

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Rainbow Valley Final Planned Area Development Rezone	STAFF PRESENTER: Karen Craver, AICP Planner III CASE NUMBER: 07-200-00023 OTHER PRESENTER: William Lally, Esq., Tiffany & Bosco and Ron Hilgart, P.E., HilgartWilson
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PROPOSED ACTION:

1. Conduct a public hearing to consider the Rainbow Valley Final Planned Area Development rezone.
 - a. Open the Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive Public Comment
 - e. Close the Public Hearing
2. ADOPT RESOLUTION NO. 2018-1902 DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND TITLED "OFFICIAL SUPPLEMENTARY ZONING MAP NO. 07-23", "RAINBOW VALLEY LEGAL DESCRIPTION", AND "RAINBOW VALLEY PAD DEVELOPMENT STANDARDS BOOK, DATED AUGUST 2018".
3. ADOT ORDINANCE NO. 2018-1409 REZONING APPROXIMATELY 999.3 ACRES OF LAND LOCATED BETWEEN S. RAINBOW VALLEY ROAD AND S. 187TH AVENUE, ON THE NORTH SIDE OF W. QUEEN CREEK ROAD FROM THE AGRICULTURAL URBAN (AU) ZONING DISTRICT TO THE FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; 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. (Karen Craver, Planner III)

BACKGROUND AND PREVIOUS ACTIONS:

The Rainbow Valley PAD rezone application was originally submitted in the fall of 2007, and a first review comment letter was provided to the property owner. However, due to the downturn in the economy, a second submittal was not made until many years later. Following communication from the property owner regarding re-starting the PAD approval process, a pre-second submittal meeting was held with the owner in April of 2017, and the formal second submittal was made in July of 2017. Staff reviews and re-submittals of the PAD have continued

since that time. In addition, city staff has been working with the property owner's team to create a Development Agreement that will assist in implementing the PAD.

The General Plan Land Use Plan designates the subject property as Neighborhoods, which provides for the growth and development of neighborhoods having a wide range of densities and housing types, as well as public and community facilities such as schools and places of worship, and commercial uses at appropriate intensities and locations. However, the subject property does not fall within one of the city's designated General Plan Growth Areas into which new growth is to be focused per Objective GD-2-2 of the General Plan. Pursuant to a January, 2018 City Council Work Session regarding development in the area of the city known as the Northern Waterman Wash area, staff has received direction to work with property owners in the area who desire to move forward with development.

To implement Council direction, staff will be processing a Major General Plan Amendment (GPA) later this year to revise the policy that discourages development in the Northern Waterman Wash area as a General Plan Growth Area to allow for growth as long as growth pays for growth. However, because the General Plan Land Use Plan already designates the Rainbow Valley PAD subject property as Neighborhoods, the PAD review and approval may precede the Major General Plan Amendment. City Council may approve the PAD ahead of the Major GPA since the land use designation conforms to the General Plan.

The proposed Rainbow Valley PAD has not previously been presented to the City Council.

STAFF ANALYSIS:

Current Policy

A request to rezone property requires public review by the Planning and Zoning Commission and approval by the City Council. The proposed rezoning 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 999.3 acres from Agricultural Urban (AU) to Final Planned Area Development (PAD) to facilitate the development of the Rainbow Valley PAD southwest of the intersection of Rainbow Valley Road and Willis Road, approximately 12 miles south of Interstate 10. The PAD will allow for a mix of single & multi-family residential uses with a maximum unit count of 2,962. A portion of the residential units may be developed as an active adult community. The PAD will also allow for the development of commercial uses, open space and parks, a place of worship, a school, and utility facilities to serve the PAD. The PAD Development Standards Book will establish the development standards for each of the uses.

Residential Development

The Low Density Residential parcels (LDR1, 2 & 3) will develop per the following PAD standards:

Districts	LDR1	LDR2	LDR3
Underlying Zoning	R1-7	R1-6	R1-6
Lot Standards			
Minimum Lot Area (sq. ft.)	7,000	6,000	4,500
Minimum Lot Width (ft.)	65	55	45
Minimum Lot Depth (ft.)	100	100	100
Building Form and Location			
Maximum Height (ft.)	30	30	30
Maximum Building Coverage	N/A ⁽¹⁾	N/A ⁽¹⁾	N/A ⁽¹⁾
Minimum Setbacks (ft.)			
Front *	10	10	10
Front Facing Garage	20	18 ⁽²⁾	18 ⁽²⁾
Side	5	5	5
Total Both Sides	15	10	10
Street Side **	15	10	10
Rear yard	20	20	15
Development Standards			
Open Space % (of net area) ⁽³⁾⁽⁴⁾	5	5	5

* Front setback shall be measured to patios, livable space, and side entry garages.

** Where a minimum 10-foot wide landscape tract is provided, the typical side setbacks, rather than Street Side setback applies.

⁽¹⁾ Lot coverage is controlled by the required yard setbacks.

⁽²⁾ 20' minimum from face of garage to back of sidewalk.

⁽³⁾ Net area excludes Loop 303, parkway, and arterial streets.

⁽⁴⁾ Overall open space for all parcels, excluding commercial and public facility parcels, shall be a minimum of 20%.

Residential subdivision and residential home design shall adhere to the City of Goodyear Design Guidelines and Subdivision Regulations.

For any subdivision that includes lots with widths less than 55-feet, two of the following streetscape elements shall be provided:

- a. Clustered Driveways. Driveways may be clustered (but not share the same curb cut) so that there is at least 36 feet of uninterrupted curb between the clustered driveways.
- b. Paving Material. Decorative surfaces (i.e. pavers or aggregate, salt finish, stamped, textured, or patterned concrete) are utilized for all horizontal paved surfaces between the house and sidewalk.
- c. Detached Sidewalk. A detached sidewalk will be utilized with a planter strip that is a minimum of 5.5 feet wide. Planter strips shall be planted, irrigated, and maintained with live plant material.
- d. Alley loaded units.
- e. Alternative streetscape elements, similar in scope and impact as the items listed above as determined and approved by the Development Services Director or designee.

The Medium Density Residential parcels will develop per the following PAD standards:

Districts	MDR	MDR	MDR
Underlying Zoning	R-2	R1-A	R1-C
Lot Standards			
Minimum Lot Area (sq. ft.)	3,600	2,800	3,200
Minimum Lot Width (ft.)	36	35	40
Minimum Lot Depth (ft.)	100	80	80
Building Form and Location			
Maximum Height (ft.)	30	30	30
Maximum Building Coverage	40%	75%	60%
Minimum Setbacks (ft.)			
Front ⁽¹⁾	20	10	5 ⁽²⁾
Front Facing Garage	20	20	20
Side	0	0	0
Building Separation	15	5	10
Street Side ⁽³⁾	20	10	10
Rear	20	15	15

Development Standards			
Open Space % (of net area) ⁽⁴⁾ ⁽⁵⁾	12	15	15

⁽¹⁾ Front setback shall be measured to patios, livable space, and side entry garages.

⁽²⁾ Setback from a public or private street that is not providing direct vehicular access to homes shall be 10 feet.

⁽³⁾ Where a minimum 10 foot wide landscape tract is provided, the typical side setbacks, rather than Street Side setback applies.

⁽⁴⁾ Net area excludes Loop 303, parkway, and arterial streets.

⁽⁵⁾ Overall open space for all parcels, excluding commercial and public facility parcels, shall exceed 20%.

For any subdivision developing under the R1-A and R1-C district shall provide one of the following elements:

- a. Paving Material. Decorative surfaces (i.e. pavers or aggregate, salt finish, stamped, textured, or patterned concrete) are utilized for all horizontal paved surfaces between the house and sidewalk.
- b. Detached sidewalk. A detached sidewalk will be utilized with a planter strip that is a minimum of 5.5 feet wide. Planter strips shall be planted, irrigated, and maintained with live plant material.
- c. Additional streetscape elements, similar in scope and impact as the items listed above as determined by the Development Services Director or designee.

Commercial Development

The commercial parcels will develop pursuant to the City Zoning Ordinance C-2, General Commercial Development Standards below.

Districts		C-2
Minimum Net Site Area		10,000
Minimum Lot Width		150 ft.
Maximum Height		56 ft.
Maximum Building Coverage		50%
Minimum Setbacks		
	Front	30 ft. ⁽²⁾
	Side	N/A ⁽¹⁾
	Rear	N/A ⁽¹⁾
	Street side	30 ft. ⁽²⁾

(1) Buildings adjacent to any residential use or district are subject to additional minimum building setbacks as defined in Subsection B.6 (c).

(2) Buildings with heights in excess of 30 ft. shall provide 1 foot of additional setback for each foot of building height over 30 ft.

Open Space Development

The Rainbow Valley PAD will include a 75-foot buffer along the north and south sides of Waterman Wash, which crosses through the subject property from the west in a southeasterly direction. Waterman Wash will be developed with a portion of the city's planned regional multi-use path system.

Two 5+ acre Neighborhood Parks will be developed in the PAD with the following minimum amenities:

- a. Parking shall be provided onsite or on-street adjacent to the park.
- b. Homes may back up to no more than 50% of the perimeter of the park. It is strongly encouraged that parks are designed so homes face the park and that no homes back up to the park.
- c. One tot lot with a shade canopy shall be provided.
- d. Facilities for active recreation shall be provided such as multi-use diamonds, rectangular fields, or sport courts. The park site shall be designed in a manner to accommodate these fields.
- e. Shaded seating areas, such as ramadas, shall be provided.
- f. Shaded walking paths connecting the park to sidewalk shall be provided.

Three 5+ acre Enhanced Neighborhood Parks will be developed in the PAD with the amenities of the Neighborhood Parks, as well as with the following:

- a. Restrooms
- b. Sports fields and/or turf fields

An approximately 3-acre Level 2 Trailhead (T2) with a minimum 6-30 standard parking spaces, benches, drinking water, restroom, lighting, shade structure, picnic ramada, bike racks, and signage per the City of Goodyear Parks, Recreation, Trails and Open Space Master Plan, will be located along the north side of Waterman Wash near Rainbow Valley Road at the southeast corner of the PAD.

The PAD Narrative Book includes additional information, as well as conceptual exhibits, intended to describe and depict the planned character of the Rainbow Valley PAD. The descriptive informative and the conceptual exhibits will not be approved with the rezone as they are not regulatory. Specific details of the development will be established in the platting and site plan approval processes in conformance with the PAD Development Standards Book approved with the rezone.

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 subject 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 types, as well as public and community facilities such as schools and places of worship, and commercial uses at appropriate intensities and locations.

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 residential development, as well as for commercial development and public and community facilities.

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

Existing land uses, zoning, and General Plan designations surrounding the Rainbow Valley PAD include the following:

- North – Undeveloped land zoned AU, Agricultural Urban and designated Neighborhoods
- South – Undeveloped land zoned AU, Agricultural Urban and PAD and designated Neighborhoods

- East – Undeveloped and agricultural land zoned AU, Agricultural Urban and designated Neighborhoods
- West – Undeveloped and agricultural land within Maricopa County

Entitlement of the subject property with PAD zoning should not negatively impact the surrounding properties

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.*

Entitlement of the subject property with PAD zoning is not inconsistent with expected entitlements of surrounding properties also designated Neighborhoods on the General Plan.

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.*
Entitlement of the subject property with PAD zoning will meet the demand for residential development, as well as for commercial development and public and community facilities within a natural setting.
6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

A Development Agreement is being processed which will document public services obligations. The Development Agreement is not required to be reviewed by the Planning and Zoning Commission, but will go City Council with this rezone request on October 1, 2018. In keeping with the city's policy that growth pays for growth, the development agreement will require owner to purchase all capital equipment, dedicate all necessary on-site and off-site rights-of-way, design, install, and/or construct all public infrastructure, on-site and off-site, determined by the city as being necessary to support the development of the property and to allow the city to provide city services to the property. This general obligation is also included as a stipulation in the zoning ordinance.

