

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

DATE: April 22, 2019

CAR #: 2019-6605



## CITY COUNCIL ACTION REPORT

**SUBJECT: Public Hearing: Planned Area Development (PAD) Rezone of Christopher Todd Communities at Canyon Trails**

**STAFF PRESENTER(S):** Eva Cutro, Planner III

**OTHER PRESENTER(S):** Andy Jochums, Beus Gilbert PLLC

**Summary:** A request to increase the height of residences from sixteen (16) feet to twenty (20) feet in the Christopher Todd Communities at Canyon Trails. All other PAD standards will remain the same. The elevations and architectural style of the residences will not change.

### **Recommendation:**

1. Conduct a public hearing to consider a request to rezone approximately 22 acres of land located at the southeast corner of 173<sup>rd</sup> Avenue and Van Buren Street from Final Planned Area Development (PAD) District to Final Planned Area Development (PAD) District by amending the Christopher Todd Communities at Canyon Trails PAD to allow for increased height.
  - a. Open the Public Hearing
  - b. Staff Presentation
  - c. Applicant Presentation
  - d. Receive Public Comment
  - e. Close the Public Hearing
2. ADOPT RESOLUTION NO. 2019-1948 DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND TITLED "OFFICIAL SUPPLEMENTARY ZONING MAP NO. 19-02A REZONE FROM PAD TO PAD AMENDMENT 19-210-00002", "CHRISTOPHER TODD COMMUNITIES AT CANYON TRAILS LEGAL DESCRIPTION – PAD REZONING" AND "CHRISTOPHER TODD COMMUNITIES AT CANYON TRAILS FINAL PAD DEVELOPMENT REGULATIONS", DATED MARCH 5, 2019.
3. ADOPT ORDINANCE NO. 2019-1431 CONDITIONALLY REZONING APPROXIMATELY 22 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF 173RD AVENUE AND VAN BUREN STREET TO AMEND THE CHRISTOPHER TODD COMMUNITIES AT CANYON TRAILS 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.

**Fiscal Impact:** Although a fiscal impact analysis has not been conducted on the request to modify the stipulations of approval, all future development will have an ongoing fiscal impact on the city. Future 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, city sales tax, state shared revenues and the increased demand for commercial and retail development. In addition, the following specific future fiscal impacts are anticipated:

- This development is responsible for 25% of the traffic signal at Van Buren Street and 173<sup>rd</sup> Avenue. An in lieu payment shall be provided to the City prior to obtaining construction permits

## **Background and Previous Actions**

The General Plan Land Use Plan designates the subject property as ‘Neighborhoods’ with a ‘Village Center Overlay’. The ‘Neighborhoods’ land use category provides areas for the growth and development of neighborhoods having a wide range of densities and housing types. The ‘Village Center Overlay’ provides for multi-family residential developments with strong ties to nearby commercial areas and ample pedestrian access.

The property being rezoned is currently included within the Final Planned Area (PAD) District, Mixed Uses adopted on December 13, 2009 to facilitate development known as Canyon Trails Phase II (the “Canyon Trails Phase II PAD”). The Canyon Trails Phase II PAD is a planned mixed-use development that includes a range of residential densities, commercial, and office uses. The PAD is generally located between Van Buren Street and Yuma Road, west of Cotton Lane and between Yuma Road and Lower Buckeye Road east of Cotton Lane.

The Planning and Zoning Commission recommended approval of the current request on April 10, 2019. No one from the public attended or spoke in opposition of the request.

## **Staff Analysis**

### **Current Policy:**

A request to increase the height of residences from sixteen (16) feet to twenty (20) feet in the Christopher Todd Communities at Canyon Trails 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 increase the height of the residential main structures from “16’/one story” to “20’/one story”. All other PAD standards will remain the same. The elevations and architectural style of the residences do not change. The applicant has stated that the height listed in the approved PAD was erroneous as the applicant was unclear on how the City measured height. The applicant was using a measurement “to the average height between the peak and the eaves on a building with

a hip or gable roof” as this is a measurement that they used in other cities. The City of Goodyear uses the following height measurement:

**Building, Height of.** Vertical distance measured from point of reference elevation (fourteen inches above average elevation at top of crown of roadway, if no curb) to the highest point of coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof. When drainage considerations supersede this Ordinance, the point of reference elevation shall be subject to the approval of the Chief Building Official, or his designee.

When the City’s height measurement is used the elevations exceed 16’.

**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.*

The proposed increase in height shall not affect 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 proposed increase in height will have no effect on the suitability of the site.

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

Uses and development surrounding the subject property include:

North – Vacant Arizona State Land Department land zoned Agriculture

South – Existing single family residential (Canyon Trails Phase II), and Future PAD residential zoned for Court Homes.

East – Maricopa County Flood Control District and Loop 303

West – Existing single family residential (Canyon Trails Phase II)

The multi-family use is compatible with the development in the surrounding area. The multi-family units will be limited to single story buildings, only the height will increase slightly, and the development will provide a buffer between the Loop 303 and single family residential.

*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.*

Luke Air Force Base:

The subject property is located within the vicinity of a military airport. Notice was provided to Luke AFB and they have indicated that given the location of the subject property, base operations will not be adversely impacted by this proposed increase in height.

Phoenix-Goodyear Airport:

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

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 use has already been approved, the applicant is only requesting a change in height for the approved use.

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

The use has already been approved, the applicant is only requesting a change in height for the approved use.

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

The use has already been approved, the applicant is only requesting a change in height for the approved use.

8. *General public concerns.*

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; a legal notice and display ad published in the Arizona Republic; 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. At the Planning and Zoning Commission hearing, no one from the public attended or spoke in opposition of the request.

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

The use has already been approved, the applicant is only requesting a change in height for the approved use.

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 multi-family 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.

## **Attachments**

1. Resolution No. 2019-1948
  - a. Exhibit A – Supplementary Zoning Map No. 19-02A
  - b. Exhibit B – Legal Description
  - c. Exhibit C – Christopher Todd Communities at Canyon Trails PAD – Final PAD Development Regulations – March 5, 2019
2. Ordinance No. 2019-1431
3. Aerial Photo
4. Project Narrative
5. Elevations