

## **ORDINANCE NO. 2018-1385**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 160.78 GROSS ACRES LOCATED AT THE NORTHWEST CORNER OF CITRUS ROAD AND LOWER BUCKEYE ROAD, KNOWN AS PRADERA, BY REZONING APPROXIMATELY 72.50 ACRES FROM FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING TO R1-4 SINGLE FAMILY DETACHED RESIDENTIAL ZONING, AND BY REZONING APPROXIMATELY 88.28 ACRES FROM FINAL PLANNED AREA DEVELOPMENT (PAD) ZONING TO R1-6 SINGLE FAMILY DETACHED RESIDENTIAL ZONING, AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, on July 10, 2006, the City Council of the city of Goodyear, in a manner prescribed by law, adopted Ordinance No. 2006-1021, conditionally approving the rezoning (06-200-00006) of approximately 160.78 acres of property for the purpose of establishing the Pradera Final Planned Area Development (PAD); and,

WHEREAS, this request is intended to remove the Final Planned Area Development (PAD) zoning from the 160.78 acres located at the northwest corner of Citrus Road and Lower Buckeye Road, by rezoning 72.50 acres, as more specifically described in Exhibit B attached hereto and incorporated herein by reference, from Final PAD to R1-4 Single Family Detached Residential, and by rezoning 88.28 acres, as more specifically described in Exhibit C, attached hereto and incorporated herein by reference, from Final PAD to R-1-6 Single Family Detached Residential (collectively referred to as the "Property"); and,

WHEREAS, city staff finds that the administration of multiple Planned Area Developments (PADs) throughout the city, all of which contain different permitted use lists and different development regulations and standards, is difficult as well as inefficeint; and,

WHEREAS, the city has amended the Zoning Ordinance to include hard residential zoning districts (R1-4 and R1-6) that allow for the flexibility previously sought by developers through the PAD process; and,

WHEREAS, the hard residential zoning districts require compliance with identified design elements in order to obtain the flexibility previously sought by developers through the PAD process; and,

WHEREAS, city staff finds that the proposed rezoning will not adversely impact the surrounding area as the proposed R1-4 and R1-6 Single Family Detached Residential zoning will allow for the orderly growth and continued development of residential uses at the northwest corner of Citrus Road and Lower Buckeye Road; and,

WHEREAS, upon rezoning, the 72.50 acres will develop pursuant to the R1-4 Single Family Detached Residential zoning district use and development regulations and standards, and the 88.28 acres will develop pursuant to the R1-6 Single Family Detached Residential zoning district use and development regulations and standards; and,

WHEREAS, public notice that this rezoning of the Pradera PAD was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on April 11, 2018, appeared in the Arizona Republic Southwest Valley edition on March 23, 2018; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 11, 2018, and at that meeting the Commission voted 6 to 0 to recommend approval of the proposed rezoning; and,

WHEREAS, public notice that this rezoning of the Pradera PAD is to be considered and reviewed at a public hearing held before the City Council on May 14, 2018, appeared in the Arizona Republic Southwest Valley edition on March 23, 2018; and,

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona adopt the findings of staff and find the adoption of this Ordinance to be in the best interests of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

#### SECTION 1. REZONING

That a parcel of land in Goodyear, Maricopa County, Arizona, generally located at the northwest corner of S. Citrus Road and W. Lower Buckeye Road, as more specifically described in Exhibit B and Exhibit C, attached hereto and incorporated herein by reference (the "Property") is hereby conditionally rezoned by rezoning the approximately 72.50 gross acres described in Exhibit B from the Final PAD Zoning District to the R1-4 Single Family Detached Zoning District, and by rezoning the approximately 88.28 gross acres described in Exhibit C from the Final PAD Zoning District to the R1-6 Single Family Detached Zoning District, and as provided in the city of Goodyear Zoning Ordinance, subject to the following stipulations:

1. Compliance with the R1-4 Single Family Detached Zoning District criteria and regulations and with all applicable state, county, city codes and ordinance with respect to the development of the property described in Exhibit B, (Phase 2 Parcel B, Phase 3 Parcel D, and Phase 3 Parcel F);
2. Compliance with the R1-6 Single Family Detached Zoning District criteria and regulations and with all applicable state, county, city codes and ordinance with respect to the development of the property described in Exhibit C (Phase 1, and Phase 3 Parcel E);

