

DRAFT ORDINANCE NO. 2019-1440

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 104 ACRES FROM PLANNED AREA DEVELOPMENT (PAD) TO PLANNED AREA DEVELOPMENT (PAD) FOR A DEVELOPMENT TO BE KNOWN AS THE GOODYEAR CIVIC SQUARE AT ESTRELLA FALLS; 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 subject property (the “Property”) consists of approximately 104 acres generally located east of the Bullard Wash, between McDowell Road and Virginia Avenue/Encanto Boulevard, legally described in that certain document titled “Goodyear Civic Square – Legal Description,” which document was declared a public record by Resolution No. 2018-1978, 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

WHEREAS, the Property is designated as “Business and Commerce” on the General Plan Land Use and Transportation Plan. This land use category provides for the growth and development of shopping, office and entertainment areas along with high density residential and public and community facilities; and

WHEREAS, the Property is zoned Planned Area Development (PAD). The PAD is known as the Goodyear Planned Regional Center. The PAD was approved on February 14, 2000 with the adoption of Ordinance No. 00-679. Per the Goodyear Planned Regional Center PAD, the Property is designated as Mixed Use Commercial and Regional Center. Both of these PAD land uses are intended for commercial use; and

WHEREAS, the request is to rezone the approximately 104-acre Property from Planned Area Development (PAD) to Planned Area Development (PAD) to create a new PAD known as the Goodyear Civic Square at Estrella Falls. This PAD will permit the development of a mix of uses on the Property, including civic, commercial and residential; and

WHEREAS, the intent of the Goodyear Civic Square at Estrella Falls PAD is to create an urban, pedestrian-oriented development that will be a center for civic administration, services and events along with higher intensity office and commercial development and higher density residential development; and

WHEREAS, a neighborhood meeting, in conformance with Section 1-3-8 (Citizen Review Process), of the city of Goodyear Zoning Ordinance, was held on June 5, 2019 to discuss the PAD rezoning request with surrounding property owners and stakeholders; and

WHEREAS, a request to rezone property requires public review and approval by the Planning and Zoning Commission and the City Council through the public hearing process. The rezoning must

be in conformance with the General Plan and should not adversely impact the surrounding area as outlined in the Zoning Ordinance; and

WHEREAS, staff has determined that the proposed PAD rezoning request is in conformance with the General Plan and will not adversely impact the surrounding area; and

WHEREAS, public notice that this PAD rezoning was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on June 26, 2019 appeared in the Arizona Republic Southwest Valley edition on June 7, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on June 26, 2019, to consider this PAD rezoning, and the Commission voted (x-x) to recommend _____ of the PAD rezoning subject to the stipulations that have been presented; and

WHEREAS, public notice that this PAD rezoning is to be considered and reviewed at a public hearing held before the City Council on July 8, 2019, appeared in the Arizona Republic Southwest Valley edition on June 7, 2019; and

WHEREAS, based on the foregoing Recitals and the other information presented, 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. 2019-1440 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located east of the Bullard Wash, between McDowell Road and Virginia Avenue/Encanto Boulevard, as shown on “Official Supplementary Zoning Map No. 19-04A City of Goodyear, AZ – PAD Rezoning,” and as legally described in that certain document titled “Goodyear Civic Square – Legal Description,” both documents having been declared public records by Resolution No. 2019-1978, with three copies of both documents being on file with the City Clerk of the city of Goodyear, Arizona, and which documents are referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 2. PLANNED AREA DEVELOPMENT REZONING

The Property is conditionally rezoned to Planned Area Development (PAD) with the adoption of the Goodyear Civic Square at Estrella Falls Planned Area Development dated _____, which document was declared a public record by Resolution No. 2019-1978 and 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 shall be subject to the following stipulations:

1. Except as otherwise modified by the stipulations herein, the Property shall be developed in conformance with that certain document titled Goodyear Civic Square at Estrella Falls Planned Area Development dated _____, which document was declared a public record by Resolution No. 2019-1978 and 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;
2. Prior to the submittal of any site plan or preliminary plat for development within Parcel A, as depicted on Exhibit 3 – Illustrative Conceptual Land Use Plan of the Goodyear Civic Square at Estrella Falls Planned Area Development dated _____, a comprehensive streetscape package establishing the design theme for the streets, including cross sections, landscaping, street furniture, and other similar elements, shall be approved by the Development Services Director, or designee;
3. Residential development shall not be permitted within Parcel A Northwest, as depicted on Exhibit 3 – Illustrative Conceptual Land Use Plan of the Goodyear Civic Square at Estrella Falls Planned Area Development dated _____;
4. The Owner 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; and,
5. Approval of the rezoning does not constitute approval of the water, wastewater, drainage and traffic memorandums/reports submitted with this rezoning. The submittal of preliminary water, sewer, drainage and grading, and traffic reports shall be required with any application for site plan or preliminary plat for the subject property.

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. 19-04A City of Goodyear, AZ – Rezone Case,” declared a public record by Resolution No. 2019-1978, 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 such “Official Supplementary Zoning Map No. 19-04A City of Goodyear, AZ – Rezone Case,” shall be filed with the City Clerk in the same manner as the Zoning Map of the city of Goodyear.

SECTION 5. 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 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 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 8. 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 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_____.

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. 2019-1440 is a true, correct and accurate copy of Ordinance No. 2019-1440, 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