

ORDINANCE NO. 2018-1414

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 114 ACRES LOCATED AT THE NORTHEAST CORNER OF BULLARD AVENUE AND YUMA ROAD FROM THE AU (AGRICULTURAL URBAN) ZONING DISTRICT TO THE I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, the subject property (the “Property”) consists of approximately 114 acres generally located at the northeast corner of Bullard Avenue and Yuma Road, legally described in that certain document titled “Prologis Commerce Park at Goodyear – Legal Description,” which document was declared a public record by Resolution No. 2018-1914, a copy of which is on file with the City Clerk of the city of Goodyear, Arizona, and which is referred to and made a part hereof as if fully set forth in this Ordinance; and

WHEREAS, the Property is designated as both ‘Business & Commerce’ and ‘Industrial’ on the General Plan Land Use and Transportation Plan. These land uses support such uses as business parks, offices, warehouses, and light industrial uses; and

WHEREAS, the Property is currently zoned AU (Agricultural Urban); and

WHEREAS, the Property Owner is seeking a rezoning of the Property from the AU (Agricultural Urban) zoning district to the I-1 (Light Industrial) zoning district; and

WHEREAS, the Property Owner intends to develop an industrial complex on the Property in accordance with the requested I-1 (Light Industrial) zoning district; and

WHEREAS, as outlined in the Zoning Ordinance, staff has determined that the proposed rezoning request is consistent with the General Plan and shall not adversely impact the surrounding area; and

WHEREAS, public notice that this rezoning was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on December 5, 2018, appeared in the Arizona Republic Southwest Valley edition on November 16, 2018; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on December 5, 2018, to consider this rezoning, and the Commission voted (5-0) to recommend approval of the rezoning; and

WHEREAS, public notice that this rezoning is to be considered and reviewed at a public hearing held before the City Council on December 17, 2018, appeared in the Arizona Republic Southwest Valley edition on November 16, 2018; 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. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 2018-1414 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located at the northeast corner of Bullard Avenue and Yuma Road, as shown on “Official Supplementary Zoning Map No. 18-10 City of Goodyear, AZ – Rezone Case,” and as legally described in that certain document titled “Prologis Commerce Park at Goodyear – Legal Description,” both documents having been declared public records by Resolution No. 2018-1914, with three copies of both documents being on file with the City Clerk of the city of Goodyear, Arizona, and which documents are referred to and made a part hereof as if fully set forth in this Ordinance (the “Property”).

SECTION 2. REZONING

The Property is hereby conditionally rezoned from the AU (Agricultural Urban) zoning district to the I-1 (Light Industrial) zoning district. Development of the Property shall be in conformance with the development regulations and standards applicable to the I-1 (Light Industrial) zoning district as set forth in the city of Goodyear Zoning Ordinance, as amended.

SECTION 3. STIPULATIONS

The development of the Property is subject to the following stipulations:

1. The Property shall be developed in substantial conformance with the design strategies as established within that certain document titled “Bullard Avenue Corridor Design Treatment Strategies November 2018”, which document was declared a public record by Resolution No. 2018-1914 and three copies of which are on file with the City Clerk of the city of Goodyear, Arizona, and which is referred to and made a part hereof as if fully set forth in this Ordinance, and Owner shall dedicate to the city such property as reasonably necessary for the Property to be developed in substantial conformance with the Bullard Avenue Corridor Design Treatment Strategies November 2018, including but not limited to the property needed for the corner corridor entry features;
2. No loading, delivery, or roll-up/dock doors nor service and wash bays shall front onto Bullard Avenue or Yuma Road;

3. The property owner and/or developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of the Phoenix Goodyear Airport (GYR) to future owners or tenants of the property;
4. Building permits for the construction and/or alteration of structures shall not be issued until the property owner and/or developer has submitted a Form 7460-1 and has received a “No Hazard Determination” from the FAA for the proposed construction activity. If temporary equipment used during construction exceeds the height of the permanent structures, then a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date;
5. The property owner shall provide for the dedication of the following rights-of-way, in form and substance acceptable to the City Engineer and in accordance with an approved phasing plan, prior to or concurrent with recordation of any Final Plat:
 - a. North half of Yuma Road right-of-way, 75 feet from centerline.
6. The property owner shall place underground all permanent utilities, excluding power lines 69kV or larger, within the proposed development and abutting the owner’s portion of perimeter arterial streets prior to issuance of the first certificate of occupancy;
7. The property owner is responsible for the half-street improvements along Bullard Avenue and Yuma Road. Improvements shall include, but are not limited to curb, gutter, sidewalk, paving, half-street width of the median, landscaping, landscape irrigation, street lights, traffic signals (as necessary), signing and striping. Improvements shall be completed in accordance with an approved phasing plan prior to issuance of the first certificate of occupancy;
8. The property owner is responsible for a proportionate share of the costs for adjacent traffic signals. The property owner shall either construct these signals when warranted or pay to the city the proportionate share of the costs to construct the required signals prior to obtaining civil construction permits. The traffic signals obligations are as follows:
 - a. 25% at Bullard Avenue and Harrison Street;
 - b. 25% at Bullard Avenue and Yuma Road.
9. Harrison Street shall be a public street except as otherwise approved by the City Engineer or designee. If Harrison Street is to be a public street, the property owner shall dedicate the half-street right-of-way required for a Minor Collector for the construction of Harrison Street adjacent to the property and shall improve the full half-street as a Minor Collector for the

section of Harrison Street fronting the property prior to issuance of civil construction permits.

SECTION 4. AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the rezoning of the Property, provided for herein by the adoption of that certain document titled “Official Supplementary Zoning Map No. 18-10 City of Goodyear, AZ – Rezone Case,” declared a public record by Resolution No. 2018-1914, one copy of which is on file with the City Clerk of the City of Goodyear, Arizona and which is referred to and made a part hereof as if fully set forth in this Ordinance and such “Official Supplementary Zoning Map No. 18-10 City of Goodyear, AZ – Rezone Case,” shall be filed with the City Clerk in the same manner as the Zoning Map of the city of Goodyear.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2018-1414 is a true, correct and accurate copy of Ordinance No. 2018-1414, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____ 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20_____.

seal

City Clerk