

RESOLUTION NO. 2024-2392

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, REVOKING STIPULATION 14 FROM ORDINANCE NO. 2021-1497, WHICH ALLOWS THE CITY COUNCIL TO RESCIND THE ZONING OF APPROXIMATELY 1,060 ACRES OF ARIZONA STATE TRUST LAND IF VERTICAL CONSTRUCTION DID NOT OCCUR WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THE APPROVAL OF ORDINANCE NO. 2021-1497, EXTENDING THE REZONING WITHOUT CONDITIONS ON THE TIMING OF VERTICAL CONSTRUCTION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 22, 2021, the Goodyear City Council, conditionally rezoned approximately 1,060 acres generally located east of Perryville Road, south of Indian School Road, west of Citrus Road and north of McDowell Road (the "Property") with the adoption of Ordinance No. 2021-1497 (the "Ordinance"); and,

WHEREAS, the Ordinance contained Stipulation 14 (the "Stipulation") which allowed the City Council to rescind the zoning approved in the Ordinance after a duly noticed public hearing if vertical construction had not commenced on the Property within two (2) years of the effective date of the Ordinance, unless an extension of time was granted by the City Council; and

WHEREAS, the commencement of vertical construction is defined in the Ordinance as the active construction of a permanent building foundation on the Property pursuant to and in conformance with an approved building permit issued by the City of Goodyear; and,

WHEREAS, no building permits have been issued by the city for the construction of a permanent building foundation on the Property and therefore vertical construction, as defined in the Stipulation, has not commenced and the City Council may rescind the zoning approved in the Ordinance; and,

WHEREAS, an applicant has requested the city change the Stipulation and grant an extension of time to commence vertical construction; and,

WHEREAS, city staff find that the revocation of the Stipulation rather than amending the time frame to commence vertical construction in the Stipulation is in the best interest of the city and will allow for the indefinite extension of time to commence vertical construction; and,

WHEREAS, city staff find that the revocation of the Stipulation and an indefinite extension of time to commence vertical construction will not adversely impact the surrounding area as the proposed land uses allow for the orderly growth and development of the property; and,

WHEREAS, the existing zoning is in conformance with the 2025 General Plan and consistent with the Luke Compatible Land Use Overlay; and,

WHEREAS, the City Council desires to revoke the Stipulation and extend the zoning without conditions on the timing to commence vertical construction on the Property to allow the Property to develop when the market can support the development of the site and allow the Arizona State Land Department flexibility in placing the parcel up for auction.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. PURPOSE

This resolution hereby amends Ordinance No. 2021-1497 to revoke Stipulation 14 and therefore the ability of City Council to rescind the approved zoning if vertical construction has not commenced within two years of the effective date of Ordinance No. 2021-1497.

SECTION 2. COPIES FILED WITH THE CITY CLERK

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 3. EFFECTIVE DATE

This Resolution shall become effective 30 days after its passage and adoption by the Council of the City of Goodyear.

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