

ORDINANCE NO. 2022-1541

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 18.53 ACRES LOCATED ON THE SOUTH SIDE OF CAMELBACK ROAD, WEST OF COTTON LANE, FROM THE C-2, GENERAL COMMERCIAL ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY TO THE I-1, LIGHT INDUSTRIAL PARK ZONING DISTRICT, PROVIDING FOR NON-ABRIDGMENT, CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, PENALTIES, AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, on December 11, 2006, the Mayor and Council of the City of Goodyear adopted Ordinance 2006-1056 conditionally rezoning 134 acres of property generally located west of the southwest corner of Camelback Road and Cotton Lane from the AU, Agriculture Urban Zoning District to the I-1, Light Industrial Park and C-2, General Commercial Zoning Districts with a Final Planned Area Development (PAD) Overlay to allow for a development to be known as Camelback 303 Commerce Park; and,

WHEREAS, with no development having occurred within Camelback 303 Commerce Park, on November 26, 2018, the Mayor and Council of the City of Goodyear adopted Ordinance 2018-1415 conditionally rezoning the southern 114 acres of Camelback 303 Commerce Park, located south of Camelback Road, to the I-1, Light Industrial Park Zoning District; and,

WHEREAS, on March 14, 2022, the City Development Review Committee granted site plan approval for a two-building warehouse distribution facility on the 114 acres, which after dedications of right-of-way left the 18.53-acre Site 1 zoned C-2, General Commercial Zoning District with a Planned Area Development (PAD) Overlay; and,

WHEREAS, the current owner of the 18.53-acre Site 1 legally described in that certain document titled: "Legal Description of Site 1 Property," which document was declared a public record by Resolution 2022-2238, and which is referred to and incorporated as if fully set forth herein by this reference (the "Property"), has submitted an application to rezone the 18.53 acres from the C-2, General Commercial Zoning District with a Planned Area Development (PAD) Overlay to the I-1, Light Industrial Park Zoning District; and,

WHEREAS, because of the change in circumstances in the area, a rezoning to the I-1, Light Industrial Park Zoning District is being sought to accommodate industrial warehousing and distribution uses, typical of the existing and approved development in the general area; and,

WHEREAS, City staff finds that the proposed rezoning will not adversely impact the general area, and the rezoning will promote continued orderly growth and development in conformance with the City General Plan, Zoning Ordinance, Design Guidelines, and Engineering Standards; and,

WHEREAS, a request to rezone property requires public review by the Planning and Zoning Commission and public review and approval by the City Council; and

WHEREAS, public notice that a rezoning of the Property was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on May 11, 2022, appeared in the Arizona Republic Southwest Valley edition on April 22, 2022; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 11, 2022, and at that meeting the Commission voted 6 to 0 to recommend approval of the proposed rezoning; and

WHEREAS, public notice that a rezoning of the Property is to be considered and reviewed at a public hearing held before the City Council on May 23, 2022 appeared in the Arizona Republic Southwest Valley edition on April 22, 2022; and

WHEREAS, the Mayor and Council of the City of Goodyear 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. 2022-1541 applies to approximately 18.53 acres of land in Goodyear, Maricopa County, Arizona, generally located on the south side of Camelback Road, west of Cotton Lane, as depicted on that certain document titled Official Supplementary Zoning Map No. 21-19, and as legally described in that certain document titled Legal Description of Site 1 Property, which documents were declared public records by Resolution 2022-2238 and which are referred to and incorporated herein by this reference (the "Property").

SECTION 2. ADOPTION OF FINDINGS

The 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 C-2, General Commercial Zoning District with a Planned Area Development (PAD) Overlay to the I-1, Light Industrial Park Zoning District.

