

ORDINANCE 13-1285

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING THE EL CIDRO FINAL PLANNED AREA DEVELOPMENT, AS AMENDED, BY CHANGING THE LAND USE DESIGNATION ON APPROXIMATELY 70.51 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COTTON LANE AND ELWOOD STREET FROM COMMERCIAL TO INDUSTRIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 5, 2007, the City Council of the City of Goodyear, in the manner prescribed by law, adopted Ordinance No. 07-1060 conditionally approving the rezoning of approximately 616.70 acres of property for the purpose of establishing the El Cidro Final Planned Area Development (PAD); and,

WHEREAS, on April 14, 2008, the City Council of the City of Goodyear, in the manner prescribed by law, adopted Ordinance No. 08-1111 conditionally approving an amendment to the El Cidro Final PAD providing for an increase of 12 residential lots in a parcel then numbered Parcel 4, an increase of 10 residential lots in a parcel then numbered Parcel 5, and reconfiguring the boundaries of approximately 47.62 acres of planned commercial and industrial land uses. The Commercial parcel at Elwood Street and Cotton Lane was enlarged and the Commercial parcel at Cotton Lane and the UP/SP Railroad was changed from Commercial to Industrial; and,

WHEREAS, on May 24, 2010, the City Council of the City of Goodyear, in the manner prescribed by law, adopted Ordinance No. 10-1215 conditionally approving a request to amend the El Cidro Final PAD by including 20 acres of additional commercial land area, creating a new Multi-Use land use category, reconfiguring and modifying existing land uses for several parcels within the PAD, and placing a land use designation on the adjacent City-owned property. The parcel numbers within the PAD were also revised; and,

WHEREAS, a portion of the subject property, the parcel currently numbered Parcel 10, which consists of approximately 49.51 acres, has a land use designation of Commercial as shown on the Land Use Plan dated March 23, 2010, pursuant to the El Cidro Final PAD, as amended, and,

WHEREAS, a portion of the subject property consisting of an approximately 21-acre portion of the parcel currently numbered Parcel 13, has a land use designation of Commercial as shown on the Land Use Plan dated March 23, 2010, pursuant to the El Cidro Final PAD, as amended; and,

WHEREAS, Parcel 13, in its entirety as shown on the Land Use Plan dated March 23, 2010, is owned by the City of Goodyear; and,

WHEREAS, the owner of the parcel currently numbered Parcel 10 would like to develop the property with industrial-type uses and therefore requests this PAD Amendment to change the property's land use designation from Commercial to Industrial; and,

WHEREAS, the City of Goodyear requested the owner of Parcel 10 to include that portion of Parcel 13 that is immediately adjacent to Parcel 10 as part of this PAD Amendment; and,

WHEREAS, the El Cidro Final PAD, as amended, states that the Industrial land use designation shall be developed in accordance with the land uses and development standards of the I-2 General Industrial District, as described within the City of Goodyear Zoning Ordinance; and,

WHEREAS, until the rezoning of the El Cidro Final PAD in 2007, a substantial portion of the property that will be affected by this PAD Amendment was zoned I-2 General Industrial, and the proposed change to an Industrial land use is consistent with the land use designation for the property as shown on the City's General Plan; and,

WHEREAS, if the future Loop 303 Freeway is aligned in the corridor reflected in the El Cidro Final PAD, as amended, Parcel 13 will cease to exist; and,

WHEREAS, if the future Loop 303 Freeway is not aligned in the corridor reflected in the El Cidro Final PAD, as amended, the portion of the subject property designated as Parcel 10 and the portion of the subject property designated as Parcel 13 will be bordered by planned commercial uses to the north, existing industrial uses to the east and south, and a proposed flood control channel and planned low-density residential to the west, and,

WHEREAS, given the planned and existing land uses as described, the requested Industrial land use designation will be compatible with the surrounding area; and,

WHEREAS, a written notice was sent to property owners surrounding the subject property in accordance with the Citizen Review Process of the City of Goodyear; and,

WHEREAS, on May 15, 2013, in the manner prescribed by law, the City of Goodyear Planning and Zoning Commission held a public hearing on Case No. 13-210-00002 for the purpose of considering this PAD Amendment; and,

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law, including publication of such notice in the ARIZONA REPUBLIC SOUTHWEST EDITION on April 26, 2013; and,

WHEREAS, based on the information submitted by the applicant and the review conducted by City staff, which was provided to the Planning and Zoning Commission for its consideration at said public hearing, the City has found that the requested amendment to the El Cidro Final PAD Land Use Plan is an appropriate land use on the subject property in the manner proposed and will not be detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and City Council of the City of Goodyear, Arizona, that it approve the PAD Amendment, as aforesaid, subject to certain stipulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona, as follows:

SECTION I. PLANNED AREA DEVELOPMENT AMENDMENT. The El Cidro Final PAD, as amended, is hereby conditionally amended as follows:

1. The parcel numbers as reflected in the El Cidro Final PAD, as amended, are amended as follows:

Existing Parcel Number	Proposed Parcel Number
1	1B
2	1A
3	1C, 1E & 1F
4	1D
5	2
6	3
7	4
8	5
9	6
10	7
11	7
12	8
13	9

2. The land use designation for Parcel 10, as shown on the Land Use Plan dated March 23, 2010, and a portion of Parcel 13, as shown on the Land Use Plan dated March 23, 2010, between Elwood Street and the Commerce Drive alignment and between Parcel 3 and Parcel 10, are amended from Commercial to Industrial as reflected on the Land Use Plan prepared by CVL dated April 8, 2013, attached hereto as Exhibit A.

Such amendments to the El Cidro Final PAD, as amended, are subject to the following stipulations:

1. Compliance with all Council stipulations of approval for the El Cidro Planned Area Development as contained in Ordinance Nos. 10-1215, 08-1111 and 07-1060, except as modified by these stipulations and as amended by this PAD Amendment dated April 10, 2013;
2. All development within the subject property shall be in compliance with the development concepts and standards as contained in the amendment narrative titled "El Cidro Planned Area Development" amended April 10, 2013;
3. The property owner shall provide an updated El Cidro Final PAD that incorporates the changes resulting from this PAD Amendment within 60 days of City Council

approval of this PAD amendment. This PAD narrative shall be dated April 10, 2013, and once deemed acceptable by the City, all future development shall comply with the El Cidro Final PAD dated April 10, 2013;

4. Because the development agreement between the City and the property owner has expired, the property owner shall enter into a new development agreement that addresses the provision of adequate fire, water, and wastewater service, and the construction of other necessary infrastructure to service the subject property, prior to or concurrent with the approval of any site plan or recordation of any subdivision plat for the property;
5. The subject property shall be developed in accordance with the land uses and development standards of the I-2 General Industrial District, as described within the City of Goodyear Zoning Ordinance;
6. The subject property shall be developed in conformance with the City of Goodyear Design Guidelines Manual, as amended;
7. To be consistent with the existing right-of-way for Cotton Lane, the property owner shall provide for the dedication of the west-half of the right-of-way for Cotton Lane, 75 feet from centerline adjacent to the renumbered Parcel 7 in this Amended PAD, from Elwood Street to a point approximately 300 feet south of Commerce Drive, in a form and substance acceptable to the City Engineer, or designee, prior to or concurrent with approval of any site plan or recordation of any subdivision plat involving renumbered Parcel 7;
8. The property owner shall be responsible for the construction of the half-street and half-median improvements along Cotton Lane, from its intersection with West Elwood Street (formerly Dunlap Road) south to MC 85, which shall consist of a minimum of two, twelve-foot travel lanes, one four-foot wide bike lane, curb and gutter, an eight-foot wide sidewalk, and a center median prior to or concurrent with approval of any site plan or recordation of any subdivision plat involving renumbered Parcel 7. A portion of this responsibility may be fulfilled by the property owner by making a payment to the City of appropriate proportionate share of any existing improvements that have already been installed; and,
9. Stipulation No. 5 in Ordinance No. 10-1215, which contains a reference to specific parcel numbers, shall be revised to reflect the new parcel numbers established with this PAD Amendment dated April 10, 2013. The revised stipulation is as follows: The Public Sales Report shall include a statement that El Cidro Parcel 2 may be subject to noise, light and other potential effects associated with commercial uses that may be developed on Parcel 3. The property owner and/or developer shall maintain a temporary sign on Parcel 3 announcing the future commercial development of the property. Said sign shall be located along Lower Buckeye Road, and be maintained until such time that Parcel 3 is developed.

SECTION II. PLANNED AREA DEVELOPMENT LAND USE PLAN. The land uses as shown on the Land Use Plan dated March 23, 2010, pursuant to the El Cidro Final PAD, as amended, are hereby amended to reflect the changes set forth in this PAD Amendment.

SECTION III. ABRIDGMENT OF OTHER LAWS. Except where expressly provided nothing contained herein shall be construed to be an abridgment of any other ordinance regulation or requirement of the City of Goodyear.

SECTION IV. SEVERABILITY. If any provision of this Ordinance is for any reason held invalid by any court or competent jurisdiction such provision shall be deemed as separate distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective as prescribed by law.

APPROVED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this _____ day of _____, 2013.

Georgia Lord, Mayor

ATTEST:

Maureen Scott, City Clerk

APPROVED AS TO FORM:

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Ordinance 13-1285, passed and adopted at a Regular City Council Meeting of the City of Goodyear, Maricopa County, Arizona held on the 24th day of June, 2013, 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 _____, 2013.

seal

City Clerk