

ORDINANCE NO. 2023-1594

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 17.6 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF VAN BUREN STREET AND 145TH AVENUE FROM I-1 (LIGHT INDUSTRIAL PARK) TO THE PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT WITH AN UNDERLYING ZONING OF PFD (PUBLIC FACILITIES DISTRICT) WITH A PAD (PLANNED AREA DEVELOPMENT) OVERLAY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGEMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES; AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, the property ("Property") subject to this Ordinance consists of approximately 17.6 acres and is located at the southeast corner of Van Buren Street and 145th Avenue and is known as Goodyear Municipal Complex as more particularly described in that certain document titled "Zoning Exhibit Legal Description," which document was declared public record by Resolution No. 2023-2353 and which is referred to and made a part hereof as if fully set forth in this Ordinance (the "Property"); and,

WHEREAS, on April 19, 1981, the City Council adopted Ordinance No. 1981-0130 conditionally annexing the Property into the City and rezoning it to the AU (Agricultural Urban) zoning district; and,

WHEREAS, on June 25, 2001, the City Council adopted Ordinance No. 2001-0715 conditionally rezoning approximately 107 acres of land, including the Property, from the AU (Agricultural Urban) zoning district to the C-2 (General Commercial) zoning district and I-2 (General Industrial) zoning district, with the Property located within the I-2 (General Industrial) portion; and

WHEREAS, on February 23, 2004, the City Council adopted Ordinance No. 2004-0884 conditionally rezoning approximately 107 acres of land, including the Property, from C-2 (General Commercial) zoning district and I-2 (General Industrial) zoning district to C-2 (General Commercial) zoning district and I-1 (Light Industrial) zoning district, with the Property located within the I-1 (Light Industrial) portion; and

WHEREAS, on August 20, 2018, the City Council adopted Ordinance No. 2018-1402 to clarify the boundaries of the rezone that was adopted under Ordinance No. 2004-0884 and to modify the stipulations of approval contained in Ordinance 2004-0884; and

WHEREAS, the General Plan Land Use Plan shows the Property designated as 'Business and Commerce'; and,

WHEREAS, the City of Goodyear ("City") owns the Property and operates public facilities upon it that are inconsistent with the I-1 (Light Industrial Park) zoning district; and

WHEREAS, the rezone to PFD (Public Facilities District) will remedy this inconsistency and permit the City to continue operation of public facilities at this location; and

WHEREAS, on September 11, 2023, Council voted to adopt Resolution 2023-2352 to allow the lease of space on the Property to Solid Rock Teen Center Goodyear, LLC for use as a youth

community center, and the PAD Overlay will facilitate establishment of this use at this location; and

WHEREAS, the PAD Overlay will also permit private colleges and universities; medical offices and clinics, and offices for professional, administrative, clerical and sale services; enabling Franklin Pierce University and Goodyear Wellness Center to continue operations at this location; and

WHEREAS, the PAD Overlay includes additional design standards and guidelines to ensure compatibility amongst the above uses as well as compatibility between the Project site and the surrounding neighborhood; and

WHEREAS, city staff finds that the proposed rezoning will not adversely impact the surrounding area as the proposed land uses will allow for orderly growth and development; and

WHEREAS, an alternative notification process was used for this rezoning. A formal citizen review meeting was not held, but notice providing information on the rezone was mailed to the owners of property within 500 feet of the subject property and other stakeholders on September 14, 2023; 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 October 18, 2023 appeared in the Arizona Republic Southwest Valley Edition on September 29, 2023; postcards were mailed to adjoining owners on September 22, 2023; and signs were installed on the site to advertise the public hearing on October 2, 2023; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on October 18, 2023, and at that meeting the Commission voted (TBD-TBD) to recommend approval/denial of the proposed amendment; and

WHEREAS, a public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the City Council on October 30, 2023 appeared in the Arizona Republic Southwest Valley Edition on September 29, 2023; postcards were mailed to adjoining owners on September 22, 2023; and a sign was posted on the site on October 2, 2023; 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 interest, health, comfort, convenience, safety, and general welfare of the citizens of the City.

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. 2023-1594 applies to approximately 17.6 acres located at the southeast corner of W. Van Buren Street and N. 145th Drive and legally described in that certain document titled “Zoning Exhibit Legal Description – Goodyear Municipal Complex”, declared a Public Record by Resolution No. 2023-2353, and which is referred to and made a part hereof as if fully set forth in this Ordinance (the “Property”).

SECTION 2. ADOPTION OF FINDINGS

The WHEREAS clauses set forth above are hereby adopted and incorporated herein by this reference as if fully set forth herein.

SECTION 3. REZONING

The property is conditionally rezoned from the I-1 (Light Industrial Park) Zoning District to the Planned Area Development (PAD) District with underlying zoning designation of PF (Public Facilities) District with a PAD Overlay.

SECTION 4. PLANNED AREA DEVELOPMENT OVERLAY AND CONDITIONS OF REZONING

The Property shall be developed in accordance with the provisions in the Goodyear Zoning Ordinance in effect at the time of development applicable to the PF (Public Facilities) District, as modified by the following PAD Overlay and as modified by the conditions/stipulation set forth below:

1. A PAD Overlay for the Property is hereby adopted, modifying the permitted uses and development standards applicable to the PF ((Public Facilities) District as follows:
 - a. The following shall be additional permitted uses:
 - i. Community Centers
 - ii. Offices for Professional, Administrative, Clerical and Sales Services
 - iii. Medical Offices or Clinics
 - iv. Private Colleges and Universities
 - b. The commercial district standards applicable to Public Facilities District ("PFD") currently set forth in section 3-3-6 of the Goodyear Zoning Ordinance shall apply to all structures owned by any city, county, state, United States, and school districts. The commercial district standards applicable to the C-1 (Neighborhood Commercial) District shall apply to all other structures.
 - c. Building architecture shall comply with the City of Goodyear Design Guidelines as adopted by the Goodyear City Council Manual in effect at the time of development. New construction shall be designed to coordinate with existing buildings for a unified appearance; and
2. Approval of the rezoning does not constitute approval of any site plan for development within the Property. All future development that includes the construction of new buildings or the expansion of existing buildings 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. Approval of a Comprehensive Sign Package for the property shall be required prior to issuance of any sign permits; and
4. Unless expressly modified in this Ordinance, all development within the Property shall comply with the requirements of the City of Goodyear Zoning Ordinance, the City of Goodyear subdivision regulations, the City of Goodyear's Engineering Design Standards and Policies, the Maricopa County Association of Governments standards for public works construction, and all other federal, state and locals laws, ordinances, rules, regulations, standards, and policies applicable to the development of the Property.

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. AMENDMENT TO ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 3 of this Ordinance by the adoption of that certain document titled, "Supplementary Zoning Map No. 23-11," declared a public record by Resolution 2023-2353, and which is 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 7. 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 8. 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 9. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

SECTION 10. PENALTIES

Any person who violates and 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

SECTION 11. RECORDATION

This Ordinance shall be recorded with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney