



CITY COUNCIL ACTION REPORT

SUBJECT: LOGISTICS 85 (El Cidro BET Goodyear Rail) REZONING

STAFF PRESENTER(S): David Williams, Contract Planner

OTHER PRESENTER(S): Kurt Waldier, Beus Gilbert Mcgroder, PLLC

SUMMARY: A request to rezone approximately 26.4 acres from PAD (Planned Area Development) Commercial to I-2 (General Industrial) with a PAD Overlay located approximately 1,200 feet west of South Cotton Lane on the north side of Maricopa County Route 85. (APN 502-49-020P)

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION:

1. Recommend approval of the request to rezone approximately 26.4 acres from PAD (Planned Area Development) Commercial to I-2 (General Industrial) with a PAD Overlay located approximately 1,200 feet west of South Cotton Lane on the north side of Maricopa County Route 85. (APN 502-49-020P) as set forth in the draft of Ordinance No. 2023-1598 (David Williams, Contract Planner)

STIPULATIONS:

Stipulations available in draft ordinance.

FISCAL IMPACT:

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for

commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

BACKGROUND AND PREVIOUS ACTIONS:

The Property was annexed into the City of Goodyear in 1986 with the adoption of Ordinance No. 1986-0186. The Property is currently part of El Cidro PAD and has a C-2 (General Commercial) designation. The PAD zoning was approved by City Council on March 5, 2007 with the adoption of Ordinance No. 07-1060, and lastly amended in 2018 with City Council approval and adoption of Ordinance 2018-1408 on September 27, 2018.

The applicant is requesting to rezone an approximately 26.4 acre parcel within the El Cidro PAD from PAD / Commercial to I-2 (General Industrial) with a PAD Overlay, located at the northwest corner of South Cotton Lane and Maricopa County Route 85 from PAD (Planned Area Development) to I-2 (General Industrial).

This rezoning request has not been previously presented to the City Council.

STAFF ANALYSIS:

Current Policy:

A rezoning request requires public review and vote by the Planning and Zoning Commission and the City Council. The proposed rezoning must be in conformance with the General Plan and should not adversely impact the surrounding area.

Details of the Request:

The applicant is requesting a rezone of approximately 26.4 acres from PAD (Planned Area Development) Commercial to I-2 (General Commercial) with a PAD overlay to facilitate the development industrial buildings and uses, subject to the stipulations found in Ordinance 2023-1598. The applicant is proposing a potential rail spur connection to the Union Pacific Railway on the north side of the Property.

The applicant is requesting a PAD overlay which would include the following deviations as outlined in their PAD Narrative which is attached.

- Permitted Uses in the I-2 (General Commercial) District have been modified to prohibit certain intensive industrial uses that would otherwise detract from overall character of the surrounding community.
- Front setback to be reduced from 50 feet to 30 feet from the property line.
- Rear setback to be reduced from 50 feet to 20 feet from the rear property line.
- The 25 foot landscape buffer adjacent to single family zoning shall be reduced to 25 feet with a provision that fire access lanes shall be allowed within the landscape buffer and are exempt from planting requirements where fire lanes are located.
- An increase from 50% to 85% for the percentage of roll up and dock doors fronting a public street (MC-85).

The reduced front and rear setbacks are a result of the irregular triangular shaped lot as well as the adjacency of the Union Pacific Railroad Tracks. The increase in percentage of public road facing roll up doors and docks is justified because of the irregular shape of the

property, its location between the rail road tracks on the north and MC85 on the south, and to facilitate the development of the property for rail served industrial users. The applicant will be providing an aesthetic screen wall with enhanced landscaping along MC-85 on the southern and western portions of the project, which will further screen the roll up doors and docks from visibility from public roads.

If the rezoning is approved, the next steps in the entitlement process will be the submittal, review, and stipulated approval of a site plan application to ensure compliance with the rezoning stipulations, city codes, ordinances and design guidelines. To date, however, staff is not aware of any pending development proposed for the Property.

Area Description:

This property is an irregular, triangular shaped parcel which is bordered for the majority of the parcel by MC-85 on the south side and the Union Pacific Railroad tracks to the north.

On the southwest side of the property there are two parcels zoned R-43 in unincorporated Maricopa County. Although residentially zoned, these two parcels are being used as a junk yard and automotive maintenance facility.

