

ORDINANCE NO. 18-01

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, APPROVING AND ADOPTING AN AMENDMENT TO THE CITY'S ZONING MAP TO ZONE CERTAIN PROPERTY DESCRIBED IN ZONING CASE PAD 16-04 FOR APPROXIMATELY 776 ACRES GENERALLY SITUATED SOUTH OF MARICOPA-CASA GRANDE HIGHWAY BETWEEN ANDERSON ROAD AND RUSSELL ROAD WITHIN THE CITY OF MARICOPA INCORPORATED LIMITS. THE PARCEL OF LAND IS SITUATED IN A PORTION OF SECTIONS 15, 22, 23 AND 26 OF TOWNSHIP 5 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

WHEREAS, on November 4, 2014, the City adopted as a public record a new zoning code pursuant to Chapter 16 of the Maricopa City Code; and,

WHEREAS, City staff initiated a Public Participation Plan to inform residents of the proposed rezoning of approximately 776 acres from CI-2 (Industrial Zone) as defined in the City's previous Zoning Code to PAD (Planned Area Development) as defined in the City's new Zoning Code, which included a neighborhood meeting, notification letters to nearby property owners, public notice signs, and legal notices as required by law; and,

WHEREAS, the City's Planning and Zoning Commission initially held a public hearing on November 27, 2017, in zoning case #PAD 16-04, in the manner prescribed by law for the purpose of amending the City Zoning Map to rezone the subject property.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Maricopa, Arizona as follows:

Section 1. That certain document known as "MARICOPA ZONING MAP AMENDMENT 18-01", a copy of which is attached as Exhibit 1 hereto, changing the property described in Exhibit 2 on approximately 776 acres from CI-2 (Industrial Zone) to PAD (Planned Area Development) is hereby adopted and declared to be a public record, and a copy shall remain on file in the office of the City Clerk of the City of Maricopa for examination by the public.

Section 2. This Rezoning is subject to the following conditions of approval imposed by the Maricopa City Council as part of Case PAD 16-04, a violation of which shall be treated in the same manner as a violation of the City of Maricopa City Code and which shall be binding on the Property Owner, Anderson Russell, LLC, and its successors in interest (all of whom are collectively included in the term "Property Owner" in the following conditions):

- A. Per the Maricopa City Zoning Code, Sec. 510.06.A, the PAD approval is valid for two (2) years from the date of this Ordinance. If a Preliminary Plat application is not completed and accepted within the two (2) year period, the City Council may rescind the

PAD Plan in accordance with ARS 9-462.01.E. Additionally, extensions are permitted in accordance with Sec. 510.06.B.

B. The Transportation Impact Analysis (TIA) submitted with PAD16-04 has deficiencies and is not accepted or approved by the City Engineer as part of PAD16-04. The Property Owner will need to revise the TIA per the review comments provided with the PAD16-04 review at the time the Preliminary Plat application is submitted.

C. Prior to the approval of the Preliminary Plat, the following conditions shall be met by the Property Owner:

i) Anderson Road improvements within the Union Pacific Rail Road (UPRR) Right Of Way (ROW) needed to support the Master Planned Development (PAD16-04) shall be reviewed and approved by UPRR and the Arizona Corporation Commission (ACC). Improvements directly associated with the development will be supported by phase associated with a City approved TIA and UPRR approval. The Property Owner will be responsible for the costs of improving Anderson Road to the extent that the need for such improvements is caused by the development within PAD16-04 as reflected within a City approved TIA.

ii) Anderson Road improvements within the Central Arizona Project (CAP) ROW needed to support the Master Planned Development (PAD16-04) shall be reviewed and approved by the Maricopa Stanfield Irrigation and Drainage District (MSIDD) and the United States Bureau of Reclamation (USBR). Improvements directly associated with the development will be supported by phase associated with a City approved TIA and MSIDD approval. The Property Owner will be responsible for the costs of improving Anderson Road to the extent that the need for such improvements is caused by the development within PAD16-04 as reflected within a City approved TIA.

iii) An engineered Floodplain solution needed to support the Master Planned Development depicted in PAD16-04 (the Master Floodplain Solution) shall be reviewed and approved by Pinal County Floodplain Administrator. The development of the Master Floodplain Solution shall be permitted to support phases of the development, if the approved design permits.

iv) The Anderson Road improvements as it crosses the Santa Cruz Wash (bridge committed in the narrative) shall be established in coordination with the City Engineer with a cost share allocable to the impact associated with the development of PAD16-04 as determined by the approved TIA.

v) Two points of access to each phase to the satisfaction of the Police Department and Maricopa Fire and Medical Department, which approval shall be in writing and in the City's discretion. Improvements to ensure two points of all-weather access will be the responsibility of the Property Owner who shall have right to seek contribution from benefitted property owners as allowed by law.

vi) The Master Planned Development (PAD16-04) shall revise internal roadways to reduce potential conflicts between motorists and non-motorists through improved routes to the Community Park and School site to the satisfaction of the Development Services Director.

vii) Planned right-of-way dedications from the Property Owner shall be provided to support the Transportation Plans at the time of application.

viii) The Property Owner voluntarily agrees to pay a \$200 donation per housing unit, which shall be further defined by a separate agreement between the Property Owner and the City. The intent of the donation is to benefit emergency services (MFMD and MPD) within the Property.