School Districts:

The subject property is within the Liberty Elementary School District and the Buckeye Union High School District. The elementary school district is in support of the rezone request, and the proposed PAD development plan sets aside one elementary school site. The high school district does not anticipate the need for a high school in the project, but does support the rezone request. The property owner continues to work with the school districts on a donation agreement.

Fire Department:

The nearest Goodyear Fire Station is No. 182 at 10701 S. Estrella Parkway. The second nearest is No. 184/181 at 16161 W. Yuma Road. 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
182	11.12	5.56	15.06	7.53	184/181	25.38	12.69	29.76	14.88

Property owner requirements to improve fire response times will be established through on-going discussions regarding the Development Agreement to be entered into by the property owner and the city.

The city is in the process of constructing a new fire station on Willis Road adjacent to the city water campus. Rainbow Valley PAD, per the Development Agreement, is sharing in the capital costs and the operations & maintenance costs of the new station. Rainbow Valley PAD is located within the future service area of the new station and response times should be between 4 to 6 minutes. In addition, the owner will be required under the terms of the development agreement to fund a second fire station, including making contributions for operating and maintenance costs, if certain triggers are met. The obligations regarding fire services are also included as stipulations in the zoning ordinance.

Police Department:

The subject property is located outside of an existing patrol beat. Property owner requirements to expand an existing patrol beat or create a new beat will be established through on-going discussions regarding the Development Agreement to be entered into by the property owner and the city.

Solid Waste/Recycling:

Solid waste and recycling will be provided by the city of Goodyear. Property owner requirements to expand the current city service area will be established through on-going discussions regarding the Development Agreement to be entered into by the property owner and the city.

Water/Wastewater:

The property is not currently served by city water or wastewater facilities and it is not located within the City's Designation of Assured Water Supply. The city is currently updating its Integrated Water Master Plan, which will provide a detailed analysis of what facilities and

resources will be needed to provide water and wastewater services to the North Waterman Wash area, which includes the property, and which will guide the City Council's determination as to whether the city should provide water and wastewater services to the property and under what conditions such services will be provided. The development agreement provides broad terms and conditions under which the city will provide water and wastewater services. It also provides terms and conditions that would be applicable if a private provider is to provide water and wastewater services. The details must be resolved during the development process. Stipulations regarding the general terms and conditions for the city to provide water and wastewater service to the property and stipulations regarding the general terms and conditions for a private provider to provide water and wastewater services are included in the zoning ordinance.

Streets/Transportation:

Access to the subject property will be from Rainbow Valley Road, Germann Road, Queen Creek Road, and Perryville Road. Pursuant to the Development Agreement, the property owner shall design, install, and/or construct, all on-site transportation-related infrastructure and all off-site transportation-related infrastructure, other than off-site bridges and off-site traffic signals, necessary to provide for safe and adequate circulation within the Rainbow Valley PAD, connectivity to neighboring properties, and connectivity to existing and future regional transportation routes.

Also pursuant to the Development Agreement, the property owner shall be responsible for constructing all required traffic signals that are located wholly within the boundaries of the PAD, and shall be responsible for in-lieu payments for a proportionate share of the costs of a traffic signal for all other required traffic signals adjacent to the PAD.

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 not in proximity to where public services exist, however, in keeping with the city's policy that growth pays for growth, the development agreement will require owner to purchase all capital equipment, dedicate all necessary on-site and off-site rights-of-way, design, install, and/or construct all public infrastructure, on-site and off-site, determined by the city as being necessary to support the development of the property and to allow the city to provide city services to the property. This general obligation is also included as a stipulation in the zoning ordinance.

8. *General public concerns.*

Public Participation:

Pursuant to the Citizen Review process, a neighborhood meeting was held on May 2, 2018, at the Starpointe Residents Club in Estrella Mountain Ranch. Postcards were sent to the owners of all property within 500 feet of the boundaries of the rezoning request informing them of the meeting, and a public notice was also placed in the Southwest Edition of the Arizona Republic. Six owners of other large properties in the Rainbow Valley/Waterman Wash area

attended the meeting and were happy to hear that the city is supportive of development in the area.

