

## **ORDINANCE NO. 17-1352**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY AMENDING THE FINAL PAD ZONING ON 262 ACRES GENERALLY LOCATED SOUTH OF LOWER BUCKEYE ROAD, WEST OF COTTON LANE, NORTH OF BROADWAY ROAD AND EAST OF CITRUS ROAD AND 66 ACRES GENERALLY LOCATED ON THE EAST SIDE OF COTTON LANE BETWEEN LOWER BUCKEYE ROAD AND ELWOOD STREET (THE EL CIDRO FINAL PLANNED AREA DEVELOPMENT), TO INCREASE THE MAXIMUM LOT COVERAGE STANDARDS FOR THE LDR1, LDR2, AND LDR3 LOW DENSITY RESIDENTIAL LAND USE CATEGORIES AND TO ADJUST THE BOUNDARIES OF PARCELS 1D, 1E AND 2; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

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 (06-200-00015) 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 a request (07-200-00028) to amend the El Cidro Final PAD by 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 (09-200-00017) 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, on June 24, 2013, the City Council adopted Ordinance No. 13-1285 approving a request (Case No. 13-210-00002) to amend the El Cidro Final PAD and change the land use designation from Commercial to Industrial for Parcel 10, located on the west side of Cotton Lane between Elwood Street and Commerce Drive, and a portion of Parcel 13 located adjacent to and west of Parcel 10; and,

On December 14, 2015, the City Council adopted Ordinance No. 15-1327 approving a request (Case No. 15-210-00004) to amend the El Cidro Final PAD by modifying the side setbacks from five feet and 10 feet (15 feet total) to five feet and five feet (10 feet total) for Parcels 1A and 1D generally located in the area south of Lower Buckeye Road and east of Citrus Road; and,

WHEREAS, the owner of the El Cidro property has submitted a request to amend the El Cidro PAD related to the residential parcels within the PAD consisting of approximately 262 acres generally located south of Lower Buckeye Road, west of Cotton Lane, north of Broadway, and east of Citrus Road and approximately 66 acres located on the east side of Cotton Lane between Lower Buckeye Road and Elwood Street, as shown in Exhibit A and legally described in Exhibit C attached hereto (the “Subject Property” or the “Property”); and,

WHEREAS, the Amendment request is two-fold: (1) Amendment of the El Cidro PAD “Residential Development Standards” table on Page 11 of the El Cidro Planned Area Development document dated March 24, 2010, as amended, to increase the Maximum Lot Coverage standard in the Low Density Residential land use classifications from 45% to 55% in LDR1; from 45% to 60% in LDR2; and from 45% to 50% in LDR3; and (2) revising the boundaries between Parcels 1D, 1E, and 2 to conform to the platting of these parcels, as recently approved or planned, and as shown on the maps in Exhibits A and B attached hereto and as more particularly described in the legal descriptions in Exhibits D through F attached hereto; and,

WHEREAS, other than the proposed modification to the Maximum Lot Coverage standards and adjustment of the boundaries between Parcels 1D, 1E and 2, no other changes to the El Cidro PAD are proposed; and,

WHEREAS, a request to amend the Planned Area Development zoning on a property requires public review and approval by the Planning and Zoning Commission and City Council; and,

WHEREAS, public notice that this Amendment to the El Cidro PAD was to be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on May 17, 2017 appeared in the Arizona Republic Southwest Valley Edition on April 28, 2017; three signs were posted on the Subject Property on May 1, 2017; and postcards were mailed to all adjacent property owners within 500 feet of the subject property on or about April 28, 2017; and,

WHEREAS, based on the information submitted by the applicant and the review conducted by City staff, which were provided to the Planning and Zoning Commission for its consideration at said public hearing, City staff has recommended to the Planning and Zoning Commission approval of such changes; and,

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 17, 2017, and at that meeting the Commission voted to recommend to the Mayor and City Council of the City of Goodyear, Arizona, that it approve the Amendment to the El Cidro PAD, as aforesaid, subject to certain stipulations; and,

WHEREAS, public notice that this Amendment to the El Cidro PAD was to be considered and reviewed at a public hearing held to be before the City Council on June 5, 2017 appeared in the Arizona Republic Southwest Valley Edition on April 28, 2017; three signs were posted on the Subject Property on May 1, 2017; and postcards were mailed to all adjacent property owners within 500 feet of the subject property on or about April 28, 2017; and,

WHEREAS, a public hearing was held before the Mayor and City Council on June 5, 2017 at which the City Council found that the proposed amendment to increase the Maximum Lot Coverage standards for the LDR1, LDR2 and LDR3 land use classifications and adjust the boundaries between Parcels 1D, 1E and 2 was consistent with the land use designated for the Property as established on the General Plan Land Use Map; 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 that 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. PLANNED AREA DEVELOPMENT AMENDMENT

1. Subject to the stipulations herein, the Final PAD Zoning for the Property, as shown in Exhibit A and more particularly described in Exhibit B, copies of which are attached hereto and incorporated herein by this reference, is conditionally amended/rezoned in the manner described and fully set forth in this ordinance, as follows:

a. The “Residential Development Standards” table in Section 8, Development Standards, of the El Cidro Final PAD Development Plan, dated January 26, 2007 (“El Cidro PAD”) (Page 11), as amended, is hereby further amended to increase the Maximum Lot Coverage in the LDR1, LDR2 and LDR3 Land Use Categories as follows:

- i. LDR1 from 45% to 55%;
- ii. LDR2 from 45% to 60%; and,
- iii. LDR3 from 45% to 50%.

b. Parcel 1D, as depicted on Exhibit C and more particularly described in Exhibit D, copies of which are attached hereto and incorporated herein by this reference, is zoned the LDR2 Land Use Category as described in the El Cidro PAD as amended.

c. Parcel 1E, as depicted on Exhibit C and more particularly described in Exhibit E, copies of which are attached hereto and incorporated herein by this reference, is zoned the LDR3 Land Use Category as described in the El Cidro PAD as amended.

d. Parcel 2, as depicted on Exhibit C and more particularly described in Exhibit F, copies of which are attached hereto and incorporated herein by this reference is zoned the LDR4 Land Use Category, as described in the El Cidro PAD as amended.

## SECTION 2.     AMENDMENT TO THE ZONING MAP

The Zoning Map of the City of Goodyear is hereby amended to reflect the rezoning set forth in Section 1 of this Ordinance by the adoption of Supplementary Zoning Map 17-02B, a copy of which is attached hereto as Exhibit A, 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 3.     STIPULATIONS

Such amendment to the El Cidro Final PAD, as amended, is subject to the following stipulations:

1. All development within the subject property shall be in compliance with the development concepts and standards as contained in the “El Cidro Final PAD Development Plan, dated January 26, 2007” as amended, except as expressly modified herein; and,
2. Compliance with the El Cidro Planned Area Development dated January 26, 2007, and all Council stipulations of approval for that Planned Area Development as contained in Ordinance No. 07-1060, as modified by: Ordinance No. 08-1111 and all stipulations thereto; Ordinance No. 10-1215 and all stipulations thereto; as modified by Ordinance No. 13-1285 and all stipulations thereto; as modified by Ordinance No. 15-1327 and all stipulations thereto; and as modified herein.

## SECTION 4.     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 5.     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 6.     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 5. 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.

City Clerk