3. Pursuant to the R1-4 criteria and regulations, should the property described in Exhibit B (Phase 2 Parcel B, Phase 3 Parcel D, and Phase 3 Parcel F) be developed with reduced total side setbacks, the development shall include two amenity elements (adjacent to community amenity and additional internal park amenities); four connectivity elements (infill development, trail system connections, lot diversity, and additional connectivity elements); and four streetscape elements (detached sidewalk, shared or clustered driveways, paving material, and porches and courtyards). The specifications of all elements must be approved prior to preliminary plat approval;
4. Pursuant to the R1-6 criteria and regulations, should the property described in Exhibit C (Phase 1, and Phase 3 Parcel E) be developed with reduced total side setbacks, the development shall include one amenity element (adjacent to community amenity or additional internal park amenities), two connectivity elements (infill development, trail system connections, lot diversity, and additional connectivity elements), and two streetscape elements (detached sidewalk, shared or clustered driveways, paving material, and porches and courtyards). The specifications of all elements must be approved prior to preliminary plat approval;
5. The phasing shown in the attachments within the narrative does not constitute an approved phasing plan. A separate phasing plan shall be submitted with the preliminary plat submittal for approval;
6. The developer shall apply to the Department of Water Resources (DWR) for the extinguishment of the Type 1 water rights appurtenant to Pradera and request that any assured water supply credits issued by DWR as a result of any such extinguishment be credited to the city of Goodyear. Said extinguishment shall occur prior to recordation of any final plat for the development;
7. The developer shall comply with the approved West Goodyear Planning Area master water, sewer and interim water reports;
8. 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. West half of Citrus Road right-of-way, 55 feet from centerline;
  - b. North half of Lower Buckeye Road right-of-way, 55 feet from centerline;
  - c. South half of Durango Street right-of-way, 30 feet from centerline;
  - d. East half of 183<sup>rd</sup> Avenue right-of-way, 30 feet from centerline;
9. The development is responsible for the half-street and half-median improvements along those portions of Lower Buckeye Road, Citrus Road,

Durango Street, and 183<sup>rd</sup> Avenue adjacent to the development. An engineer's estimate that meets city of Goodyear requirements shall be provided to determine costs for the improvements that are not required to be constructed along with the site's development. The half-streets for Lower Buckeye Road and Citrus Road shall be constructed with the following minimum improvements: two 12-foot travel lanes, one four-foot wide bike lane with curb and gutter (adjacent to development), and one four-foot shoulder (opposite of the development). All roadway centerlines shall be dimensioned on final plat;

10. The developer shall be required to construct traffic signals at the following locations when warranted:
  - a. Lower Buckeye Road and Citrus Road (25%);
  - b. Lower Buckeye Road and 183<sup>rd</sup> Avenue (25%);
  - c. Durango Street and Citrus Road (25%);
  - d. Watkins Street and Citrus Road (50%);
  - e. Lower Buckeye Road and 181<sup>st</sup> Avenue (50%).

An in-lieu payment for the traffic signals at Lower Buckeye Road and Citrus Road, Lower Buckeye Road and 183<sup>rd</sup> Avenue, and Durango Street and Citrus Road shall be paid in accordance with the approved phasing plan.

At the time of 80% of the building permits have been issued within this development, the developer shall prepare a traffic warrant study for submission to and approval by the city for the traffic signals at Watkins Street and Citrus Road, and Lower Buckeye Road and 181<sup>st</sup> Avenue. Any traffic signal that the traffic study identifies as being warranted at that time shall be constructed by the developer and subject to cost recovery. For any traffic signal that is not warranted at that time, but is projected to be warranted within the study period, the developer shall submit an in-lieu payment to the city for the proportionate cost share of the signals as shown in parenthesis. The city shall have the right to withhold the issuance of additional building permits until such in-lieu payment is made or such warranted traffic signals either are constructed or their construction otherwise guaranteed;

11. This development will be required to construct off-site water line facilities and transmission lines adjacent to their property as set forth in the city approved Interim Master Water Study prepared for the West Goodyear Central Planning Area;
12. This development will be required to construct off-site sewer trunk line(s) as set forth in the city approved Master Wastewater Trunk Line Study prepared for the West Goodyear Central Planning Area;
13. If the required retention basins do not drain within the time frame required, the developer shall be responsible for implementing alternative

corrective measures for the duration of the project's warranty period and shall identify such alternative method or methods on the grading and drainage plans and submitted to the City Engineer, or his designee, for review and approval prior to the issuance of the grading permit for the project;

14. The public sales report and final plat shall include a statement that Pradera is within the vicinity of a proposed 230 kV overhead electric line planned along the west side of Perryville Road;
15. The only stipulations in Ordinance No. 06-1021 applicable to the development of the Property are those that have been expressly included in this Ordinance; and,
16. Provided that the final plat approved for the Property by the City Council on August 25, 2008 is consistent with this rezoning action, nothing in this rezoning action shall have any effect on the vested status of such final plat pursuant to the Development Agreement for West Goodyear Sewer and Water Infrastructure that was executed between the City of Goodyear and the owner of the Property (among others) and is recorded in the office of the Maricopa County Recorder at 2017-0220433. If the existing approved final plat is inconsistent with this rezoning action, then owner shall not record the existing approved final plat and shall instead obtain a preliminary and final plat for the Property that is consistent with this rezoning. Phase 1, as depicted in Exhibit E of the Project Narrative dated March 22, 2018, of the Final Plat of Pradera approved August 25, 2008 is consistent with the R1-6 zoning district criteria. A final plat for Phase 1 that is consistent with the Final Plat of Pradera approved August 25, 2008 can move forward without submitting a new preliminary plat. This rezoning action shall not have any effect on the terms under which future final plats for the Property shall be vested pursuant to the Development Agreement referenced above.

## SECTION 2. 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 17-07, a copy of which is attached hereto as Exhibit A and legally described in Exhibit B and in Exhibit C, 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 abridgement of any other ordinance, regulation, or requirement 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. The provisions of the city of Goodyear Zoning Ordinance being amended by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

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:

\_\_\_\_\_  
Darcie McCracken, City Clerk

\_\_\_\_\_  
Roric Massey, City Attorney

## CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2018-1385 is a true, correct and accurate copy of Ordinance No. 2018-1385, 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