

## **ORDINANCE NO. 17-1346**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING THE FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING FOR THE PV303 PAD TO ADOPT THE PV303 FINAL PLANNED AREA DEVELOPMENT DATED FEBRUARY 2017 AND THE PV/303 UNDERLYING ZONING DATED JANUARY 13, 2017; TO CHANGE THE LAND USE ON FOUR PARCELS FROM C-2, GENERAL COMMERCIAL, TO I-1, LIGHT INDUSTRIAL; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR CORRECTIONS; SEVERABILITY; AN EFFECTIVE DATE; AND PENALTIES.

WHEREAS, a request to amend the land uses established within an approved PAD must be processed as a rezoning request, which requires public review and approval by the Planning and Zoning Commission and City Council. The proposed amendment should be consistent with the General Plan and should not adversely impact the surrounding area; and,

WHEREAS, the Land Use and Transportation Map of the Goodyear 2025 General Plan designates the subject properties as Business & Commerce and Industrial; and,

WHEREAS, the subject properties are located within the Luke Compatible Land Use Overlay as designated in the Goodyear 2025 General Plan, with said Overlay established to protect areas surrounding Luke Air Force Base; and,

WHEREAS, the PV303 PAD consists of Phases I through VI. Phases II through VI, which includes the properties being rezoned, were conditionally rezoned by Ordinance No. 2007-1097 from Agricultural Zoning District to the Final PAD District subject to the PV303 Final PAD Development Plan dated November 28, 2007 (“2007 Development Plan”); and,

WHEREAS, Phases I and II were subsequently conditionally rezoned by Ordinance No. 2011-1243 to bring Phase I within the PV303 PAD and to modify the 2007 Development Plan to allow roll-up doors in certain circumstances; and,

WHEREAS, the boundaries of Phase II and Phase III were modified by Ordinance No. 12-1266 in which 7.1 acres that had been in Phase II were included in Phase III and rezoned from General Commercial to Light Industrial; and,

WHEREAS, Ordinance No. 15-1318 modified the 2007 Development Plan to increase the maximum allowed building heights within certain Phases of PV303; and,

WHEREAS, the current request is to adopt the PV303 Planned Area Development dated February 2017, which incorporates all the amendments to the PV303 Final PAD Development Plan dated November 28, 2007 and rezone the land use on four parcels of land totaling 246 acres, legally described in Exhibit B attached hereto and incorporated herein, from C-2, General Commercial, to I-1, Light Industrial; and,

WHEREAS, the development standards and allowed uses for properties within the PV303 PAD are set forth in the PAD dated February 2017. Per the 2017 PAD, light industrial properties comply

with the City's I-1, Light Industrial, zoning district and general commercial properties comply with the City's C-2, General Commercial, zoning district except as expressly modified within the February 2017 PAD; and,

WHEREAS, the subject properties will adhere to the principal permitted uses, permitted accessory uses, use permit uses, special uses and development regulations as established in the city of Goodyear Zoning Ordinance for the C-2, General Commercial, zoning district and the I-1, Light Industrial, zoning district, except as modified by the February 2017 PAD; and,

WHEREAS, City staff finds the proposed amendment to the PV303 PAD will be consistent with the Luke Compatible Land Use Overlay as the proposed industrial zoning will be compatible with the flying operations at Luke AFB; and,

WHEREAS, City staff finds the proposed amendment to the PV303 PAD will be consistent with the General Plan and will be compatible with the existing and proposed land uses in the surrounding area; and,

WHEREAS, the PV303 Planned Area Development dated February 2017, which was declared a public record by Resolution 17-1796, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona incorporates all the amendments made to the PV303 Final PAD dated November 28, 2007 pursuant to Ordinance 2011-1243, Ordinance 2012-1266 and 2015-1318; and,

WHEREAS, a request to amend a PAD requires public review and approval by the Planning and Zoning Commission and City Council; and,

WHEREAS, public notice that this PAD Amendment was to be considered and reviewed at a public hearing before the Planning and Zoning Commission on February 22, 2017, appeared in the Arizona Republic Southwest Valley edition on February 3, 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 4-0 to recommend approval of the proposed PAD Amendment; and,

WHEREAS, public notice that this PAD Amendment 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, 2017; and,

WHEREAS, the Mayor and Council of the City of Goodyear find the adoption of this Ordinance to be in the best interests of the public interest, health, comfort, convenience, safety and general welfare of the citizens of the City;

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 PV303 PAD zoning for the property legally described in Exhibit B of Ordinance 2007-1097 as amended (“PV303”) is conditionally rezoned as follows:

The land use districts for the four parcels legally described in Exhibit B attached heretofore and incorporated herein are amended from C-2, General Commercial, to I-1, Light Industrial.

The land use districts for PV303 are set forth in that certain document titled PV/303 Underlying Zoning dated January 13, 2017, which document was declared a public record by Resolution No. 17-1796, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to, is adopted and made a part hereof as if fully set forth in this ordinance;

PV303 will adhere to the principal permitted uses, permitted accessory uses, use permit uses, special uses and development regulations as established in the city of Goodyear Zoning Ordinance for the C-2, General Commercial, zoning district and the I-1, Light Industrial, zoning district, except as modified by that certain document titled PV303 Planned Area Development dated February 2017, which document was declared a public record by Resolution No. 17-1796, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to, is adopted and made a part hereof as if fully set forth in this ordinance.