SECTION 4. STIPULATIONS

1. Approval of the rezoning does not constitute approval of the site plan. All future development 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, utilities, parking, access and circulation;
2. Prior to issuance of the first construction permit for any work within the Property, Owner shall, at no cost to the City, dedicate to the City, portions of the Property fronting W. Camelback Rd. needed to provide the City with 65-feet of right-of-way as measured from the center line of the W. Camelback Road alignment (the "Camelback Road Right-of-

- Way"). The Camelback Road Right-of-Way shall be dedicated in fee, lien free and, unless otherwise agreed to by the City, free of all other easements or other encumbrances;
3. Prior to issuance of the first construction permit for any work within the Property, Owner shall dedicate to the City, at no cost to the City, a 10' wide Public Utility Easement (PUE) along the southern boundary of the Camelback Road Right-of-Way being conveyed to the City. The PUE to be dedicated shall be lien free, free of all other easements and encumbrances unless otherwise agreed to by the City, and in a form acceptable to the City Attorney and/or his designee.
 4. Owner at no cost to the City, shall design and construct full half-street improvements for the south—half of the section of W. Camelback Rd. along or adjacent to the frontage of the Property required for a Major Arterial as set forth in the Engineering Design Standards in effect when the improvements are constructed except for the construction of $\frac{1}{2}$ the median and $\frac{1}{2}$ median landscaping (the "Camelback Road Improvements"). The Camelback Road Improvements to be constructed include, but are not limited to, pavement, curb and gutter, sidewalks, street frontage landscape and landscape irrigation, and street lighting. Except as otherwise provided in a written development agreement approved by Council or a written phasing plan approved by the City Engineer or his designee, the Camelback Road Improvements shall be completed prior to the issuance of any certificate of occupancy for any building within the Property;
 5. Owner shall remit to the City an in-lieu payment for $\frac{1}{2}$ the cost of a full median and full-median landscaping, for any median that is to be installed within the section of W. Camelback Road fronting the Property. The in-lieu payment for the median shall be based on the actual cost of the improvements if previously completed by others or based on the estimated cost of the improvements as determined by the City Engineer or designee. The in-lieu payments referred to herein shall be made prior to or concurrent with recordation of the first final plat subdividing all or part of the Property or prior to the issuance of any permits for construction work within the Property, whichever is earlier;
 6. In addition to constructing the infrastructure improvements specifically identified herein, Owner shall design and construct, at no cost to the City, all infrastructure improvements identified by the City as being needed to provide water and sewer services to the Property, if the Property is within the City's service area, and all infrastructure improvements required to be constructed pursuant to any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of Property within the City of Goodyear, 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;
 7. Property 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 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 any stipulation in this ordinance, 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 the issuance of any permit for construction work within the Property;

8. The Traffic Impact Analysis submitted with the application for rezoning is not approved. An updated Traffic Impact Analysis (the "Updated TIA") 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. The Updated TIA 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. Approval by the City Engineer or designee of the Updated TIA shall be obtained prior to the City of Goodyear issuing a Site Plan approval for any development within the Property and prior to the issuance of any permit for any work within the Property. Owner shall be responsible for designing and constructing infrastructure improvements identified in the Updated TIA as being needed to support the development and occupancy of the Property as rezoned. Except as otherwise provided in a written development agreement approved by Council or a written phasing plan approved by the City Engineer or his designee, the additional improvements to be designed and constructed as discussed herein shall be completed prior to the issuance of any certificate of occupancy for any building within the Property;
9. Proposed utility layout submitted with the rezoning application is not approved with this rezoning and must be reviewed and approved at the discretion of the City Engineer or his designee through the site plan processes;

10. If any of the infrastructure improvements Owner is required to design and construct pursuant to the terms of this Ordinance have been constructed or are being constructed by others, Owner shall remit a 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. Except as otherwise provided in a written development agreement approved by Council or a written phasing plan approved by the City Engineer or his designee, the payment(s) required herein shall be paid prior to the issuance of any construction permit for any work within the Property; and
11. 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.

SECTION 5. 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 21-19, which document was declared a public record by Resolution 2022-2238 and which is referred to and incorporated herein by this reference, 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 6. 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 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. 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 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