

## **ORDINANCE 14-1291**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, REZONING APPROXIMATELY 9.70 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF INDIAN SCHOOL ROAD AND FALCON DRIVE BY AMENDING ORDINANCE NO. 03-858 AS IT APPLIES TO THE PROPERTY BY ADOPTING THE AVILLA PLANNED AREA DEVELOPMENT (PAD) AMENDMENT DATED FEBRUARY 7, 2014 TO GOVERN THE DEVELOPMENT OF THE PROPERTY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on August 11, 2003, the City Council adopted Ordinance No. 03-858 rezoning approximately 744 acres in the area from Indian School Road to Camelback Road and from the Bullard Wash to Sarival Road as Planned Area Development and adopting the Palm Valley Phase V PAD; and,

WHEREAS, the Subject Property consists of 9.70 acres of property governed by the Palm Valley Phase V PAD located at the northwest corner of the intersection of Indian School Road and Falcon Drive as described within the PAD and as legally described in Section I. below (the “Subject Property” or the “Property”); and,

WHEREAS, the Subject Property has a current land use and zoning designation within the Palm Valley Phase V PAD as MUC - Mixed Use Commercial, subject to compliance with the General Commercial (C-2) zoning district criteria; and,

WHEREAS, this requested zoning amendment would change the designated land use and zoning for the Property within the Palm Valley Phase V PAD to UR/H - High Density Residential (12-18 du/ac), subject to compliance with the Multi-family (MF-18) zoning district criteria and development standards, as amended by the Avilla Planned Area Development (PAD) Amendment, dated February 7, 2014; and,

WHEREAS, the proposed rezoning would provide for the development of 125 attached or detached single-story residential dwellings for lease on 9.70 acres at a density of 12.9 units per acre in a development to be known as Avilla Homes; and,

WHEREAS, The Avilla Planned Area Development (PAD) Amendment, dated February 7, 2014, contains defined Development Standards, Design Guidelines for site design and building architecture, and conceptual site, landscape and other plans that will serve to guide future development of the Property; and,

WHEREAS, the requested Avilla Planned Area Development (PAD) Amendment, dated February 7, 2014 is consistent with the stated objectives for Planned Area Development zoning as contained with the Zoning Ordinance; and,

WHEREAS, to facilitate the implementation of the unique development concept proposed on the Subject Property, the Avilla PAD Amendment proposes deviations from some of the MF-18

(Multi-Family Residential) zoning district development standards, while establishing more restrictive development standards in other aspects of the development; and,

WHEREAS, the development of the Property will not create an adverse fiscal impact on this part of the City because the Property is located in an area served with existing utilities, public services, improved infrastructure and roadway capacity, which may be sufficient to allow the Property to be developed in accordance with the PAD Amendment, and if the existing infrastructure is not sufficient, the Owner is obligated to develop all infrastructure needed to serve the Property; and,

WHEREAS, the development proposed on the Property will require the submittal of a subsequent site plan, civil engineering construction plans and building plans, as applicable, which will be reviewed to ensure the development's compatibility with the Property's physical and natural features, and compatibility with the surrounding area in terms of environmental impacts, traffic impacts, infrastructure and aesthetics; and,

WHEREAS, The proposed PAD amendment for Avilla Homes is consistent with the following stated objectives of the General Plan: provide for a mix of housing types and densities for all residents; locate higher density residential adjacent to and proximate to high capacity roadways to leverage visibility and access, and to buffer /protect lower density uses; and encourage a mix of housing types that is consistent with market trends, satisfies demand, and adequately meets the needs of all prospective residents and workers; and,

WHEREAS, the proposed zoning amendment from general commercial to multi-family would not negatively impact the land use balance within Palm Valley, and that it would help meet an existing need for additional higher density residential projects while reducing a current excess of commercial properties in the Palm Valley area; and,

WHEREAS, on December 17, 2013, in accordance with the Goodyear Zoning Ordinance a Citizen Review Meeting was held for the purpose of discussing this PAD Amendment; and,

WHEREAS, on February 19, 2014, in the manner prescribed by law, the City of Goodyear Planning and Zoning Commission held a public hearing on Case No. 13-210-00006 for the purpose of considering this rezoning; and,

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law, including publication of such notice in the ARIZONA REPUBLIC SOUTHWEST EDITION on January 31, 2014; 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 Planning and Zoning Commission found that this rezoning and the adoption of the Avilla PAD Amendment is appropriate at the location proposed, and in the manner proposed, 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, and recommended that the

City Council approve this rezoning and adopt the Avilla PAD Amendment, as aforesaid, subject to certain stipulations; and,

WHEREAS, on April 28, 2014, in the manner provided by law, the City of Goodyear City Council held a public hearing on Case No. 13-210-00006 for the purpose of considering this rezoning; and,

WHEREAS, due and proper notice of such public hearing before the City of Goodyear 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 March 21, 2014; and,

WHEREAS, based on the information submitted by the applicant and the review conducted by City staff and the recommendation provided by the Planning and Zoning Commission for its consideration at said public hearing, the City Council finds that the proposed PAD Amendment is appropriate on the Property 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, Arizona, as follows:

**SECTION I. PLANNED AREA DEVELOPMENT AMENDMENT.** The Property, more particularly described as Tract P in Palm Valley Phase V Parcels 8 & 9 according to Book 715 of Maps, Page 37 records of Maricopa County, Arizona, and as shown in Exhibit A attached hereto, is conditionally rezoned by amending Ordinance No. 03-858, as it applies to the Property by adopting the Avilla Planned Area Development (PAD) Amendment dated February 7, 2014 on file with the City of Goodyear Development Services Department to govern the development of the Property, subject to the following stipulations:

1. All development within the subject property shall be in compliance with the development standards, design guidelines, design concepts, and other provisions contained within the Palm Valley Phase V Planned Area Development (PAD) as adopted by Ordinance No. 03-858 and the stipulations thereto, except as modified by the Avilla Planned Area Development (PAD) Amendment document, dated February 7, 2014 and the stipulations herein;
2. All development within the subject property shall be in compliance with the development standards, design guidelines, design concepts and other provisions contained within the Avilla Planned Area Development (PAD) Amendment document, dated February 7, 2014 and the stipulations herein, except that the height of the community building may be increased by five feet for architectural enhancement or embellishment;
3. If the developer fails to comply with any of the requirements specified in the Palm Valley Phase V Planned Area Development (PAD) as adopted by Ordinance No. 03-858 and the stipulations thereto, except as modified by the Avilla Planned Area Development (PAD) Amendment document, dated February 7, 2014; or with any of the requirements specified

in the Avilla Planned Area Development (PAD) Amendment document, dated February 7, 2014 and the stipulations herein, or fails to comply with any other City codes and regulations in the development of the property, then the City Engineer, or designee, may suspend the issuance of building and construction permits for the project until the developer cures the item in default;

4. The maximum number of residential dwelling units permitted within the subject property shall not exceed 125;
5. The dwelling units and garages in the Avilla Homes development shall be constructed with automatic sprinkler systems, as proposed in the Avilla Planned Area Development (PAD) Amendment document, dated February 7, 2014 and the stipulations herein;
6. All development within the subject property shall comply with the City of Goodyear Design Guidelines Manual except as modified by the Avilla Planned Area Development (PAD) Amendment document, dated February 7, 2014 and the stipulations herein;
7. The developer shall be required to construct all infrastructure identified as being necessary for the proposed development of the property and for ensuring that adequate public services are available to the property in accordance with the Engineering Design Standards and Policy Manual and all other applicable City Codes;
8. Approval of the Avilla PAD Amendment does not constitute approval of a site plan. All future development will be subject to site plan and engineering plan review and approval, 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;
9. The owner/developer of the Avilla Home development shall include a disclosure statement in any rental agreement for prospective residents to sign acknowledging that the development is in proximity to Luke AFB and the Phoenix-Goodyear Airport and 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; and,
10. If vertical construction is not commenced within two years from the date of adoption of this ordinance, the City of Goodyear shall be entitled, without liability to the City, to initiate a rezoning of the property voiding the rezoning authorized by this ordinance and reverting the zoning of the property to its previous zoning classification; and,
11. Design of the garage structures shall receive comparable architectural treatment as the residential structures; and,
12. The common open space area shall be turf and shall not be used for above-grade storm water retention.

**SECTION II. AMENDMENT OF ZONING MAP.** The Zoning Map of the City of Goodyear is hereby amended to reflect the amendment of the Palm Valley Phase V PAD to reflect the changes set forth in Section I by the adoption of Supplementary Zoning Map 13-06A, a copy of which is attached hereto as Exhibit A, and such amendment to the Zoning Map shall be filed with the City Clerk in the same manner as the Zoning Map of the City of Goodyear.

**SECTION III. ABRIDGMENT OF OTHER LAWS.** Except where expressly provided, nothing contained herein shall be construed to be an abridgment of any other ordinance regulation or requirement of the City of Goodyear.

**SECTION IV. SEVERABILITY.** If any provision of this Ordinance is for any reason held invalid by any court or competent jurisdiction such provision shall be deemed as separate distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION V. EFFECTIVE DATE.** This ordinance shall become effective as prescribed by law.

APPROVED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this 28<sup>th</sup> day of April, 2014.

\_\_\_\_\_  
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 and acting City Clerk of the City of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 14-1291 is a true, correct and accurate copy of Ordinance No. 14-1291, passed and adopted at a regular meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on \_\_\_\_\_ 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