The east side of the property terminates a small point of the triangle approximately 1,200 feet west of Cotton Lane.

On the west side of the parcel the lots are zoned R-43 and are in unincorporated Maricopa County. These are currently owned by Arizona Department of Transportation for the future Loop 303 Alignment.

The north side of the parcel is the Union Pacific Railroad Tracks which enjoy a 200' wide right of way. On the north side of the railroad tracks are two parcels, one zoned R-43 in unincorporated Maricopa County with R-43 zoning, which will have to be reconfigured at a later date to accommodate the Loop 303 alignment as well as a parcel within the city of Goodyear as part of the Cotton Lane Commerce Park. That parcel is an industrial use and also enjoys a rail spur connections within the City.

The general area is characterized by industrial uses, but the Lakin Park Bungalows, residential units currently under construction, are approximately 450' to the southwest of the Property but do not share a border with the Property. Other residential in the area would be the El Cidro Phase 2 to the north, and a County large lot subdivision to the west, which are approximately 1,500' and 1,400' respectively. Separating these residential uses from the proposed project are the Union Pacific Railroad tracks, and future Loop 303 Alignment.

Evaluation Criteria:

Per the city of Goodyear Zoning Ordinance, the city's review and recommendation on a zoning amendment is to be guided by the following criteria:

1. Consistency with the General Plan

Approximately 6.7 acres of the Property are located within the Industrial land use category and approximately 19.6 acres of the Property are located within the Business and Commerce land use category of the city's 2025 General Plan.

The Industrial land use category provides areas for more intensive business and employment uses which have a greater impact on surrounding land uses. Appropriate uses for the Industrial land use include office, industrial, and business parks as well as supportive uses like public and community facilities. The Industrial land use category does consider the I-2 (General Industrial) zoning district.

The Business and Commerce land use category is intended to provide areas for the growth and development of Goodyear's economic base, including large areas for shopping and entertainment that are regionally significant. The Business and Commerce category includes uses such as business parks, offices, warehouses, regional hospitals, high density residential that supports the area, and other light industrial uses that are also appropriate, in certain areas. The Business and Commerce land use category does not consider the I-2 (General Industrial) zoning district as a correlating district.

The General Plan does not require General Plan amendments for changes to land use categories under 19.9 acres in size, thus staff is considering the rezone to I-2 with a PAD Overlay for the 19.6 acres of the Property that are within the Business and Commerce land use category to be compliant with the General Plan. In addition, In accordance with Development Standard 37 and 43, industrial uses shall be buffered from residential uses, and as required by the Zoning Ordinance, the development shall provide a 25-foot wide landscape buffer along the property lines adjacent to or separated by an alley, canal, easement or similar feature from residential properties. In the PAD Overlay, the applicant is proposing to meet those standards, with the exception of reducing the setbacks to a 20' rear setback along the north side of the property. Given the design and layout of this property, the 20' rear setback is to accommodate a rail spur for the adjacent Union Pacific Rail Line and a fire lane at that location. The closest residential properties to the north are approximately 1,400 feet away and given the railroad right of way and the future loop 303 alignment, staff agrees that this reduction is reasonable.

2. Suitability of the subject property's physical and natural features for the uses permitted under the proposed zoning district.

Currently, the Property is vacant, undeveloped land with no special natural features. The proposed rezoning is consistent with the current suitability of the subject property's physical and natural features for the uses permitted within the I-2 General Industrial zoning district. The PAD overlay address site specific constraints and are reasonable requests.

3. Compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning.

Uses and development surrounding the subject property include:

- North – Huhtamaki, zoned PAD, Industrial, and undeveloped land zoned Rural- 43 within Maricopa County
- West – vacant land zoned Rural-43 within Maricopa County (Owned by ADOT)
- South – MC85 and the Lakin Park PAD (Industrial) as well as developed land zoned Rural-43 (being used as a junk yard) within unincorporated Maricopa County

4. *Proposed zoning district's consistency with other land uses within the immediate area and whether uses allowed under the proposed zoning district would be better suited to the subject property than the uses allowed under the current zoning.*

The proposed I-2 (General Industrial) with PAD overlay rezone is consistent with the properties zoned PAD, industrial east and northeast of the site within the city of Goodyear.

5. *Demand for the types of uses permitted in the proposed zoning district in relation to the amount of land currently zoned and available to accommodate the demand.*

The rezone from PAD (Planned Area Development) to I-2 (General Industrial) will result in a zoning district assigned to the Property that is generally considered in conformance with the General Plan as mentioned above.

6. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

Demands for public services will be identified and further reviewed during site plan and construction plan review process. The property owner/developer will need to demonstrate public services are available to serve the Property at the time of development. However, preliminary findings on the availability of public services are provided in the following sections.

Fire Response:

The subject property will continue to be served by Fire Station No. 184 and No. 181

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#184	7.83	3.91	7.83	3.91	#182	9.67	4.84	9.67	4.84

Police Response:

The property is located within an existing police patrol beat and the current level of service within the beat can accommodate the development of the property as proposed. This proposed rezone does not impact the ability of the department to serve the property.

Streets/Transportation:

The final location of any proposed access points will be determined during plat and/or site plan review and approval and will require approval by Maricopa County Department of Transportation as the street frontage is MC85.

Water/Wastewater:

With this rezone request, the subject property will continue to be served by the city of Goodyear. All infrastructure necessary to serve the subject property will be required to be installed by the property owner and/or developer.

7. Potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided.

The subject property is in an area where typical public services are currently provided. If the extension or upsizing of any utility lines is needed to serve the Property, then the extension or upsizing will be the responsibility of the owner/developer as part of the development process.

8. General public concerns.

The project has gone through the alternate notification process as well as being posted for public hearing, advertising on the city's website, mailing post cards for the public hearing to all properties within 500 feet as well as legal ads in the newspaper. Additionally, no one attended the Planning Commission meeting to provide any comments. To date, no public comment has been received.

9. Whether the amendment promotes orderly growth and development.

The rezone from PAD (Commercial) to I-2 (General Industrial) with PAD overlay, as stipulated, will promote continued orderly growth and development in conformance with the city's Zoning Ordinance, Design Guidelines, and Engineering Standards.

10. Any other factors related to the impact of the amendment on the general health, safety and welfare of the citizens of the city and the general public.

The rezone from PAD (Planned Area Development) to I-2 (General Industrial) with a PAD overlay will continue to promote the general health, safety, and welfare of the city, as stipulated within the attached draft ordinance.

Public Participation:

In accordance with the city's Citizen Review Process, an alternative citizen review process was used. Notification was mailed to property owners within 500 feet of the subject property informing them of the application to rezone the property. In addition, a sign was posted on the property (MC85 frontage) to notify residents of rezone application. To date, staff has not received any public inquiries as a result of the notice

Notice for the public hearings before the Planning and Zoning Commission and City Council on December 6, 2023 and December 18, 2023, respectively, included a postcard mailed to the owners of property within 500 feet of the subject property; a legal notice published in the Arizona Republic Southwest Edition on November, 17 2023; and notice of public hearings signs were posted on the subject property. Information on the rezone request and these public hearings was also posted on the city's website. To date, staff has

not received any public inquiries as a result of this notice.

On December 6, 2023, the Planning Commission held a public hearing on the proposal. Staff presented and answered questions from the Commission. The only question was related to the deletion of landscaping on the north side of the building. Staff indicated that they were supportive of the deletion because there was no functional area to provide the landscaping with the building, railroad loading dock, rail spur, and fire lane, and that the landscaping was not in an area providing any form of screening or enhancement to this site. One Commission member indicated concern over a pattern of developers requesting deletion of landscaping and staff provided an option to include a stipulation to relocate the 35 trees which were required in that area to other parts of the site. No other Commission members expressed interest in including such a stipulation, and as such, none was added. The applicant was also available and indicated if there was interest in such a stipulation that they would not object. There were no members of the public to comment on the case. After deliberations, the Commission voted unanimously 5-0 to recommend approval.

Recommendation

Staff finds that the rezone from PAD (Commercial) to the I-2 (General Industrial) with PAD overlay zoning is consistent with the General Plan and the Zoning Ordinance, and best serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Goodyear. Pursuant to the evaluation of this proposed rezone, staff recommends approval of the conditional rezoning of the property subject to the stipulations in draft Ordinance No. 2023-1598.

ATTACHMENTS:

1. Proposed Ordinance No. 2023-1598
2. PAD Book
3. Aerial Photo
4. Zoning Map
5. Project Narrative
6. Conceptual Site Plan
7. Conceptual Color Elevations
8. Conceptual Perspective
9. Staff presentation