

ORDINANCE NO. 16-1333

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, REZONING APPROXIMATELY 617 ACRES GENERALLY LOCATED ON THE WEST SIDE OF ESTRELLA PARKWAY, SOUTH OF THE ESTRELLA STAR TOWER, TO THE INTERSECTION OF ESTRELLA PARKWAY AND COTTON LANE, BY AMENDING SECTION 2(C) OF ORDINANCE NO. 87-217, AS AMENDED, AND ORDINANCE NO. 13-1288, WHICH APPROVED THE CALLISTO PLANNED AREA DEVELOPMENT FOR THE PROPERTY BY ADOPTING THE LUCERO PLANNED AREA DEVELOPMENT (PAD) AMENDMENT DATED MARCH 18, 2016 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 June 22, 1987, the City Council adopted Ordinance No. 87-217 rezoning approximately 3,500 acres as Planned Area Development (PAD) and adopting the Estrella Phase One PAD; and

WHEREAS, on January 12, 2009, the City Council adopted Ordinance No. 09-1157 amending the Phase One PAD by rezoning approximately 25.4 acres of the Subject Property from PAD Office to PAD Horizontal Mixed Use; and

WHEREAS, on October 28, 2013, the City Council adopted Ordinance No. 13-1288 amending the Phase One PAD by rezoning approximately 617 acres as PAD and adopting the Callisto PAD Amendment dated September 6, 2013; and

WHEREAS, the Subject Property consists of a 617-acre portion of the property governed by the Callisto PAD Amendment legally described in Exhibit A attached hereto (the "Subject Property" or the "Property"); and

WHEREAS, the proposed rezoning would adjust the average densities within the Low Density and Low Medium Density Residential land use; remove the Rural Residential land use from this portion of the PAD; and maintain a maximum of 1,250 dwellings currently provided for under the Estrella Phase One PAD; and

WHEREAS, the proposed rezoning would include 4 acres of Neighborhood Commercial land use; and

WHEREAS, under the proposed rezoning, the Subject Property may be developed with a mix of residential densities and commercial uses; and

WHEREAS, the types of housing allowed with this PAD Amendment may include single family detached, duplex, triplexes, townhomes and other attached housing products; and

WHEREAS, the development of the Property will not create an adverse fiscal impact on the 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, development proposed on the Property will require the submittal of site plans, subdivision plats, 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 Lucero PAD is consistent with the land uses designated for the Property as established on the General Plan Land Use Map; and

WHEREAS, on April 26, 2016, in accordance with the Goodyear Zoning Ordinance Citizen Review section, a neighborhood meeting was held for the purpose of discussing this PAD Amendment; and

WHEREAS, on May 18, 2016, in the manner prescribed by law, the city of Goodyear Planning and Zoning Commission held a public hearing on Case No. 16-210-00002 for the purpose of considering this amendment; 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 April 29, 2016; 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 Lucero PAD 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

WHEREAS, the city of Goodyear Planning and Zoning Commission has recommended to the Mayor and City Council of the city of Goodyear, Arizona, that it approve this rezoning and adoption of the Lucero PAD, as aforesaid, subject to certain stipulations; and

WHEREAS, on June 13, 2016, in the manner provided by law, the city of Goodyear City Council held a public hearing on Case No. 16-210-00002 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 April 29, 2016; 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, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. PLANNED AREA DEVELOPMENT AMENDMENT.

The Final PAD Zoning for the Property, more particularly described in Exhibit A attached hereto is conditionally amended/rezoned as it applies to the Property by adopting the Lucero Planned Area Development (PAD) dated March 18, 2016 to govern the development of the Property.

1. Compliance with all stipulations of approval and the Estrella Phase One PAD as contained in Ordinance No. 87-217, the stipulations of approval and the Estrella North Community Service Core (Parcels 12, 14 & 45) Final PAD Amendment dated November 4, 2008 as contained in Ordinance 09-1157, the stipulations of approval and the Callisto PAD Amendment dated September 6, 2013 as contained in Ordinance No. 13-1288, as modified by the stipulations of approval set forth herein and the Lucero PAD dated March 18, 2016;
2. All development within the subject property shall be in substantial compliance with the development concepts and design standards in the city of Goodyear Design Guidelines as modified, except as modified by the Callisto PAD Amendment dated September 6, 2013 and the stipulations of approval contained in Ordinance 13-1288 as modified by the Lucero PAD Amendment dated March 18, 2016 and the stipulations of approval of the Lucero PAD;
3. Stipulation 8 on page 40 of the Lucero PAD dated March 18, 2016 is hereby deleted.
4. All amendments to the Lucero PAD shall be processed pursuant to the requirements under state law and the city of Goodyear's Zoning Ordinance for rezoning. No amendments to the PAD shall be approved administratively;
5. In the event of conflict between the Estrella Phase One PAD dated October 28, 1986 and any conditions of approval, the Estrella North Community Service Core (Parcels 12, 14 & 45) Final PAD Amendment dated November 4, 2008 and any conditions of approval, the Callisto PAD Amendment dated September 6, 2013 and any conditions of approval, and the Lucero PAD dated March 18, 2016 and any conditions of approval, the requirements of the PAD and conditions of approval most recently adopted shall prevail;

6. Unless the city agrees to and acquires the reclaimed water delivery system within Estrella, reclaimed water service is not being provided by the city; and
7. If the developer fails to comply with any of the stipulations contained in the Ordinance for the Lucero PAD, 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.

SECTION 2. AMENDMENT OF ZONING MAP.

The Zoning Map of the city of Goodyear is hereby amended to reflect the changes set forth in Section 1 by the adoption of Supplementary Zoning Map 16-02A, a copy of which is attached hereto as Exhibit B, 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 3. ABRIDGMENT OF OTHER LAWS.

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

SECTION 4. 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 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. 16-1333 is a true, correct and accurate copy of Ordinance No. 16-1333, 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