

ORDINANCE NO. 2019-1433

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 155 ACRES OF LAND LOCATED AT AND AROUND THE 157TH AVENUE WATER RECLAMATION FACILITY AT 4980 S. 157TH AVENUE TO THE PUBLIC FACILITIES DISTRICT WITH A FINAL PLANNED AREA DEVELOPMENT DISTRICT OVERLAY; 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, the City of Goodyear owns approximately 155 acres (“Subject Property”) located at and around the existing 157th Avenue Water Reclamation Facility at 4980 S. 157th Avenue that were acquired over the years for the purpose of developing a Public Facilities Campus for publicly-owned buildings and services, including a wastewater treatment plant, a vehicle maintenance facility, a dog park, a public works storage yard, a bicycle race track, and a water treatment plant; and,

WHEREAS, included in the Subject Property is a 0.50-acre parcel of land zoned Agricultural (AG) that was purchased by the Goodyear Town Council on January 17, 1983 from U.S. Life Title Company of Arizona (as Trustee Under Tract No. 530) for the construction and operation of its wastewater treatment plant; and there is no record that said parcel was ever rezoned to the Public Facilities District (PFD); and,

WHEREAS, on February 12, 2001, the City Council adopted Ordinance No. 00-709 rezoning a portion of the Subject Property – a 6.52-acre parcel of land (7.85 acres actual) - located at the northwest corner of S. 157rd Avenue and Roeser Road from Agricultural (AG) District to the Public Facilities District (PFD) for the existing wastewater treatment plant; and,

WHEREAS, on November 22, 2004, the City Council adopted Ordinance No. 04-922 rezoning a portion of the Subject Property consisting of four parcels totaling 117.49 acres located at the northeast corner and northwest corner of S. 157rd Avenue and Roeser Road from the Agricultural Urban (AU) District to the Public Facilities District (PFD) for expansion of the wastewater treatment plant, a proposed dog park, and a bicycle race track; and,

WHEREAS, included in the Subject Property is a 1.01-acre parcel that was purchased by the City of Goodyear on December 17, 2008 from Sun MP Investment Properties, LLC for an odor control buffer related to the wastewater treatment plant. Said property was rezoned along with another 561 acres, from the Agricultural (AG) District to the I-2 General Industrial Park District with a Planned Area Development District Overlay, pursuant to the Estrella Commerce Park PAD, by Ordinance No. 07-1068 adopted by the City Council on April 8, 2007; and,

WHEREAS, on February 22, 2018, the City of Goodyear purchased a 28.5-acre parcel that is now part of the Subject Property from Endicott Properties, LLC and part of 298.4 acres rezoned from the Agricultural Urban (AU) District to the Preliminary Planned Area Development District, pursuant to the Riverside Park PAD, by Ordinance No. 05-976 adopted by the City Council on

December 12, 2005. This parcel has a Business Park land use designation and was acquired for the purpose of constructing a new surface water treatment plant; and,

WHEREAS, the City of Goodyear has filed an application with its Development Services Department proposing the rezoning of the Subject Property so that all of the parcels included in the Subject Property will have the same Public Facilities District (PFD) with a Final Planned Area Development District Overlay which will allow certain additional permitted and accessory uses; modify some of the PFD development standards to allow increased height and modified landscaping and fencing standards; and facilitate construction of a new Surface Water Treatment Facility on the westerly 40 acres of the property; and,

WHEREAS, a rezoning requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed amendment is in conformance with the General Plan and should not adversely impact the surrounding area; and,

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on May 8, 2019 appeared in the Arizona Republic Southwest Valley Edition on April 19, 2019; postcards were mailed to adjoining owners on April 22, 2019; and a sign was posted on the site on April 29, 2019; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 8, 2019 to consider the rezoning of the property to the Public Facilities District with a Final PAD District Overlay and the Commission voted (X-X) to recommend approval of the proposed rezoning; and,

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Goodyear City Council on May 20, 2019 appeared in the Arizona Republic Southwest Valley Edition on April 19, 2019; postcards were mailed to adjoining owners on April 22, 2019; and a sign was posted on the site on April 29, 2019; and,

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona 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. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 2019-1433 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located west of S. Estrella Parkway, north of Roeser Road, east of Sarival Road and south of Broadway Road as shown on that certain document titled "Official Supplementary Zoning Map No. 19-06, Rezone from Preliminary PAD, AG, PFD and I-2 with a PAD Overlay to PFD with a Final PAD Overlay, 19-200-00006," declared a public record by Resolution No. 2019-1970, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance, and as legally described in that certain

document titled “Exhibit B, City of Goodyear Public Facilities Campus Rezone, Legal Description,” also declared a public record by Resolution No. 2019-1970, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance (the “Property”).

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

The Property is hereby conditionally rezoned to the PFD (Public Facilities District) zoning district with a Final Planned Area Development (PAD) District Overlay by the adoption herein of that certain document titled the “Exhibit C, City of Goodyear Public Facilities Campus, Final PAD District Overlay, Development Regulations,” dated April 25, 2019, declared a public record by Resolution No. 2019-1970, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 3. STIPULATIONS

The development of the Property is subject to the following stipulations:

1. Development of the Property shall be in conformance with requirements of the PFD (Public Facilities District) Zoning District of the City of Goodyear Zoning Ordinance except as otherwise modified by the “City of Goodyear Public Facilities Campus Final PAD District Overlay, Development Regulations,” dated April 25, 2019 (the “COG Public Facilities PAD”) and except as modified by the stipulations and conditions set forth below; and
2. Approval of the rezoning does not constitute approval of the site plan. All future development will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation; and
3. Prior to the issuance of any building permits for vertical construction, the Owner shall file a Notice of Proposed Construction (Form 7460-1) with the FAA and, if required in the COG Public Facilities PAD, obtain a Determination of No Hazard for the proposed construction from the FAA; and
4. In the event any of these development regulations conflict with those in the City of Goodyear Zoning Ordinance, this document will control.

SECTION 4. AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the rezoning of the Property provided for herein by the adoption of that certain document titled “Official Supplementary Zoning Map No. 19-06, Exhibit A, Rezone from Preliminary PAD, AG, PFD and I-2 with PAD Overlay to PFD with a Final PAD Overlay, 19-200-00006,” declared a public record by Resolution 2019-1970, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 5. ABRIDGEMENT 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 6. 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 7. SEVERABILITY

If any provision 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 8. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

SECTION 9. 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_____.

Date: _____

APPROVED AS TO FORM:

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk