

ORDINANCE NO. 2025-XXXX

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 66.6 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF CELEBRATE LIFE WAY AND NORTH LITCHFIELD ROAD FROM GOODYEAR CELEBRATION PLAZA PLANNED AREA DEVELOPMENT TO CELEBRATION PLAZA 1ST AMENDED 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; PROVIDING FOR PENALTIES; AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, the subject property consists of approximately 66.6 acres generally located at the Northwest corner of Celebrate Life Way and North Litchfield Road, legally described in in that certain legal description titled “Legal Description” which is declared a public record herein, and which is referred to and made a part hereof as if fully set forth in this Ordinance (collectively the “Property”); 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 currently zoned Goodyear Celebration Plaza Planned Area Development (PAD), known as the Celebration Plaza PAD, which was approved by Council on April 24, 2023 with the adoption of Ordinance No. 23-1562; and,

WHEREAS, the request is to rezone the Property to PAD as set forth in the Goodyear Celebration Plaza 1st Amended Planned Area Development (PAD) dated January 2025 (Celebration Plaza 1st Amended PAD) which is declared a public record herein, and which is referred to and made a part hereof as if fully set forth in this Ordinance; and,

WHEREAS, the Celebration Plaza 1st Amended PAD, dated January 2025, which is declared a public record herein, and which is referred to and made a part hereof as if fully set forth in this Ordinance, is a restatement of the Goodyear Celebration Plaza PAD; and,

WHEREAS, the purpose of the proposed rezoning is to amend the existing PAD zoning to allow the construction of up to two stand-alone drive-through restaurants and allow an unlimited number of endcap drive throughs for all buildings constructed that accommodate at least three tenants within the portions of the Property zoned C-2 (General Commercial); and,

WHEREAS, in accordance with the city’s Citizen Review Process, an alternative citizen review was sent to property owners on February 15, 2025. Notice providing information on the request and meeting details was mailed to surrounding property owners within five hundred feet (500’) of the subject property. There was no opposition to the request received; 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 rezoning request is in conformance with the General Plan and will not adversely impact the surrounding area; and,

WHEREAS, a 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 March 12, 2025 appeared in the Arizona Republic West Valley edition on February 21, 2025; post cards were mailed to the adjoining owners on February 15, 2025; and signs were updated on this site to advertise the public hearing on February 20, 2025; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on March 12, 2025, to consider this rezoning, and the Commission voted (X-X) to recommend approval/ denial of the rezoning subject to the stipulations that have been presented; 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 March 24, 2025 appeared in the Arizona Republic West Valley Edition February 21, 2025; postcards were mailed to adjoining owners on February 15; and a sign was posted on the site on February 20, 2025; 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. DECLARATION OF PUBLIC RECORDS

That certain document titled "Official Supplementary Zoning Map No. 24-00306", a copy of which is attached hereto as Exhibit A, is hereby declared a public record and incorporated herein by this reference.

That certain legal description titled "Legal Description", a copy of which is attached hereto as Exhibit B, is hereby declared a public record and incorporated herein by this reference.

That certain document titled "Goodyear Celebration Plaza 1st Amended Planned Area Development" (dated January 2025), a copy of which is attached hereto as Exhibit C, is hereby declared a public record.

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

SECTION 2. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 2025-XXXX applies to approximately 66.6 acres generally located at the Northwest corner of Celebrate Life Way and North Litchfield Road as legally described in that certain legal description titled "Project Health",

attached hereto as Exhibit B, which is declared a public record herein and which is referred to and made a part hereof as if fully set forth in this Ordinance (the "Property").

SECTION 3. ADOPTION OF FINDINGS

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

SECTION 4. REZONING

The Property is conditionally rezoned from Planned Area Development (PAD) (Goodyear Celebration Plaza PAD) to PAD (Celebration Plaza 1st Amended PAD), attached hereto as Exhibit C, which is declared a public record herein and which is referred to and made a part hereof as if fully set forth in this Ordinance.

