

## **ORDINANCE NO. 17-1340**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING THE FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING FOR LA JOLLA VISTA COMPRISED OF APPROXIMATELY 198.5 ACRES LOCATED AT THE NORTHEAST CORNER OF CITRUS AND LOWER BUCKEYE ROADS TO MODIFY STIPULATION NO. 35 OF ORDINANCE NO. 2005-971 TO ELIMINATE THE REQUIREMENT TO PROVIDE PEDESTRIAN ACCESS BETWEEN LA JOLLA VISTA AND THE ADJACENT SWEETWATER ESTATES SUBDIVISION; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 24, 2005, the City Council adopted Ordinance No. 2005-970 which annexed into the city approximately 198.5 acres, pursuant to a Pre-Annexation Development Agreement executed between the City and Citrus & Lower Buckeye, LLC for the La Jolla Vista development on the property located at the northeast corner of Citrus Road and Lower Buckeye Road as shown in Exhibit A and legally described in Exhibit B attached hereto (the "Subject Property" or the "Property"); and,

WHEREAS, also on October 24, 2005, the City Council adopted Ordinance No. 2005-971 rezoning approximately 198.5 acres and establishing the La Jolla Vista Final Planned Area Development, dated June 30, 2005, on the Subject Property which included Stipulation No. 35 requiring the developer to provide a pedestrian connection through La Jolla Vista to permit access between the Sweetwater Estates development and a proposed elementary school to be located in La Jolla Vista; and,

WHEREAS, the original La Jolla Vista Final PAD approved in 2005 proposed the development of 690 dwelling units on four single family residential parcels with minimum lot sizes of 60' x 120' and 70' x 125' and on two Courthome parcels with attached or detached single family homes arranged around a common motor court with a minimum lot size of 2,000 square feet and up to a maximum density of eight dwelling units per acre. The development plan for La Jolla Vista also included the reservation of an eight-acre public park site and a twelve-acre public school site; and,

WHEREAS, on March 20, 2006, the City Council approved a Preliminary Plat for the La Jolla Vista development which proposed subdividing the property into 381 single family lots, two parcels for up to 309 courthomes, a 8.5-acre parcel for a park, and a 11.6-acre site for an elementary school which included three potential access points along the south side of Durango Street; and,

WHEREAS, on July 10, 2006, the City Council adopted Resolution Nos. 06-1064 and 06-1065 establishing a Special Public Improvement Project Area to facilitate the development of regional water and sewer lines needed to serve the West Goodyear Central Planning Area and provide for cost recovery by the party who installs the regional public improvements from the properties who benefitted from such public improvements; and,

WHEREAS, on March 26, 2007 the City Council approved five final plats which included a Master Plat that created eight parcels (four single family parcels, two court home parcels, an

elementary school site, and an eight-acre park site) and established the backbone of the roadway and utility improvements for the entire property and Final Plats for Parcels 1, 2, 3 and 5; and,

WHEREAS, as a result of the downturn in the national and local economy, the project was not developed, and over the years the City and the property owner entered into a series of amendments to the original Development Agreement and two Restated and Amended Development Agreements which mentioned a pedestrian connection to Durango Street, the most recent of which was the First Amendment to the Second Amended & Restated Development Agreement for La Jolla Vista approved by the City Council on January 23, 2017; and,

WHEREAS, in an effort to make the property more marketable, the owner of the property proposed an amendment in 2016 to the original La Jolla Vista Final Planned Area Development, dated June 30, 2005, to change the land use designation for Parcels 4 and 6 from Courthomes to detached single family residential with a minimum lot size of 50' x 120' (6,000 square feet) with certain modified development standards related to building setbacks and housing product design; and,

WHEREAS, on November 14, 2016, the City Council adopted Ord. No. 16-1338 which approved the change in the land use designation for Parcels 4 and 6 from Courthomes to detached single family residential with a minimum lot size of 50' x 120' (6,000 square feet) and required these parcels be developed in accordance with the La Jolla Vista PAD Amendment, Final PAD Plan, dated October 27, 2016, which included Design Guideline Enhancements to minimize the impact of driveways and garages on the streetscape that can occur in developments with lot sizes of less than sixty-feet in width; and,

WHEREAS, during consideration of the proposed change in land use designation from courthome to detached single family residential, a number of residents appeared at the public hearings objecting to Stipulation No. 35 of Ordinance No. 2005-971 which required the developer to provide a pedestrian connection through La Jolla Vista to permit access between the Sweetwater Estates development and a proposed elementary school to be located in La Jolla Vista; and,

WHEREAS, since modification of Stipulation No. 35 was not part of the request for which public notice had been given, it could not be addressed in connection with Ord. No. 16-1338, and the City Council deferred action on any change to Stipulation No. 35 to a future meeting; and,

WHEREAS, an agenda item was included on the agenda for the City Council meeting held on December 19, 2016 to determine if a zoning action should be initiated to address the question of whether a pedestrian connection should be required between La Jolla Vista and Sweetwater Estates Subdivision; and,

WHEREAS, at the December 19, 2016 City Council meeting, the City Council directed City staff to initiate the rezoning process and process an amendment to the development agreement for the La Jolla Vista PAD to delete the stipulation requiring a pedestrian connection between Sweetwater Estates and the La Jolla Vista development, but preserving the sidewalk between the east-west street south of Durango Street and Watkins Avenue, and without slowing down the developer or having the developer incur any additional costs; and,

WHEREAS, City staff initiated the rezoning process and conducted a neighborhood meeting on January 27, 2016, in accordance with the Goodyear Zoning Ordinance Citizen Review section, for the purpose of discussing an Amendment to the La Jolla Vista PAD to eliminate any pedestrian connection between the La Jolla Vista and Sweetwater Estates developments; and,

WHEREAS, about a dozen residents of the Sweetwater Estates development attended the neighborhood meeting and expressed their objections to having any connection between the La Jolla Vista and Sweetwater Estates developments, except for access by the Roosevelt Irrigation District (RID) to its well site on Durango Street and a locked gate at the northern end of the easternmost cul-de-sac planned in La Jolla Vista for use by the RID to maintain its irrigation line and by emergency services personnel on an as needed basis; and,

WHEREAS, any request to rezone property or to change, modify or delete any stipulation of approval requires public review and approval by the Planning and Zoning Commission and City Council; and,

WHEREAS, public notice that this Amendment to Stipulation No. 35 of Ordinance No. 2005-971 which established the La Jolla Vista Final Planned Area Development was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on February 22, 2017, appeared in the Arizona Republic Southwest Valley edition on February 3, 2016; signs were posted on the Subject Property on February 7, 2017 and postcards were mailed to all adjacent property owners within 500 feet on or about February 7, 2017; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on February 22, 2017, and at that meeting the Commission voted 4-1 to recommend approval of the proposed modification to said Stipulation No. 35 to prohibit all access between the La Jolla Vista and Sweetwater Estates developments, except for certain limited access to allow the Roosevelt Irrigation District (RID) to access its well site on Durango Street and gated and locked access at the northern end of the easternmost cul-de-sac planned in La Jolla Vista for use by the RID to maintain its irrigation line and by emergency services personnel on an as needed basis rezoning; and,

WHEREAS, public notice that this Amendment to the La Jolla Vista Final Planned Area Development was to be considered and reviewed at a public hearing held before the City Council on March 27, 2017, appeared in the Arizona Republic Southwest Valley edition on February 3, 2016; signs were posted on the Subject Property on February 7, 2017 and postcards were mailed to all adjacent property owners within 500 feet on or about February 7, 2017; and,

WHEREAS, based on 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 to modify Stipulation No. 35 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 Subject Property, known as the La Jolla Vista Planned Area Development, as shown in Exhibit A and more particularly described in Exhibit B attached hereto is conditionally amended/rezoned by deleting Stipulation No. 35 as previously adopted in connection with Ordinance No. 2005-971 on October 24, 2005, as amended by Ordinance No. 2016-1338 on November 14, 2016, and replacing said Stipulation No. 35 with the following:

35. No access shall be allowed between the La Jolla Vista development and Durango Street, except for limited access by the Roosevelt Irrigation District to its well site on the south side of Durango Street between 175<sup>th</sup> and 176<sup>th</sup> Avenues and a gated and locked access point at the northern end of the cul-de-sac planned as 176<sup>th</sup> Drive in La Jolla Vista, such access only to be used by the Roosevelt Irrigation District to maintain its facilities or by emergency vehicles and personnel on an as needed basis. A sidewalk shall still be constructed between W. Elizabeth Avenue and W. Watkins Street as originally planned, but the sidewalk between W. Elizabeth Avenue and Durango Street may be eliminated.

## SECTION 2. AMENDMENT TO ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 1 of this Ordinance by the adoption of Supplementary Zoning Map 17-01A, 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 3. 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 4. SEVERABILITY

If any section, subdivision, 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 provisions of the ordinance or parts thereof.

## SECTION 5. EFFECTIVE DATE