## SECTION 2. STIPULATIONS

Such amendment to the PV303 is subject to the following stipulations:

1. All development shall comply with the PV303 Planned Area Development dated February 2017 and the conditions contained in this Ordinance No. 17-1346;
2. All development shall comply with the PV303 Master Design Guidelines and Comprehensive Sign Program dated October 1, 2007;
3. Industrial development that occurs at the southeast corner of Citrus Road and Indian School Road is strongly encouraged to plan for business and office elements along the western façade of planned building(s). When the building facades facing said intersection contain offices or business elements, the design should include the predominant use of glass and canopy elements along with human-scale pedestrian entrances and courtyards. If the office or business elements are not located at the defined intersection, then the building shall be architecturally enhanced using a variety of colors, textures, construction materials, and human-scale embellishments such as cantilevers, trellises, arcades, and other similar techniques;

4. The developer shall provide enhanced landscape buffers at the southeast corner of Indian School Road and Citrus Road. The enhanced landscaping should extend from the intersection corner to the first full-access driveway into the adjacent industrial property. The buffers shall have a minimum depth of 40 feet as measured from the property line, and include enhanced plantings and berms/mounding. The buffers may provide retention at a maximum depth of three feet for the adjacent half-street retention, and may include any on-site retention per design engineers and approved by the city of Goodyear Engineering Department. Any on-site retention areas located in the 40-foot buffer shall be harmoniously landscaped and follow the design theme of the buffer and will include trees. The maximum height of any wall (not including signage) within the enhanced landscape buffer shall be three feet, and any walls taller than three feet shall be located outside of the buffer;
5. All final plats shall include a statement that the property 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;
6. The owner/developer shall acknowledge and disclose to any subsequent purchaser or tenant that the subject property 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. The owner/developer shall provide for a waiver agreement for any subsequent purchaser to sign which shall run with the land and which shall include the following statement: "The subject property 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. The Purchaser does release and discharge the city of Goodyear, the owner, and developer from any liability from any 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 or over the area;"
7. Any final plat shall include a statement that Palm Valley Phase 303 is in proximity to the Arizona Motor Sports Park, generally located at Camelback Road and Reems Road, and may be subject to potential noise intrusion, vibrations, dust, and all other effects that may be associated with such uses;
8. The owner/developer shall acknowledge and disclose to any subsequent purchaser or tenant that the subject property is subject to attendant noise intrusion, vibrations, dust, and all other effects that may be caused by the Arizona Motorsports Park, generally located at Camelback and Reems Roads. The owner/developer shall provide for a waiver agreement for

any subsequent purchaser to sign which shall run with the land and which shall include the following statement: “The subject property is in proximity to Arizona Motor Sports Park, generally located at Camelback Road and Reems Road, and may be subject to potential noise intrusion, vibrations, dust, and all other effects that may be associated with such uses. The Owner does release and discharge the city of Goodyear and the developer from any liability from any claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the use such property by Arizona Motor Sports;”

9. The developer of any commercial or industrial lot shall minimize the amount of noise “spilling” into abutting residential neighborhoods. Building orientations, screening walls and/or other noise mitigation technologies will be considered by the Development Services Director or designee through the Site Plan approval process in an effort to minimize noise spill-over into residential neighborhoods;
10. A minimum 30-foot wide landscape buffer shall be provided and maintained between all commercial or industrial property and a residential lot;
11. All areas designated for commercial or industrial development shall have a minimum of 15% of the net site/lot area in landscaping;
12. The property owner shall install and maintain at least two temporary signs (maximum sign area of 32 square feet and a maximum height of eight feet) on the property along the north side of Charles Boulevard within sixty days after approval of the rezoning by the City Council providing notice to the general public of the planned commercial and industrial development on the subject property;
13. Buildings in Palm Valley 303 Phase IV that are within 300 feet of the north right-of-way line of Charles Boulevard or on lots abutting any residential lot in Palm Valley Phase V shall be limited to two stories, or forty feet in height; and,
14. Land uses in Palm Valley 303 Phase IV that are within 300 feet of the north right-of-way line of Charles Boulevard or on lots abutting any residential lot in Palm Valley Phase V shall be limited to business and professional offices, private business, professional and trade schools, scientific and research laboratories, and commercial trade schools and business colleges, or similar uses that are determined to be compatible by the Development Services Director or designee.

SECTION 3. AMENDMENT OF 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 No. 16-09A, a copy of which is attached hereto as Exhibit A and legally described in 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 4. CORRECTIONS

The Zoning Administrator, City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. 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 6. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

SECTION 7. PENALTIES

Any person who violates any provision of this ordinance shall be subject to penalties set forth in Section 1-2-3 of the City of Goodyear Zoning Ordinance as it may be amended from time to time and which currently provides:

Section 1-2-3 Violations and Penalties

- A. It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance, or use of any house, building, structure, sign, landscaped area, parking lot or fence, or to permit the use of any lot or land contrary to, or in violation of any provisions of this Ordinance, or of any conditions, stipulations or requirements included as a condition of any applicable approval. Any land use that is specifically prohibited by this Ordinance or is unspecified and not classified by the Zoning Administrator is prohibited in any district.
- B. Responsible Party. The responsible party for any violations hereunder is the owner of personal property improvements or real property and/or person in

possession or control of any personal property improvements or real property (Person). The responsible party shall be responsible for any violations hereunder whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.

- C. Every Responsible Party shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- D. Penalty. Any Person who violates any of the provisions of this Ordinance and any amendments there to and/or any conditions, stipulations or requirements included as a condition of any applicable approval shall be:
  - 1. Subject to civil sanctions of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per offense; or
  - 2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by a term of probation not exceeding three (3) years, or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The City Prosecutor is authorized to file a criminal misdemeanor complaint in the City of Goodyear Municipal Court for violations hereunder.

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. 17-1346 is a true, correct and accurate copy of Ordinance No. 17-1346, 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