ADOT as part of the Loop 303 extension construction.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on the proposed PAD Amendment to modify the development standards and consolidate stipulations, all future development will have an ongoing fiscal impact on the city. The development is responsible for construction of all 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, state shared revenues, and the demand for commercial and retail development.

RECOMMENDATION:

Staff finds that the rezone request is consistent with the General Plan and the Zoning Ordinance, and best serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Goodyear. Staff recommends approval of the request to modify the rear & side setbacks and the maximum lot coverage development standards of the El Cidro Final PAD and to consolidate the stipulations, as set forth in the attached ordinance.

The Planning and Zoning Commission motion to recommend approval of the PAD Amendment to Council failed by a vote of 3-2. The Commission's Rules of Procedure state that on matters requiring official action by the Mayor and Council, the nature of the Planning Commission's recommendation shall be determined by an affirmative vote of at least 4 members.

ATTACHMENTS:

1. Resolution
 - A. Exhibit A – Supplementary Zoning Map
 - B. Exhibit B – Legal Description
 - C. Exhibit C – El Cidro Final PAD June 2018
2. Ordinance
3. Aerial Photo
4. Project Narrative
5. Residential Development Standards – Redlines
6. Land Use Plan dated 5.15.18
7. Residential Development Standards – Final
8. Enhanced Landscape Package dated 6.4.18