

## **ORDINANCE NO. 2024-1610**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 5.6 ACRES OF PROPERTY LOCATED EAST OF THE SOUTHEAST CORNER OF EL SOL AND BULLARD AVENUE FROM PLANNED AREA DEVELOPMENT (PAD) WITH UNDERLYING LIGHT INDUSTRIAL (I-1) ZONING TO GENERAL INDUSTRIAL PARK (I-2) WITH A PAD OVERLAY; 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, on April 8, 1985, the Town of Goodyear Council rezoned approximately 430 acres on the east side of Bullard Avenue and the north side of Broadway Road, extending eastward to the intersection of Litchfield Road and MC-85; and

WHEREAS, the rezone was from a mix of hard C-2 (General Commercial), I-1 (Light Industrial Park), and I-2 (General Industrial Park) zoning to the Final Planned Area Development (PAD) zoning district with underlying C-2 (General Commercial), I-1 (Light Industrial Park), and I-2 (General Industrial Park) zoning; and

WHEREAS, the property owner (the "Owner") currently owns approximately 5.6 acres of the 430 acres, generally located east of the southeast corner of El Sol and Bullard Avenue and as more particularly described in that certain document titled "Description for Re-Zoning APN's 500-07-140A & 500-07-141A," 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"); and

WHEREAS, the underlying zoning for the Property is I-1 (Light Industrial Park); and

WHEREAS, this request is to rezone the Property to the I-2 (General Industrial Park) zoning district with a PAD Overlay for the planned development of a truck parking facility (the "Project"); and

WHEREAS, the proposed PAD Overlay would allow for a deviation in the minimum front setback required by the I-2 zoning district, from fifty (50) feet to twenty-five (25) feet; and

WHEREAS, the proposed PAD Overlay would allow for a deviation in the minimum side setback required by the I-2 zoning district, from thirty (30) feet to twenty (20) feet; and

WHEREAS, these deviations from setback development standards are appropriate for this location, as the existing PAD zoning allows identical or less restrictive front and side setbacks for all properties with the PAD regardless of use; and

WHEREAS, the proposed PAD Overlay would establish I-2 uses on the site, with modifications to omit certain uses that have a greater potential to create a nuisance for neighboring I-1 uses; and

WHEREAS, the General Plan Land Use Plan shows the Property designated as 'Industrial' and the 'Industrial' land use category provides areas for business and employment uses; and

WHEREAS, city staff finds that the proposed rezoning is in conformance with the Land Use Plan of the General Plan and will not adversely impact the surrounding area as the proposed land uses will allow for orderly growth and development; and

WHEREAS, a rezoning request requires public review by the Planning and Zoning Commission and approval by the City Council; 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 May 8, 2024, appeared in the Arizona Republic Southwest Valley Edition on April 19, 2024; postcards were mailed to adjoining owners on April 15, 2024; and signs were installed on the site to advertise the public hearing on April 22, 2024; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 8, 2024, and at that meeting the Commission voted **X to X** to recommend approval of the proposed amendment; and

WHEREAS, public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the City Council on May 20, 2024, appeared in the Arizona Republic Southwest Valley Edition on April 19, 2024; postcards were mailed to adjoining owners on April 15, 2024; and signs were installed on the site to advertise the public hearing on April 22, 2024; 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.     DECLARATION OF PUBLIC RECORDS

That certain document titled "Official Supplementary Zoning Map No. 23-03", a copy of which is attached hereto as Exhibit A, is hereby declared a public record and incorporated herein by this reference.

That certain document titled "Description for Rezoning APNs 500-07-140A & 500-07-141A", a copy of which is attached hereto as Exhibit B, is hereby declared a public record and incorporated herein by this reference.

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 PROPERTY BEING REZONED

This Ordinance No. 2024-1610 applies to approximately 5.6 acres located east of the southeast corner of W. El Sol and S. Bullard Ave. and legally described in

that certain document titled “Description for Re-Zoning APN’s 500-07-140A & 500-07-141A”, 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 WHEREAS clauses set forth above are hereby adopted and incorporated herein by this reference as if fully set forth herein.

