

ORDINANCE NO. 2020-1460

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 46 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF 173RD AVENUE AND VAN BUREN STREET BY ADOPTING THE HANCOCK 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.

WHEREAS, on December 13, 2009, the City Council adopted Ordinance No. 99-676 approving the rezoning of 782 acres of property to the Final Planned Area (PAD) District, Mixed Uses to facilitate development known as Canyon Trails Phase II (the “Canyon Trails Phase II PAD”); and

WHEREAS, on June 25, 2018, the City Council adopted Ordinance No. 2018-1389 rezoning a portion of the property within the Canyon Trails Phase II PAD located at the southeast corner of 173rd Avenue and Van Buren street from final Planned Area Development (PAD), mixed uses to final Planned Area Development (PAD) 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; and

WHEREAS, on April 22, 2019, the City Council adopted Ordinance No. 2019-1431 amending the Christopher Todd at Canyon Trails PAD to increase the height of the residential main structures in the Christopher Todd Communities at Canyon Trails PAD from “16’/one story” to “20’/one story”; and

WHEREAS, this request is to rezone the property subject to the Christopher Todd at Canyon Trails PAD to incorporate an additional approximately 27 acres into the existing Christopher Todd at Canyon Trails PAD, update the PAD regulatory document to include additional design guidelines and to rename the PAD to Hancock Communities at Canyon Trails; and

WHEREAS, a rezoning amendment requires public review and recommendation by the Planning and Zoning Commission and approval by the City Council. The proposed amendment is in conformance with the General Plan and should not adversely impact the surrounding area; and

WHEREAS, in response to concerns raised by adjacent property owners regarding the existing condition of the block wall abutting the Property, the Applicant agreed to paying for a professional study conducted by a third party engineering firm retained by the city; and

WHEREAS, the study on the condition of the wall was submitted to the city on June 12, 2020.

WHEREAS, a stipulation is being added to require payment to the city for the cost of the study and to require the payment for the cost of the study before any site plan or construction permit will be issued in connection with the development of the Property; and

WHEREAS, public notice that this amendment to the Christopher Todd Communities at Canyon Trails PAD was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on July 1, 2020, appeared in the Arizona Republic Southwest Valley edition on June 12, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on July 1, 2020 to consider the rezoning of the Property by amending the Christopher Todd Communities at Canyon Trails PAD, and the Commission voted (6-0) to recommend approval of the proposed PAD Amendment; and

WHEREAS, public notice that this amendment to the Christopher Todd Communities at Canyon Trails PAD is to be considered and reviewed at a public hearing held before the City Council on July 13, 2020, appeared in the Arizona Republic Southwest Valley edition on June 12, 2020; and

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona find the adoption of this ordinance to be in the best interests of the public health, safety, and 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 THE PROPERTY BEING REZONED

This Ordinance No. 2020-1460 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located on the south side of Van Buren west of Loop 303 as shown on that certain document titled Official Supplementary Zoning Map No. 19-06A Rezone from PAD to PAD Amendment 19-210-00006, declared a public record by Resolution No. 2020-2021, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance, and as legally described in that certain document titled Legal Description Hancock at Communities at Canyon Trails declared a public record by Resolution No. 2020-2021, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance (the "Property").

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

The Property is hereby conditionally rezoned from Final Planned Area Development (PAD) District to Final Planned Area Development (PAD) District by the adoption herein of that certain document titled the "Hancock Communities at Canyon Trails Final PAD Development Regulations" dated December 6, 2019, declared a public record by Resolution No. 2020-2021, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 3. STIPULATIONS

The development of the Property is subject to the following stipulations:

1. Development of the Property shall be developed in conformance with the “Hancock Communities at Canyon Trails Final PAD Development Regulations” dated December 6, 2019 except as modified by the stipulations and conditions set forth below;
2. Approval of the rezoning does not constitute approval of the site plan. All future development will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;
3. The Owner is responsible for the half street improvements along N. 173rd Avenue fronting the Property. Such road improvements shall include, but are not limited to, sidewalks, landscaping, street signage, and lighting as identified on the appropriate plan(s) submitted to the City, which shall be designed and installed in accordance with the prevailing Engineering Design Standards at the time the improvement plans are reviewed and approved by the City Engineer, or his designee;
4. The Owner shall provide for the dedication of any necessary easements and right-of-way, in form and substance acceptable to the City, prior to issuance of any construction permits on the rezoned land. This dedication shall include the lien-free fee dedication of right of way for N. 173rd Avenue fronting the Property and the required P.U.E.’s along N. 173rd Avenue;
5. The landscape strip along 173rd Avenue between the back of curb and sidewalk shall contain trees at a rate of one tree approximately every 23 feet. The landscape strip along Van Buren Street between the back of curb and sidewalk shall contain trees at a rate of one tree approximately every 60 feet; and,
6. A sound wall shall be constructed along the eastern boundary of the Property from Van Buren Street to W. Canyon Trails Blvd. The sound wall shall be designed and constructed so the projected exterior noise levels on the Property at ground level shall not exceed a maximum noise level of (LEQ) sixty-seven (67) dBA noise level. The sound wall shall be in compliance with all other requirements of the prevailing Arizona Department of Transportation Noise Abatement Requirements and Section 9-1 of the City Goodyear Zoning Ordinance, except as modified by this stipulation, and all other applicable codes and regulations. Owner shall submit a sound wall plan detail for the sound wall for review and approval prior to the approval of the civil construction drawings associated with the site plan for the property. The

sound wall shall be constructed prior to the issuance of the first Certificate of Occupancy for a residential unit within the Property.

7. The Hancock Communities at Canyon Trails Final PAD Development Regulations” dated December 6, 2019 reflects two different elevations. The property shall be developed with at least two different elevations and at least three different color schemes. Adjacent units shall be of different elevations and different color schemes. Prior to issuance of a building permit for vertical construction within the Property, owner/developer shall submit a plan identifying the elevation and color scheme for each unit to be constructed within the property.
8. Payment for the Wall Inspection Report prepared by Michael Baker International that Hancock Communities agreed to fund shall be received before: (i) the approval of any site plan for development within the Property; (ii) the issuance of any construction permit for any work within the Property; or 45 days of the date the Mayor and Council adopted this Ordinance, whichever is earlier. No site plans for development within the Property shall be approved or construction permits issued for work within the Property until the City has received reimbursement for the costs of the wall study referred to herein.

SECTION 4. AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the rezoning of the Property provided for herein by the adoption of that certain document titled “Supplementary Zoning Map No. 19-06A Rezone from PAD to PAD Amendment 19-210-00006,” declared a public record by Resolution No. 2020-2021, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 5. ABRIDGEMENT OF OTHER LAWS

Except where expressly provided, nothing contained herein shall be construed to be an abridgement of any other ordinance, regulation, or requirement of the city of Goodyear.

SECTION 6. CORRECTIONS

The Zoning Administrator, City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 7. SEVERABILITY

If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

SECTION 9. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to penalties set forth in Section 1-2-3 of the city of Goodyear Zoning Ordinance as it may be amended from time to time and which currently provides:

Section 1-2-3 Violations and Penalties

- A. It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance, or use of any house, building, structure, sign, landscaped area, parking lot or fence, or to permit the use of any lot or land contrary to, or in violation of any provisions of this Ordinance, or of any conditions, stipulations or requirements included as a condition of any applicable approval. Any land use that is specifically prohibited by this Ordinance or is unspecified and not classified by the Zoning Administrator is prohibited in any district.
- B. **Responsible Party.** The responsible party for any violations hereunder is the owner of personal property improvements or real property and/or person in possession or control of any personal property improvements or real property (Person). The responsible party shall be responsible for any violations hereunder whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.
- C. Every Responsible Party shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- D. **Penalty.** Any Person who violates any of the provisions of this Ordinance and any amendments there to and/or any conditions, stipulations or requirements included as a condition of any applicable approval shall be:
 - 1. Subject to civil sanctions of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per offense; or
 - 2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by a term of probation not exceeding three (3) years, or imprisonment for a term not

exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The City Prosecutor is authorized to file a criminal misdemeanor complaint in the city of Goodyear Municipal Court for violations hereunder.

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:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2020-1460 is a true, correct and accurate copy of Ordinance No. 2020-1460, 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