

ORDINANCE 2005-971

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA PROVIDING FOR CONDITIONAL REZONING OF 198.5 ACRES OF PROPERTY FROM THE AGRICULTURAL URBAN ZONING DISTRICT TO THE FINAL PLANNED AREA DEVELOPMENT ZONING DISTRICT FOR A DEVELOPMENT KNOWN AS LA JOLLA VISTA (04-200-00002), LOCATED AT THE NORTHEAST CORNER OF CITRUS ROAD AND LOWER BUCKEYE ROAD; AMENDING SUPPLEMENTARY ZONING MAP NO. 04-188 TO PROVIDE FOR THE CHANGE IN ZONING; PROVIDING SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear Planning and Zoning Commission held public hearings on Zoning Case 04-200-00002 on March 16, 2005, and July 20, 2005, in the manner prescribed by law, for the purpose of considering the rezoning of a parcel of land containing 198.5 acres from the Agricultural Urban zoning district to the Final Planned Area Development zoning district;

WHEREAS, due and proper notice of such public hearings 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 notices in THE WEST VALLEY VIEW on February 1, 2005, and July 5, 2005, 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 conditionally rezone the property as aforesaid; and,

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona desire to accept the recommendation of the Planning and Zoning Commission, and conditionally rezone the property from the Agricultural Urban zoning district to the Final Planned Area Development zoning district.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona that:

SECTION I. Rezoning. A parcel of land of 198.5 acres, as described in Exhibit A and attached hereto, is hereby conditionally rezoned from the Agricultural Urban zoning district to the Final Planned Area Development zoning district as provided in the Zoning Code.

SECTION II. Conditions. The rezoning of 198.5 acres herein provided for is subject to the following conditions:

1. Compliance with the development concepts and standards contained in the La Jolla Vista Final PAD Development Plan, dated June 30, 2005;

2. If the Developer fails to comply with any of the stipulations contained in this Ordinance or fails to comply with any other City codes and regulations in the development of La Jolla Vista, then the Community Development Director, or his designee, may suspend issuance of building or construction permits for the La Jolla Vista project until the Developer cures the item in default;
3. The Developer shall enter into a Development Agreement with the City of Goodyear as specified in the Memorandum of Understanding approved by the City Council on May 23, 2005, prior to or concurrent with Council approval of this rezoning request;
4. Minor amendments to the PAD may be administratively approved by the Community Development Director, or his designee. A minor amendment is defined as a change not permitting an increase in the number of total dwelling units in excess of 690, nor permitting arterial street intersections at locations other than presented in the PAD, nor changes that permit uses, densities, and intensities not included in the PAD, nor the relocation of intended uses (except as allowed by existing City Codes) to the proposed land use concept and configuration;
5. The underground placement of all permanent utilities, excluding power lines 69 kV or larger, within the proposed development and abutting the Development's portion of perimeter arterial streets per phase prior to issuance of the first Certificate of Occupancy for the development;
6. The Developer shall control dust as required by the State, City, and the County Bureau of Air Pollution on temporary access ways during construction with a dust proof road surface;
7. The Developer shall provide for the dedication of the following rights-of-way, in form and substance acceptable to the City Engineer, or his designee, prior to or concurrent with recordation of any final plat:
 - a. North half of Lower Buckeye Road right-of-way, 55 feet from centerline;
 - b. East half of Citrus Road right-of-way, 55 feet from centerline;
 - c. West half of 173rd Avenue right-of-way, 44 feet from centerline.
8. Improvements made on all arterial, collector, and local streets abutting and within the La Jolla Vista development shall comply with the City of Goodyear's prevailing Engineering Design Standards, except as modified by the City Engineer. The Developer shall provide a two-year warranty on all public improvements dedicated to the City of Goodyear;
9. The Developer is responsible for a proportionate share of the costs for adjacent traffic signals. The Developer shall either construct these signals when warranted or pay to the City the proportionate share of the costs to install the required signals when requested by the City Engineer, or his designee. The developer shall be responsible for a proportionate share of the costs for any adjacent traffic signals that become warranted prior to the issuance of the final Certificate of Occupancy for the subdivision;

10. The Developer shall submit a current Phase 1 Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the City Engineer deems necessary dependent upon the contents of the Phase 1 survey. Such survey shall cover publicly dedicated rights-of-way, easements, or other parcels of land dedicated to the public and shall be submitted with the final plat for the project. Any environmental conditions identified by the Phase I Environmental Site Assessment shall be addressed and remediated to the satisfaction of the City Engineer, or his designee, prior to approval of any final plat for the project;
11. The Developer shall provide for a waiver agreement, which shall run with the land, for each initial homebuyer to sign, and shall include the following statement in the waiver agreement: "La Jolla Vista is subject to attendant noise, vibrations, dust, and all other effects that may be caused by over flights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport. The Owner does release and discharge the City of Goodyear and the Developer from any liability for any and all claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of such aircraft near and over the area";
12. The Public Sales Report and final plat shall include a statement that La Jolla Vista is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflight and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport;
13. The Developer shall post signage within all subdivision sales offices identifying the location of the Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Pattern Area and noise contours per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9.2). This display shall include a twenty-four by thirty-six inch (24"x36") map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted. The required contents of the map shall be provided by the City of Goodyear;
14. The following information shall be disclosed in the public sales report and final plat and shall be provided in a separate acknowledgment, which shall run with the land, for each initial homebuyer to sign: La Jolla Vista is in proximity to the proposed Loop 303 and I-10 Reliever freeways and may be subject to potential noise intrusion, vibrations, dust, and all other effects that may be caused by said roadways;
15. The following information shall be disclosed in the public sales report and final plat and shall be provided in a separate acknowledgment, which shall run with the land, for each initial homebuyer to sign: La Jolla Vista is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;
16. No growing of crops shall be permitted within 50 feet of any occupied residential dwelling;


17. The following information shall be disclosed in the public sales report and final plat and shall be provided in a separate acknowledgment, which shall run with the land, for each initial homebuyer to sign: Single-family residential parcels within La Jolla Vista may abut land designated for an elementary school and, therefore, may be subject to noise intrusion and all other effects associated with such a use;
18. The Developer shall submit a copy of the legal documents pertaining to the establishment of a Homeowners Association and any restrictive covenants associated with the proposed development for City Staff review and comment prior to approval of any final plat;
19. The Developer shall design the residential subdivisions to minimize the occurrence of T-intersections where dwelling units will be subject to headlight intrusion into living areas;
20. All housing products to be constructed within the project shall be submitted to the City for design review and approval prior to submittal of single-family standard (or custom) construction plans;
21. All development on the subject property shall comply with the prevailing City of Goodyear Design Guidelines;
22. The Developer shall de-emphasize the garage element of all dwelling units by using techniques such as front porches and livable areas of the home that project forward the garage, side entry or recessed garages, or other design elements acceptable to the Community Development Director, or his designee;
23. Four-sided architecture is required for all dwelling units within the La Jolla Vista PAD. Architectural details provided on the front elevation shall also be provided on the side and rear elevations of the building;
24. Dwelling units with the same elevation or color scheme within the La Jolla Vista PAD shall not be placed side by side or across the street from each other, unless the elevation is fundamentally different as determined by the Community Development Director, or his designee;
25. The Developer shall provide and install a front yard landscape package for each dwelling within 60 days of issuance of the Certificate of Occupancy for that dwelling. The CC&Rs shall contain language reflecting this requirement;
26. For the conventional single-family parcels, no more than three two-story homes shall be permitted side by side, and three consecutive two-story homes must be followed by a minimum of two single-story homes;
27. No two-story homes shall be permitted on lots adjacent to the elementary school unless a street or a landscape buffer of a least 35 feet in width separates the two uses;
28. No two-story homes shall be permitted within 120 feet of the east-west mid-section line located between the north property line of La Jolla Vista and the Sweetwater Estates development;


