

ORDINANCE NO. 2019-1445

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE 14-1314 ADOPTING THE PEBBLECREEK MARKETPLACE FINAL PAD BY AMENDING THE PEBBLE CREEK MARKETPLACE COMPREHENSIVE SIGN PACKAGE INCLUDED IN PEBBLECREEK MARKETPLACE FINAL PAD DATED OCTOBER 9, 2014; 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 development currently known as Pebble Creek Marketplace, which consists of approximately 25 acres generally located at the southwest corner of McDowell Road and Pebblecreek Parkway will be a regional commercial development; and

WHEREAS, on March 26, 2007, the City Council conditionally rezoned Pebble Creek Marketplace, (then known as Pebble Creek Village Marketplace) to the Pebblecreek Village Marketplace Final PAD with the adoption of Ordinance 2007-1061; and

WHEREAS, on November 17, 2014, the City Council conditionally rezoned Pebble Creek Marketplace to Pebble Creek Marketplace Final PAD with the adoption of Ordinance 14-1314; and

WHEREAS, pursuant to Ordinance 14-1314, Pebble Creek Marketplace was to be developed consistent with the Pebble Creek Marketplace Final PAD dated October 9, 2014, which included a Comprehensive Sign Program dated March 25, 2014; and

WHEREAS, the Comprehensive Sign Program dated March 25, 2014 included in the Pebble Creek Marketplace Final PAD dated October 9, 2014 allows for one freeway pylon up to sixty-three feet and four inches (63'4") tall and it allows for three free-standing multi-tenant monument signs, two of which were to be located adjacent to driveways into the property off of McDowell Road and one that was to be located adjacent to a drive way into the property off of Pebble Creek Parkway; and

WHEREAS, the applicant is requesting to modify the Pebblecreek Marketplace Final PAD dated October 9, 2014 adopted by Ordinance 14-1314 by replacing the Comprehensive Sign Program dated March 25, 2014 included within the Pebblecreek Marketplace Final PAD dated October 9, 2014 with the Comprehensive Sign Package for Pebblecreek Marketplace dated June 13, 2019; and

WHEREAS, the Comprehensive Sign Package for Pebblecreek Marketplace dated June 13, 2019; would reduce the height of the one freeway pylon sign allowed from sixty-three feet and four inches (63'4") to fifty-eight feet (58') and would allow one of the two free-standing multi-tenant monument signs that are to be located from driveways into the property off of McDowell Road to a driveway location into the property off of Pebblecreek Parkway, which would result in one free-standing multi-tenant monument sign off of McDowell Road and two off of Pebble Creek Parkway; and

WHEREAS, public notice that this amendment to the Pebble Creek Marketplace PAD was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on August 7, 2019, appeared in the Arizona Republic Southwest Edition on July 19 2019; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on August 7, 2010 to consider an amendment to the Pebble Creek Marketplace PAD, and the Commission voted (_to_) to recommend approval of the proposed PAD Amendment; and

WHEREAS, public notice that this amendment to the Pebble Creek Marketplace PAD is to be considered and reviewed at a public hearing held before the City Council on August 19, 2019, appeared in the Arizona Republic Southwest Edition on July 19, 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 PROPERTY BEING REZONED

This Ordinance No. 2019-1445 applies to that parcel of land in Goodyear, Maricopa County, Arizona generally located at the southwest corner of McDowell Road and Pebble Creek Parkway as shown on that certain document titled, “Official Supplementary Zoning Map No. 19-05B City of Goodyear, AZ – Rezone Case,” which document was declared a public record by Resolution No. 2019-1988, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to, and is adopted and made a part hereof as if fully set forth in this ordinance and as legally described in that certain document titled “Pebble Creek Marketplace Legal Description,” which document was declared a public record by Resolution No. 2019-1988 , three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to, and is adopted and made a part hereof as if fully set forth in this ordinance (the “Property”).

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

The Property is conditionally rezoned from Final Planned Area Development (PAD) District PAD to Final Planned Area Development (PAD) District by the amendment of the Pebble Creek Marketplace Final PAD dated October 9, 2014 adopted by Ordinance 14-1314 by the adoption of that certain document titled, “Comprehensive Sign Package for Pebblecreek Marketplace dated June 13, 2019, which document was declared a public record by Resolution No. 2019-1988, three copies of which are on file with the City Clerk of the city of Goodyear, Arizona and which is referred to, and is adopted and made a part hereof as if fully set forth in this ordinance which hereby supersedes and replaces the

Comprehensive Sign Package dated March 24, 2014 included within the Pebble Creek Marketplace Final PAD dated October 9, 2014.

SECTION 3. STIPULATIONS

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

1. Development of the Property shall be in compliance with the stipulations and conditions of approval in Ordinance 14-1314 except as modified herein.
2. Development of the Property shall comply with the development concepts and standards contained in the Pebble Creek Marketplace Final PAD dated October 9, 2014 adopted by Ordinance 14-1314 except that all signage shall be consistent with the Comprehensive Sign Package for Pebblecreek Marketplace dated June 13, 2019 adopted herein.

SECTION 4. AMENDMENT OF ZONING MAP.

The Zoning Map of the city of Goodyear is hereby amended to reflect the changes set forth in Section 1 of this Ordinance by the adoption of that certain document titled "Official Supplementary Zoning Map 19-05B City of Goodyear, AZ – Rezone Case," and legally described in that certain document titled, "Pebble Creek Marketplace Legal Description," both documents which were declared public records by Resolution No. 2019-19888, three copies of which are on file with the City Clerk of the City of Goodyear, Arizona and which are referred to and made a part hereof as if fully set forth in this Ordinance, 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 5. ABRIDGMENT OF OTHER LAWS.

Except where expressly provided, nothing contained herein shall be construed to be and abridgment 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 by any court or competent jurisdiction such provision shall be deemed as separate distinct and

independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

City Clerk