Planning and Zoning Commission and City Council:

Notice of the September 25, 2018 public hearing before the Planning and Zoning Commission and the October 22, 2018 public hearing before the City Council included a second postcard mailed to the owners of property within 500 feet of the subject property; one legal notice published in the Southwest Edition of the Arizona Republic on August 24, 2018, and a second notice published on October 5, 2018; and a notice of public hearings sign posted on the subject property. To date, staff has received no public inquiries as a result of the various public notices.

At the Planning and Zoning Commission meeting held on September 25, 2018, following presentations by staff and the applicant, the Commission discussed the location of residential parcels in relation to the Loop 303 alignment. Specifically, there was concern about some of the smallest single family lots being located adjacent to the 303, and about what appears to be the separation of a medium density parcel (Parcel 2) from the rest of the development due to its location on the north side of the 303. There was also concern in general about the smaller lot sizes with 5-foot and 5-foot side yard setbacks.

The Planning and Zoning Commission voted 4 to 1 to recommend approval of the Rainbow Valley PAD. The dissenting vote was based on the small lot sizes and the perceived separation of Parcel 2.

Following the Planning and Zoning Commission meeting, the applicant approached staff about deleting various stipulations that had been included in the draft ordinance presented to the Planning and Zoning Commission because the stipulations were duplicative of terms in the Development Agreement for Rainbow Valley (the "Rainbow Valley DA"). Because one of the stipulations in Ordinance No. 2018-1409 requires compliance with the Rainbow Valley DA as it may be amended from time to time, staff agreed to the deletion of certain of the stipulations or the deletions of portions of the stipulations the applicant asked to be deleted that were duplicative of terms in the Rainbow Valley DA. Other stipulations the applicant asked to be deleted were not duplicative of any term in the Rainbow Valley DA and those were not deleted. Because the deletion of certain of stipulations impacted stipulations that were not being deleted, those affected stipulations were modified. In addition, the effective date of the ordinance was amended to reflect that it would not take effect until the Rainbow Valley DA became effective. A comparison that reflects the changes in the stipulations and effective date between the draft of Ordinance No. 2018-1409 that was presented to the Planning and Zoning Commission and the final Ordinance No. 2018-1409 is attached for your review.

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

The subject property does not fall within one of the city's designated General Plan Growth Areas into which new growth is to be focused per Objective GD-2-2 of the General Plan. However, to implement Council direction, staff will be processing a Major General Plan Amendment later this year to designate the Northern Waterman Wash area as a General Plan Growth 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.*

Property owner requirements to facilitate development of the subject property will be established through on-going discussions regarding the Development Agreement to be entered into by the property owner and the city. The requirements should negate any impact of the rezone on the general health, safety and welfare of the citizens of the city and the general public.

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 property owner will be responsible for construction of all infrastructure necessary to serve the development pursuant to the Development Agreement to be entered into by the property owner and the city. The development will generate one-time revenue for the city through payment of permit fees and construction sales tax. Initial fiscal impacts include increased demands for municipal services, the costs of which will be borne by the property owner pursuant to the Development Agreement to be entered into by the property owner and the city. Longer term fiscal impacts 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:

Staff, and the Planning and Zoning Commission, have 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 and the Commission recommend conditional approval of the Rainbow Valley PAD, pursuant to Ordinance No. 2018-1409.

ATTACHMENTS:

1. Resolution No. 2018-0102
 - a. Exhibit A – Supplementary Zoning Map 07-23
 - b. Exhibit B – Legal Description

- c. Exhibit C – Rainbow Valley PAD Development Standards Book, dated August, 2018
- 2. Ordinance No. 2018-1409
- 3. Aerial Photo
- 4. Rainbow Valley PAD Narrative Report, dated August 2018
- 5. Comparison of Draft Ordinance No. 2018-1409 presented to Planning and Zoning Commission and Final Ordinance No. 2018-1409