SECTION 5. STIPULATIONS

The rezoning of this Property is subject to the following stipulations and conditions of approval:

1. Except as modified by the following stipulations and conditions of approval set forth herein, all development of the Property shall be in compliance with the Goodyear Celebration Plaza 1st Amended Planned Area Development dated January 2025, (the "Celebration Plaza 1st Amended PAD"); and,
2. All Public Sales Reports for the Property, all final plats and minor land divisions subdividing all or part of the Property, and all rental agreements for the rental of any residential unit within the Property shall include the following disclosures: The Property is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflight and by the operation of aircraft landing at or taking off from the Phoenix-Goodyear Airport. All final plats and minor land divisions subdividing all or part of the Property shall include notes setting forth the foregoing requirements including the requirements that such disclosures be included within all rental agreements for the rental of any residential units within the Property; and,
3. Signage shall be posted within all sales and rental offices selling or renting residential units that identifies the location of the Phoenix Goodyear Airport: 65 Ldn and higher noise contours, departure corridors, and vicinity boundary. This display shall include a 24-inch x 36-inch map at the main entrance of such sales and rental offices and shall include the approximate locations of the Phoenix Goodyear Airport: 65 Ldn and higher noise contours, departure corridors, and vicinity boundary and all of the buildings on the Property; and,
4. Owner shall comply with the requirements in Article 9-1 and all sections therein. A sound attenuation plan that complies with the requirements of Sections 9-1-3 and 9-1-4 of the City of Goodyear Zoning Ordinance, shall

be submitted with all site plans that include multi-family residential structures located completely or partially within 500 feet of the exterior edge of the I-10 right-of-way boundary. The development of the Property subject to the sound attenuation plan shall incorporate all sound attenuation measures included in sound attenuation plans as approved by the City; and,

5. The Conceptual Site Plan attached as Exhibit 2 to the Celebration Plaza 1st Amended PAD, the Pedestrian Circulation and Open Space Plan attached as Exhibit 3 to the Celebration Plaza 1st Amended PAD are not approved. All future development within the Property will be subject to site plan and design 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,
6. The supporting documents submitted with the application and the Celebration Plaza 1st Amended PAD seeking to rezone the Property included site plan level of detail, including, but not limited to traffic impact analysis, preliminary sewer, water, and drainage designs, representations regarding water and sewer lines that will serve the Property, representations regarding the existence of water and sewer capacity, utility layouts, phasing plans, grading and drainage plans, and circulation plans. None of the supporting documents, plans, reports, designs, utility layouts, analysis, representations regarding location of water and sewer lines that will serve the property or the existence of water and sewer capacity sufficient to serve the Property are approved. Owner must submit current reports, studies, plans, designs as required in all applicable development regulations, including the City of Goodyear Engineering Design Standards and Policies Manual at the time of site plan or preliminary plat submittal, including, but not limited to the following:
 - a. The Traffic Impact Analysis submitted with the application for rezoning is not approved. An updated Traffic Impact Analysis that complies with all of the requirements in the Engineering Design Standards and Policies Manual shall be submitted with the first preliminary plat and/or site plan submitted for development of the Property for review and approval of both the City Engineer or his/her designee and ADOT. The Traffic Impact Analysis shall identify all infrastructure required to accommodate the additional trips generated by the development of Property as rezoned, and the location of all access points from the public right-of-way to the Property, all of which shall comply with all applicable regulations including the requirements in the Engineering Design Standards and Policies Manual and requirements imposed by ADOT because of the Property's proximity to I-10; and
 - b. The Preliminary Sewer Report submitted with the application for rezoning is not approved. An updated Preliminary Sewer Report that complies with all of the requirements in the Engineering Design Standards and Policies Manual shall be submitted with the first preliminary plat and/or site plan submitted for the

development of the Property and approved by the City Engineer or his/her designee. The Preliminary Sewer Report shall include an analysis of the existing (current conditions) of the Palm Valley Crossing Lift Station verifying that it can adequately convey the additional proposed flows generated by the development of Property as rezoned consistent with all applicable Development Regulations, including requirements in the Engineering Design Standards and Policies Manual; and,

7. No signage is approved for the Property. A Comprehensive Sign Package shall be submitted for this property in compliance with the City of Goodyear Zoning Ordinance Article 7 (Sign Regulations). Any requests for deviation from Article 7 will require the Comprehensive Sign Package to be approved by City Council; and,
8. Owner shall construct, at Owner's sole cost and expense, all infrastructure improvements determined by the City as being necessary to provide water service and wastewater service to the Property, including by way of example but not limitation, upgrades to the Palm Valley Crossing Lift Station if needed to accommodate the additional flows generated by the development of the Property as rezoned; and,
9. Owner shall design and construct, at no cost to the City, all improvements needed for the completion of the full half-street improvements for the west half of the section of N. Litchfield Road along the frontage of the Property required for a Major Arterial as set forth in the Engineering Design Standards in effect at the time of construction, which improvements shall be determined during the site plan or platting process, but which includes, at a minimum the installation of a bike lane (the "N. Litchfield Road Improvements"). If the installation of a median is required, Owner shall construct the full median and full median landscaping. The N. Litchfield Road Improvements shall be completed prior to the issuance of any Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property; and,
10. The Owner shall provide for the preservation and maintenance of the existing row of mature palm trees located along the Litchfield Road frontage of the property in the preparation of site improvements. All palm trees that are removed for the purpose of locating a drive must be relocated on the site, unless the Development Services Director, or his/her designee, determines that the extended life or existing condition of the palm trees does not warrant preservation. Any palm trees that do not warrant preservation shall be replaced with new palm trees; and,
11. Owner shall design and construct, at no cost to the City, all improvements needed for the completion of full half street improvements for the north half of the section of the W. Celebrate Life Way along the frontage of the property required for a Major Collector as set forth in the Engineering Design Standards and Policies Manual in effect at the time of construction, which improvements shall be determined during the site plan or platting process (the "Celebrate Life Way Improvements"). If the installation of a median is required, Owner shall construct the full median

and full median landscaping. The Celebrate Life Way Improvements shall be completed and accepted by the City Engineer or his designee, subject to completion of the warranty period, prior to the issuance of any Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property; and,

12. Owner shall construct all improvements needed for the completion of full half-street improvements for the east half of the section of N. 143rd Ave. along the frontage of or within the Property required for a Minor Collector Rd. as set forth in the Engineering Design Standards in effect at the time of construction, which shall be determined during the site plan process (the "N. 143rd Ave. Improvements"). The N. 143rd Ave. Improvements shall be completed and accepted by the City Engineer or his designee subject to completion of the warranty period prior to the issuance of any Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property; and,
13. Owner, at Owner's sole cost and expense, shall relocate or replace existing traffic signal improvements, as may be needed to the accommodate access to the Property or the completion of the N. Litchfield Road Improvements. If existing traffic signal improvements have to be relocated, Owner shall, at no cost to the City, convey to the City, lien free and free of all encumbrances unless expressly agreed to by the City, the property where the relocated traffic signals are located; and,
14. Owner is responsible for a proportionate share of the costs of any new traffic signals identified in an approved Traffic Impact Analysis/Study as being needed. If an updated Traffic Impact Analysis/Study reflects the need for any additional traffic signal at any intersection adjacent to the Property, Owner shall, at no cost to the City, convey, in fee, lien free, and free of any easements or encumbrances unless specifically agreed to by the City, any additional right-of-way needed for the construction of the portion of the traffic signal that will be located on the Property. In addition, Owner shall make an in-lieu payment to the City towards the cost of the signal. Except as provided herein, the in-lieu payment will be 25% of the cost of a full traffic signal for each corner of the intersection adjacent to the Property. For example, if a traffic signal is required at an intersection where two of the four corners of the intersection are adjacent to the Property, Owner would be responsible for 50% of the cost of a full traffic signal. The in-lieu payment shall be calculated based on the actual cost of the traffic signal if it has been constructed or, if the payment is made before the traffic signal has been completed, upon an engineer's estimate of the probable cost of the signal approved by the City Engineer or his designee traffic signal. The dedication(s) and in-lieu payment(s) required herein shall be made at the earlier of the following: (i) before the issuance of any engineering permit for any of the work reflected in a site plan, Minor Land Division ("MLD"), or final plat that includes, is adjacent to, or requires connection to the intersection where the traffic signal is needed; or (ii) before the recordation of any final plat or MLD that includes, is adjacent, or requires connection to the intersection where the traffic signal is needed; and,

15. Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the Property and request that any assured water supply credits issued by ADWR as a result of any such extinguishment be credited to the City of Goodyear. Said extinguishment shall occur prior to the approval of any Site Plan, recordation of the first final plat subdividing all or part of the Property, or the issuance of any construction permits for work within the Property, whichever is earlier; and,
16. Prior to the issuance of the first Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property, all existing above ground utilities, except for electric lines that are 69kV or larger, located within and adjacent to the Property, including but not limited to, cable and electrical utilities, shall be placed underground at no cost to the City; and,
17. Owner shall design and construct, at no cost to the City, all infrastructure improvements required by the City of Goodyear subdivision regulations and Engineering Design Standards and Policy Manual in effect at the time of development; and,
18. No final plat shall be recorded, no site plans approved, and/or no construction permits issued until Owner has provided the City with all approvals and/or easements from jurisdictions or parties whose property interests will be impacted by the development contemplated by such final plat, site plan, and/or construction permit. All required approvals and easements shall be in a form acceptable to the City Engineer or his/her designee; and,
19. Owner shall dedicate, at no cost to the City, all rights-of-way and/or easements within the boundaries of the Property that are: (i) needed for the construction of infrastructure improvements required for the City to provide water and wastewater services to the Property; (ii) required to be dedicated under any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies; (iii) required for the construction of improvements for which Owner is responsible for making in-lieu payments; (iv) required to be dedicated pursuant to any development agreement with the City regarding the development of the Property; (v) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein, and/or (vi) required public infrastructure improvements Owner is required to construct pursuant to any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies. The rights-of-way for to be dedicated shall be dedicated in fee and all rights-of-ways and easements shall be dedicated lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances. Unless the timing of the required dedications is modified by the terms of a written development agreement

approved by the Council or a written phasing plan approved by the City Engineer or his designee, all dedications shall be made prior to or concurrent with recordation of the recordation of the first final plat subdividing all or part of the Property or the issuance of any construction permit for work within the Property, whichever is earlier; and,

20. In addition to compliance with the stipulations and conditions of approval set forth herein, the development of the Property shall comply with the Goodyear Zoning Ordinance, the City of Goodyear subdivision regulations, the city of Goodyear's Engineering Design Standards and Policies, except as modified by the City Engineer, 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; and,
21. If any of the infrastructure improvements required by Owner to design and construct pursuant to the terms of this Ordinance have been constructed or are to be constructed by others, then Owner shall remit an in-lieu payment to the city in the amount of the actual costs incurred in the design and construction such infrastructure improvements if completed or, if not completed, the payment shall be in the amount of an engineer's estimate of the costs as approved by the Goodyear City Engineer or his/her designee. The payment requirement herein shall be paid to the issuance of any Certificate of Completion, Temporary Certificate of Occupancy or Certificate of Occupancy for any structure within the Property.

SECTION 6. AMENDMENT OF ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 4 of this Ordinance by the adoption of that certain document titled, "Official Supplementary Zoning Map No. P24-00306, attached hereto as Exhibit A, which is declared a public record herein 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. RECORDATION

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

SECTION 8. 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 9. 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 10. 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 11. 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 12. 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.

SECTION 13. 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:

City Clerk

Roric Massey, City Attorney