29. No two-story homes shall be permitted along Citrus Road and Lower Buckeye Road unless there is a thirty-five-foot (35') wide landscaped tract between the previously stated rights-of-way and the lot line;
30. For the conventional single-family parcels, no two-story homes shall be permitted on corner lots;
31. The Developer shall establish a Homeowner's Association (HOA) for La Jolla Vista, with said HOA owning and maintaining all open space areas, trails, and other community amenities and maintaining all arterial and collector road rights-of-way landscaping except for arterial median landscaping. A note shall be placed on each final plat indicating HOA ownership and maintenance responsibilities of these tracts;
32. All lots backing up to significant internal open space areas shall have rear yard view fences as determined by City Staff during the formal landscape plan review. Those lots that have view fences shall be required to complete their rear yard landscaping within ninety (90) days of the issuance of a Certificate of Occupancy;
33. The Developer shall improve all tot lots within the project with an approved shade canopy over the play equipment;
34. The Developer shall provide pedestrian scale security lighting for all trails and active recreational areas within the project;
35. The Developer shall provide a pedestrian connection through La Jolla Vista to permit safe, open, and efficient pedestrian access between the Sweetwater Estates development and the proposed elementary school;
36. The Developer shall place STOP signs at any collector road intersections adjacent to the elementary school;
37. The Developer shall minimize the creation of four-way local road intersections within the La Jolla Vista subdivision. Should four-way intersections be created, the Developer shall place STOP signs at these intersections;
38. The maximum speed limit for all collector roadways within La Jolla Vista shall be 25 MPH;
39. All hardscape, entry monument, and wall plan details within the Final PAD Development Plan are conceptual in nature and are not approved by virtue of zoning. Separate review and approval by the City of Goodyear Community Development Department is required; and,
40. Landscaping and other open space improvements, including the park adjacent to the elementary school, located within a phase of development shall be fully completed upon issuance of the first Certificate of Occupancy for any single-family dwelling unit within that phase.

SECTION III. Amendment of Zoning Map. The Zoning Map of the City of Goodyear is herewith conditionally amended to reflect the change in districts referred to in Section I and the adoption of Supplementary Zoning Map No. 04-188, 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 IV. Separability. If any section, subsection, sentence, clause, phrase or portion 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 portions thereof.

SECTION V. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.


James M. Cavanaugh, Mayor
10/26/05
Date


Dee Cockrum, City Clerk

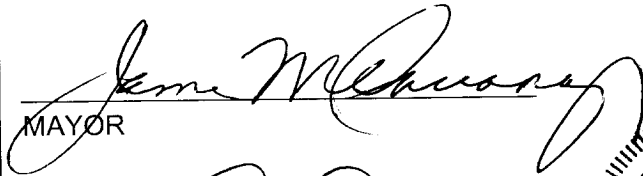

Roric Massey, City Attorney

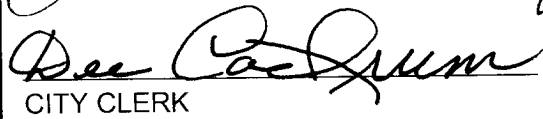
STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and seal, this 26 day of October, 2005.

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 04-188

AMENDING ARTICLE 2, SECTION 1.B OF THE ZONING ORDINANCE OF THE CITY OF GOODYEAR. AMENDED BY ORDINANCE NO. 2005-971, PASSED BY THE CITY COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, THIS 24 DAY OF October, 2005.

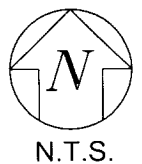
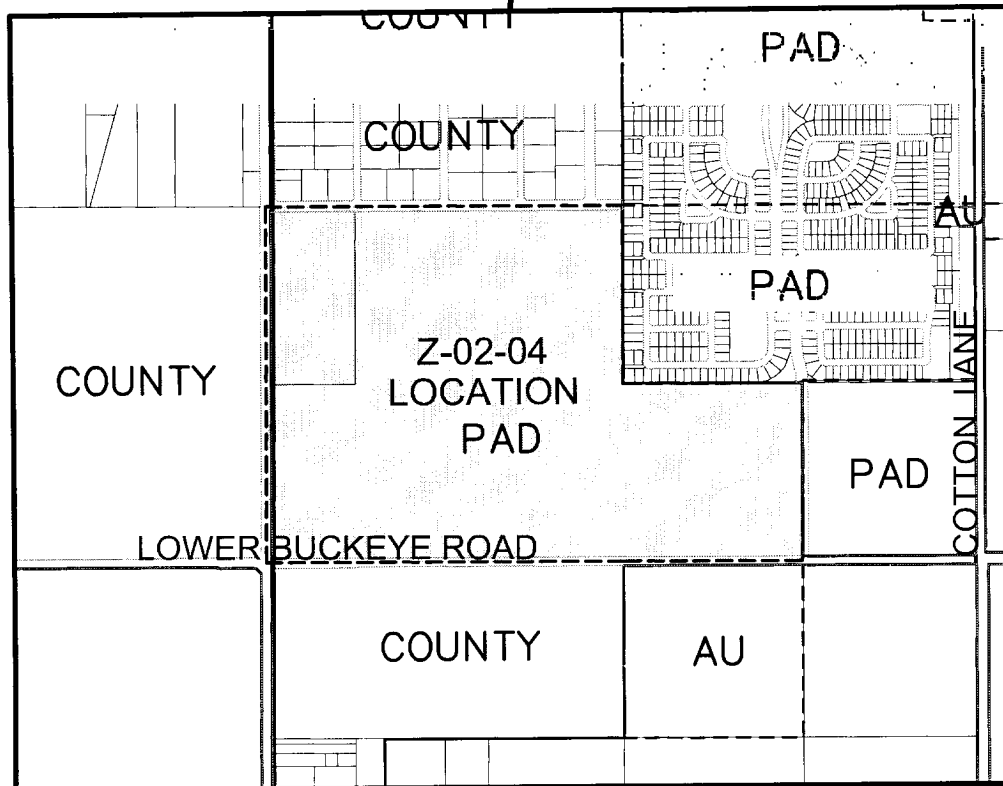
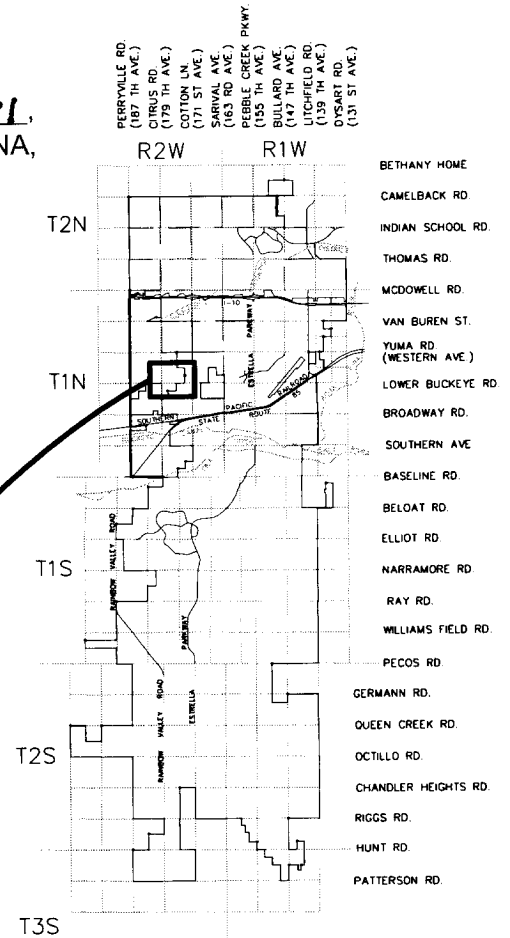

MAYOR


CITY CLERK



SUBJECT PROPERTY:

The Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 14, Township 1 North, Range 2 West.



SOURCE: CITY OF GOODYEAR G.I.S.

CITY OF GOODYEAR, AZ - REZONE CASE

EXHIBIT
A

REZONE FROM AU TO PAD

Z-02-04

DATE:
FEB. '05