

ORDINANCE NO. 16-1335

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING AN AMENDMENT TO THE GOODYEAR PLANNED REGIONAL CENTER PLANNED AREA DEVELOPMENT, PARCEL A OF PAD PARCEL 12, FOR THE GOODYEAR ASSISTED LIVING RESIDENCE, GENERALLY LOCATED AT THE NORTHEAST CORNER OF PEBBLE CREEK PARKWAY AND VIRGINIA AVENUE, TO REVISE THE NORTH BUILDING SETBACK FROM 55 FEET TO 35 FEET; ADOPTING SUPPLEMENTARY ZONING MAP NO. 16-03A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property consists of 5.1 acres generally located at the northeast corner of Pebble Creek Parkway and Virginia Avenue, as legally described in Section I below and Exhibit A, attached hereto; and

WHEREAS, the subject property is designated as Neighborhood on the Land Use and Transportation Plan of the City of Goodyear General Plan. The Neighborhood land use provides areas for the growth and development of neighborhoods having a wide range of densities and housing types. This land use also includes public and community facilities and commercial uses at appropriate intensities and locations; and

WHEREAS, on September 24, 2001, the City Council adopted Ordinance No. 01-762 rezoning approximately 240 acres known as the Goodyear Planned Regional Center (Goodyear PRC) to the Final PAD Zoning District. This ordinance included five Parcels, including PAD Parcel 12, which consisted of 18.6 acres and was zoned for 121 court homes; and

WHEREAS, on January 10, 2005, a site plan for an APS substation was approved on a portion of Parcel 12. Approximately 17 acres remained in PAD Parcel 12 after the development of the substation; and

WHEREAS, on July 8, 2013, the City Council adopted Ordinance No. 13-1283 approving an amendment to the Goodyear PRC PAD to allow an assisted living facility on approximately five acres in PAD Parcel 12. A site plan for the facility was also approved in 2013. The facility was subsequently developed in 2014; and

WHEREAS, on October 4, 2013, a minor land division (MLD) was approved for Parcel 12. The MLD split PAD Parcel 12 into two lots (Parcels A & B). Parcel A consists of 5.1 acres and is developed with the subject assisted living facility. Parcel B consists of 12.2 undeveloped acres and is intended for future court home development by the PAD; and

WHEREAS, both the 2013 PAD Amendment narrative (text) and Ordinance No. 13-1283 reference a north building setback of 55 feet while the site plan attached to the PAD Amendment Narrative shows a setback of 35 feet; and

WHEREAS, the correct north building setback is 35 feet as stated on the PAD site plan, and the facility was constructed using this setback; and

WHEREAS, the subject PAD Amendment is intended to correct this discrepancy; and

WHEREAS, other than the amendment to the north building setback for Parcel A, no other amendments to the Goodyear PRC PAD are proposed and no changes to the existing assisted living facility are proposed; and

WHEREAS, in accordance with the City's Citizen Review Process, an alternative notification process was used for this request. A formal citizen review meeting was not involved, but notice providing information on the request was mailed to surrounding property owners within 500 feet of the subject property; and

WHEREAS, due and proper notice of such public hearings before the city of Goodyear Planning and Zoning Commission and City Council was given in the time, form, substance and manner provided by law, including publication of such notice in the ARIZONA REPUBLIC SOUTHWEST EDITION on May 27, 2016; and

WHEREAS, on June 15, 2016, the city of Goodyear Planning and Zoning Commission held a public hearing on Case No. 16-210-00003 for the purpose of considering this PAD Amendment; and

WHEREAS, the city of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the city of Goodyear, Arizona, that it amend the Goodyear PRC PAD as aforesaid; and

WHEREAS, based on the information submitted by the applicant and the review conducted by City staff, which was provided to the Planning and Zoning Commission for its consideration at said public hearing, the City has found that the requested PAD Amendment is appropriate, consistent with the Goodyear 2025 General Plan, and will not be detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. DESCRIPTION OF PROPERTY BEING AMENDED

This Ordinance No. 16-1335 applies to Parcel A of the Minor Land Division of a Portion of the Northwest Quarter of Section 32, Township 2 North, Range 1 West, of Gila and Salt River Meridian, Maricopa County, Goodyear, Arizona recorded in the Official Records of Maricopa County at Book 1163, Page 8 as instrument 2013 0896531 (the "Property"), shown on the Supplementary Zoning Map No. 16-03A, attached hereto as Exhibit A.

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

Ordinance 13-1283 amending the Goodyear PRC Final, conditionally approved by Ordinance No. 01-762, is amended as it applies to the Property as follows: the

north building setback for the Property (Parcel A) is reduced from 55 feet to 35 feet.

SECTION 3 AMENDMENT OF ZONING MAP

The Zoning Map of the City of Goodyear is hereby conditionally amended to reflect the PAD zoning amendment referred to in Section 2 and the adoption of the Supplementary Zoning Map No. 16-03A, a copy of which is attached and which shall be filed with the City in the same manner as the Zoning Map of the City of Goodyear.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. CUMULATIVE EFFECT

This ordinance shall be cumulative of all other ordinance of the City of Goodyear, Arizona and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 16-1335 is a true, correct and accurate copy of Ordinance No. 16-1335, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____ 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk