

ORDINANCE NO. 16-1332

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, REZONING APPROXIMATELY SIX ACRES GENERALLY LOCATED NORTH OF INTERSTATE 10 BETWEEN PEBBLE CREEK PARKWAY AND SARIVAL AVENUE AS FOLLOWS: 3.8 ACRES FROM AGRICULTURAL TO PLANNED AREA DEVELOPMENT/MIXED USE COMMERCIAL WITH AN AUTOMOTIVE AND RELATED COMMERCIAL OVERLAY, 2.2 ACRES FROM PLANNED AREA DEVELOPMENT/MIXED USE COMMERCIAL TO PLANNED AREA DEVELOPMENT/MIXED USE COMMERCIAL WITH AN AUTOMOTIVE AND RELATED COMMERCIAL OVERLAY, AND 0.1 ACRE FROM AGRICULTURAL TO PLANNED AREA DEVELOPMENT/MIXED USE COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property consists of approximately six acres currently zoned Agricultural (AG) and Planned Area Development/Mixed Use Commercial generally located north of I-10 between Pebble Creek Parkway and Sarival Avenue, and as legally described in Section I below and Exhibit A and Exhibit B, attached hereto; and

WHEREAS, the subject property was annexed into the city of Goodyear in 1982 with the adoption of Ordinance No. 82-142; and

WHEREAS, the subject six acres are a part of a larger 51-acre development being called Sarival East; and

WHEREAS, the Goodyear 2025 General Plan designates the subject property as Business & Commerce, which provides areas for the growth and development of the City's economic base, including areas for shopping and entertainment; and

WHEREAS, on May 9, 2005, the City Council approved the Final Planned Area Development (PAD) zoning for Palm Valley Phase VIII, which includes a portion of the subject property, with the adoption of Ordinance No. 05-940; and

WHEREAS, in accordance with the Palm Valley Phase VIII PAD, the Mixed Use Commercial designation is subject to compliance with the permitted uses and development standards established with the City's General Commercial (C-2) zoning district; and

WHEREAS, the Automotive and Related Commercial (ARC) Overlay will be a new element within the Palm Valley Phase VIII PAD, which will permit additional uses, such as special events, automotive service, repair, body and fender work, along with automotive sales, rental and leasing permitted within the Mixed Use Commercial designation; and

WHEREAS, on February 25, 2016, a neighborhood meeting was held in the manner provided by law; 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 February 26, 2016; and

WHEREAS, on April 20, 2016, the city of Goodyear Planning and Zoning Commission held a public hearing on Case No. 16-200-00001 for the purpose of considering this rezoning request; 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 rezone the property 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 rezoning 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 REZONED

This Ordinance No. 16-1332 applies to the property described as a portion of Tract AV, Palm Valley Phase VIII South Parcel being situated in a portion of Lot 3, Section 6, Township 1 North, Range 1 West, of Gila and Salt River Meridian, Maricopa County, Goodyear, Arizona, and as more particularly described and shown in Exhibits A and B attached hereto.

SECTION 2. REZONING

The property described in Exhibit B, attached hereto, is hereby conditionally rezoned in accordance with the following:

- The 3.89-acre parcel designated as ‘Proposed Rezoning – Mixed Use C-2 and ARC’ is rezoned from Agricultural to PAD/Mixed Use Commercial with an Automotive and Related Commercial Overlay, allowing the permitted uses set forth in the ‘Automotive and Related Commercial (ARC) Overlay Permitted Uses’ attached hereto as Exhibit C;
- The 2.268-acre parcel designated as ‘Proposed Rezoning – ARC’ is rezoned from PAD/Mixed Use Commercial to PAD/Mixed Use Commercial with an Automotive and Related Commercial Overlay, allowing the permitted uses set forth in the ‘Automotive and Related Commercial (ARC) Overlay Permitted Uses’ attached hereto as Exhibit C; and,
- The 0.136-acre parcel designated as ‘Proposed Zoning – Mixed Use C-2’ is rezoned from Agricultural to PAD/Mixed Use Commercial.

Said conditional rezoning is subject to the following stipulations:

1. Compliance with the Palm Valley Phase VIII PAD and all Council stipulations of approval for that Planned Area Development as contained in Ordinance No. 05-940, and as modified herein;
2. The site plan submittal for any automotive related use within the rezone area shall include a traffic study. In addition to all required elements, said study shall also address the following:
 - a. Description of any special events and/or activities conducted by that automotive use.
 - b. Projected trip generation and roadway distribution for any special events and/or activities.
 - c. Need for traffic control.

Prior to site plan approval, if the Development Services Director, or designee, determines that a special event and/or activity could have an impact on the surrounding area, then the traffic study shall be revised to provide recommendations for the mitigation of such identified impacts and Owner shall comply with the mitigation recommendations set forth in the such traffic study;

3. In furtherance of Condition No. 33 from Ordinance No. 05-940, the site plan submittal for any automotive related use within the rezone area, proposing to conduct outdoor special events, shall include a noise study analyzing the potential for noise spill onto surrounding residential properties. If said study shows noise spill in excess of 64 dB beyond the south right-of-way line for McDowell Road, then the study shall provide recommendations for the mitigation of such identified noise impacts. The Owner shall comply with the mitigation recommendations set forth in the noise study to the satisfaction of the Development Services Director, or designee, prior to approval of the site plan; and,
4. Outdoor assembly and events conducted in connection with an automotive, motorcycle, heavy truck, boat or recreational vehicle franchise or dealership shall adhere to the following conditions:
 - a. The event adheres to all applicable codes and ordinances, including attaining any applicable special event permits, except as modified by the ARC Overlay.
 - b. Only one event shall be held per month unless Owner obtains a Temporary Use Permit and adheres to Article 4-4 (Temporary Uses) of the city of Goodyear Zoning Ordinance.

- c. Events shall only be conducted between 9:00 AM and 7:00 PM Friday, Saturday or Sunday unless Owner obtains a Temporary Use Permit and adheres to Article 4-4 (Temporary Uses) of the city of Goodyear Zoning Ordinance.
- d. Speakers and/or other sound amplification equipment shall not be located within 500-feet of a residential use located north of Interstate-10 and shall not be pointed towards any residential use.
- e. Event parking shall only occur on a paved surface.
- f. Event activities shall occur on a dust-controlled surface.
- g. The sound level from any event shall not exceed 64 dB as measured from the southern right-of-way line for McDowell Road.

SECTION 3. AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the rezoning of Sarival East by the adoption of Supplementary Zoning Map No. 16-01, 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 4. SEVERABILITY

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 5. 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. 16-1332 is a true, correct and accurate copy of Ordinance No. 16-1332, 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