SECTION 4. REZONING WITH PLANNED AREA DEVELOPMENT OVERLAY

The Property is conditionally rezoned to the I-2(General Industrial Park) Zoning District with a PAD Overlay. The Property shall be developed in accordance with the provisions in the Goodyear Zoning Ordinance of the City of Goodyear (the “Goodyear Zoning Ordinance”) in effect at the time of development applicable to the I-2 (General Industrial Park) District except as modified by the following PAD Overlay and except as modified by the conditions of approvals/stipulation set forth in Section 5 below:

1. The Principal Permitted Uses allowed to be developed within the Property include all of the Principal Permitted Uses allowed in the I-2 (General Industrial Park) Zoning District as set forth in Section 3-4-2 of the Goodyear Zoning Ordinance except for the following:
  - a. Food Bank
  - b. Animal boarding , breeding, shelter or pound
  - c. Cement and paving material mixing plant
  - d. Egg handling facility
  - e. Foundry or casting of metal
  - f. Meat products, packing, smoking, and curing
  - g. Monument works
  - h. Private commercial outdoor entertainment venue
  - i. Radio and television transmitting tower and facilities
  - j. Sand blasting
  - k. Tire retreading and vulcanizing
  - l. Lumber yard, planning mill
2. None of the Use Permit Uses set forth in Section 3-4-2(C) of the Goodyear Zoning Ordinance shall be permitted to be developed within the Property.
3. The Development Standards set forth in Section 3-4-3 of the Goodyear Zoning Ordinance applicable to the I-2 (General Industrial Park) Zoning District shall apply except as follows:
  - a. The minimum Front setback is reduced from 50 feet to 25 feet
  - b. The minimum Side setback is reduced from 30 feet to 20 feet

## SECTION 5. CONDITIONS OF APPROVAL/STIPULATIONS

1. If a planned development of the Property will be located within more than one Maricopa County Assessor Parcel, a Final Plat or Minor Land Division shall be recorded to ensure that the planned development is located on one Maricopa County Assessor Parcel. If a Final Plat or Minor Land Division is required as set forth herein, no construction permits shall be issued until such minor Final Plat or Minor Land Division has been recorded; and
2. Approval of the rezoning does not constitute approval of any site plan for development within the Property. 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, parking, access, and circulation; and
3. The Property Owner ("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 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
4. Owner shall construct, at Owner's sole cost and expense, all on-site and off-site infrastructure improvements determined by the City as being necessary to provide water service and wastewater service to the Property; and
5. In addition to constructing the infrastructure improvements specifically identified herein, Owner shall construct, at no cost to the City, all infrastructure improvements required by the City of Goodyear subdivision regulations, all Building Codes and Regulations adopted by city, and Engineering Design Standards and Policy Manual in effect at the time of construction; and
6. 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 public 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, or 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 for public infrastructure improvements Owner is required to construct pursuant to any applicable law,

code, ordinance, rule, regulations, standards, or 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 Engineer or his/her designee, 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 or concurrent with recordation of a final plat or approval of a site plan that includes the area in which the dedicated property is located or when requested by the City Engineer or his/her designee, whichever is earlier; and

7. 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, all Building Codes and Regulations adopted by the City of Goodyear, and all other federal, state and locals laws, ordinances, rules, regulations, standards, and policies applicable to the development of the Property; and
8. The references to specific obligations that are addressed in the City's Development Regulations, which include but is not limited to, the requirements in the City of Goodyear Engineering Design Standards and Policies Manual, the City of Goodyear Subdivision Regulations, the City of Goodyear Zoning Ordinance, and the Building Codes and Regulations adopted by the City of Goodyear, does not relieve Owner of complying with all applicable Development Regulations; and
9. 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
10. The Water, Sewer, and Drainage Analysis Report submitted with the application for rezoning is not approved. An updated Water and Sewer Analysis 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 Drainage report should address onsite and offsite flows that impact this property without affecting adjacent properties or ROW as rezoned consistent with all applicable Development Regulations, including requirements in the Engineering Design Standards and Policies Manual; and

11. 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 preliminary plat and/or site plan processes; and
12. 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 the development of the Property and approved by the City Engineer or his/her designee. 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. Owner shall construct, at Owner's sole cost all infrastructure identified in the approved Traffic Impact Analysis as being needed to support the development of the property. Owner shall dedicate at no cost to the City, the property required for the infrastructure identified in the approved Traffic Impact Analysis, which dedication shall be in fee, lien free, and unencumbered except as otherwise approved by the City Engineer.

#### 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. 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. 23-03," 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 8. 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 9. 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 10. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

SECTION 11. 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