

ORDINANCE NO.: 19-889

(Interstate 10 | 8 Business Park Rezoning and Planned Area Development)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ELOY, ARIZONA APPROVING A REZONING REQUEST BY THE CITY OF ELOY TO REZONE APPROXIMATELY 618 ACRES OF LAND CONSISTING OF 23 PARCELS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF W. ADAMS ROAD AND SUNLAND GIN ROAD FROM I-1 (LIGHT INDUSTRIAL) AND R1-6 (SINGLE FAMILY RESIDENTIAL) TO I-2 (GENERAL INDUSTRIAL) AND ESTABLISHING A PLANNED AREA DEVELOPMENT (PAD) OVERLAY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Hunter Engineering has prepared and submitted an application to the City of Eloy requesting that:

- Seven (7) parcels of land be rezoned from I-1, Light Industrial to I-2, General Industrial with a Planned Area Development (PAD) overlay: 402-15-041B, 403-02-012A, 402-15-0420, 402-15-0430, 402-14-004A, 403-03-004A, and 403-03-004B; and
- One (1) parcel of land be rezoned from R1-6, Single Family Residential to I-2, General Industrial with a Planned Area Development (PAD) overlay: (403-02-0130); and
- Nine (9) parcels of land be rezoned from CB-2, General Business and CI-2, Industrial (in Pinal County) to I-2, General Industrial with a Planned Area Development (PAD) overlay: 402-15-037U, 402-15-037J, 402-15-037K, 402-15-037M, 402-15-037Q, 402-15-037D, 402-15-037B, 402-15-037T, 402-15-037S; and
- Six (6) parcels of land with an existing zoning designation of I-2, General Industrial, be designated with a Planned Area Development (PAD) overlay: 402-15-037P, 402-15-037G, 402-15-034C, 402-15-034B, 402-15-033C and 402-160-300; and

All such parcels identified above are located within Sections 17, 18, 19, and 20 of Township 7 South, Range 7 East of the Gila and Salt River Base and Meridian (G&SRB&M), Pinal County, Arizona and,

WHEREAS, the change in zoning from I-1 and R1-6 to I-2 for the subject parcels and establishing a Planned Area Development (PAD) overlay would not be detrimental to the existing or future uses of the surrounding properties; and,

WHEREAS, the designation of the property on the Eloy General Plan (General Industrial (GI)) is compatible with the intended future zoning (i.e. I-2, General Industrial) and Planned Area Development (PAD) overlay of the entire property; and,

WHEREAS, a "Public Hearing," as required by ARS §9-462.04 and Section 21-31 of the Eloy Zoning Ordinance, was held at a regular meeting of the Eloy Planning and Zoning Commission on October 16, 2019 to hear from persons for or against the proposed rezoning; and,

WHEREAS, notice for this public hearing was given at least 15 days and not more than 30 days prior to the public hearing by publication of the notice in the Eloy Enterprise and posting at the official City posting locations; and,

WHEREAS, the Eloy Planning and Zoning Commission has recommended approval of this rezoning request by Hunter Engineering.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELOY, ARIZONA, AS FOLLOWS:

SECTION I. Rezoning of Parcels: 402-15-041B, 403-02-012A, 402-15-0420, 402-15-0430, 402-14-004A, 403-03-004A, 403-03-004B, 403-02-0130, 402-15-037U, 402-15-037J, 402-15-037K, 402-15-037M, 402-15-037Q, 402-15-037D, 402-15-037B, 402-15-037T, 402-15-037S, 402-15-037P, 402-15-034G, 402-15-034C, 402-15-034B, 402-15-033C and 402-16-0300;

That the Mayor and City Council of the City of Eloy, Arizona hereby approves a rezoning request submitted by Hunter Engineering, Inc. to rezone the southeast corner of W. Adams Road and Sunland Gin Road within Sections 18, 19, and 20 of Township 7 South, Range 7 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, subject to the following conditions:

1. The development of the Interstate 10 | 8 Business Park shall be in compliance with the Planned Area Development document (dated November 27, 2019) and/or the Eloy Zoning Ordinance and the Pre-Annexation and/or Development Agreement, if applicable;
2. That any major changes or modifications to the subject rezoning shall be reviewed and processed in accordance with those procedures outlined in the Planned Area Development document and/or Eloy Zoning Ordinance, as may be amended from time to time. The Zoning Administrator, or his designee, may administratively approve minor amendments, with major amendments being considered substantive changes, which require Council approval, as determined by the Zoning Administrator, or his designee.
3. The following documents, if applicable, shall be submitted and approved prior to each phase of development:

- a. Traffic Report;

- b. Preliminary Grading & Drainage, Water, and Sewer Plans and Reports
- c. Conceptual Landscape Plan

4. That a property owner association shall be formed by the master developer to maintain all landscaping, retention areas, signage and lighting on private properties within the 618 acre property and for the improvements located within the adjacent street rights-of-way (if private) subsequent to the submittal of the first site plan;

5. The Property Owner/Developer shall dedicate the right-of-way (ROW) and Public Utility Easement (PUEs) for the following street at the submittal of the first site plan for building development:

- Sunland Gin Rd to a Major Arterial street classification-east half street (130' ROW).

Based on the results of the traffic study and in conjunction with the project phasing plan and submittal of the first site plan for building development, the following roads shall be dedicated with the appropriate right of way and public utility easement:

- Adams Rd to a Commercial Collector street classification-south half street.
- Proposed West Commerce Boulevard to a Commercial Collector street classification.

6. Roadway improvements shall be completed in conformance with City standards as amended from time to time, and developed in accordance with the project phasing plan;

7. The Property Owner/Developer shall submit a phasing plan, at the time of the first site plan submittal, to extend potable water service to adequately serve each phase of development and develop the water distribution system to serve each phase of development in conformance with City or MAG (Maricopa Association of Governments) standards, as amended from time to time.

8. The Property Owner/Developer shall submit a phasing plan, at the time of the first site plan submittal, to extend sewer service along Sunland Gin Rd, Adams Rd, and the proposed West Commerce Boulevard to the eastern boundary of the property, and develop sewer service in conformance with City or MAG (Maricopa Association of Governments) standards, as amended from time to time, as required for each site plan submittal;

9. The Property Owner/Developer shall deliver adequate fire flow, as per the City's and Eloy Fire District's requirements, as shown on the first site plan submittal;

10. The Property Owner/Developer shall provide for secondary emergency vehicular access, per Eloy Fire District's requirements, for each phase of development as shown on the first site plan submittal;

11. The Property Owner/Developer shall coordinate with the Pinal County and Arizona Department of Transportation (ADOT) regarding submittal requirements adjacent to Pinal County and ADOT (Arizona Department of Transportation) rights-of-way;

12. The Property Owner/Developer shall coordinate with the Eloy Public Works GIS division to rename First Street and Third Street and re-address any existing buildings;

13. The maximum height of any building and/or ancillary structure shall be established at the time of the staff review and approval of each site plan based upon land uses, and any existing and proposed development on the adjacent properties;

14. The Property Owner/Developer shall be required to submit a comprehensive sign package, which addresses the type, size, and location of any signage, at the time of the first site plan submittal on the property for staff review and approval;

15. The Property Owner/Developer should encourage each new building constructed within the development to incorporate energy efficient measures, such as solar panels; and,

16. Structures and outdoor storage for any light or general industrial land uses should be located in a manner to buffer any adjacent residential land use.

17. The Property Owner/Developer and City shall enter into a development agreement that may include, but not be limited to, the following issues:

- Design Standards
- Project Phasing
- Development Incentives
- Development Related Fees and Costs
- Infrastructure Improvements
- Utility Oversizing/Payback Provisions for Out Parcels
- Community Facility Districts and/or Improvement Districts

SECTION II. SEVERABILITY

If any section, subdivision, 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 III. EFFECTIVE DATE

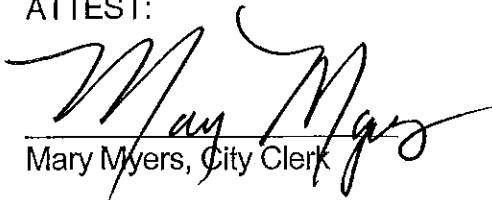
This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED by the Mayor and City Council of the City of Eloy, Arizona, on this 9th day of December, 2019.

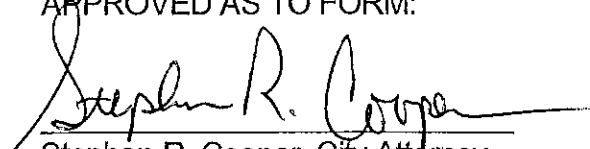
BY:


Joel G. Belloc, Mayor

ATTEST:


Mary Myers, City Clerk

APPROVED AS TO FORM:


Stephen R. Cooper, City Attorney