

ORDINANCE NO. 2019-1446

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 27 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF COTTON LANE AND ELWOOD STREET FROM THE EL CIDRO PLANNED AREA DEVELOPMENT (PAD-LDR4), TO THE VITA AT EL CIDRO RANCH PAD; 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, 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 increasing the number of permitted residential lots in various parcels, reconfiguring the boundaries of approximately 47.62 acres of planned commercial and industrial land uses, increasing the size of the commercial parcel at Elwood Street and Cotton Lane, and changing the land use designation for the 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 adopting the El Cidro Planned Area Development Amended March 24, 2010 to include an additional 20 acres in the PAD designated as commercial, revising parcel numbers, creating a new Multi-Use land use category, reconfiguring and modifying existing land uses for several parcels, and zoning the adjacent city-owned property; and

WHEREAS, on June 24, 2013, the City Council adopted Ordinance No. 13-1285 approving a request (13-210-00002) to amend the El Cidro Final PAD to 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

WHEREAS, on December 14, 2015, the City Council adopted Ordinance No. 15-1327 approving a request (15-210-00004) to amend the El Cidro Final PAD to modify 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, on June 5, 2017, the City Council adopted Ordinance No. 17-1352 approving a request (17-210-00002) to amend the El Cidro Final PAD to (1) increasing the maximum lot coverage standard in the Low Density Residential land use categories from 45% to 55% in LDR1; from 45% to 60% in LDR2; and from 45% to 50% in LDR3; and (2) revise the boundaries between Parcels 1D, 1E, and 2 to conform to the platting of these parcels; and

WHEREAS, on July 9, 2018, the City Council adopted Ordinance No. 2018-1387 approving a request (18-210-00003) to amend the El Cidro Final PAD to reduce the rear yard setback from 20 feet to 18 feet in Parcel 1D Phase 1 within the LDR2 residential land use category for single story homes; and

WHEREAS, on September 24, 2018, the City Council adopted Ordinance No. 2018-1408 approving a request (18-210-00002) to amend the El Cidro Final PAD to modify the rear and side yard setbacks and maximum lot coverage development standards, as well as consolidate the stipulations of the El Cidro Final PAD; and

WHEREAS, the El Cidro Final PAD is an approximate 637 acre planned mixed-use development that includes a range of residential densities and commercial and industrial uses generally located south of Lower Buckeye Road and east of Citrus Road. The property being rezoned consists of approximately 27 acres within the El Cidro Final PAD and is more particularly described in that certain document titled Vita at El Cidro Ranch Legal Description declared a public record by Resolution No. 2019-1989, 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 (the "Property"); and

WHEREAS, this request is to remove the Property from the El Cidro Final PAD to create a separate PAD known as the Vita at El Cidro Ranch PAD, changing the land use designation to multi-family residential; and

WHEREAS, a rezoning amendment requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed amendment is in conformance with the General Plan and should not adversely impact the surrounding area; and

WHEREAS, public notice that this rezone was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on August 7, 2019, appeared in the Arizona Republic Southwest Valley edition on July 19, 2019; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on August 7, 2019 to consider the rezoning of the Property, and the Commission recommended approval by a vote of 7-0 to recommend approval/disapproval the proposed PAD Amendment; and

WHEREAS, public notice that this rezone is to be considered and reviewed at a public hearing held before the City Council on August 19, 2019, appeared in the Arizona Republic Southwest Valley edition on July 19, 2019; 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 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. 2019-1446 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located on northeast corner of Cotton Lane and Elwood Street as shown on that certain document titled Official Supplementary Zoning Map No. 19-07 Rezone from PAD Final to PAD Final 19-200-00007, declared a public record by Resolution No. 2019-1989, 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 as legally described in that certain document titled Vita at El Cidro Ranch Legal Description declared a public record by Resolution No. 2019-1989, 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 (the “Property”).

SECTION 2. PLANNED AREA DEVELOPMENT AMENDMENT

The Property is hereby conditionally rezoned from Final Planned Area Development (PAD) District to Final Planned Area Development (PAD) District by the adoption herein of that certain document titled the “Vita at El Cidro Ranch – PAD Development Regulations” dated July 3, 2019, declared a public record by Resolution No. 2019-1989, 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.

SECTION 3. STIPULATIONS

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

1. Development of the Property shall be in conformance with the “Vita at El Cidro Ranch – PAD Development Regulations” dated July 3, 2019 declared a public record by Resolution No. 2019-1989, 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 except as modified by the stipulations and conditions set forth below;
2. Approval of the rezoning does not constitute approval of the site plan. 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 will be reviewed to ensure conformance with required standards. Nonetheless, the Property shall be developed in substantial conformance with the Vita at El Cidro Ranch Conceptual Land Plan dated May 15, 2019 and conceptual building elevations dated June 2019, attached to the Vita at El Cidro Ranch – PAD Development

Regulations except as may be modified to ensure conformance with required standards;

3. Owner shall be responsible for 25% cost of the traffic signal at W. Elwood Street & S. Cotton Lane which shall be required prior to final plat recordation. This shall be in the form of an in-lieu payment unless signal construction is warranted with this development in which case Owner shall be responsible for constructing the full traffic signal unless otherwise agreed to by the City Engineer;
4. Any additional rights-of-way or PUEs required as part of this development shall be recorded by a final plat or separate instrument prior to construction drawing approval;
5. Owner shall be responsible for an in-lieu payment for the half-median improvements for both S. Cotton Lane and W. Elwood Street frontages prior to the recordation of the final plat;
6. A revised preliminary plat shall be submitted prior to site plan approval;
7. Failure of the owner/developer to commence vertical construction in the rezoned area within two years of the date of City Council approval of this rezone request shall be cause for the City Council to rescind the rezoning, unless an extension of time is granted by City Council.

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 "Supplementary Zoning Map No. 19-07 Rezone from PAD Final to PAD Final 19-200-00007," declared a public record by Resolution 2019-1989, 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.

SECTION 5. ABRIDGEMENT 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 provision 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.

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. 2019-1446 is a true, correct and accurate copy of Ordinance No. 2019-1446, 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