

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Release of Certain Drainage Easements and Final Plat for Vistas at Palm Valley	STAFF PRESENTER: Joe Schmitz, Long Range Planner CASE NUMBER: 17-520-00036 OTHER PRESENTER: Jason Jarvis, Meritage Homes
--	---

PROPOSED ACTION:

1. ADOPT RESOLUTION NO. 2019-1931 CONDITIONALLY APPROVING RELINQUISHMENT OF CITY'S INTEREST IN CERTAIN DRAINAGE EASEMENTS WITHIN PALM VALLEY PHASE II; PROVIDING FOR AN EFFECTIVE DATE FOR THE RELINQUISHMENT, IMPOSING CONDITIONS FOR RELINQUISHMENT TO BE EFFECTIVE; PROVIDING AUTHORITY TO CITY ATTORNEY; IMPOSING A DEADLINE FOR COMPLETION OF THE RELINQUISHMENT; AUTHORIZING FUTURE ACTIONS BY CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE OF THE RESOLUTION.
2. Approve the Final Plat for the Vistas at Palm Valley proposed by Meritage Homes subdividing 50.7 acres into 197 lots, 18 tracts and one out parcel located in the Vistas at Palm Valley Planned Area Development at the southwest corner of Palm Valley Boulevard and Litchfield Road, subject to the following stipulations:
 1. The owner/developer, prior to or concurrent with, the Final Plat, shall establish a Homeowners Association (HOA) and record a Declaration of Covenants, Conditions and Restrictions for Vista at Palm Valley making the HOA responsible to maintain all open space areas, trails, and other community amenities, including the private streets and drainage;
 2. The Final Plat shall be recorded immediately following the recordation of the Release of Easement approved by Resolution 2019-1931;
 3. The owner/developer shall acknowledge and disclose to any subsequent purchaser or tenant 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. The owner/developer shall provide for a waiver agreement for any subsequent purchaser to sign which shall run with the land and which shall include the following statement: "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. The Purchaser does release and discharge the city of Goodyear, the owner, and developer from any liability from any claims for future damages and complaints of any kind to persons or

property that may arise at any time in the future from the operation of such aircraft near or over the area;"

4. The homebuilder shall post signage within all subdivision sales offices identifying the location of the Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Pattern Area and noise contours per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9.2). This display shall include a twenty-four by thirty-six inch (24"x36") map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted. The required contents of the map shall be provided by the City of Goodyear;
5. The owner/developer shall be responsible for an in-lieu payment equal to 16% of the total cost of a traffic signal at intersection of the private driveway to be used by the development and Litchfield Road prior to the issuance of the first building permit. The in-lieu payment shall be based on the actual cost of the traffic signal if it has already been constructed or upon an engineer's estimate of the probable cost of such signal, which shall be approved by the City Engineer or his/her designee;
6. The owner/developer shall construct a decel lane for southbound traffic on Litchfield Road at its intersection with the private driveway to be used by the development prior to the issuance of the first building permit in Parcel B of the project.
7. Any technical corrections to the final plat required by the City Engineer shall be made prior to the recordation of the final plat;
8. All financial assurances for offsite infrastructure shall be in place prior to Final Plat recordation.

BACKGROUND AND PREVIOUS ACTIONS:

- The zoning for the Vistas at Palm Valley Final Planned Area Development (PAD) was approved by the City Council on August 28, 2017 by the adoption of Ordinance No. 17-1351, and Resolution No. 17-1803.
- The PAD zoning allowed development of the 53.3 acres located at the southwest corner of Palm Valley Boulevard and Litchfield Road with 32.6 acres of Low Density Single Family Detached Uses and 20.7 acres with Medium Density Residential Single Family Attached Uses.
- The Preliminary Plat for Vistas at Palm Valley was approved by the City Council on December 11, 2017.

STAFF ANALYSIS:

The applicant is requesting approval of the Final Plat for Vistas at Palm Valley subdividing 50.7 acres into 197 lots and 18 tracts. There will be 86 single family detached lots and 111 attached single family homes with 30 duplex units and 81 triplex units. There is one out parcel towers that was retained by the previous owner for the existing wireless communications towers. This will be a gated community with privately-maintained streets.

The property being subdivided is subject to an existing blanket drainage easement. The applicant has asked that this drainage easement be released. The proposed final plat provides a drainage solution for the development and upon its recordation, the blanket easement will no longer be necessary for the public's use. Because the existing drainage easement would need to be recorded prior to the recordation of the final plat to avoid extinguishing the new drainage solution, the resolution approving the release of the blanket drainage easement requires that the recordation of the release be followed immediately by the recordation of the final plat.

The proposed final plat is consistent with the preliminary plat for this project and all stipulations of approval have been addressed. The access easement between the project and Litchfield Road has been clarified and a new easement has been obtained for Liberty Utilities to extend a sewer line from the project to McDowell Road.

A final plat does not require public notice to be provided and final plats are not reviewed by the Planning & Zoning Commission.

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 the payment of permit fees, 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 owner is responsible for making a payment to the city for 16% of the total cost for design and construction of a traffic signal at Litchfield Road and the private driveway between the southerly portion of the site and Litchfield Road.

RECOMMENDATION:

The final plat is consistent with the land use, development standards, and density allowed by the zoning of the property and with the approved preliminary plat for this parcel. The final plat is consistent with the technical requirements of the city's Subdivision Regulations. The proposed subdivision provides for the orderly development of the parcel by identifying the required infrastructure needed to serve the development. Because the final plat provides for a drainage

system, the existing blanket drainage easement over the property being subdivided is no longer needed. Staff recommends approval.

ATTACHMENTS:

1. Resolution 2019-1931 w/Exhibits A-C attached
2. Aerial Photo
3. Final Plat
4. Landscape Plan
5. Preliminary Plat Staff Report