D. Prior to the approval of the Final Plat, the following conditions shall be met by Property Owner:

i) If two points of access (as stipulated in #C.v. above) require an additional bridge across the Santa Cruz Wash at the south end of the property, it shall be the responsibility of the Property Owner to include improvement plans at the time of Final Plat and include all-weather access to the satisfaction of Maricopa Fire and Medical Department, which approval shall be in writing and in the City's discretion.

ii) A final determination with regard to the Fire Station location, parcel configuration, improvements, and timing for service needs to be finalized and to the satisfaction of the Maricopa Fire and Medical Department.

iii) Improvement plans shall include all Multi-Use Trail connections shown on Exhibit N of the Staff Report entitled Pedestrian Circulation and Trails Master Plan and additionally the full length of the Maricopa-Casa Grande Highway (as described under General Plan Element analysis of the Staff Report).

iv) Improvement plans and financial assurances shall support all conditions listed under this subsection D (iv) and be the responsibility of the Property Owner.

v) Improvements to the Community Park shall be constructed with the improvements associated with Parcel Q, per Exhibit G of the Staff Report entitled Land Use Plan Concept C. Certificates of Occupation will be withheld in Parcel Q until improvements to the Community Park are accepted.

vi) Further subdivisions and development proposal on Parcel G requires a Development Review Permit to further refine the Mixed-Use character proposed with open-ended conditions described within the PAD16-04 Narrative under *3e. Development Standards*. The subdivided Parcel G shall have improved access and infrastructure adequate for the density and intensity depicted in the PAD16-04 concept. The Development Review Permit shall be reviewed in accordance with the procedures of Article 505 of the Maricopa City Zoning Code. The Property Owner guarantees that at least 50% of the building footprints within Parcel G are to include ground floor retail.

vii) An Avigation easement shall be coordinated either as part of the Final Plat or as a separate instrument that recognizes Federal Aviation Rules, Part 77 Surfaces.

E. Human remains and artifacts have been found in the Maricopa area. Per “Public law 101-601, Native American Graves Protection and Repatriation Act” and “Public law 41-865 disturbing human remains or funerary objects; rules; violation; classification; definitions”, a person can be guilty of a class 5 felony if he/she intentionally possess, sells or transfers any human remains or funerary objects that are excavated or removed. In the event that human remains and/or artifacts are discovered during construction, Ak-Chin has requested that the Property Owner/developer stop immediately and contact the Ak-Chin Cultural Resources Office before any further construction continues.

F. After recordation of the plat and Pinal County has assigned an assessor parcel number, the Property Owner shall be responsible of applying for an address request for all single family residential lots.

G. All roadway and infrastructure improvements shall be in accordance with the current City of Maricopa standards and/or subsequent standards that are developed by the City, as approved by the City Engineer and installed by the Property Owner.

H. Prior to issuance of the final Certificate of Occupancy, the Property Owner shall submit and secure all required applications, plans with supporting documents (submittals), approvals and permits from the applicable federal, state, county and any other agencies as applicable.

I. The development and operation of the proposed PAD shall be in accordance with all applicable Arizona Department of Environmental Quality (ADEQ) requirements, if applicable, and other regulatory agencies rules and regulations.

J. The applicant/Property Owner shall have met and complied with all applicable fire codes under the International Fire Code codes observed at the time of application, including amendments, as well as related National Fire Protection Agency (NFPA) guidelines, to the satisfaction of the Maricopa Fire and Medical Department. Emergency access shall be maintained throughout the construction of the project to the satisfaction of Maricopa Fire and Medical Department, which satisfaction shall be in the City’s discretion.

Section 3. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

Section 4. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 24th day of April, 2018.

