

ORDINANCE NO. 2020-1465

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 7.6 ACRES FROM PRELIMINARY PLANNED AREA DEVELOPMENT (PAD) TO FINAL PLANNED AREA DEVELOPMENT (PAD) FOR A NEW DEVELOPMENT TO BE KNOWN AS THE CURVE AT ESTRELLA COMMONS PLANNED AREA DEVELOPMENT; 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 7.6 acres generally located east of the intersection of Estrella Parkway and Roosevelt Street, legally described in that certain document titled “Curve at Estrella Commons – Legal Description,” which document was declared a public record by Resolution No. 2020-2046, 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 Preliminary Planned Area Development (PAD). The PAD is known as Estrella Commons. The PAD was initially approved on October 23, 2006, with the adoption of Ordinance No. 2006-1033. There have been several subsequent amendments to the PAD, with the most recent amendment that included the Property approved on October 23, 2017 with the adoption of Ordinance No. 2017-1368; and

WHEREAS, the Property is currently zoned as Preliminary Planned Area Development (“PAD”) under the Estrella Commons PAD, as amended, and is designated as the ‘District’. The ‘District’ land use is intended for a mix of uses, including retail commercial and high-density multi-family residential development; and

WHEREAS, the request is to rezone the approximately 7.6-acre Property from Preliminary PAD) to Final Planned Area Development (PAD) to create a new PAD known as the Curve at Estrella Commons Planned Area Development. The PAD will permit the development of single family detached court home residences in conformance with the city’s R1-C (Court Home) zoning district except as modified by the PAD and stipulations as noted herein; and

WHEREAS, in accordance with the city’s Citizen Review Process, an alternative notification process was used for this request. A formal citizen review meeting was not involved, but notice providing information on the request was mailed to surrounding property owners within 500 feet of the subject property; 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 Final 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 April 15, 2020 appeared in the Arizona Republic Southwest Valley edition on March 27, 2020; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 15, 2020, to consider this PAD rezoning, and the Commission unanimously voted (5-0) to recommend approval 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 April 27, 2020, appeared in the Arizona Republic Southwest Valley edition on March 27, 2020; 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. 2020-1465 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located east of the intersection of Estrella Parkway and Roosevelt Street, as shown on “Official Supplementary Zoning Map No. 19-09A City of Goodyear, AZ – Rezone Case,” and as legally described in that certain document titled “Curve at Estrella Commons – Legal Description,” both documents having been declared public records by Resolution No. 2020-2046, 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. (the “Property”)

SECTION 2. PLANNED AREA DEVELOPMENT REZONING

The Property is conditionally rezoned to Final Planned Area Development (PAD) with the adoption of the Curve at Estrella Commons Planned Area Development dated as approved April 27, 2020, which document was declared a public record by Resolution No. 2020-2046 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 (the “Curve at Estrella Commons PAD”).

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 the Curve at Estrella Commons PAD, including in conformance with all of the statements and concepts in the document identified as proposals, intentions, concepts, guidelines and including in conformance with Exhibits 6 through 16, inclusive, attached thereto;
2. 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;
3. The Property shall be developed in accordance with the parking requirements in the city of Goodyear Zoning Ordinance in effect at the time of development. Accordingly, the Property shall be developed in conformance with the provisions in the Curve at Estrella Commons PAD and the exhibits thereto related to parking within the Property, subject to modifications as may be required by the Zoning Administrator or his/her designee, to comply with the parking requirements in the city of Goodyear Zoning Ordinance in effect at the time of development;
4. Approval of the design of the structures being constructed within the Property is required prior to the approval of building permits for such structures. The development of the Property shall comply with the city of Goodyear Design Guidelines in effect at the time of development, which guidelines currently require greater color variation, additional accent siding and coach lights than currently shown in the PAD. Accordingly, the Property shall be developed in conformance with Section D Architectural Form and Style in the Curve at Estrella Commons PAD and the exhibits referred to in such section subject to modifications as may be required by the Zoning Administrator, or his/her designee, during the design review process to comply with the city of Goodyear Design Guidelines in effect at the time of development;
5. A pedestrian sidewalk at least five feet in width, along with 24-inch box shade trees planted 25-feet on center, shall be constructed/installed along the south side of the shared driveway with the property to the west, which is identified as Tract B on Exhibit 6 to the Curve at Estrella Commons PAD and pedestrian

access shall provide pedestrian access from such shared driveway to the adjacent property to the west;

6. Any fire access point of entry that will be visible from Roosevelt Street shall be developed with fire access gates that are metal or wrought-iron, painted to match the walls and fences constructed within the Property, and that otherwise meet all applicable building and fire code standards for such gates;
7. The development of the Property shall comply with the city of Goodyear Engineering Design Standards and Policies and the city of Goodyear Subdivision regulations in effect at the time the Property is developed; accordingly, the Property shall be developed in substantial conformance with Exhibits 6 and 7 to the Curve at Estrella Commons PAD subject to modifications as may be required by the City Engineer or his/her designee to comply with applicable city of Goodyear Engineering Design Standards and Policies and/or city of Goodyear subdivision regulations in effect at the time of development;
8. Owner shall complete full half-street improvements for the section of W. Roosevelt Street (Minor Collector designation) fronting the Property. Improvements include, but are not limited to, landscaping and landscape irrigation. Improvements shall be completed prior to issuance of the first certificate of occupancy for any structure within the Property; and
9. Owner shall provide designated areas within the Property that are exclusively for the placement of trash containers sufficient to allow each dwelling unit within to the Property to place two containers along or within the street during the days the city or its contractor collects trash within the 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. 19-09A City of Goodyear, AZ – Rezone Case,” declared a public record by Resolution No. 2020-2046, 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. 19-09A 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. 2020-1465 is a true, correct and accurate copy of Ordinance No. 2020-1465, 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