APPROVED:

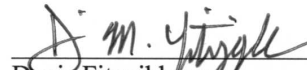

Christian Price
Mayor

ATTEST:


Vanessa Bueras
City Clerk



APPROVED AS TO FORM:

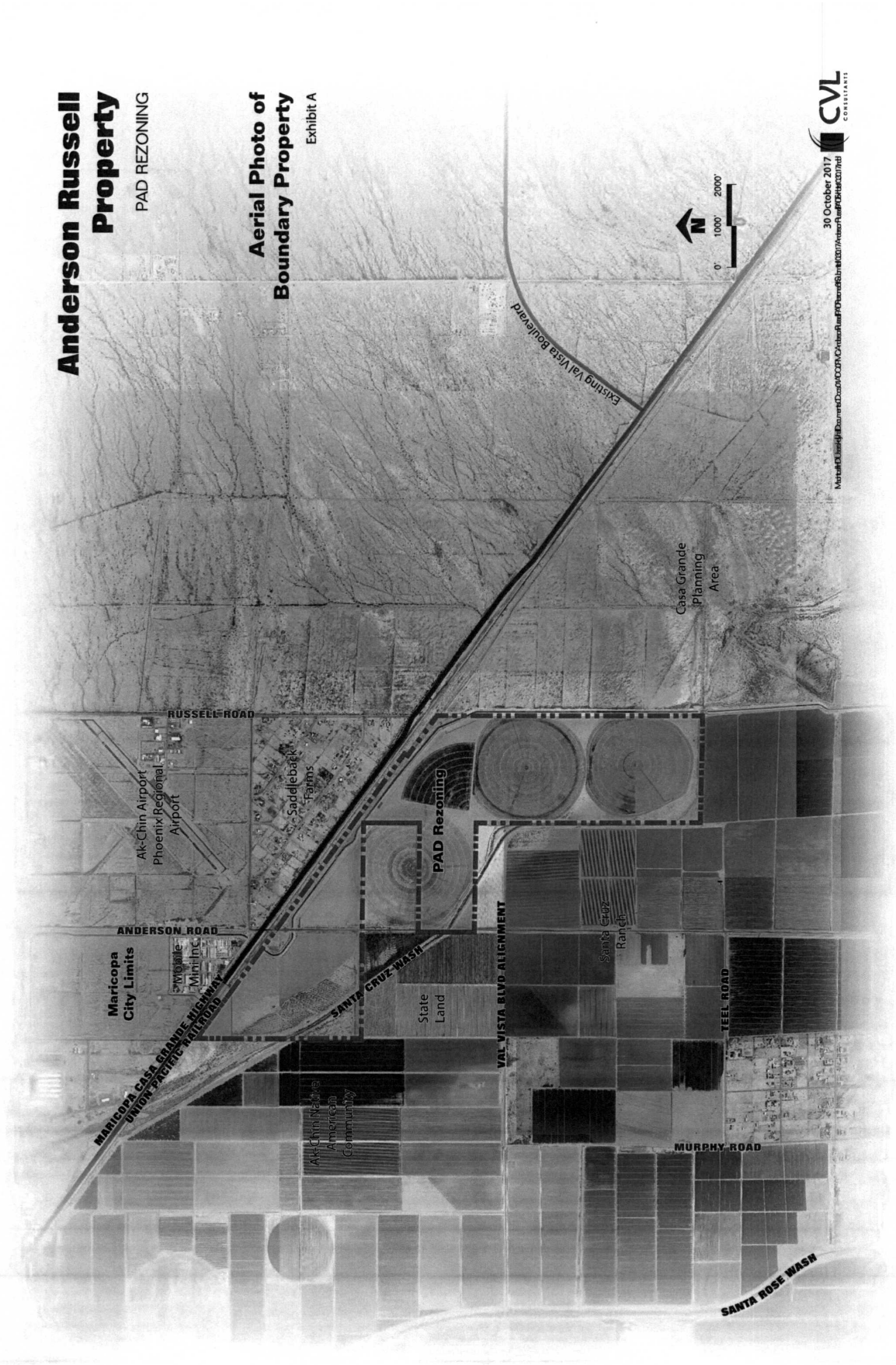

Denis Fitzgibbons
City Attorney

Anderson Russell Property

PAD REZONING

Aerial Photo of Boundary Property

Exhibit A



30 October 2017
 CVL CONSULTANTS
 \\net\cvl\shared\Drawings\CD\CD\AndersonRussell\001\AndersonRussellPAD150718.dwg

EXHIBIT 2
LEGAL DESCRIPTION

PARCEL NO. 1

THAT PORTION OF THE NORTH HALF OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTH AND WEST OF THE RIGHT OF WAY OF SOUTHERN PACIFIC RAILROAD.

PARCEL NO. 2

THAT PORTION OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTH AND WEST OF THE RIGHT OF WAY OF SOUTHERN PACIFIC RAILROAD.

PARCEL NO. 3

THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

PARCEL NO. 4

THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

PARCEL NO. 5

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHEAST QUARTER OF SECTION 22 ALL IN TOWNSHIP 5 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTH AND WEST OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD.

EXCEPT ANY PORTION LYING IN THE RIGHT OF WAY OF ANDERSON ROAD.