



City of Avondale

City Council Online Meeting

Monday, August 24, 2020

Mayor and Council

Kenn Weise, Mayor

Pat Dennis, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Veronica Malone, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

Administration

Charles A. Montoya, City Manager

Gina Montes, Assistant City Manager

Tracy Stevens, Deputy City Manager

Nicholle Harris, Interim City Attorney

Marcella Carrillo, City Clerk

Online Meeting

Join the meeting and view presentations: <https://avondaleaz.zoom.us/j/3083557784>

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Join the meeting with audio only: Call 301-715-8592 (meeting ID: 308 355 7784)



City Council Online Meeting Notice & Agenda Monday, August 24, 2020

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Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should email their comments to CityClerk@AvondaleAZ.gov prior to consideration of that agenda item.

REGULAR MEETING 7:00 PM

CALL TO ORDER BY MAYOR PLEDGE OF ALLEGIANCE MOMENT OF REFLECTION

1. ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

3. RECOGNITION ITEMS

a. ARIZONA PARKS AND RECREATION ASSOCIATION – OUTSTANDING FACILITY AWARD

City Council will receive an award on behalf of the City for Outstanding Facility (Population 10,000-100,000) from the Arizona Parks and Recreation Association for Festival Fields Park.

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. MINUTES

City Council will consider a request to approve the July 27, 2020 Work Session, July 27, 2020 Regular Meeting, and August 10, 2020 Regular Meeting minutes. The Council will take the appropriate action.

b. RESOLUTION 1057-0820 - CANVASS OF VOTES FOR THE AUGUST 4, 2020 PRIMARY ELECTION

City Council will consider a request to adopt Resolution 1057-0820 canvassing the results of the August 4, 2020 Primary Election and authorize the City Clerk to issue Certificates of Election. The Council will take appropriate action.

c. RESOLUTION 1058-0820 – INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATING IN THE ARIZONA CHILD ABDUCTION RESPONSE TEAM.

City Council will consider a request to adopt Resolution 1057-0820 authorizing the Avondale Police Department's participation in an Intergovernmental Agreement for Participating in the Arizona Child Abduction Response Team (AZCART) and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTIONS 1059-0820 AND 1060-0820 - AGREEMENTS PERTAINING TO THE GILA RIVER GENERAL STREAM ADJUDICATION

City Council will consider a request to adopt: (a) Resolution 1059-0820 authorizing the First Amendment to the Intergovernmental Agreement with the Cities of Glendale, Mesa, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication; (b) adopt Resolution 1060-0820 authorizing a Legal Services Contract With Engelman-Berger for continued representation in the Gila River Stream General Adjudication; and (c) authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1061- 0820 - GRANT FROM MARICOPA ASSOCIATION OF GOVERNMENTS FOR STREET SWEEPER

City Council will consider a request to adopt Resolution 1061-0820 authorizing the acceptance of grant funding from the Maricopa Association of Governments for the purchase of a replacement street sweeper in an amount not to exceed \$239,967; the expenditure of a local match in an amount not to exceed \$20,000; and the purchase of a street sweeper for a total not to exceed purchase price of \$259,967; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. RESOLUTION 1062-0820 - GRANT - FIRST THINGS FIRST SOUTHWEST MARICOPA REGIONAL PARTNERSHIP COUNCIL

City Council will consider a request to adopt Resolution 1062-0820 authorizing the grant agreement with the First Things First Southwest Maricopa Regional Partnership Council to receive \$200,000 in funding and authorize the Mayor, City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. EMPLOYMENT AGREEMENT WITH CHARLES A. MONTOYA

City Council will consider a request to approve the Amended Employment Agreement with Charles A. Montoya and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. REGULAR AGENDA

a. ADOPT PARK NAME AT ALAMAR DEVELOPMENT

City Council will consider a request to formally adopt a name for the future community park in the Alamar development. City Council will take appropriate action.

b. PUBLIC HEARING AND ORDINANCE 2024-0820 – MAJOR AMENDMENT TO THE AVONDALE AUTOMALL PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-20-0119

City Council will hold a public hearing and consider a request to adopt Ordinance 2024-0820, by Paul Gilbert, of Beus Gilbert McGroder PLLC, for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property. This PAD amendment is proposed for a single 6.02 net acre property (APN 102-54-102) located in the western portion of the Avondale Automall PAD. This area is depicted in Exhibit F and fully described (as a legal description) in Exhibit G and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. PUBLIC HEARING - CONDITIONAL USE PERMIT FOR ECHOPARK AUTOMOTIVE, AVONDALE AUTOMALL – APPLICATION PL-20-0120

City Council will hold a public hearing and consider a request by Paul Gilbert, of Beus Gilbert McGroder PLLC (on behalf of EchoPark Automotive), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times. The subject request is contingent upon City Council approval of a Major Planned Area Development (PAD) Amendment (application PL-20-0119) to the Avondale Automall, to conditionally permit one (1) such a used vehicle only dealership, meeting the criteria described above, at this subject property. The subject property (APN 102-54-102) is located within the western portion of the Avondale Automall PAD. The Council will take appropriate action.

d. PUBLIC HEARING AND ORDINANCE 2025-0820 - ENTRADA ANNEXATION – APPLICATION PL-19-0227

City Council will hold a public hearing and consider a request to adopt Ordinance 2025-0820, approving a request by Ms. Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC, on behalf of property owner Avondale Entrada, L.L.C., annexing approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road into the jurisdiction of the City of Avondale. The properties within the proposed annexation boundary are inclusive of some, but not all, unincorporated land located north of Broadway Road, west of 107th Avenue, south of Miami Avenue, and east of Avondale Boulevard. The Council will take appropriate action.

e. PUBLIC HEARING AND ORDINANCE 2026-0820 - REZONING FROM URBAN RESIDENTIAL (R1-6) AND RURAL RESIDENTIAL (RR-43) TO PLANNED AREA DEVELOPMENT (PAD) FOR ENTRADA – APPLICATION PL-19-0201

City Council will hold a public hearing and consider a request to adopt Ordinance 2026-0820, approving a request by Ms. Toni Bonar, AICP, HILGARTWILSON, LLC, to rezone approximately 185.55 acres located at the northwest corner of 107th Ave and Broadway Rd from Rural Residential (RR-43) and Urban Residential (R1-6) to Planned Area Development (PAD) to allow for the development of a single-family residential community consisting of a maximum of 624 lots with eighteen (18) percent open space (approx. 29 acres) on 176.6 acres, a density of approximately 3.5 units/acre. Additionally, the PAD would allow for 9.0 acres located at the northwest corner of 107th Ave and Broadway Rd to be developed with commercial uses in accordance with the uses and development standards of the City's Neighborhood Commercial (C-1) zoning district. The property is currently in the jurisdiction of Maricopa County and the annexation of the property is to be considered at this same meeting. The Council will take appropriate action.

f. AVARI APARTMENTS – DEVELOPMENT PLAN – APPLICATION PL-19-0308

City Council will consider a request by by Mr. Andrew Yancey, Bergin, Frakes, Smalley and Oberholtzer, PLLC, for approval of a Development Plan for Avari Apartments, a proposed 354-unit multi-family apartment community located on 16.44 net acres located at the northwest corner of Avondale Boulevard and the Corporate Drive alignment. The Council will take appropriate action.

6. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

CITY COUNCIL REPORT

SUBJECT: Arizona Parks and Recreation Association – Outstanding Facility Award

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Bryan Hughes, Director, (623) 333-2411

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will receive an award on behalf of the City for Outstanding Facility (Population 10,000-100,000) from the Arizona Parks and Recreation Association for Festival Fields Park.

BACKGROUND:

Festival Fields Park Improvements were dedicated in November 2019. The park was designed by J2 Engineering and Environmental Design and Haydon Building Corp was the general contractor. The APRA Annual Awards were announced during the virtual conference, August 11-13.

DISCUSSION:

Congratulations to the City of Avondale and our partners on this achievement!

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

This is a presentation only.

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk, (623) 333-1214

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve the July 27, 2020 Work Session, July 27, 2020 Regular Meeting, and August 10, 2020 Regular Meeting minutes. The Council will take the appropriate action.

BACKGROUND:

n/a

DISCUSSION:

n/a

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve the July 27, 2020 and August 20, 2020 City Council Meeting Minutes.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
July 27, 2020

The July 27, 2020 Work Session meeting was hosted online using the Zoom Cloud Meeting platform. All participants attended by phone or video.

A **Work Session** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 6:31 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Nicholle Harris, Interim City Attorney; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Two members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT FUNDING

Sandy Lopez, Neighborhood Revitalization Manager, provided an update on the Community Development Block Grant Cares Act (CDBGCV) funding and communicated the recommended program activities.

Ms. Lopez stated that \$2 billion was authorized for community development block grants for entitlement communities. Distribution is based on the 2020 CDBG formula grant. Avondale anticipates an allocation of \$426,811, which will be subject to CDBG eligible activities in accordance with existing regulations.

Eligible expenses must be in response to COVID-19 and must meet national objectives for CDBG, which include:

- Benefit low to moderate income persons
- Aid in the prevention or elimination of slum or blight

- Meet a need having a particular urgency

Allowable activities per CDBG regulations include:

- Assistance to businesses
- Manufacturers of medical supplies
- Prevent job loss
- Financial support for stabilization
- Buildings and improvements (related to testing, treatment, or quarantine)
- Increase public services (programs for community members)

Outreach was conducted to determine the best fund uses, primarily for businesses in revitalization areas. Business owners have expressed that their main concern is financial losses due to decreased business income.

Staff recommend the funds be used for residential eviction prevention at \$192,065, which is estimated to sustain a minimum of 42 households and small business assistance will be offered at a total of \$234,746 for a minimum of 23 businesses. The purpose of the Small Business Relief Program (CDBG-CV) is to assist and support the continued viability of small businesses experiencing financial hardship due to the pandemic. The program will be provided through grants to eligible businesses, not to exceed \$10,000. The funding is to be used for lease or mortgage payments for commercial locations. Payments would be made directly to the lease or lien holder and may include electricity or gas utility expenses.

For eligibility, the business must be for-profit and located within Avondale's CDBG eligible census tracts. Businesses with more than one location are only eligible for a location within Avondale's CDBG eligible census tracts. Businesses must be located in a commercial property and operational as of the date of the March 23, 2020 Executive Order. Food trucks are not eligible and only businesses with a brick and mortar location may qualify. The business must be able demonstrate that revenue loss did not occur because the business is seasonal and would normally be closed on a seasonal basis. Businesses that closed without being required to are not eligible. They must certify that gross revenues have declined by 25 percent or more due to the pandemic. They must certify and demonstrate that they have not received other governmental or federal financial assistance. They must employ 25 or fewer full-time equivalent employees. Ineligible business types include adult-oriented, cannabis-related, and businesses owned in whole or in part by City of Avondale officials or employees.

Mayor Weise asked for the location of CDBG eligible census tracts in Avondale. Ms. Lopez identified them as revitalization areas, such as Las Ligas, Cashion and Rio Vista. Mayor Weise asked whether the industrial buildings along I-10 are within the eligible area. Ms. Lopez stated that some businesses along Eliseo C. Felix may be eligible, but those along I-10 are not. Mayor Weise inquired as to the length of the process for determining whether the businesses have received PPP or other assistance and the overall

application timeline. Ms. Lopez stated that the intent is to move the process as quickly as possible. Much of this depends upon the completeness and accuracy of the application packet.

Council Member Nielson asked about the process for getting assistance to the families in need. Ms. Lopez stated that the City has a robust community action program with competent staff in providing rental assistance to residents and this program will be used to relay information. The resource center and CAP office have other funding sources that will be used for the same purpose.

Charles Montoya, City Manager, added that community outreach will include social media and through the Rave magazine to promote the Resource Center.

Council Member Conde asked whether assistance funds must be used by a specified date. Ms. Lopez stated that the same CDBG rules apply as customary and are included in the 2021 annual action plan. She is unaware of any additional time restrictions; however, she can get back to Council with any discrepancies. Council Member Conde noted that the funds are permitted to be used for programs. The community includes many seniors who are caring for grandchildren and there is a need for mental health supportive services for seniors. She asked whether such programs are currently in place and whether funds can be allocated for this purpose. Ms. Lopez stated her belief that through the resource center and CAP office, staff works with grandparents who are raising grandchildren. Staff is reaching out to these families to let them know about available assistance.

Council Member Kilgore echoed the comments from Council Member Nielson, stating he had some concern that the funds were more focused on businesses and not the residents. He asked whether assistance for the 42 households is dependent upon the number of people in the household. Ms. Lopez stated that income guidelines are adjusted per household size. Council Member Kilgore inquired if the City has an existing list of families in need. Ms. Lopez stated that the Resource Center has much of this information on file. In response to a question from Council Member Kilgore, Ms. Lopez stated that Council Members are welcome to provide NFS staff with the contact information of families who are experiencing hardships. Residents can also contact the Resource Center. Council Member Kilgore asked whether the money allocated to Avondale will be spent only for Avondale residents. He noted that the Care First Center assists residents in Tolleson, Phoenix and Goodyear. Ms. Lopez confirmed that the assistance is specifically for Avondale residents. Council Member Kilgore inquired what happens with any unused funds. Ms. Lopez surmised that unused funding would have to be returned to the federal government; however, given the level of need in the community, staff are hopeful that the funds will be disbursed quickly. In response to a question from Council Member Kilgore, Ms. Lopez stated that since the funding is being given directly to the entitlement communities, Avondale would not be able to use unspent funds from other cities. Each city is responsible for administering and spending dollars within its own city. Council Member Kilgore thanked Ms. Lopez for the information.

Mayor Weise noted that the Governor has extended the eviction protection and asked how this would impact the eviction assistance funding. Ms. Lopez stated that even with the protections, rent is still due. The moratorium on evictions simply keeps residents who are unable to make their rent payments from being evicted; however, rent will still need to be paid at some point. If those families can keep up with rent payments, this will be of great assistance when the moratorium ends.

Council Member Pineda echoed the comments by Council Member Nielson with respect to getting the program information to the residents. He commented on the need to reach out to individuals who may not be accustomed to seeking assistance. He would like to see a formalized outreach process. Ms. Lopez stated that residents seeking assistance through the eviction program would begin the process through the Resource Center. She noted that small businesses should be sent to her directly. She agreed with Council Member Pineda that there are individuals who may not be savvy enough to complete the larger processes. She noted that these funds were created specifically for the smaller businesses who may be intimidated by the processes. Staff will be directly reaching out to small businesses in revitalization areas.

Council Member Malone noted that Sipping Sisters Café had a grand opening just as the shutdown commenced and asked whether they qualify for a grant. Ms. Lopez stated that Sipping Sisters was in mind as the program was being developed. They may likely be one of the newest businesses eligible. Council Member Malone asked about another business, which is not fully functioning at this time, but trying to get going and whether they would be eligible for funding. Ms. Lopez said that as long as they meet the eligibility requirements, they would be a candidate for assistance. Council Member Malone referenced the residential eviction prevention program and asked whether residents who have received other forms of help in recent months would still be eligible for assistance under this program. Ms. Lopez stated that generally, CAP assistance is for a one in a 12-month period. She said this question would have to go to staff who is more familiar with the residential program.

Ms. Montes explained that staff are unable to answer specific scenarios at this time. Mayor Weise encouraged Council Members to forward specific referrals for assistance to the appropriate staff. Funding will be available once HUD approves the City's fund plan and annual action plan, which should occur mid to late August.

Vice Mayor Dennis referred to legislation last year to allow owners of rental property to not accept secondary types of funding. Ms. Lopez said she is not familiar with the legislation. The landlord would need to be willing with the City in agreeing to not evict the tenant while the funding process proceeds. Mayor Weise asked staff to research a definite answer and include it in the weekly update.

Vice Mayor Dennis asked about the total funding available through the initial CAP funding. Ms. Lopez stated that she would have to get back to Council with an answer. Vice Mayor

Dennis stated those who did not utilize the maximum amount of assistance initially should have access to additional funding up to the maximum available. In response to a question from Vice Mayor Dennis, Ms. Lopez stated she was unsure regarding the earning threshold for eligibility of CAP funding; however, the CDBG threshold is higher than the CAP threshold. In response to a question from Vice Mayor Dennis, Ms. Lopez confirmed that assistance is on a first-come, first-served basis.

Vice Mayor Dennis asked whether nonprofit businesses would be eligible for assistance if they had not received support from other sources. Ms. Lopez stated that the focus has been on for-profit business, which typically generate revenue through sales and services. At this time, the City had not considered nonprofits, but the City does offer the contributions assistance program. Should City Council direct it, staff would consider applications from nonprofits. Mayor Weise asked for Vice Mayor Dennis' thoughts on the City first assisting residents and for-profit businesses first. Then, if all dollars are not utilized, the City could open the opportunity for nonprofits. Vice Mayor Dennis agreed that the Mayor's suggestion would be appropriate. Mr. Montoya clarified that there are still eligibility requirements for the funds, even if they are nonprofits. Mayor Weise requested an update once funding is received and the process begins.

3. ADJOURNMENT

There being no further business before the Council, Vice Mayor Dennis moved to adjourn the Work Session meeting; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 7:15 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

Work Session Meeting Minutes

July 27, 2020

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 27th day of July 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
July 27, 2020

The July 27, 2020 Regular City Council meeting was hosted online using the Zoom Cloud Meeting platform. All participants attended by phone or video.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 7:30 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance of the family of Deputy Sheriff Pickle from Monroe County, Mississippi, who was struck and killed by a vehicle.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Councilmembers Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Nicholle Harris, Interim City Attorney; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Approximately ten members of the public were present.

1. ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Mayor Weise asked if any Council Members wished to have an item removed from the Consent Agenda. Vice Mayor Dennis requested the following agenda items be removed from the Consent Agenda for further discussion:

- 3c. Liquor License Series 10 (Beer and Wine Store) S&S Quick Stop Shop
- 3d. Liquor License Series 06 (Bar) Aguila's Hidaway Lighthouse

Having no additional requests from Council, motion was made by Vice Mayor Dennis to approve the Consent Agenda with the exception of agenda item 3c and agenda item 3d; seconded by Council Member Kilgore.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the May 18, 2020, June 1, 2020, and June 15, 2020 City Council Meeting Minutes.

b. APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES

City Council approved the Council Subcommittee on Boards, Commissions and Committees' recommendations for the appointment of members of the City's boards, commissions and committees.

c. LIQUOR LICENSE SERIES 10 (BEER AND WINE STORE) S&S QUICK STOP SHOP (CHANGE OF OWNERSHIP)

This item was pulled further discussions. Item is listed below in more detail.

d. LIQUOR LICENSE SERIES 06 (BAR) AGUILA'S HIDAWAY LIGHTHOUSE (CHANGE OF OWNERSHIP)

This item was pulled further discussions. Item is listed below in more detail.

e. LEASE TERMINATION AGREEMENT WITH PHOENIX WEST COMMERCIAL, LLC

City Council approved the Lease Termination Agreement with Phoenix West Commercial, LLC and authorized the City Manager and City Clerk to execute the necessary documents.

f. WIRED TELECOMMUNICATIONS LICENSE AND RIGHT-OF-WAY USE AGREEMENT WITH MCIMETRO ACCESS TRANSMISSION CORP D/B/A VERIZON ACCESS TRANSMISSION SERVICES

City Council approved a new Wired Telecommunications License and Right-of-Way Use Agreement with MCImetro Access Transmission Corp dba Verizon Access Transmission Services to allow the placement of underground telecommunication infrastructure in the City right-of-way and authorized the City Manager and City Clerk to execute the necessary documents.

**g. CONTRACT FOR SERVICES, LEASE AGREEMENT, AND ITEMIZED BUDGET
AREA AGENCY ON AGING FISCAL YEAR 2020-2021**

City Council approved: (a) a contract with Area Agency on Aging (AAA) for fiscal year 2020-2021 in the amount of \$346,934; (b) a Vehicle Lease Agreement in the amount of \$5; and (c) adopted an itemized budget for the Senior Center Program and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**h. RESOLUTION 1046-0720 – CANVASS OF ELECTION, PUBLIC SAFETY LOCAL
BOARD ELECTION**

City Council adopted Resolution 1046-0720, declaring and adopting the results of the Local Board Elections held on June 18, 2020 and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**i. RESOLUTION 1047-0720 – INTERGOVERNMENTAL AGREEMENT WITH AGUA
FRIA UNION HIGH SCHOOL DISTRICT #216**

City Council adopted Resolution 1047-0720 authorizing an Intergovernmental Agreement with Agua Fria Union High School District #216 to share the cost of providing a School Resource Officer (SRO) during the 2020/2021 school year and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**j. RESOLUTION 1048-0720 – INTERGOVERNMENTAL AGREEMENT WITH
AMERICAN CHARTER SCHOOLS FOUNDATION (ESTRELLA HIGH SCHOOL)**

City Council adopted Resolution 1048-0720 authorizing an Intergovernmental Agreement with the American Charter Schools Foundation, doing business as Estrella High School to share the cost of providing a School Resource Officer (SRO) during the 2020/2021 school year and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**k. RESOLUTION 1049-0720 – INTERGOVERNMENTAL AGREEMENT WITH
TOLLESON UNION HIGH SCHOOL DISTRICT #214 (WESTVIEW HIGH SCHOOL AND
LA JOYA HIGH SCHOOL)**

City Council adopted Resolution 1049-0720, authorizing an Intergovernmental Agreement with the Tolleson Union High School District #214 to share the cost of providing a School Resource Officer (SRO) during the 2020/2021 school year for Westview High School and La Joya High School and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

**l. RESOLUTION 1050-0720 – INTERGOVERNMENTAL AGREEMENT WITH
TOLLESON UNION HIGH SCHOOL DISTRICT #214 (WEST POINT HIGH SCHOOL)**

City Council adopted Resolution 1050-0720, authorizing an Intergovernmental Agreement with the Tolleson Union High School District #214 to share the cost of providing a School Resource Officer (SRO) during the 2020/2021 school year at West Point High School and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

m. RESOLUTION 1051-0720 – SIXTH AMENDMENT TO THE PREANNEXATION DEVELOPMENT AGREEMENT WITH EVERGREEN-HILLCREST, LLC

City Council adopted Resolution 1051-0720 approving the Sixth Amendment to the Pre-Annexation Development Agreement with Evergreen-Hillcrest, LLC, concerning development of Verde Trails (formerly Hillcrest) and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

n. RESOLUTION 1052-0720 – INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TOLLESON FIRE DEPARTMENT FOR EMERGENCY STAFFING ASSISTANCE

City Council adopted Resolution 1052-0720 approving an Intergovernmental Agreement with the City of Tolleson Fire department to enable both Fire Departments to provide Emergency Staffing and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

o. RESOLUTION 1054-0720 – INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES DEPARTMENT FOR SHELTER AND HOMELESS SUPPORT SERVICES

City Council adopted Resolution 1054-0720 and approved the Second Amendment to an intergovernmental agreement with the Maricopa County Human Services Department for a grant in the amount of \$100,000 for the provision of emergency shelter services, outreach, and case management to people experiencing homelessness in Avondale, and authorized the Mayor, City Manager and City Clerk to execute the necessary documents and amendments.

p. RESOLUTION 1053-0720 – AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ADMINISTERED BY THE HUMAN SERVICES DEPARTMENT

City Council adopted Resolution 1053-0720 approving an amendment to an Intergovernmental Agreement with the Maricopa County Human Services Department for the provision of the Community Action Program (CAP) services and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

q. ORDINANCE 2020-0720 – ACQUISITION OF REAL PROPERTY AVONDALE BOULEVARD ROAD WIDENING PROJECT

City Council adopted Ordinance 2020-0720 authorizing the dedication, purchase, or condemnation of real property in connection with the Avondale Boulevard Road Widening Project and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

r. ORDINANCE 2021-0720 ACQUISITION OF REAL PROPERTY FROM THE PENDERGAST SCHOOL DISTRICT

City Council adopted Ordinance 2021-0720 authorizing the dedication, purchase or condemnation of real property by Rio Vista Elementary School and Canyon Breeze Elementary School owned by Pendergast School District and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

s. ORDINANCE 2022-0720 ACQUISITION OF REAL PROPERTY AND AN ACCESS EASEMENT FOR A PRESSURE REDUCING VALVE FACILITY

City Council adopted Ordinance 2022-0720 authorizing the dedication, purchase or condemnation of real property and an access easement for a Pressure Reducing Valve (PRV) facility and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

t. ORDINANCE 2023-0720 GRANTING AN ELECTRICAL EASEMENT TO ARIZONA PUBLIC SERVICE ON 10TH STREET SOUTH OF RILEY STREET FOR THE NEW RESOURCE CENTER BUILDING

City Council adopted Ordinance 2023-0720 granting an Electrical Easement to Arizona Public Service on 10th Street south of Riley Street for the new Resource Center and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

u. RIVER CROSSING STORAGE EXPANSION MINOR LAND DIVISION (APPLICATION PL-19-0285)

City Council approved a request by Philip Gollon, Arc Services Inc. (on behalf of the property owner, ES River Crossing Storage Arizona, LLC) approving a Minor Land Division (MLD), combining two (2) lots, dedicate right-of-way along Corporate Drive, and dedicating a Public Utility Easement (PUE). The site is approximately 7.8 acres in size and located approximately 1283 feet west of the northwest corner of 119th Avenue and Van Buren Street.

v. VALLE DEL SOL CONTRACT RATIFICATION AND CONTINGENCY USE

City Council approved a request to: (a) ratify contract 20-159C with Valle Del Sol; (b) approved the use of \$38,000 from contingency funding for the COVID-19 testing services; and (c) approved the use of \$50,000 from contingency funding for potential COVID-19 testing services to be held in the future, to be determined.

ITEMS PULLED OFF THE CONSENT AGENDA FOR FURTHER DISCUSSION:

Mayor Weise asked Deputy City Attorney Nicholle Harris to discuss the liquor license process. Ms. Harris reminded Council that they are just to consider the merits and facts of the application and to refrain from making disparaging or offensive remarks. Some protest letters have been received for one of the items.

c. LIQUOR LICENSE SERIES 10 (BEER AND WINE STORE) S&S QUICK STOP SHOP (CHANGE OF OWNERSHIP)

City Council considered a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Saed Amer Nasria for the sale of packaged beer and wine, but not spirituous liquor, at S & S Quick Stop Shop located at 127 West Main Street in Avondale and authorize the City Clerk to execute the necessary documents.

Mayor Weise stated that Council has the option of discussing this item or sending it on to the liquor board without a recommendation. He is not comfortable voting on the license, as information from those opposed to the license was received late in the process and he was unable to research the concerns. The liquor board members are the experts and are the appropriate body to consider the approval. Council Member Nielson concurred that it should be forwarded to the liquor board

without recommendation. Council Member Conde agreed that the license should be forwarded to the liquor board for consideration as she was unaware of any filings. Council Member Pineda concurred to have the liquor board consider the item.

Vice Mayor Dennis stated that the letters received were regarding a location outside of Avondale. She asked whether that location held a liquor license and whether the issues of complaint involved sales of tobacco to minors. Mayor Weise stated that the letters indicate a liquor retail center in Buckeye. The violations referenced cigarette sales to minors. Vice Mayor Dennis stated she was also in agreement to pass the issue to the liquor board. Once the establishment comes up for renewal, Council can look at the record in the City of Avondale.

Mayor Weise asked Ms. Harris whether this requires a vote or whether staff can just be directed to proceed. Ms. Harris confirmed that Council may simply direct staff to move the process forward but recommended a vote to formalize the process.

Vice Mayor Dennis moved to provide no recommendation to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Saed Amer Nasria for the sale of packaged beer and wine, but not spirituous liquor, at S & S Quick Stop Shop located at 127 West Main Street in Avondale; seconded by Council Member Nielson.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

**d. LIQUOR LICENSE SERIES 06 (BAR) AGUILA'S HIDAWAY LIGHTHOUSE
(CHANGE OF OWNERSHIP)**

City Council considered a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 06 (Bar) Liquor License submitted by Javier Jimenez Aguila for the sale of beer, wine, and spirits, at Aguila's Hidaway Lighthouse located at 12351 West Indian School Road in Avondale and to authorize the City Clerk to execute the necessary documents.

Vice Mayor Dennis stated that there are two elements to the license request, including a new owner and acquiring the license held at the location. In the past, a shooting had occurred at the location. She asked whether these safety concerns have been addressed with the new owner. Police Chief Dale Nannenga said he is

unaware of any meetings with the new owner. The shooting occurred almost three years ago and since then, there have been no significant issues at the location.

Vice Mayor Dennis moved to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 06 (Bar) Liquor License submitted by Javier Jimenez Aguila for the sale of beer, wine, and spirits, at Aguila's Hidaway Lighthouse located at 12351 West Indian School Road in Avondale and authorized the City Clerk to execute the necessary documents; seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Abstain (a vote in the affirmative)
Council Member Malone	Aye
Council Member Nielson	Abstain (a vote in the affirmative)
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

4. REGULAR AGENDA

a. RESOLUTION 1055-0720 SETTING THE FISCAL YEAR 2021 PRIMARY AND SECONDARY PROPERTY TAX LEVY

City Council considered a request to adopt Resolution 1055-0720 setting the primary and secondary property tax levy for the fiscal year ending June 30, 2021 and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

Lindsey Duncan, Finance and Budget Services Director, stated that the primary property tax levy is used for general purposes and the secondary property tax is restricted to repayment of bond principal and interest. The primary property tax levy amount is \$3.1 million for fiscal year 2021 at a rate of 0.6808 per \$100 of assessed valuation. The secondary property tax amount is approximately \$3.4 million at a rate of 0.7434 per \$100 of assessed evaluation. The levies will raise a combined total of \$6.6 million with a total rate of \$1.4242, which is below the Council's policy threshold of \$2 per \$100 of assessed valuation when the primary and secondary tax rates are combined.

Vice Mayor Dennis moved to adopt Resolution 1055-0720 setting the primary and secondary property tax levy for the fiscal year ending June 30, 2021 and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents; seconded by Council Member Conde.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye

Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

b. PUBLIC HEARING – RIVER CROSSING STORAGE EXPANSION – CONDITIONAL USE PERMIT – APPLICATION PL-19-0240

City Council held a public hearing and considered a request by Philip Gollon, Arc Services Inc., (on behalf of the property owner, ES River Crossing Storage, LLC) for approval of a Conditional Use Permit to allow for operation of a mini-storage warehouse in the C2 (Community Commercial) zoning district. The subject property is a proposed expansion of the adjacent ministorage warehouse facility to the east.

Michelle Simerdla, Senior Planner, provided an overview of the site location, which is approximately 860 feet east of the northeast corner of Fairway Drive and Van Buren Street. Currently, there is an agricultural use on the property as well as a retention basin. East of that is the River Crossing mini storage facility and east of that is the Desert Springs Village residential subdivision. To the northeast is the planned Avondale 50 Commerce Park PAD. To the north and west are agricultural uses and single-family homes zoned agricultural. South of Van Buren Street is the Coldwater Springs PAD with a vacant commercial corner, apartment complex, golf course and single-family homes. The parcel is approximately 3.2 gross acres in size and was annexed into the City limits in 1978. The General Plan Land Use Designation is urban residential. It is located within the Freeway Corridor Specific Plan area. Zoning is C2, Community Commercial and a CUP is required for mini storage use in the C2 district. An existing mini storage warehouse to the east consists of an office, living quarters, five storage buildings, and legal, nonconforming uncovered RV parking spaces, which were constructed in 1998.

The proposal is to expand the River Crossing Mini Storage warehouse by developing the adjacent lot to the west. It will include two buildings with building A to include 53,000 square feet with drive-up and interior units and building B with 6,300 square feet with nine interior RV parking spaces. There will be 22 new parking spaces for customers with no outdoor RV parking spaces. The hours will remain the same, from 9 a.m. to 6 p.m. for the office and 7 a.m. to 7 p.m. for the gate. Access to the site will occur via an existing driveway off Van Buren. The site plan and elevations were reviewed, which meet the City's design guidelines. All required notifications were completed to include a sign posted on the property and legal ads in the paper. Property owners within 1,000 feet were notified. A neighborhood meeting was held online via Zoom on May 13th with no attendees and no comments on the City's aVOICE site.

The planning Commission recommended approval of 6-0 on June 17th and there were no speakers on the item. The project meets the findings for a CUP. The proposed use is considered low intensity and compatible with surrounding residential, commercial and proposed commerce park use. Views into the facility have been minimized by significant landscaping as well as an 8-foot decorative screen wall. The use will provide a needed service to the existing residents and the surrounding communities. The proposed site design is safe and meets all City requirements. The site has access to Van Buren Street

as well as future Corporate Drive. Staff recommends approval of the application PL-19-0240, subject to five recommended conditions listed in the staff report.

Mayor Weise opened the public hearing. There were no members of the public who wished to speak. Hearing no public comments, Mayor Weise closed the public hearing and honored questions from Council.

Council Member Pineda commented that he was glad to see that the business is growing, especially given the current environment.

Vice Mayor Dennis asked how far Corporate Drive will be back from Van Buren. Ms. Simerdla said she is unsure of the distance between Van Buren and Corporate Drive; however, she believes a full access driveway exists on Van Buren.

Mayor Weise commented that these types of businesses do not generate significant traffic and existing traffic is not concentrated. Mr. Montoya added that Corporate Drive will be widened in the coming year, which should give full access.

Mayor Weise commented that River Crossing sets the standard for how a storage facility should be run. The property is kept clean and the landscaping always looks good. The managers live onsite and deal with any relevant issues.

Council Member Pineda moved to approve Application PL-19-0240 - Conditional Use Permit – subject to five (5) recommended conditions of approval; seconded by Council Member Nielson.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

c. PUBLIC HEARING – ENTRADA ANNEXATION – APPLICATION PL-19-0227

City Council held a public hearing regarding a request by Ms. Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC, on behalf of property owner Avondale Entrada, L.L.C., for the annexation of approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road into the jurisdiction of the City of Avondale. The properties within the proposed annexation boundary are inclusive of some, but not all, unincorporated land located north of Broadway Road, west of 107th Avenue, south of Miami Avenue, and east of Avondale Boulevard.

Ken Galica, Division Lead Planner, stated that this item will be a public hearing; however, no action will be required by Council. The item will be brought back on August 24th for

consideration of adoption along with a rezoning request of the property. He provided an overview of site details. It is surrounded by a majority of either undeveloped and agriculturally used property or sites developed within Maricopa County with large lot, rural, residential uses. Outer surrounding properties include Verde Trail to the South and Alamar to the west of Avondale Boulevard. East of 107th Avenue located within the City of Phoenix are rural uses with the exception of the Lions Gate single family residential subdivision. The property is owned by three separate entities, the largest being the private property owner that is processing the annexation. It also includes the parcel owned by the Littleton Elementary School District as well as a small parcel owned by the City of Goodyear. The Littleton site will be developed in the future when the district needs it. The City of Goodyear parcel will be the pumping station for the new wastewater treatment facility.

Included in the request are the adjacent Avondale Boulevard and Broadway Road rights of way. Miami Avenue to the North as well as 107th Avenue on the eastern boundary are not included. These are MCDOT roadways and it is envisioned that the Maricopa County Department of Transportation will be maintaining these into the future. The initial zoning of the properties will be equivalent to existing county zoning, which is a combination of urban residential R1-6 single family zoning and RR-43 rural residential. Rezoning for 186.4 acres (Entrada) is scheduled for the August 24th City Council meeting. This is for a single-family residential community with a small commercial corner. The blank petition was filed as required for annexations. All notifications were completed.

Mayor Weise opened the public hearing. No members of the public requested to speak. Hearing no comments, Mayor Weise closed the public hearing and honored questions from Council.

Council Member Nielson referenced the Littleton School District parcel and noted the importance of ensuring fire, water, sewer and electrical access to the site. Mr. Galica said the process has not reached that point yet; however, these issues will be addressed in the preliminary plat.

Council Member Kilgore complimented the project, stating it looked promising. He also thanked Mr. Galica and the rest of the staff for wearing a mask, stating it was appreciated. In response, Mayor Weise noted all of staff are wearing masks.

5. ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the Regular Meeting; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye

Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 8:02 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 27th day of July 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
August 10, 2020

The August 10, 2020 City Council meeting was hosted online using the Zoom Cloud Meeting platform. All participants attended by phone or video.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 6:02 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Curtis Nielson, and Mike Pineda.

Members Absent: Council Member Veronica Malone.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Nicholle Harris, Interim City Attorney; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: One members of the public was present.

1. ROLL CALL BY THE CITY CLERK

2. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Vice Mayor Dennis requested agenda item 2a. Budget Adjustment for Various Positions be removed from the Consent Agenda for further discussion.

Having received no additional requests from Council, motion was made by Council Member Nielson, seconded by Vice Mayor Dennis, to approve the Consent Agenda with the exception of agenda item 2a.

Upon vote, the motion carried unanimously 6 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

a. BUDGET ADJUSTMENT FOR VARIOUS POSITIONS

This item was pulled further discussions. Item is listed below in more detail.

b. MINOR LAND DIVISION - MCDONALD'S AVONDALE (APPLICATION PL-20-0110)

City Council approved a request by Mr. Jason Morris, Withey Morris PLC, for approval of Application PL-20-0110 McDonald's Avondale Minor Land Division (MLD) on 2.75 gross acres of property located at the northeast corner of Avondale Boulevard and Lower Buckeye Road. The proposed MLD will dedicate public right-of-way and utility easements for Avondale Boulevard and Lower Buckeye Road adjacent to a planned new McDonald's drive-through restaurant. The proposed MLD will also formalize a previous split created by Special Warranty Deed in 2005. Cross-access easements are included for connection to future commercial development with the adjacent parcel.

c. RESOLUTION 1056-0820 - INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TOLLESON FOR DETENTION SERVICES

City Council adopted Resolution 1056-0820, authorizing an Intergovernmental Agreement (IGA) with the City of Tolleson for Avondale to provide Detention Services to the City of Tolleson and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

ITEMS PULLED OFF THE CONSENT AGENDA FOR FURTHER DISCUSSION:

a. BUDGET ADJUSTMENT FOR VARIOUS POSITIONS

City Council considered a request to authorize two new full-time equivalent positions to include a Deputy City Manager and Assistant Director of Development and Engineering Services, and authorize a budget adjustment in the amount of \$443,600 from the General Fund contingency to fund the positions.

Vice Mayor Dennis inquired on the difference between the Assistant City Manager and the Deputy City Manager roles. Mr. Montoya stated the Assistant City Manager position manages the City as a whole and assists the City Manager, being second in command. The Deputy City Manager position concentrates on specific areas of the organization and focuses on issues related to the environment and growth.

Vice Mayor Dennis expressed concerns with adding the Deputy City Manager position without evaluating the current positions as well as the individuals in the

positions. She noted the importance of ensuring the current individuals are in the right position and suggested a mix be added in the future to provide relief to the City Manager position. In closing, she reiterated that her concern was not with respect to adding the position but more so on the evaluation of the current positions.

Mr. Montoya agreed with Vice Mayor Dennis, an evaluation needs to be done in the City Manager's Office due to the growth in residential, commercial, and retail. He explained the importance of being present during an emergency, even during his scheduled vacation time but acknowledged that he does need time away. In closing, he spoke on the expectation of providing information quickly to Mayor and Council and be available during certain times.

Mayor Weise agreed, noting there is an expectation from Council for staff to take time-off but understands that there is an expectation for staff to be available during emergency situations. Mayor Weise stated he would like to see the funding of the position approved on a yearly basis and be reevaluated annually. He reiterated the importance of having staff take time-off, when needed.

Vice Mayor Dennis moved to authorize (a) two new full-time equivalent (FTE) positions to include a Deputy City Manager and Assistant Director of Development and Engineering Services, and (b) authorized a budget adjustment in the amount of \$443,600 from the General Fund contingency to fund the positions; seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 6 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

3. ADJOURNMENT

There being no further business before the Council, Council Member Pineda moved to adjourn the Regular Meeting; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye

Mayor Weise Aye

Meeting adjourned at 6:13 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 10th day of August 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk



CITY COUNCIL REPORT

SUBJECT: Resolution 1057-0820 - Canvass of Votes for the August 4, 2020 Primary Election

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk, (623) 333-1214

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1057-0820 canvassing the results of the August 4, 2020 Primary Election and authorize the City Clerk to issue Certificates of Election. The Council will take appropriate action.

BACKGROUND:

Pursuant to Arizona Revised Statutes § 16-642, City Council must meet and canvass the Primary Election held on August 4, 2020. The canvass is the act that declares the election results official. State Statute requires the canvass be completed not less than six days, and not more than twenty days, following the election. The deadline for this action is August 24, 2020. On January 6, 2020, City Council adopted Resolution 1001-0120 proposing to submit to voters at the Primary Election an Alternate Expenditure Limitation, also known as the Home Rule, to take place of the expenditure limitation provided by the State of Arizona. On February 3, 2020, City Council called a Primary Election to be held on August 4, 2020 and if necessary, a General Election on November 3, 2020. The Council authorized the City Clerk and the City Attorney to take all action necessary to conduct the election. On August 4, 2020, a Regular Primary Election was conducted by Maricopa County Elections.

DISCUSSION:

The Final Results, as published on the Summary Report by Maricopa County, are as follows:

Proposition #	Yes	No
Prop 431	8,032	1,029

Mayor	# of Votes
Weise, Kenneth	8,841

Council Member	# of Votes
Dennis, Pat	6,207
Malone, Veronica	7,152
Pineda, Mike	6,957

The aforementioned candidates are declared elected and will be issued Certificates of Election.

BUDGET IMPACT:

Adopting the results of the election is statutorily required and does not have a direct impact on the budget.

RECOMMENDATION:

Staff is recommending City Council adopt a Resolution canvassing the results of the August 4, 2020 Primary Election and authorize the City Clerk to issue certificates of election and/or nomination.

RESOLUTION NO. 1057-0820

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE
PRIMARY ELECTION HELD ON AUGUST 4, 2020.

WHEREAS, the City of Avondale (the “City”), Arizona, did hold a Primary Election on August 4, 2020 (the “Election”); and

WHEREAS, the Election returns, which are attached hereto, have been presented to, and have been canvassed by, the Council of the City of Avondale.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That (i) the number of active registered voters, (ii) the number ballots cast in each precinct, (iii) the number of votes cast in each precinct, and (iv) the number of votes by precinct received by each candidate and proposition, as reported by Maricopa County, are set forth on Exhibit A – Final Official Results, attached and incorporated into this resolution.

SECTION 2. That the number of rejected ballots by precinct, as reported by Maricopa County, are set forth on Exhibit B – Early Voting Rejections and Provisional Totals by Precinct report, attached and incorporated into this resolution.

SECTION 3. The votes cast for the candidates for Mayor were as follows:

Weise, Kenneth	8,841
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SECTION 4. It is hereby found, determined and declared of record that Kenneth Weise (i) received the majority of valid votes cast at the Election, and (ii) shall be issued a certificate of election by the City Clerk.

SECTION 5. The votes cast for the candidates for Council Member were as follows:

Dennis, Pat	6,207
Malone, Veronica	7,152
Pineda, Mike	6,957

SECTION 6. It is hereby found, determined and declared of record that Pat Dennis, Veronica Malone, and Mike Pineda (i) received the majority of valid votes cast at the Election, and (ii) shall be issued certificates of election by the City Clerk.

SECTION 7. The votes cast for Proposition 431, a resolution proposing an extension of the alternative local expenditure limitation for the City of Avondale, were as follows:

YES	8,032
NO	1,029

SECTION 8. It is hereby found, determined and declared of record, that Proposition 431 received the majority of votes cast and was thereby approved by the voters of Avondale.

SECTION 9. This Resolution shall be in full force and effect immediately upon its adoption; a certified permanent copy of which shall be filed with the City Clerk, who shall maintain it as a permanent record.

SECTION 10. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
RESOLUTION 1057-0820

[Precinct Canvass]

See following pages.

FINAL OFFICIAL RESULTS
STATEMENT OF VOTES CAST
Primary Election
Maricopa County
August 4, 2020

Precinct	Registered Voters	Cards Cast	Voters Cast	% Turnout
CITY				
Avondale				
0016 ALVARADO	1,883	377	377	20.02%
0037 AVONDALE	2,157	396	396	18.36%
0121 COLDWATER RIDGE	3,761	823	823	21.88%
0158 CRYSTAL GARDENS	5,269	1,361	1361	25.83%
0188 DESSIE	3,069	513	513	16.72%
0189 DEVONSHIRE	5,315	1,665	1665	31.33%
0282 HADLEY	2,209	464	464	21.00%
0350 LA REATA	2,075	669	669	32.24%
0465 ORME	4,523	1,149	1149	25.40%
0474 PALMBROOK	4,196	1,169	1169	27.86%
0574 SANTA FE	2,260	703	703	31.11%
0707 WARNER	4,506	782	782	17.35%
Avondale - Total	41,223	10,071	10,071	24.43%
CITY - Total	41,223	10,071	10,071	24.43%

Avondale-Mayor (Vote for 1) **** - Insufficient Turnout to Protect Voter Privacy

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes	WEISE, KENNETH (NON)		Write-in		Total Votes	Unresolved Write-In
CITY										
Avondale										
0016 ALVARADO	377	1,883	56	0	317	98.75%	4	1.25%	321	4
0037 AVONDALE	396	2,157	42	0	347	98.02%	7	1.98%	354	7
0121 COLDWATER RIDGE	823	3,761	67	0	742	98.15%	14	1.85%	756	14
0158 CRYSTAL GARDENS	1,361	5,269	169	0	1,179	98.91%	13	1.09%	1,192	13
0188 DESSIE	513	3,069	52	0	452	98.05%	9	1.95%	461	9
0189 DEVONSHIRE	1,665	5,315	209	0	1,446	99.31%	10	0.69%	1,456	10
0282 HADLEY	464	2,209	36	0	423	98.83%	5	1.17%	428	5
0350 LA REATA	669	2,075	82	1	582	99.32%	4	0.68%	586	4
0465 ORME	1,149	4,523	113	0	1,021	98.55%	15	1.45%	1,036	15
0474 PALMBROOK	1,169	4,196	145	0	1,013	98.93%	11	1.07%	1,024	11
0574 SANTA FE	703	2,260	65	0	627	98.28%	11	1.72%	638	11
0707 WARNER	782	4,506	80	0	692	98.58%	10	1.42%	702	10
Avondale - Total	10,071	41,223	1,116	1	8,841	98.74%	113	1.26%	8,954	113
CITY - Total	10,071	41,223	1,116	1	8,841	98.74%	113	1.26%	8,954	113

Avondale-Councilmember (Vote for 3) **** - Insufficient Turnout to Protect Voter Privacy

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes	DENNIS, PAT (NON)		MALONE, VERONICA (NON)		PINEDA, MIKE (NON)		Write-in		Total Votes	Unresolved Write-In
CITY														
Avondale														
0016 ALVARADO	377	1,883	375	0	235	31.08%	253	33.47%	264	34.92%	4	0.53%	756	4
0037 AVONDALE	396	2,157	375	0	243	29.89%	291	35.79%	275	33.83%	4	0.49%	813	4
0121 COLDWATER RIDGE	823	3,761	782	0	500	29.64%	602	35.68%	576	34.14%	9	0.53%	1,687	9
0158 CRYSTAL GARDENS	1,361	5,269	1,322	0	839	30.39%	971	35.17%	939	34.01%	12	0.43%	2,761	12
0188 DESSIE	513	3,069	513	0	286	27.88%	366	35.67%	369	35.96%	5	0.49%	1,026	5
0189 DEVONSHIRE	1,665	5,315	1,552	0	1,091	31.69%	1,191	34.59%	1,157	33.60%	4	0.12%	3,443	4
0282 HADLEY	464	2,209	475	0	261	28.46%	329	35.88%	320	34.90%	7	0.76%	917	7
0350 LA REATA	669	2,075	685	0	424	32.07%	461	34.87%	424	32.07%	13	0.98%	1,322	13
0465 ORME	1,149	4,523	1,065	0	713	29.93%	814	34.17%	835	35.05%	20	0.84%	2,382	20
0474 PALMBROOK	1,169	4,196	1,177	0	714	30.64%	813	34.89%	782	33.56%	21	0.90%	2,330	21
0574 SANTA FE	703	2,260	658	0	454	31.29%	505	34.80%	481	33.15%	11	0.76%	1,451	11
0707 WARNER	782	4,506	806	0	447	29.03%	556	36.10%	535	34.74%	2	0.13%	1,540	2
Avondale - Total	10,071	41,223	9,785	0	6,207	30.38%	7,152	35.01%	6,957	34.06%	112	0.55%	20,428	112
CITY - Total	10,071	41,223	9,785	0	6,207	30.38%	7,152	35.01%	6,957	34.06%	112	0.55%	20,428	112

Avondale-PROPOSITION 431 (Vote for 1) **** - Insufficient Turnout to Protect Voter Privacy

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes	YES (NON)		NO (NON)		Total Votes	Unresolved Write-In
CITY										
Avondale										
0016 ALVARADO	377	1,883	43	0	300	89.82%	34	10.18%	334	0
0037 AVONDALE	396	2,157	56	0	286	84.12%	54	15.88%	340	0
0121 COLDWATER RIDGE	823	3,761	56	0	692	90.22%	75	9.78%	767	0
0158 CRYSTAL GARDENS	1,361	5,269	149	1	1,104	91.16%	107	8.84%	1,211	0
0188 DESSIE	513	3,069	45	0	403	86.11%	65	13.89%	468	0
0189 DEVONSHIRE	1,665	5,315	154	0	1,336	88.42%	175	11.58%	1,511	0
0282 HADLEY	464	2,209	47	0	382	91.61%	35	8.39%	417	0
0350 LA REATA	669	2,075	83	0	512	87.37%	74	12.63%	586	0
0465 ORME	1,149	4,523	93	0	938	88.83%	118	11.17%	1,056	0
0474 PALMBROOK	1,169	4,196	125	0	927	88.79%	117	11.21%	1,044	0
0574 SANTA FE	703	2,260	66	0	576	90.42%	61	9.58%	637	0
0707 WARNER	782	4,506	92	0	576	83.48%	114	16.52%	690	0
Avondale - Total	10,071	41,223	1,009	1	8,032	88.64%	1,029	11.36%	9,061	0
CITY - Total	10,071	41,223	1,009	1	8,032	88.64%	1,029	11.36%	9,061	0

EXHIBIT B
TO
RESOLUTION 1057-0820

[Early Voting Rejections and Provisional Totals by Precinct]

See following pages.



Precinct/CPC Number	Precinct/CPC Name	Reason	Number Rejected
AV	AVONDALE	Bad Signature	5
		Returned Late	58
		No Signature	45
		Bad Signature Total	5
		No Signature Total	45
		Total Rejected	50
		Returned Late Total	58
		Total Rejected + Late	108



PRECINCT #0016

Counted	Reason Code	Description	Count
Yes			
	A7	ID ADDRESS DOESN'T MATCH SIGNATURE ROSTER	2
Total Yes			2
PRECINCT #0016 TOTAL			2

PRECINCT #0121

Counted	Reason Code	Description	Count
Yes			
	A7	ID ADDRESS DOESN'T MATCH SIGNATURE ROSTER	1
Total Yes			1
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	1
Total No			1
PRECINCT #0121 TOTAL			2

PRECINCT #0189

Counted	Reason Code	Description	Count
Yes			
	A1	NEW RESIDENT BALLOT VERIFIED AND ADDRESS UPDATED	1
	A7	ID ADDRESS DOESN'T MATCH SIGNATURE ROSTER	1
Total Yes			2
No			
	B17	CONDITIONAL PROVISIONAL - SUFFICIENT ID NOT PROVIDED BY DEADLINE	1
Total No			1
PRECINCT #0189 TOTAL			3

PRECINCT #0282

Counted	Reason Code	Description	Count
Yes			
	A4	HARASSMENT CODED VOTER	1
Total Yes			1
PRECINCT #0282 TOTAL			1



PRECINCT #0465

Counted	Reason Code	Description	Count
Yes			
	A1	NEW RESIDENT BALLOT VERIFIED AND ADDRESS UPDATED	1
Total Yes			1
PRECINCT #0465 TOTAL			1

PRECINCT #0474

Counted	Reason Code	Description	Count
Yes			
	A7	ID ADDRESS DOESN'T MATCH SIGNATURE ROSTER	1
Total Yes			1
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	1
Total No			1
PRECINCT #0474 TOTAL			2

PRECINCT #0574

Counted	Reason Code	Description	Count
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	1
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
	B13	YOUR EARLY BALLOT WAS SENT. RETURNED AND COUNTED	2
Total No			4
PRECINCT #0574 TOTAL			4

PRECINCT #0707

Counted	Reason Code	Description	Count
No			
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
Total No			1
PRECINCT #0707 TOTAL			1



SUMMARY - ALL PRECINCTS

Counted	Reason Code	Description	Count
Yes			
	A1	NEW RESIDENT BALLOT VERIFIED AND ADDRESS UPDATED	2
	A4	HARASSMENT CODED VOTER	1
	A7	ID ADDRESS DOESN'T MATCH SIGNATURE ROSTER	5
Total Yes			8
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	3
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	2
	B13	YOUR EARLY BALLOT WAS SENT. RETURNED AND COUNTED	2
	B17	CONDITIONAL PROVISIONAL - SUFFICIENT ID NOT PROVIDED BY DEADLINE	1
Total No			8
Cumulative Total:			16

CITY COUNCIL REPORT

SUBJECT: Resolution 1058-0820 – Intergovernmental Agreement for Participating in the Arizona Child Abduction Response Team.

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Dale Nannenga, Chief of Police (623) 333-7203

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1057-0820 authorizing the Avondale Police Department's participation in an Intergovernmental Agreement for Participating in the Arizona Child Abduction Response Team (AZCART) and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The purpose of this Agreement is to maintain an Arizona Child Abduction Response Team (AZCART). The primary goal of the Arizona Child Abduction Response Team is to provide a pool of specialized investigators, who are available to focus dedicated and intensive investigative, preventative, and general law enforcement efforts, primarily concerning cases involving abducted or at-risk missing children. The Avondale Police Department joined (AZCART) October 15, 2012 and receives an average of 6 requests a year for assistance.

DISCUSSION:

AZCART and other Arizona law enforcement agencies may request and render law enforcement assistance to/from other AZCART agencies when dealing with serious violations of law. The assistance includes such investigations as the investigation, arrest, and prosecution of those involved in criminal child kidnapping, abduction, false imprisonment, and similar or related violations (utilizing state and federal law and prosecutions, as appropriate); The rescue of the abducted child or children; and the seizure and forfeiture of assets of those engaged in child abduction or otherwise supporting such activity, utilizing applicable state and federal forfeiture laws, as may be appropriate).

The Avondale Police Department currently has 12 employees throughout the department that have been trained and are members of the Arizona Child Abduction Response Team. This request is to renew the 10-year IGA with (AZCART) as it will remain in effect until June 30, 2030.

BUDGET IMPACT:

All costs associated with an AZCART response are paid for with budgeted money for salary or overtime. The twelve trained staff members are integrated across the department and each staff members use budgeted money from their respective cost centers. No additional money is being requested or needed.

RECOMMENDATION:

Staff recommends that the City Council approve a resolution authorizing the Avondale Police Department's participation in the Intergovernmental Agreement for Participating in the Arizona Child Abduction Response Team (AZCART).

RESOLUTION NO. 1058-0820

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT AMONG MULTIPLE AGENCIES RELATING TO THE CREATION AND PARTICIPATION IN THE ARIZONA CHILD ABDUCTION RESPONSE TEAM.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The Intergovernmental Agreement among multiple agencies relating to the creation and participation in the Arizona Child Abduction Response Team (the “Agreement”) is hereby approved substantially in the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1058-0820

[Agreement]

See following pages.

1 **INTERGOVERNMENTAL AGREEMENT**
2 **FOR PARTICIPATION IN THE ARIZONA CHILD ABDUCTION RESPONSE TEAM**
3

4 This Agreement is entered into pursuant to A.R.S. §§11-951, *et seq.*, and A.R.S. §13-3872 by
5 and among any and all Cities, Towns Agencies and other entities that have signed, recorded and
6 entered into this agreement.
7

8 The aforementioned entities shall hereinafter be known collectively as the Arizona Child
9 Abduction Response Team (AZCART). Any other public agencies, as that term is defined in
10 A.R.S. § 11-951, which after invitation by AZCART, comply with the provisions of A.R.S.
11 §§11-951 *et seq.* and subsequently signs this Agreement shall become Parties to this Agreement.
12 As new agencies are invited and agree to sign this agreement, AZCART will be sure to update
13 and distribute its list of member agencies. Each AZCART agency shall provide a copy of its
14 fully executed agreement to every other member agency. In addition to the above, all subsequent
15 parties to this Agreement will be included in any collective reference to and will also be
16 collectively known as, or referred to as, one of the "Parties" hereto.
17

18 **I. PURPOSE AND INTENT OF AGREEMENT**
19

20 The purpose of this Agreement is to create an Arizona Child Abduction Response Team
21 (AZCART). The primary goal of the Arizona Child Abduction Response Team is to provide a
22 pool of specialized investigators, who are available to focus dedicated and intensive
23 investigative, preventative, and general law enforcement efforts, primarily concerning cases
24 involving abducted or at-risk missing children. AZCART and other Arizona law enforcement
25 agencies may request and render law enforcement assistance to/from other AZCART agencies in
26 dealing with serious violations of law including, but not limited to: the investigation, arrest, and
27 prosecution of those involved in criminal child kidnapping, abduction, false imprisonment, and
28 similar or related violations (utilizing state and federal law and prosecutions, as appropriate); the
29 rescue of the abducted child or children; and the seizure and forfeiture of assets of those engaged
30 in child abduction or otherwise supporting such activity, utilizing applicable state and federal
31 forfeiture laws, as may be appropriate).
32

33 Additionally, the location of each Party's jurisdiction in relation to each other makes it
34 advantageous to enter into this Agreement, in order to receive and extend mutual aid in the form
35 of law enforcement services and resources, to respond to continuing, multi-jurisdictional
36 criminal activity such as that described above.
37

38 **II. AUTHORITY TO ENTER INTO THIS AGREEMENT**
39

40 A. The Parties are authorized and empowered to enter into this Agreement pursuant to A.R.S.
41 §§11-951 *et seq.*, A.R.S. §13-3872 and the respective provisions of their City Charters, Tribal
42 Constitution, or other governing statute or authority.
43

If any Native American community requests AZCART assistance, consideration should be given for granting all assisting AZCART team members tribal peace officer authority for the duration of the AZCART activation within the applicable tribal jurisdiction if and when required.

III. CART ACTIVATION, PROCEDURES AND RESOURCES

A. Any Party to the Agreement or authorized representative of any Arizona law enforcement agency may request activation of AZCART. An activation can include but is not limited to: a Limited Team (Hasty Team) call out for the purposes of consulting with the primary jurisdiction or a branch-only call out for conducting a specific task, a Technical Team call out for cell tower analysis, foreign language translation, dedicated forensic interviews, specialized equipment, etc., or a Full Team call out for neighborhood and roadside canvassing, criminal investigation assistance, lead management assistance, area searches, crime scene management assistance, intelligence gathering, etc..

It shall be the responsibility of the Party or authorized representative requesting activation to contact the designated Google Voice number of 480-442-2784 to be put in touch with the AZCART State Coordinator or designee for vetting of the request for activation.

The criteria for an AZCART activation include one or more of the following: a confirmed or suspected non-family child abduction, a confirmed or suspected family or non-custodial parent abduction with endangerment circumstances, and/or any other at-risk missing child investigation requiring immediate response in order to protect the life or well-being of a child as determined by the AZCART State Coordinator or designee.

Endangerment circumstances are defined as: when a child's life or well-being is perceived to be at risk due to violence or health conditions and/or if the abducting party has the potential for violence or is expected to otherwise endanger the child. At-risk factors can include but are not limited to: child is deemed special needs due to a medical diagnosis or diagnosed behavioral condition, child has a life-threatening health condition, child is medicine/drug dependent, child is 13 years of age or younger therefore at risk of exploitation, signs are present consistent with sexual exploitation, or child is absent in a way inconsistent with established patterns of behavior without explanation, etc.

B. The Agency that has legal jurisdiction over the incident or investigation will remain as the lead agency during the duration of a particular AZCART activation with support from AZCART agencies.

C. One lead AZCART State Coordinating Agency led by a AZCART State Coordinator as well as two branch (Northern and Southern) coordinating agencies each led by a AZCART Branch Coordinator will be selected by the AZCART Steering Committee members subject to final approval of chief law enforcement officers (chiefs) of the AZCART agencies selected on a rotating basis for a term of at least one year, which shall correspond with the effective date of the Agreement. The individual State or applicable Branch Coordinator will be selected by that coordinating agency. In the event that a State or Branch AZCART Coordinator is unable to

complete his or her term due to retirement, resignation from his or her agency, change in primary assignment, promotion, or for any other reason, the coordinating agency should name a replacement coordinator from within their agency to fulfil the remainder of the year term.

D. The AZCART State Coordinating Agency will have primary responsibility over maintaining U.S. Department of Justice certification, compliance, and reporting, as well as maintaining IGA compliance within Arizona. The State Coordinating Agency will handle primary vetting of AZCART activation requests to ensure criteria have been adequately met. The State Coordinating Agency will have primary responsibility for AZCART activations in Maricopa, Yuma, Pinal, La Paz, Gila, Graham and Greenlee Counties. The AZCART State Coordinating Agency will provide oversight and support to any Northern or Southern AZCART Branch activation. The AZCART Northern Branch Coordinating Agency falls under the responsibility and oversight of the State Coordinating Agency and will have primary responsibility over coordinating the response for AZCART activations in Mohave, Coconino, Yavapai, Navajo and Apache Counties. The AZCART Southern Branch Coordinating Agency falls under the responsibility and oversight of the State Coordinating Agency and will have primary responsibility over the response for AZCART activations in Pima, Santa Cruz and Cochise Counties.

E. The AZCART State and Branch Coordinators or designees will be responsible for coordinating on-going training, meetings or other necessary supporting functions in support of the operational effectiveness of AZCART. The AZCART State Coordinator shall be responsible for mediating any jurisdictional or AZCART activation disputes between the Parties during an AZCART activation. In the event such mediation fails, the issue shall be brought to the attention of the applicable AZCART Chiefs and/or Sheriffs or their designees for appropriate resolution.

F. Each Party shall, to the best of its ability, designate at least one sworn law enforcement officer available along with supporting equipment such as vehicles in support of any AZCART activation. Each Party shall designate a primary AZCART member to participate in activations, meetings, trainings, etc. Each Party shall immediately inform other AZCART agencies when such designations change. In the event a primary CART member is not available or as the situation dictates, an AZCART agency may provide officers not normally designated as AZCART members in support of an AZCART activation.

G. Each Party shall have the sole discretion to determine how many and/or how long any of its personnel or resources shall be assigned in support of an AZCART activation.

H. Each Party shall have the ability to have representation on the AZCART Steering Committee. The AZCART Steering Committee shall be run by the current State Coordinating Agency and is responsible for meeting quarterly either in person or virtually at the discretion of the State Coordinating Agency. AZCART Steering Committee meetings shall serve the purpose of discussing AZCART related matters, soliciting feedback on current and past AZCART activations, preparing quarterly training for AZCART membership as well as soliciting and selecting suitable agencies for rotation as State or Branch Coordinating Agencies. In the event multiple agencies desire to be the State or Branch Coordinating Agency a majority vote of the

AZCART Steering Committee at the designated 4th quarterly meeting shall make the determination with the vote of the current AZCART State Agency acting as a tiebreaker if needed. In the event not all replacement coordinating agencies are identified by the 4th quarterly meeting, the current State or Branch Coordinating Agency will have the option of remaining in place on a month-to-month basis until a replacement agency is found. If a Branch Coordinating Agency cannot be determined, then those activation responsibilities will fall back under the State Coordinating Agency until a replacement is found.

IV. COSTS AND ANY REIMBURSEMENT

The Parties will be responsible for any and all associated costs accrued in implementing this Agreement that are incurred by their respective agencies, to include, but are not limited to, employee salary, shift differential pay, overtime compensation, benefits, vehicles, equipment, etc. If any Party receives grant funds designated for the Arizona Child Abduction Response Team, some or all of these expenses may be reimbursed to the Parties. In no event shall any Party charge other Parties for any administrative fees for any work performed pursuant to this Agreement.

V. NON-DISCRIMINATION

The Parties to this Agreement shall comply with all applicable provisions of state and federal non-discrimination laws and regulations including, but not limited to, that all persons, regardless of race, color, religion, sex, age, marital status, sexual orientation,, gender identification or expression, genetic characteristics, familial status, national origin or political affiliation, U.S. military veteran status or disability, shall have equal access to employment opportunities and all other federal and state employment and educational opportunity laws, rules and regulations, including the Americans with Disabilities Act; provided however, an Indian Community is subject to 25 U.S.C. § 450e(c). No Party shall engage in any form of illegal discrimination.

VI. INDEMNIFICATION

Each Party agrees that it will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost or judgement made against that party to the extent arising from any negligent, reckless or intentional act or omission by any of that party's employees, agents, or servants in connection with work or responsibilities performed pursuant to this Agreement.

To the extent permitted by law, each Party does hereby covenants and agrees, to the extent permitted by law, to indemnify, defend, and hold harmless the other Party, their elected officials, appointees, officers, employees, contractees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature relating to this Agreement which, are the result of any act or omission of the Party, its officers, employees, contractees, agents, and anyone acting under its direction or control, whether intentional or negligent, in connection with or incident to this Agreement. Failure of a Party to

comply with the terms of this Agreement shall not provide the basis of any third-party action against any of the Parties.

VII. DISPUTES/GOVERNING LAW JURISDICTION/VENUE

All parties to this Agreement shall make every effort to resolve conflicts with the parties involved. If settlement is not obtained, then parties may submit a grievance to litigation. The laws of the State of Arizona shall govern this Agreement. If a dispute arises under this agreement, which cannot be resolved by the Parties, it shall be resolved by litigation. Jurisdiction will be in the State of Arizona. venue will be in the Maricopa County Superior Court, unless the subject matter of the dispute involves an Indian Community, then venue shall be in the Federal District Court for the State of Arizona. In the event of any litigation or arbitration arising out of this Agreement, the substantially prevailing Party in such litigation or arbitration shall be entitled to recover its reasonable attorney's fees, expert witness fees and other reasonable costs of litigation.

VIII. DURATION AND CANCELLATION OF AGREEMENT

A. This Agreement shall become effective upon execution by the Parties hereto and filing with the appropriate County Recorder and shall remain in effect until June 30, 2030, unless otherwise terminated by the terms of this Agreement or operation of law. Failure by one or more Parties to execute the Agreement shall not invalidate the Agreement as to those Parties who did so. Any Party may withdraw from this Agreement with or without cause by giving thirty calendar days' written notice to the other Parties to the Agreement.

B. This Agreement may be administratively extended by each Party at the direction of the applicable legislative body with the recommendation of the chief law enforcement officer for each Party on or before the Termination date for a period of an additional five years by notifying the other Parties in writing. Any Party which fails to do so by the termination date listed above shall no longer be a Party to the Agreement.

IX. CANCELLATION PROVISIONS PURSUANT TO A.R.S §38-511

The Parties reserve all rights that each may have to cancel this Agreement for possible conflicts of interest under A.R.S. § 38-511, as amended.

X. MULTIPLE COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Neither a signature for every Party nor a signature line shall be required in each counterpart except that on a counterpart being brought forward by a Party to its legislative body or equivalent for approval, that particular counterpart shall have to be signed and executed in accordance with that Party's practice. The signature pages from one or more counterparts may be removed from such

counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

XI. WORKER'S COMPENSATION

Pursuant to A.R.S. §23-1022(D), for the purposes of worker's compensation coverage, an employee of a public agency, as defined in section 11-951, who works under the jurisdiction or control of or within the jurisdictional boundaries of another public agency pursuant to a specific intergovernmental agreement or contract entered into between the public agencies as provided in section 11-952, is deemed to be an employee of both public agencies for the purposes of this section. The primary employer shall be solely liable for the payment of workers' compensation benefits for the purposes of this section.

XII. OTHER PROVISIONS

A. In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect the validity or enforceability of any other provision hereof.

B. This Agreement contains the entire understanding between the Parties with respect to the subjects hereof and supersedes all prior negotiations and agreements. This Agreement may be amended only by an instrument in writing and signed by all the participating Parties. The waiver of any breach of this Agreement shall not be deemed to amend this Agreement and shall not constitute waiver of any other subsequent breach. Headings are for convenience and shall not affect interpretation.

C. This Agreement shall be recorded with the appropriate County Recorder as described above upon its execution and a copy shall be forwarded to each Party.

D. Nothing within this Agreement shall be construed to limit the ability of participating Arizona Child Abduction Response Team members to individually and outside of this Agreement, or as otherwise allowed for by law, provide, such assistance in any enforcement action as may be lawfully requested by a law enforcement officer having jurisdiction over an incident, crime or matter under consideration.

XIII. COMPLIANCE WITH E-VERIFY PROGRAM

A. To the extent provisions of A.R.S. §41-4401 are applicable, all Parties warrant to each Party that they will comply with all Federal Immigration laws and regulations that relate to their employees and that each now complies with the E-Verify Program under A.R.S. §23-214(A).

B. A breach of this warranty will be considered a material breach of this Agreement and may subject the breaching party to penalties up to and including termination of this Agreement.

C. All of the Parties retain the legal right to inspect the papers of any employee who works pursuant to this Agreement or any related subcontract to ensure compliance with the warranty given above.

D. Any Party may conduct a random verification of the employment records of any other Party to ensure compliance with this warranty.

E. A Party will not be considered in material breach of this Agreement if it establishes that it has complied with the employment verification provisions prescribed by 8 USCA §1324(a) and (b) of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A).

F. The provisions of this Article must be included in any contract either Party enters into with any and all of its contractors or subcontractors who provide services under this Agreement.

XIV. NOTICES

Any notice required to be given under this Agreement will be provided to all Parties to this Agreement. Each party to this agreement shall receive notice to the Chief of Police and to City or Town Attorneys for that jurisdiction.

IN WITNESS WHEREOF, the Party named below has executed this Agreement on

_____.

(Insert City, County, Town, Tribal Name)

By:_____

(Insert Executive's Name)

(Insert Title)

ATTEST:

(Insert Official Clerk's Name)

(Insert Title)

APPROVED AS TO FORM:

312 (Insert Reviewing Attorney's Name)

313 (Insert Title)

314

315

316 Reviewed By: _____
317 (Insert Chief Law Enforcement Figure's Name)

318 (Insert Title)

319

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. §11-952, this Agreement has been reviewed by the undersigned who determined that this Agreement is in appropriate form and is within the powers and authority of the respective parties.

(Insert City, County, Town, Tribal Name)

By: _____

(Insert Reviewing Attorney's Name)

(Insert Title)

Date: _____

CITY COUNCIL REPORT

SUBJECT: Resolutions 1059-0820 and 1060-0820 - Agreements Pertaining to the Gila River General Stream Adjudication

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Cindy Blackmore, Public Works Director, (623) 333-4410

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt: (a) Resolution 1059-0820 authorizing the First Amendment to the Intergovernmental Agreement with the Cities of Glendale, Mesa, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication; (b) adopt Resolution 1060-0820 authorizing a Legal Services Contract With Engelman-Berger for continued representation in the Gila River Stream General Adjudication; and (c) authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Gila River General Stream Adjudication is an extremely important legal case that will determine surface water rights that may impact the Cities in the Gila River watershed. As these adjudications can be complicated and lengthy, partnering allows impacted cities to maximize their effectiveness and minimize their costs.

On July 1, 2019 the cities of Chandler, Glendale, Mesa, and Scottsdale entered into an Intergovernmental Agreement for joint legal representation in the Gila River General Stream Adjudication. The five original partner Cities first contracted with Engelman Berger, P.C. in August of 2006. These adjudication proceeding take a number of years to complete, however we are seeing an uptick in the activity as a new special master (judge) has been assigned and is now moving things along. We do not have an estimated end date for the adjudication at this time.

DISCUSSION:

The purpose of this Agreement is to identify and define the responsibilities of the parties relating to joint funding for the outside legal counsel to represent the Cities in the proceedings known as the Gila River General Stream Adjudication and the Little Colorado River General Stream Adjudication, and proceedings involving the Public Trust Doctrine and Arizona streams.

This City of Chandler has withdrawn from the original agreement. The remaining cities wish to continue with the Intergovernmental Agreement and associated contract for legal services as amended without the City of Chandler. This first amendment to the Intergovernmental Agreement removes the City of Chandler and reflects the updated cost sharing structure between the remaining four cities. This new cost sharing structure will not increase the cost to the City of Avondale. The second resolution authorizes a new Legal Services Contract with Engelman Berger, P.C. for joint representation associated with this adjudication effort.

BUDGET IMPACT:

Costs associated with the underlying legal agreement associated with this Intergovernmental Agreement are budgeted and available in the City Attorney, line item 101-5140-00-6060, Attorney Fees and is subject to annual budget authority.

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution authorizing the First Amendment to the Intergovernmental Agreement with the Cities of Glendale, Mesa, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication; adopt a Resolution authorizing a Legal Services Contract With Engelman Berger, P.C. for continued representation in the Gila River Stream General Adjudication; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

RESOLUTION NO. 1059-0820

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITIES OF GLENDALE, MESA, AND SCOTTSDALE RELATING TO JOINT LEGAL REPRESENTATION IN THE GILA RIVER GENERAL STREAM ADJUDICATION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The First Amendment to the 2019 Intergovernmental Agreement with the Cities of Glendale, Mesa, and Scottsdale relating to joint legal representation in the Gila River General Stream Adjudication (the “Amendment”) is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Amendment and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1059-0820

[Amendment]

See following pages.

**FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT**

**AMONG THE CITIES OF AVONDALE, GLENDALE, MESA AND
SCOTTSDALE RELATING TO JOINT LEGAL REPRESENTATION IN THE
GILA RIVER GENERAL STREAM ADJUDICATION**

This First Amendment ("First Amendment") to the Intergovernmental Agreement among the cities of Avondale, Chandler, Glendale, Mesa and Scottsdale with an Effective Date of July 1, 2019 ("Original Agreement") is entered into to be effective July 1, 2020, among the cities of Avondale, Glendale, Mesa and Scottsdale (hereinafter the "Cities").

WHEREAS, the City of Chandler has withdrawn from the Original Agreement; and

WHEREAS, joint projects among the Cities allow the Cities to maximize their effectiveness and minimize their costs; and

WHEREAS, the Gila River General Stream Adjudication is an extremely important legal case that will adjudicate the surface water rights of the Cities in the Gila River watershed; and

WHEREAS, the Cities wish to enter into a Contract for Legal Services as defined below effective as of July 1, 2020.

NOW, THEREFORE, in consideration of the terms and conditions of this First Amendment, the Cities agree as follows:

1. The foregoing Recitals are true and correct and incorporated herein by this reference.
2. The purpose of this First Amendment is to identify and define the responsibilities of the parties relating to joint funding for the outside legal counsel to represent the Cities in the proceedings known as the Gila River General Stream Adjudication and the Little Colorado River General Stream Adjudication (collectively, "the Adjudications"), any related special action proceedings, and proceedings involving the Public Trust Doctrine and Arizona streams. In addition, this First Amendment authorizes joint funding for outside experts to assist the Cities, if necessary, in responding to any Adjudication activities related to the resolution of the claims for

the Gila River Indian Community and to address other issues in the Adjudications as needed.

3. The Cities desire to continue with the Contract for Legal Services as amended without the City of Chandler.

4. Subject to the terms of this First Amendment, and the Contract for Legal Services (as defined below) as amended, the Cities agree to share equally in the costs of joint legal representation by outside legal counsel and experts, for the period beginning July 1, 2020, which share currently is as follows:

CITY	LEGAL FEE %	EXPERT FEE %
Avondale	25%	25%
Glendale	25%	25%
Mesa	25%	25%
Scottsdale	25%	25%
Totals:	100.0000%	100.0000%

5. Pursuant to the contract among the Cities and the law firm of Engelman Berger, P.C. ("Contract for Legal Services"), each of the Cities shall directly pay outside legal counsel its share of the total cost of joint representation and experts in response to monthly bills from outside counsel.

6. Subject to the Contract for Legal Services and subject to the provisions of the Supreme Court's Rules of Professional Responsibility for Attorneys, each of the Cities agrees to cooperate in good faith with the other Cities in an effort to make the joint representation a success.

7. The Original Agreement as amended by this First Amendment may be canceled pursuant to A. R. S. § 38-511.

8. This First Amendment shall become effective upon approval and execution by the authorized representative of each of the Cities.

9. The term of the Original Agreement as amended by this First Amendment shall be until a final decree is entered adjudicating all the Cities' water rights in *In Re: The General Adjudication of All Rights to Use Water In the Gila River System and Source* (Nos. W-1, W-2, W-3 and W-4 Consolidated). The Original Agreement as amended by this First Amendment may be terminated upon the unanimous written consent of all of the Cities subject to the requirements and obligations of the Contract for Legal Services.

10. Any property, tangible, intangible, personal, real or mixed which may be acquired under the terms of the Original Agreement as amended by this First Amendment will, upon partial or complete termination of the Original Agreement as amended by this First Amendment, be disposed

of in equal pro-rata shares among the Cities.

11. The provisions of the Original Agreement as amended by this First Amendment are severable. If any portion or portions of the Original Agreement as amended by this First Amendment are declared to be unlawful or void in a final court of competent jurisdiction, the remaining portion or portions of the Original Agreement which survive any such determination shall remain valid and enforceable according to their terms.

12. All provisions of the Original Agreement shall remain in full force and effect except as amended by this First Amendment.

13. This First Amendment may be executed in counterparts, each of which may contain fewer than all signatures but all of which, together, shall constitute a single instrument.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to be effective as of the date first written above.

ENGELMAN BERGER, P.C.

By: 
William H. Anger
Title: Partner/Shareholder

[city signatures on following pages]

ATTEST:

CITY OF AVONDALE

City Clerk

By: _____

Its: _____

DETERMINATION OF LEGAL COUNSEL

The foregoing First Amendment has been reviewed by the undersigned attorney who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona to the respective public entities he or she represents.

Date

City Attorney

ATTEST:

CITY OF GLENDALE

City Clerk

By: _____

Its: _____

DETERMINATION OF LEGAL COUNSEL

The foregoing First Amendment has been reviewed by the undersigned attorney who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona to the respective public entities he or she represents.

Date

Michael Bailey
Glendale City Attorney

ATTEST:

CITY OF MESA

City Clerk

By: _____

Its: _____

DETERMINATION OF LEGAL COUNSEL

The foregoing First Amendment has been reviewed by the undersigned attorney who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona to the respective public entities he or she represents.

Date

Jim Smith
Mesa City Attorney

ATTEST:

CITY OF SCOTTSDALE

City Clerk

By: _____

Its: _____

DETERMINATION OF LEGAL COUNSEL

The foregoing First Amendment has been reviewed by the undersigned attorney who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona to the respective public entities he or she represents.

Date

Sherry R. Scott
Scottsdale City Attorney

RESOLUTION NO. 1060-0820

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING A CONTRACT FOR LEGAL SERVICES AMONG THE CITIES OF GLENDALE, MESA, AND SCOTTSDALE AND ENGELMAN BERGER, P.C. PROVIDING TO JOINT LEGAL REPRESENTATION IN THE GILA RIVER GENERAL STREAM ADJUDICATION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The Contract for Legal Services among the Cities of Avondale, Glendale, Mesa, and Scottsdale providing joint representation in the Gila River General Stream Adjudication (the "Agreement") is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1060-0820

[Agreement]

See following pages.

CONTRACT FOR LEGAL SERVICES

This CONTRACT FOR LEGAL SERVICES (the “Contract”) is entered into and is effective as of the 1st day of July, 2020 (“Effective Date”) by and between the CITY OF AVONDALE, an Arizona municipal corporation (the “City”), and the law firm of ENGELMAN BERGER, P.C. (“Counsel”).

AGREEMENT

NOW, THEREFORE, in consideration of the mutual agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Counsel hereby agree as follows:

1. **Scope of Services.** Counsel agrees to represent City in the action known as The Gila River General Stream Adjudication and related matters and litigation (the “Adjudication”) in accordance with the terms of this Contract and direction provided by the City to serve as its chief legal counsel in the Adjudication.

1.1 Counsel agrees to perform legal services specified in this Contract and as identified in any litigation plan adopted by the cities who are parties to the an Intergovernmental Agreement Relating To Joint Legal Representation In The Gila River General Stream Adjudication effective July 1, 2020, as amended (collectively, the “IGA”). The City Attorney for the City (“City Attorney”) agrees to collectively direct and manage Counsel’s activities with other city attorneys employed or retained by the cities who are parties to the IGA (each, an “IGA City”, or collectively, the “IGA Cities”). City Attorney will further ensure that Counsel’s activities are under and in accordance with the terms of this Contract; provided that Counsel shall not be required to perform additional legal services under this Contract if the combined amount of legal services and costs has reached the maximum limit as provided in paragraph 3 of this Contract.

1.2 Counsel agrees to represent City in any hearings relating to interlocutory issues identified by the Arizona Supreme Court as the subject of interlocutory appeals in the Adjudication (“Interlocutory Issues”). This representation shall include preparation of any and all briefs or other pleadings, presentation of any expert witnesses, cross-examination of other witnesses, and oral argument as specified by City.

1.3 Counsel agrees to represent City regarding issues which are appealed to the Arizona Supreme Court or the United States Supreme Court from the Adjudication or the Little Colorado River Adjudication. This representation shall include activities as directed by the City Attorney.

1.4 Counsel agrees to review City’s status as to the Statements of Claimant and the Adjudication, in order to determine issues of common concern with other IGA Cities, e.g., prior decrees, abandonment and forfeitures, federally reserved rights to groundwater, appurtenancy, agency, and other parties’ water rights, for the purpose of development of issues which the City Attorney will direct Counsel to address in the Adjudication.

1.5 Counsel agrees to review relevant portions of the Adjudication records, such as prior pleadings, court orders, transcripts and steering committee reports, which are relevant for

the purpose of development of issues which the City Attorney will direct Counsel to address in the Adjudication.

1.6 Counsel may assist City on any matters before the trial court and Special Master in the Adjudication and the Little Colorado River Adjudication.

1.7 Counsel may assist City on any matters before any court addressing the issue of the application of the public trust doctrine on Arizona streams including, but not limited to, Center for Biological Diversity v. Smith, (Maricopa County Superior Court Case No. CV 2002-000171).

1.8 Counsel agrees to assist City in developing a position on normal flow accounting issues and on severance, transfer, abandonment, and forfeiture issues. It is understood that these tasks will be undertaken in addition to work on the Interlocutory Issues pursuant to direction given by City.

1.9 During the term of this Contract, Counsel agrees to prepare any and all notices of appearance, statements of position and briefs, and to present oral argument which may be scheduled by the Arizona Supreme Court or the United States Supreme Court as to the Interlocutory Issues.

1.10 Should Counsel, the City Attorney and all other city attorneys employed or retained by the IGA Cities, determine that technical consultants are required to assist Counsel in its performance of this Contract, such technical consultants may be employed only with the express consent of the City Attorney, under such terms and conditions as the City Attorney may specify.

1.11 Subject to the activities contemplated in paragraph 11 of this Contract, Counsel shall meet with appropriate representatives of City as necessary to discuss and evaluate the water interests of City and to discuss and evaluate the status of City's water claims in this Adjudication.

1.12 City shall provide Counsel a summary of its claim filed in the Adjudication, a description of its water supply and demand, the amount of each component of its water supply (i.e., Kent Decree rights, CAP rights, groundwater pumping, effluent use, etc.), projections of future water supply and demand for City, and other information necessary to assist Counsel in its representation of City in the Adjudication.

1.13 When reasonably feasible, at least 10 calendar days prior to their due date, Counsel shall furnish City with draft copies of all motions or briefs to be filed on behalf of City that may be dispositive of a particular issue. If Counsel is unable to meet this 10 day deadline, Counsel shall promptly endeavor to make other arrangements satisfactory to City to address the strategy and major positions in the motion or brief to be filed on behalf of City.

1.14 Counsel will perform the services described in subparagraphs 1.6, 1.7, and 1.10 only upon the direction of the unanimous consensus of the city attorneys who are employed or retained by the IGA Cities.

2. **Term of Contract.** Unless terminated as provided below, the term of this Contract shall expire on June 30, 2021; provided this Contract may be renewed for additional one (1) year periods upon the approval of the City Attorney.

3. **Authorized Expenditures for Legal Services and Expenses.** City agrees to pay Counsel for services rendered hereunder according to the hourly rates and expenses set forth in Exhibit A hereto, with City paying an equal share with the other IGA Cities, which currently is 25% of the total cost for all attorneys' fees rendered under this Contract and 25% of the total cost for all expert fees. The total annual cost to City for all attorneys' fees rendered under this Contract, including all expenses of any description for services rendered, shall not exceed \$34,400, and except as set forth below, City shall not be liable under this Contract for any amount in excess of \$34,400 per year. The case budget for legal services and expenses will not include the costs of experts authorized pursuant to paragraph 6 below.

3.1 The hourly rates for Counsel will include word processing services, clerical overtime and all other overhead expenses of Counsel which will not be billed to City; provided that the expenses identified in Exhibit A will be separately itemized and billed to City.

3.2 Only one attorney for Counsel may bill for performing the same major task, such as attending the same deposition, meeting, or hearing, unless Counsel has received the prior approval of the City Attorney; provided, that, without the prior approval of the City Attorney, more than one attorney may bill for and assist in work related to research and preparation of pleadings and other documents prepared by Counsel. City and the other IGA Cities will appoint a contract manager, who may be the City Attorney and authorize such person to perform duties specified in this Contract.

4. **Payment for Service Billing Format.** Counsel shall prepare and distribute to City a monthly billing for services rendered under this Contract.

4.1 The monthly billing shall consist of one aggregate billing of all services furnished to City and other IGA Cities under this Contract, with expert services that are authorized pursuant to paragraph 6 identified separately from the other furnished services.

4.2 Counsel shall indicate clearly on each bill the allocated portion to be paid separately by City.

4.3 Counsel agrees to assess expert fees equally among all IGA Cities. The amount of expert fees for City shall not exceed \$4,000.

4.4 Within thirty (30) days of receipt of each monthly bill, City shall remit to Counsel its allocated portion of the aggregate monthly billing.

5. **Lead Attorney.** William H. Anger shall serve as Lead Attorney to City. Counsel shall not substitute another Lead Attorney to City and the other IGA Cities without the prior written consent of City and the other IGA Cities.

6. **Subcontracting/Assignment; Experts.** Services covered by this Contract shall not be assigned or subcontracted, in whole or in part, without the prior written notice and consent of

the City Attorney. Technical experts shall not be retained by Counsel at the expense of City without the prior written consent of the City Attorney. This Contract specifically contemplates that experts may be hired during the Contract term upon the unanimous written consent of all City Attorneys employed or retained by the other IGA Cities for purposes related to whether federal reserved rights exist for state trust lands, the resolution of Tribal or Indian Community claims, and any other issues in the Adjudication as needed. The total cost to City for such expert services shall not exceed \$4,000.00.

7. **Insurance.** Counsel shall secure and maintain, during the life of this Contract, a Certificate of Insurance evidencing that Counsel carries Errors and Omissions Professional Liability with limits no less than \$1,000,000. Insurance evidenced by this certificate shall not expire, be canceled, or be materially changed without 15 days' prior written notice to City.

8. **Independent Contractor.** The services provided by Counsel under this Contract are those of an independent contractor, not an employee.

9. **Termination Under A.R.S. § 38-511.** In accordance with A.R.S. § 38-511, City may cancel any contract or agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of City's departments or creating the Contract on behalf of City's departments or agencies is, at any time while the Contract or any extension of the Contract is in effect, an employee or any other party of the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter of this Contract. The cancellation shall be effective when written notice from City is received by all other parties to the Contract, unless the notice specifies a later time.

10. **Common Interests and Conflicts of Interest.** City acknowledges that Counsel is jointly representing City and other IGA Cities on matters stated in paragraph 1 of this Contract. To achieve economies of scale and to maximize the effectiveness of City in the Adjudication, City authorizes Counsel to seek strategies and positions in the Adjudication that advance the common interests of all IGA Cities. However, City also recognizes that from time to time issues may arise in the Adjudication concerning which City and other IGA Cities may have diverse, incompatible or conflicting interests.

10.1 Counsel will fully and timely inform and explain to City the factual and legal basis for each conflict of interest among the IGA Cities which Counsel perceives as a result of the performance of its duties under this Contract respecting issues raised in the Adjudication.

10.2 City will disclose to Counsel perceived or known conflicts of interest among the IGA Cities respecting issues raised in the Adjudication.

10.3 In the event the IGA Cities, with Counsel's assistance, are unable to resolve a conflict of interest among them, such conflicts shall be dealt with in accordance with the Supreme Court's Rules of Professional Conduct; provided, however, this Contract shall be construed to confer upon City and upon Counsel a direct obligation to negotiate in good faith in an attempt to resolve such concerns in order to allow Counsel to continue to represent the remaining IGA Cities in situations where the rules would require Counsel to cease representing City.

10.4 For convenience or cause other than a conflict of interest among the IGA Cities, City may withdraw from future obligations under this Contract upon written notice to Counsel. In such case, City will promptly pay Counsel for its proportional share of all legal services and expenses incurred up to the date of withdrawal. Upon request of City, Counsel shall provide City an electronic copy of Counsel's files unless no electronic version exists, then a hard copy provided that City has paid Counsel for the photocopy charges incurred in copying said file. In the event City's withdrawal raises issues regarding use by Counsel for the other IGA Cities of confidential or privileged information, such conflict will be dealt with in accordance with the Supreme Court's Rules of Professional Conduct; provided, City will negotiate in good faith with Counsel and the other IGA Cities in order to allow Counsel to continue to represent the other IGA Cities in situations where such Rules would require Counsel to cease representing one or more IGA Cities.

10.5 Counsel will notify City if one of the IGA Cities has withdrawn from the joint representation contemplated in this paragraph 10.

10.6 Given the large number of diverse and interested parties in the Adjudication, Counsel shall generally have the right to continue to represent or to undertake to represent existing or new clients in any matter consistent with the Supreme Court's Rules of Professional Conduct.

11. **Separate Representation.** This Contract does not prohibit any IGA City or IGA Cities from retaining Counsel to perform legal services related to the Adjudication that are different in kind to those services performed under this Contract as long as: (i) Counsel is retained by a separate contract; (ii) the IGA City or IGA Cities are billed separately for the services; and (iii) the services are not in furtherance of an issue in which the separately contracting IGA City or IGA Cities have directly conflicting interests with City.

12. **Immigration Law Compliance.**

12.1 Counsel, on its own behalf and on behalf of any subcontractor, warrants, to the extent applicable under A.R.S. § 41-4401, compliance with all federal immigration laws and regulations that relate to their employees as well as compliance with A.R.S. § 23-214(A) which requires registration and participation with the E-Verify Program.

12.2 Any breach of warranty under subparagraph 12.1 above is considered a material breach of this Contract and is subject to penalties up to and including termination of this Contract.

12.3 City retains the legal right to inspect the papers of Counsel or a subcontractor employee who performs work under this Contract to ensure that Counsel or any subcontractor is compliant with the warranty under subparagraph 12.1 above.

12.4 City may conduct random inspections and, upon request of City, Counsel will provide copies of papers and records of Counsel demonstrating continued compliance with the warranty under subparagraph 12.1 above. Counsel agrees to keep papers and records available for inspection by City during normal business hours and will cooperate with City in the

exercise of its statutory duties and not deny access to its business premises or applicable papers or records for the purposes of enforcement of this paragraph.

12.5 Counsel agrees to incorporate into any subcontracts under this Contract the same obligations imposed upon Counsel and expressly accrue those obligations directly to the benefit of City. Counsel also agrees to require any subcontractor to incorporate into each of its own subcontracts under this Contract the same obligations above and expressly accrue those obligations to the benefit of City.

12.6 Counsel's warranty and obligations under this section to City are continuing throughout the term of this Contract or until such time as City determines, in its sole discretion, that Arizona law has been modified and that compliance with this paragraph is no longer a requirement.

12.7 The "E-Verify Program" above means the employment verification program administered by the United States Department of Homeland Security, the Social Security Administration, or any successor program.

ENGELMAN BERGER, P.C.

By: 
Name: William H. Anger
Title: Partner/Shareholder

CITY OF AVONDALE, an
Arizona Municipal Corporation

By: _____
Name: _____
Its: _____

EXHIBIT A

During the term of the Contract, Counsel will bill City at the hourly rate of \$380.00 for the time of William H. Anger and other shareholders in the firm; Counsel's hourly rate may increase by \$15.00 per hour each year on the anniversary of the Effective Date. All other attorneys in Counsel's firm or attorneys contracted by Counsel to perform services under this Contract will be billed at the rate not to exceed \$280.00 per hour which rate may be increased by \$15.00 per hour on the anniversary of the Effective Date. Paralegals will be billed at the rate of \$180.00 per hour, which rate may be increased by \$10.00 per hour on the anniversary of the Effective Date.

Counsel will bill for the reasonable expenses incurred in performing its legal services. These expenses will include long-distance telephone charges, fax charges, electronic research charges, delivery charges, mail expense associated with any filing in the case, printing and copying, and payments to third parties for filing fees, transcripts, travel expenses, including, without limitation, meals and lodging, for settlement negotiations and meetings outside of the Phoenix metropolitan area, and other items for City's benefit under this Contract.

CITY COUNCIL REPORT

SUBJECT: Resolution 1061- 0820 - Grant from Maricopa Association of Governments for street sweeper

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Cindy Blackmore, Public Works Director, (623) 333-4410

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1061-0820 authorizing the acceptance of grant funding from the Maricopa Association of Governments for the purchase of a replacement street sweeper in an amount not to exceed \$239,967; the expenditure of a local match in an amount not to exceed \$20,000; and the purchase of a street sweeper for a total not to exceed purchase price of \$259,967; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

In 2019 Maricopa Association of Governments (MAG) announced a call for projects for the Congestion Mitigation and Air Quality Improvement Program. The purchase of PM-10 certified street sweepers are eligible for funding under this program. One of the City street sweepers, originally purchased in 2005 through grant funding, has reached the end of its useful life and is due for replacement.

DISCUSSION:

The Streets Division maintains a rigorous schedule of street sweeping to ensure citizens and customers have clean roadways and to enhance the quality of life in our neighborhoods. Arterial streets are swept every other week. Collector and neighborhood streets are swept once per month coordinating with monthly bulk trash service. In addition, the Streets Division responds to special requests to sweep after traffic accidents or material spills in the roadway.

In September of 2019 Public Works submitted a grant application to MAG to fund replacement of the street sweeper. In July 2020, the City was notified that the grant application was approved and authorized for funding in the amount of \$239,967. The City's local match of \$20,000 fulfills the grant requirement of a minimum 5.7 percent cash match.

BUDGET IMPACT:

The portion of the street sweeper covered by the MAG grant will be expended in the Grant Fund under line item 209-6601-00-8120. A transfer from the grant contingency will be necessary to establish the budget authority for the grant. The City match requirement is available in the Vehicle Replacement Fund. Since this vehicle is a replacement, annual maintenance costs are not anticipated to increase.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution authorizing the acceptance of grant funding from the Maricopa Association of Governments for the purchase of a replacement street sweeper in an amount not to exceed \$239,967; the expenditure of a local match in an amount not to exceed \$20,000; and the purchase of a street sweeper for a total not to exceed purchase price of \$259,967; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

July 15, 2020

Mr. Charles Montoya, Manager
City of Avondale
11465 West Civic Center Drive, Suite 220
Avondale, Arizona 85323

Dear Mr. Montoya:

On July 15, 2020, the Maricopa Association of Governments received notification from the Arizona Department of Transportation (ADOT) that funding for the Prioritized List of Proposed PM-10 Certified Street Sweepers that was approved by the MAG Regional Council for FY 2020 Congestion Mitigation and Air Quality Improvement (CMAQ) Funding has now been authorized. One PM-10 certified street sweeper project requested by the City of Avondale has been approved for FY 2020 funding for an amount not to exceed \$239,967 (see Attachment One). The City of Avondale may proceed with the purchase of the proposed street sweeper project for FY 2020 using the ADOT contract. In the project application, the City of Avondale agreed to provide a 5.7 percent cash match. **We are requesting that the FY 2020 street sweeper be purchased and the reimbursement request be sent to MAG by July 15, 2021.**

It is important to note that the procurement process has changed. The ADOT is now providing oversight and monitoring of the procurement process. After MAG review of the reimbursement request, ADOT will be issuing the reimbursement check to the local agencies. Additional details are provided below.

1. Eligibility - Eligible street sweepers are defined as those which have been certified by the South Coast Air Quality Management District (SCAQMD) as meeting the SCAQMD Rule 1186 certification standards. The most recent list of Certified Street Sweepers Under SCAQMD Rule 1186 is dated June 12, 2019 (see Attachment Two). It is assumed that, at a minimum, the CMAQ-funded street sweepers will be used in accordance with the lane miles and sweeping cycle submitted with the project applications.
2. Procurement - Procurement of the street sweeper must conform to applicable federal and state procurement regulations for the purchase of the certified street sweeper. On March 12, 2019, ADOT conducted a workshop on the provisions required in federal procurement and reviewed the three options

Mr. Charles Montoya, Manager

July 15, 2020

Page 2

available for procuring street sweepers (see Attachment Three). The first option allows local agencies that are a Certified Acceptance agency to procure the sweeper, the second option allows local agencies that are not a Certified Acceptance agency, but approved by ADOT to be Self Administered, to procure the sweeper, and the third option allows local agencies to issue a Purchase Order from the ADOT Street Sweeper Contract. The City of Avondale responded that it would use the ADOT Contract option for the FY 2020 street sweeper. It is anticipated that ADOT will issue a Solicitation For Bid in July 2020 and award the contract(s) in August 2020.

Federal Highway Administration (FHWA) Buy America regulations require a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in federal-aid highway construction projects and other types of projects, including street sweepers. On April 16, 2018, FHWA approved six Buy America waivers for FY 2020 street sweepers. At that time, FHWA indicated that it is re-evaluating the process and manner in which it decides whether to grant waivers for vehicles and vehicle-related equipment.

In July 2019, ADOT conducted an alternate bidding process that is permitted under FHWA regulations to waive the applicability of Buy America requirements. Through this process, ADOT determined that there are no street sweeper manufacturers that can meet FHWA's Buy America requirement. In December 2019, the MAG Regional Council approved twelve FY 2020 Street Sweeper Projects. In January 2020, ADOT submitted a Buy America waiver request to FHWA for the remaining six street sweepers for FY 2020, as well as for projects in fiscal years 2019, 2021 and 2022. It is unknown if FHWA will approve the additional waivers.

If these additional waivers are granted by FHWA, the federal procurement requirements need to be followed for all sweepers so that reimbursement may be completed using CMAQ funding. FHWA also requires vendor certification that final assembly of the street sweeper occurred in the United States. Finally, if these waivers are not granted, a temporary solution to address the near term funding needs of street sweepers has been set up to transpose federal CMAQ funding for state Highway User Revenue Funds.

The FHWA has advised MAG that entities should proceed with procurement of PM-10 certified street sweepers after CMAQ funding has been approved by the MAG Regional Council and authorized by the Federal Highway Administration.

3. Annual Inventory - According to ADOT policy, MAG is responsible for conducting and submitting an annual inventory of the certified street sweepers owned by the jurisdictions to ADOT by October 31. For the annual inventory, MAG will contact the jurisdictions to obtain information on each street sweeper.
4. Reimbursement - MAG is requesting that the sweepers be purchased and reimbursement request be sent to MAG by **July 15, 2021**. Additional costs for equipment beyond the specifications necessary for compliance with Rule 1186-certification are not eligible for reimbursement. Examples of additional street sweeper equipment not eligible for reimbursement are provided in Attachment Four.

Within 30 days after payment for the street sweeper, submit a copy of the vendor invoice along with all back-up documentation to the attention of Dean Giles at MAG. MAG will review the reimbursement request and send the invoice documentation to ADOT and ADOT will reimburse the City of Avondale for an amount not to exceed \$239,967 for the FY 2020 sweeper. Please provide the name of the contact person and the mailing address to send the reimbursement.

Please provide documentation that includes a description of the street sweeper, the vehicle identification number, name of title holder, the cost of the vehicle (copy of invoice, bill of sale, etc.), vendor certification that final assembly occurred in the United States, the location where the sweeper is housed when it is not in use. The name of the contact person for the sweeper and telephone number is also requested.

5. Disposition - **The ADOT Federal Property Management Standards (see Attachment Five) requires that each jurisdiction obtain ADOT approval prior to disposal of a CMAQ-funded street sweeper.** Each jurisdiction is to request disposal of a street sweeper in writing to MAG. MAG will send the request to ADOT, and MAG will in turn forward the ADOT response back to the jurisdiction.

For disposal of an older CMAQ-funded street sweeper through any means, the federal awarding agency is entitled to a share of the proceeds. According to the

Mr. Charles Montoya, Manager

July 15, 2020

Page 4

ADOT Federal Property Management Standards for disposition through a trade-in or sale, an amount of the proceeds entitled to the federal awarding agency will be calculated and applied toward the cost of the new street sweeper and an amount based on the percentage of the jurisdiction's participation in the original sweeper may be used to offset the amount of local cash match required.

On December 4, 2019, the MAG Regional Council approved the prioritized list of proposed PM-10 certified street sweeper projects for FY 2020 CMAQ funding. Also, on January 29, 2020, the MAG Regional Council approved the FY 2020 Closeout Programming that includes an additional \$1,621,154 in FY 2020 CMAQ funding to fully fund the remaining street sweepers on the prioritized list.

If you have any questions or require additional information, please contact Dean Giles at (602) 452-5013 or dgiles@azmag.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Giles", is written over a light gray rectangular background.

Executive Director

cc: Jeremy Abbott, Assistant Director of Public Works, Avondale
Jessica Blazina, Intergov Affairs Administrator, Avondale

**Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2020 CMAQ Funding
Approved by the MAG Regional Council on December 4, 2019**

\$1,536,506 in CMAQ Funding is Available for Sweeper Projects ⁺⁺⁺

										Supplemental Information			
Agency	Federal Cost	Local Cost	Total Cost*	Daily Emission Reduction (Kilograms /day)	Cost-Effectiveness (CMAQ dollar cost per annual metric ton reduced)	The requested certified street sweeper will:				Have local resources been committed such as staff or equipment to support the operation of the sweeper?		Please indicate in what geographical area(s) the requested certified street sweeper will operate	Number of certified street sweepers owned and operated by your agency. **
						Replace non-certified sweeper	Expand Area Swept	Increase Sweeping Frequency	Replace older certified sweeper	Yes	No		
Chandler #2	\$242,635	\$14,666	\$257,301	274	\$346				✓	✓		Price Rd. to Alma School Rd.; Elliot Rd. to Germann Rd. and I-10 to Price Rd; Ray Rd. to Pecos Rd.	10
Avondale	\$239,967	\$20,000	\$259,967	185	\$507				✓	✓		Indian School Rd. to Broadway Rd. (north to south) 99 th Ave. and 107 th Ave. to Dysart Rd. and Litchfield Rd. (east to west) as per the City of Avondale boundaries.	3
Phoenix #2	\$275,680	\$16,664	\$292,344	208	\$519				✓	✓		Ahwatukee Foothills, Central Ave. to 64 th St. and South Mountain to Camelback (map area 35-2).	34

RESOLUTION NO. 1061-0820

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MARICOPA ASSOCIATION OF GOVERNMENTS.

WHEREAS, the Maricopa Associations of Governments has awarded the City of Avondale (the “City”) a Congestion Mitigation and Air Quality Program (“CMAQ”) street sweeper project grant (the “Grant”) in the amount of \$239,967; and

WHEREAS, the Mayor and Council of the City of Avondale (“City Council”) desire to accept the CMAQ Grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The City Council hereby authorizes (i) the acceptance of the Grant in an amount not to exceed \$239,967, (ii) the expenditure of a local match in an amount not to exceed \$20,000 and (iii) the purchase of a street sweeper for a total not to exceed purchase price of \$259,967.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

CITY COUNCIL REPORT

SUBJECT: Resolution 1062-0820 - Grant - First Things First Southwest Maricopa Regional Partnership Council

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Chris Lopez, Neighborhood Family Services Director, 623 333 2711

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1062-0820 authorizing the grant agreement with the First Things First Southwest Maricopa Regional Partnership Council to receive \$200,000 in funding and authorize the Mayor, City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Arizona Early Childhood Development and Health Board, known as First Things First, is a State agency established by voter initiative to support a voluntary system of early care and education. The objective is to provide an array of education and health programs for families with children age birth to five years of age. The Southwest Maricopa Regional Partnership Council represents Avondale and the surrounding communities, and is charged with making strategy and funding recommendations to the First Things First Board.

DISCUSSION:

The scope of work for the grant addresses the priority areas of the Regional Council and enhances the services provided at the Care1st Avondale Resource Center. The Center connects families to services that support parents, early childhood care and education, housing and health services. Avondale staff provide information and referrals for families and also conduct outreach efforts to educate the public and organizations that serve families at the center. The grant agreement provides an award amount of up to \$200,000.

BUDGET IMPACT:

No matching funds are required to receive this grant, and the General Fund will not be impacted.

Grant appropriations are included in the FY2021 adopted budget in various line-items in Fund/Division 209-7554.

RECOMMENDATION:

Staff recommends that the City Council adopt the resolution authorizing the grant agreement with First Things First Southwest Maricopa Regional Partnership Council to receive \$200,000 in funding and authorize the Mayor, City Manager and City Clerk to execute necessary documents.



4000 North Central Avenue, Suite 800, Phoenix, Arizona 85012
602.771.5100 | 877.803.7234 | firstthingsfirst.org

Notice of Renewal Consideration

DATE: March 18, 2020

TO: City of Avondale
Attn: Chris Lopez
clopez@avondale.org

FROM: Michelle Neitch, Fiscal Specialist

RE: Grant Renewal Information for State Fiscal Year 2021 (SFY21)

The following First Things First grant is eligible for renewal consideration. Receipt of this packet does not guarantee renewal of the grant award but if renewed, the award period for your SFY21 grant will be July 1, 2020 through June 30, 2021.

Grantee Name:	City of Avondale
SFY20 FTF Grant Number:	GRA-RC007-19-0959-01-Y2
Lead Strategy:	Family Resource Centers
Non-Lead Strategies:	
Eligible Renewal Amount for SFY21:	\$200,000

The renewal packet includes the following documents:

1. Grant Renewal Amendment

Confirm the eligible award amount and contracted service units on the form.

2. Line-Item Budget and Budget Narrative

The SFY21 Line-Item Budget and Budget Narrative should continue to align with the approved SFY20 Line-Item Budget and Budget Narrative and the scope of the approved programming.

3. Program Personnel Table

Complete the table with the personnel that align with the SFY21 Line-Item Budget and Budget Narrative.

Follow Up Action Necessary

Please complete all documents; have your designated signatory sign the amendment, line-item budget, and budget narrative; and then scan/email all items back to me by **April 10, 2020**. Electronic submission to mneitch@firstthingsfirst.org is preferred but if sending by standard mail, please send to my attention, First Things First, 4000 N. Central Avenue, Suite 800, Phoenix, AZ 85012.



4000 North Central Avenue, Suite 800, Phoenix, Arizona 85012
602.771.5100 | 877.803.7234 | firstthingsfirst.org

If the renewal is approved by the Board of First Things First at the June 2020 meeting, First Things First will countersign the amendment document and scan/email it back for your records.

Reminders

Grantees must always adhere to the latest version of the Standards of Practice which can be located in the Strategy Toolkit, www.firstthingsfirst.org/grants/strategy-toolkit and related policy documents that apply to this grant. Additional policy/grant-related documents (FTF Grants Uniform Terms and Conditions, FTF Data Security Policy and Procedures, and the FTF Tribal Data Policy) are located under Grantee Resources, www.firstthingsfirst.org/grants/grantee-resources.

SFY21 Data Template Training

If refresher data template training is needed for SFY21, please contact the FTF Evaluation team to schedule, ftfevaluation@firstthingsfirst.org.

Closing out SFY20

Your current grant ends June 30, 2020. Final narrative and data reports must be submitted on or before July 20, 2020 and your final request for reimbursement must be submitted no later than August 17, 2020 (45 days from the grant end date.) Unexpended funds from SFY20 do not carry over to SFY21.

If you have any questions, please contact me, Michelle Neitch at 602-771-5079 or mneitch@firstthingsfirst.org.

Thank you.

 FIRST THINGS FIRST	Grant Renewal Amendment	Early Childhood Development and Health Board (First Things First) 4000 North Central Avenue, Suite 800 Phoenix, Arizona 85012 (602) 771-5100
	Grant Renewal/2021 Grant Award GRA-RC007-19-0959-01-Y3 Southwest Maricopa Regional Partnership Council Family Resource Centers	
CONTRACTOR: City of Avondale PURPOSE OF AMENDMENT: - Pursuant to the Special Terms and Conditions, Contract Renewal, for the above referenced grant award, the State of Arizona hereby exercises its sole option to renew the grant award number referenced above. The renewal award period is July 1, 2020 through June 30, 2021. - Total award amount for the grant period is \$200,000 - Contracted Service Units: Lead Strategy: Family Resource Centers Number of families referred to services: 1,100 Number of parenting activities held: 200 - The grantee is responsible for all updated Standards of Practice located in the First Things First Partner and Grant Management System (PGMS) under Grantee Resources/Standards of Practice. - All other terms and conditions remain unchanged and are according to the original award documents, clarification documents and renewal submission documents.		
Contractor hereby acknowledges receipt and understanding of the contract amendment Signature Christopher Lopez Name Neighborhood & Family Services Director Title 04/03/2020 Date	The above referenced amendment is hereby executed effective July 1, 2020 once signed and dated below: Josh Allen CFO/COO Date	

Line-Item Budget and Budget Narrative

SFY21 Line-Item Budget

Budget period: July 1, 2020 – June 30, 2021

Budget Category	Line Item Description	Requested Funds	Total Cost
PERSONNEL SERVICES		Personnel Services Sub Total	\$102,379
Salaries	Family Education Specialist – 1.0 FTE Family Education Assistant – 1.0 FTE	\$58,699 \$43,680	
EMPLOYEE RELATED EXPENSES		Employee Related Expenses Sub Total	\$38,900
Fringe Benefits or Other ERE	Family Education Specialist Family Education Assistant	\$20,930 \$17,970	
PROFESSIONAL AND OUTSIDE SERVICES		Professional & Outside Services Sub Total	\$18,700
Contracted Services	Avondale Family Education and Resource Program (AFERP)	\$18,700	
TRAVEL		Travel Sub Total	\$4000
In-State Travel Out-of-State Travel	Travel to Out-of-State Conference	\$4000	
AID TO ORGANIZATIONS OR INDIVIDUALS		Aid to Organizations or Individuals Sub Total	\$0
Subgrants or Subcontracts to organizations/agencies/entities			
OTHER OPERATING EXPENSES		Other Operating Expenses Sub Total	\$36,021
• Telephones/Communications Services • General Office Supplies • Food • Advertising • Professional Development (Staff Training, Conferences, Workshops, Training Fees for Staff) • Program Materials • Program Supplies • Program Incentives	• Cell Phones • General Office Supplies • Meeting Expenses/Food • Marketing/Advertising • Professional development/staff training • Program Materials • Educational/Other Supplies • Program Incentives	\$2400 \$1000 \$1000 \$500 \$2221 \$23,900 \$3000 \$2000	
NON-CAPITAL EQUIPMENT		Non-Capital Sub Total	\$0
Equipment \$4,999 or less in value			
Subtotal Direct Program Costs:			\$200,000
ADMINISTRATIVE/INDIRECT COSTS		Total Admin/Indirect	\$0
Indirect/Admin Costs		\$0	\$0
Total		\$200,000	\$200,000

Authorized Signature _____ Date _____

SFY21 Budget Narrative

The budget narrative should provide a clear and concise description of how amounts were determined, including calculations, for each proposed line item in the Line-Item Budget. If a budget category does not apply, either leave blank or delete the category.

Personnel Services: *Include information such as position title(s), name of employee (if known), salary, time to be spent on this program (hours or %), number of months assigned to this program, etc. Explain how the salary rate for each position was determined. If salaries are expected to increase during the program year, indicate the percentage increases for each position and justify the percent of the salary increase.*

Family Education Specialist: This is a twelve-month position and is currently filled by Juan Marquez and represents a 1.0 full-time equivalent (FTE) which will be 100% dedicated to First Things First programming. This staff member's current hourly rate is \$26.87 for a total of \$55,904 annually. A total of **\$58,699** (\$28.22 hourly rate) is budgeted for the next fiscal year which includes a 5% pay grade increase. The increase falls in line with the City of Avondale's policy of giving their employees an annual merit increase of 5% each year.

Family Education Assistant: This is a twelve-month position and is currently filled by Maria Mosqueira and represents a 1.0 full-time equivalent (FTE) which will be 100% dedicated to First Things First programming. This staff member's current hourly rate is \$20.00 for a total of \$41,600 annually. A total of **\$43,680** (\$21.00 hourly rate) is budgeted for the next fiscal year which includes a 5% pay grade increase. The increase falls in line with the City of Avondale's policy of giving their employees an annual merit increase of 5% each year.

Employee Related Expenses: *Include a benefit percentage and what expenses make up employee benefit costs. Indicate any special rates for part-time employees, if applicable. Explain how the benefits for each position were determined. If using a fringe benefit rate, explain how this percentage is justified or approved by your agency/organization.*

Family Education Specialist: Actual benefit costs were used to estimate expenses for the next grant period. The components included are Health, Dental, OASDI, Medicare, Disability, Retirement and Life Insurance for a total of **\$20,930**. This amount is based on the City of Avondale calculation of employee related expenses.

Family Education Assistant: Actual benefit costs were used to estimate expenses for the next grant period. The components included are Health, Dental, OASDI, Medicare, Disability, Retirement and Life Insurance for a total of **\$17,970**. This amount is based on the City of Avondale calculation of employee related expenses.

Professional and Outside Services: *If professional consultants/services costs are proposed in the budget, define how the costs for these services were determined and the justification for the services related to the program. Explain how all contracts will be procured.*

Avondale Family Education and Resource Program (AFERP): A total of **\$18,700** is budgeted for program services around the delivery of resources, referrals and parenting activities for families with children birth to age five. The amount was determined based on past experiences in hiring qualified consultants for services of a similar nature. The types of workshops and services provided include but are not limited to early language and literacy, discipline, brain development, kindergarten readiness, health, nutrition and child safety (ex. Raising A Reader, Common Sense Parenting, Arizona Science Center, and car seat safety education). All contractors will be subject to the First Things First Standards of Practice and contracts will be procured through the City of Avondale's procurement policies and procedures.

Travel: *Separate in-state and out-of-state travel. Include a detailed breakdown of hotel, transportation, meal costs, etc. Indicate the location(s) of travel, the justification for travel, how many employees will attend and how the estimates have been determined. Applicants **must** use the State of Arizona Travel Policy on rates limitations for mileage, lodging, and meals (<https://qao.az.gov/travel/welcome-qao-travel>) for both in-state and out-of-state travel.*

Travel to Out-of-State Conference: A total of **\$4000** is budgeted for two staff members to travel to the annual National Association for the Education of Young Children (NAEYC) Professional Learning Institute held in early June. This amount includes an estimated \$2000 for hotel lodging for five nights, single occupancy and \$1300 for roundtrip airfare. The remaining funds will cover per diem meal costs of \$400 for the duration of the time out of state as well as an estimated \$300 for parking and ground transportation to and from the airport and the conference venue, as needed.

Aid to Organizations or Individuals: *In the event that this application represents collaboration and you will be utilizing subcontractors (including subgrantees) to perform various components of the program, include a list of subcontractors, programmatic work each subcontractor will perform, and how costs for each subcontractor are determined.*

N/A

Other Operating Expenses: *Explain each item to be purchased, how the costs were determined and justify the need for the items. All purchases should be made through competitive bid or using established purchasing procedures. Items can only be categorized in the following line items: Telephones /Communications Services, Internet Access, General Office Supplies, Food, Rent/Occupancy, Utilities, Furniture, Postage, Software (including IT supplies), Dues/Subscriptions, Advertising, Printing/Copying, Equipment Maintenance, Professional Development (Staff Training, Conferences, Workshops, and Training Fees for Staff), Insurance, Program Materials, Program Supplies, Scholarships, and Program Incentives.*

Telephone/Communications Services – Cell Phone: Cell phone allowance is calculated at \$100 per month for 12 months for each staff member (x2) for a total of **\$2400**. This amount is based on the City of Avondale's cell phone stipend policy.

General Office Supplies: Office and janitorial supplies are calculated at approximately \$83.33 per month for 12 months for a total of **\$1000**. This amount is based on the current actual costs for these supplies.

Food - Meetings Expenses/Food: This line item will provide for meeting expenses primarily for community events, workshops, and networking meetings held at the Resource Center for a total of **\$1000**. This allows for 4 events at a cost of approximately \$200 per event as well as a series of smaller events at a lower cost. Funds will also allow for partner/networking meetings expenses along with food and/or snacks for workshops.

Advertising – Marketing/Advertising: A total of **\$500** is budgeted to purchase collateral materials for outreach and promotion of the Resource Center. This is based on the contracted rate with the printer under contract with the City of Avondale.

Professional Development/Staff Training: A total of **\$2221** is budgeted for registration fees for the First Things First Summit in August 2020 and for the NAEYC Professional Learning Institute in June 2021, as well as any miscellaneous professional development and training opportunities that may become available during the fiscal year. Two (2) FTE, FTF-funded City of Avondale/Resource Center staff will attend the FTF Summit and the NAEYC conference.

Program Materials: A total of **\$23,900** is budgeted to purchase materials for workshops, events and programs aimed at promoting early childhood health, development and safety. The funds will cover child safety items such as car seats, CPR/First Aid training materials and certificates, parent workshops consumables (workbooks, completion certificates, hand-out materials, etc.) and decorations and crafting supplies for parenting activities and events.

Program Supplies – Educational/Other Supplies: A total of **\$3000** is budgeted to purchase age-appropriate educational items and program supplies for families and children to use while at the Resource Center. Items such as developmental toys and manipulatives (blocks, puzzles and fine-motor toys), dolls/puppets, art supplies (crayons, markers, child scissors, activity books, construction paper, pom poms, glitter, paper plates, ribbons,

streamers, stickers, etc.) and learning rugs/floor mats. Many of these items will be used to furnish our new building set to be completed by December 2020.

Program Incentives: A total of **\$2000** is budgeted to purchase incentives for participation in workshops, events and programs held at the Resource Center. The incentives will cover primarily books and educational items that will serve the dual purpose of outreach and awareness for the Resource Center and promoting early literacy.

Non-Capital Equipment: *For items with a unit cost less than \$5,000 and an initial estimated useful life beyond a single year, explain each item to be purchased, how the costs were determined and justify the need for the items. All purchases should be made through competitive bid or using established purchasing procedures. For example, items such as computers, printers, projectors, etc. each with a unit cost less than \$5,000.*

N/A

Administrative/Indirect Costs: *Administrative costs are general or centralized expenses of overall administration of an agency/organization that receives grant funds and does not include particular program costs. Such costs are generally identified with the agency/organization's overall operation and are further described in 2 CFR 220, 2 CFR 225, and 2 CFR 230.*

Indirect costs are costs of an organization that are not readily assignable to a particular program, but are necessary to the operation of the organization and the performance of the program. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect.

Applicants must list either Option A or Option B and provide proper justification for expenses included:

- ☐ **Option A - Administrative Costs:** *with proper justification, applicants may include an allocation for administrative costs for up to 10% of the total direct costs requested of the grant request. Administrative costs may include allocable direct charges for: costs of financial, accounting, auditing, contracting or general legal services; costs of internal evaluation, including overall management improvement costs; and costs of general liability insurance that protects the agency/organization(s) responsible for operating a program, other than insurance costs solely attributable to the program. Administrative costs may also include that portion of salaries and benefits of the program's director and other administrative staff not attributable to the time spent in support of a specific program.*

OR

- ☐ **Option B - Federally Approved Indirect Costs:** *If your agency/organization has a federally approved indirect cost rate agreement in place, applicants may include an allocation for indirect costs for up to 10% of the direct costs. **Applicants must provide a copy of their federally approved indirect cost rate agreement.***

Authorized Signature _____ Date _____



Program Personnel Table

Key Personnel - those individuals directly responsible for program implementation/services and are fully or partially funded through the proposed program.

Name/ Position Title	Background/Expertise* Must include qualifications that align with the Standards of Practice (SOP)	Key Roles and Responsibilities	Meets the SOP Staffing Qualifications Yes/No**	FTEs funded through the program
Juan Marquez Family Education Specialist	Juan holds a Bachelor of Arts in Elementary Education and has over nine years of experience working with families with children 0 to 5 years of age. Juan's experience includes working at the Benevilla Family Resource Center, a First Things First funded Resource Center in the NW Maricopa Region as well as with Arizona First Things First. Juan currently is the Family Education Specialist at the Care1st Avondale Resource Center. Juan brings expertise in early childhood development, workshop facilitation, information and referral services, outreach and awareness and is fluent in both English and Spanish.	Conducts outreach to external agencies (non-profit, governmental, school districts, child care centers, etc.) providing services to families with children 0 to 5 years of age, with an emphasis on those funded by First Things First. Assures that external agencies are aware of the Family Resource Center and that staff at the Resource Center is familiar with the gamut of services available to families with young children. Develops and maintains regular system of communication with external agencies and facilitates use of the Center by those agencies. Works closely and in conjunction with a variety of community leaders, healthcare providers, educational institutions, and other organizations to develop and maintain strong understanding and support of program initiatives. Coordinates early childhood programming, parent resources and events at the Resource Center. Works with families with young children to help them access services through the Resource Center and other human services providers. Implements and facilitates developmental and sensory screenings, car seat education classes, and parent education workshops. Facilitates parent/family referrals	Yes	1.0

		to First Things First-funded agencies and other agencies providing services to families with young children. Provides extra support for families with young children in special need of assistance in accessing services to support their needs. Collects and reports data to First Things First and other funding partners on a quarterly basis and to other Resource Center stakeholders on a monthly basis. Is responsible for submitting grant applications and renewals to First Things First. Manages the First Things First budget and expenditures.		
Maria Mosqueira Family Education Assistant	Maria holds an Associate of Arts degree in Psychology and is in her senior year at Northern Arizona University working toward a Bachelor of Arts degree in the same field. She has over eleven years of experience working with families with children 0 to 5 years of age. Her experiences include working as a Family Support Specialist for the Early Head Start and Head Start programs for both Southwest Human Development and the City of Phoenix. Maria has experience in providing information and referral services, outreach and awareness activities and has a wealth of knowledge in early childhood development and education. Maria is fluent in both English and Spanish.	The Family Education Assistant provides outreach for the Care1st Avondale Resource Center and early childhood program coordination in the Resource Center and in the First Things First, Southwest Maricopa Region. Duties include building partnerships with early childhood and community service providers, assisting families in finding and applying for services, referrals to community resources, and collaborating with city departments, local schools, libraries and community organizations. Essential duties include: Coordinating early childhood programming at the Resource Center and in the community. Implement and co-facilitate developmental and sensory screenings and car seat education classes. Collaborating with service providers, schools, and libraries to provide community awareness on early childhood topics. Provides a culturally diverse, family-centered environment that provides information and referral services to residents of the community. Assists with providing accurate and timely data reporting to First Things First	Yes	1.0

RESOLUTION NO. 1062-0820

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AMENDMENT TO THE GRANTEE AGREEMENT WITH FIRST THINGS FIRST, SOUTHWEST MARICOPA REGIONAL PARTNERSHIP COUNCIL RELATING TO SERVICES AT THE CITY OF AVONDALE FAMILY RESOURCE CENTER.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The Amendment to the Grantee Agreement with First Things First, Southwest Maricopa Regional Partnership Council, Arizona Early Childhood Development and Health Board relating to services at the City of Avondale Family Resource Center (the “Amendment”) for fiscal year 2020-2021 is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Amendment and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1062-0820

[Amendment]

See following page.

 FIRST THINGS FIRST	Grant Renewal Amendment	Early Childhood Development and Health Board (First Things First) 4000 North Central Avenue, Suite 800 Phoenix, Arizona 85012 (602) 771-5100
	Grant Renewal/2021 Grant Award GRA-RC007-19-0959-01-Y3 Southwest Maricopa Regional Partnership Council Family Resource Centers	

CONTRACTOR:
City of Avondale

PURPOSE OF AMENDMENT:

1. Pursuant to the Special Terms and Conditions, Contract Renewal, for the above referenced grant award, the State of Arizona hereby exercises its sole option to renew the grant award number referenced above. The renewal award period is July 1, 2020 through June 30, 2021.
2. Total award amount for the grant period is \$200,000
3. Contracted Service Units:
 Lead Strategy:
 Family Resource Centers
 Number of families referred to services: 1,100
 Number of parenting activities held: 200
4. The grantee is responsible for all updated Standards of Practice located in the First Things First Partner and Grant Management System (PGMS) under Grantee Resources/Standards of Practice.
5. All other terms and conditions remain unchanged and are according to the original award documents, clarification documents and renewal submission documents.

Contractor hereby acknowledges receipt and understanding of the contract amendment

Signature

Christopher Lopez

Name

Neighborhood & Family Services Director

Title

04/03/2020

Date

The above referenced amendment is hereby executed effective July 1, 2020 once signed and dated below:

Josh Allen
 CFO/COO

Date

CITY COUNCIL REPORT

SUBJECT: Employment Agreement with Charles A. Montoya

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk, (623) 333-1214

PURPOSE:

City Council will consider a request to approve the Amended Employment Agreement with Charles A. Montoya and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

On May 21, 2018, City Council approved the initial Employment Agreement with Charles A. Montoya and appointed Mr. Montoya as City Manager.

On June 18, 2018, City Council approved an amendment to the Employment Agreement modifying Mr. Montoya's initial start date. Mr. Montoya started with the City of Avondale as City Manager on July 16, 2018.

On November 12, 2019, City Council met in Executive Session pursuant to Arizona Revised Statutes 38-431.03 to discuss the annual evaluation of Mr. Montoya. As a result of the discussion held within Executive Session, City Council approved an amendment to Mr. Montoya's Employment Agreement on November 18, 2019.

DISCUSSION:

The attached amendment to the Employment Agreement dated July 1st, 2020.

As the Council is not having closed door meetings it will be unable to conduct a performance review in Executive Session until some foreseeable time in the future. The request is be made at this time to modify compensation to other increases for employees. If Council wishes to have a review for this last year, that can be done sometime this fiscal year when it is physically possible to have in person.

Mr. Montoya is entitled to the appropriate increases as stated in his contract as other employees. This contract amendment provides for the 2.5% Merit and 2.5% Market Adjustment. In addition, the contract changes the date of his contract for review by June 30th, after the budget is adopted annually by the Mayor and Council. Currently, the contract calls for a review date of April 30th, which will never be made due to the budget always being adopted prior to June 30th. This would also calculate his benefits on a Fiscal Year, same as the review period, with the exception of those required by law (taxes, retirement, etc). No other changes are being recommended or requested.

BUDGET IMPACT:

Funding for this agreement is in the City Administrative Office Budget in Fund 101-5100-00-5000 Personnel Services.

RECOMMENDATION:

Staff recommends approval of the amended Employment Agreement with Charles A. Montoya and authorize the Mayor and City Clerk to execute the necessary documents.

**AMENDMENT TO THE TERMS AND CONDITIONS OF THE AMENDED AND
RESTATED EMPLOYMENT AGREEMENT DATED JULY 18, 2018**

THIS AMENDMENT TO THE AMENDED AND RESTATED EMPLOYMENT AGREEMENT (this "Amendment") is made and entered into by and between the City of Avondale, an Arizona municipal corporation (the "City") and Charles A. Montoya ("Montoya") and all terms and conditions set forth herein shall be retroactively effective as of July 1, 2020 (the "Effective Date").

RECITALS

- A. The Mayor and Council of the City of Avondale ("City Council") have entered into an Amended and Restated Employment Agreement with Montoya dated June 18, 2018 (hereinafter "Agreement") for the provision of the duties and functions of the City Manager, pursuant to the Avondale City Charter and Code and in accordance with Arizona Revised Statutes, Section 9-271; and
- B. Subsequently, the Mayor and the City Council entered into an Amendment to the Agreement, effective July 16, 2019 (the "First Amendment"); and
- C. It is the City Council's desire that Montoya continue his employment and role as City Manager; and
- D. Montoya desires to continue his employment and role as City Manager of the City; and
- E. The City Council and Montoya desire to amend the Agreement (the "Second Amendment") to align the benefits afforded to Montoya and his annual Performance Evaluation to the City Fiscal Year which is July 1 to June 30 and to set forth the percentage of the merit increase and market adjustment and/or cost of living increase Montoya shall receive for Fiscal Year 2020-2021; and
- F. The City Council and Montoya desire that the terms and conditions of this Second Amendment be retroactively effective as of July 1, 2020.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are hereby incorporated into and are deemed an integral part of this Amendment, the Amended and Restated Employment Agreement dated July 18, 2018, and the First Amendment, the City, acting through the City Council, and Montoya hereby agree to amend the Agreement as follows:

- 1. This Second Amendment shall be effective July 1, 2020.
- 2. Section 6.1 of the Agreement shall be amended to add the following:

For the 2020-2021 Budget Year, this percentage adjustment/increase shall be 2.5% of Montoya's 2019-2020 base salary and 2.5% of Montoya's 2019-2020 base salary for market adjustment and/or cost of living increase.

3. Section 6.7 shall be added to the Agreement and shall state the following:

With the exception of benefits that are required by law to be calculated based on a calendar year, benefits afforded to Montoya under the Agreement and the First Amendment, including the annual Performance Evaluation set forth in Section 7.0, shall be calculated to align with the City Fiscal Year, July 1st to June 30th.

4. Section 7.0 of the Agreement shall be amended to change the date of Montoya's annual Performance Evaluation from "no later than April 30," to "no later than June 30," and to reflect that the purpose of this change is to allow Montoya's annual Performance Evaluation to occur after the City Council has adopted a budget for the following fiscal year. The first sentence of Section 7.0 is stricken, and the following sentence is inserted in its place:

The City Council shall annually review and evaluate Montoya's performance as soon as practicable after the City Council's adoption of the City's annual operating budget for the following fiscal year, but not later than June 30.

The remainder of Section 7.0 shall remain in full force and effect.

5. Except as amended hereby, all of the terms and conditions of the Amended and Restated Employment Agreement dated July 18, 2018, as amended by the First Amendment, and of the First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year first set forth above.

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

CITY OF AVONDALE, an Arizona
municipal corporation

Charles A. Montoya, City Manager

Kenneth N. Weise, Mayor

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

ATTEST:

Marcella Carrillo, City Clerk

CITY COUNCIL REPORT

SUBJECT: Adopt Park Name at Alamar Development

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Bryan Hughes, Director, (623) 333-2411

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to formally adopt a name for the future community park in the Alamar development. City Council will take appropriate action.

BACKGROUND:

The City of Avondale entered into a Pre-Annexation Development Agreement with Brookfield Residential for the development of Alamar, which includes the joint development of a 40+ acre community park. The city has a formal park naming policy that requires review by the Parks and Recreation Advisory Board before final consideration by the City Council.

Construction on the new park is anticipated to begin in November 2020 and completed in spring 2022.

DISCUSSION:

An ad hoc committee of City staff from multiple departments, along with the Parks and Recreation Advisory Board, and City Council, submitted names for the new park. Twenty names were submitted for consideration. The list was narrowed down by the ad hoc committee via an online poll and the top four names were presented to the Advisory Board at the August 12th meeting for consideration.

The top four names forwarded to the Advisory Board were:

1. Agua Fria Foothills Park
2. Alamar Park
3. Lakin Ranch Park
4. Meridian Park

The Parks and Recreation Advisory Board voted unanimously to recommend "Alamar Community Park" to the City Council for their consideration.

Brookfield Residential strongly supports the name "Alamar Community Park" for the new community park.

BUDGET IMPACT:

This item has no direct budget impact.

RECOMMENDATION:

The Parks and Recreation Advisory Board recommends adopting "Alamar Community Park" as the formal

name for the new community park in the Alamar development.

August 6, 2020

The Honorable Mayor Weiss and members of the City Council
Parks and Recreation Advisory Board Members
City of Avondale staff members

Re: Naming of Community Park in Alamar Master Planned Community

Dear Mayor Weiss, members of the Council ,Parks and Recreation Advisory Board members and City Staff,

We are writing you to encourage you to strongly consider and support the next community park in Avondale to be named the Alamar Community Park.

Brookfield has been working cooperatively with the City of Avondale Parks and Recreation staff members as well as many other City staff members since October of 2018 to vision and design a 40 acre community park to serve the southern planning are of the City in what will truly be a great amenity addition to the City of Avondale.

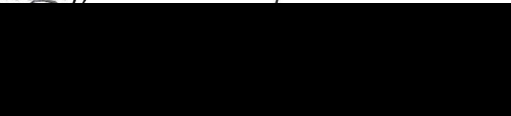
Our contribution toward the next Avondale community park, in helping it become a reality with commencement of construction this November, has been \$6,900,000 for the cost of the design and development of the park, the cost of the construction of the adjacent roadway and infrastructure to provide access to the community park and the value of the land for a total contribution of \$9,600,000.

We consider our financial contribution, in addition to the City of Avondale's \$8,000,000 financial contribution, a cooperative public private partnership facilitating this park to be completed earlier than the City of Avondale's Capital Improvement Plan would have been able to accomplish.

It is also important to recognize the name Alamar is reflective of the ranching and agrarian heritage of Avondale.

We appreciate your sincere consideration of this request and are excited this park will be a welcome and proud addition to the positive and progressive momentum of the City of Avondale.

Sincerely,



Robert Kammerle
Vice President, Land Entitlements and Development

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2024-0820 – Major Amendment to the Avondale Automall Planned Area Development (PAD) - Application PL-20-0119

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2024-0820, by Paul Gilbert, of Beus Gilbert McGroder PLLC, for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property. This PAD amendment is proposed for a single 6.02 net acre property (APN 102-54-102) located in the western portion of the Avondale Automall PAD. This area is depicted in Exhibit F and fully described (as a legal description) in Exhibit G and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Avondale Automall PAD was adopted by the City Council in December 1999 for an approximately 150-acre site, with automotive dealerships (selling a combination of new and used cars) approved to be allowed (by right) within the eastern 100 acres and a retail commercial center on the western 50+ acres. The Avondale Automall PAD area is located between 107th Avenue and 99th Avenue and is bounded by the Interstate 10 Freeway to the north and Roosevelt Street to the south.

In 2003, due to the success of the automotive dealerships that were located within the eastern 100 acres of the PAD area, an amendment to the PAD was approved to also allow by right automotive dealerships selling a combination of new and used cars within the westernmost 50+ acres of the PAD area. The intent of that amendment was to expand the automall and allow automotive dealerships to be permitted uses throughout the entire PAD area.

The applicant has initiated a new Major PAD Amendment that would apply to only one (1) property, located within the western portion of the existing PAD area (Exhibits A and B). The subject property is currently developed with an unoccupied automotive dealership, which formerly specialized in new vehicle sales. A detailed description of the PAD amendment request is provided in the “Summary of Request” section of this report, below.

The property subject to the proposed amendment has a General Plan 2030 Land Use designation of Business Park (Exhibit C).

Surrounding uses and zoning abutting the subject property include:

North: The Interstate 10 Freeway, which runs through the City of Avondale in an east-west direction, abuts the I-10 Frontage Road to the north. Immediately north of that is commercial development comprised of the Gateway Crossing PAD and Gateway Village retail and restaurant developments located east of 103rd Avenue, and the Park 10 PAD currently under phased construction on vacant land located immediately west of the 103rd Avenue.

East: Abutting the subject property to the east is Tom's Camperland RV dealership, which is one of multiple dealership properties that are also part of the Avondale Automall PAD. Outside of the PAD, the City of Tolleson lies immediately to the east, separated by 99th Avenue. The existing uses on the east side of 99th Avenue include a CarMax used car dealership and a Circle K gas station and convenience store.

South: Between 107th and 105th Avenues is the Griffith PAD, which is currently developed with a used car sales operation and an Enterprise car rental facility, with the remainder of the PAD currently vacant land. The land situated between 105th and 103rd Avenues is zoned Commerce Park and contains a light manufacturing facility and vacant land. Avondale Commerce PAD lies in between 103rd and 101st Avenues and is occupied by 101 Logistics Park, a 650,000 square foot industrial center for warehousing and e-commerce. Additionally, the land located between 101st and 99th Avenues is part of the Interstate Commerce Center PAD and is fully developed with a truck wash, gas station, convenience store, and fast-food restaurant services.

West: Abutting the subject property to the west is the Rodeo Kia dealership, which is one of multiple dealerships which are part of the Avondale Automall PAD. Outside of the PAD area, west of 107th Avenue, is undeveloped land with active agriculture. This land is zoned PAD for the Avondale Gateway Center, which is envisioned as a mixed-commercial PAD that is intended to be developed with a combination of commercial uses, including office, restaurant, retail, business park, light industrial, and other uses that support the Freeway Corridor Specific Plan.

DISCUSSION:

SUMMARY OF REQUEST:

Paul Gilbert, of Beus Gilbert McGroder PLLC, has initiated a request for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property. This amendment is proposed for a single 6.02 net acre parcel (APN 102-54-102) located in the western portion of the Avondale Automall PAD.

If the applicant-initiated Major PAD Amendment is approved, only this single property within the Avondale Automall will be able to conditionally permit (via a Conditional Use Permit) the operation of a used car dealership, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times.

The entitlement process to conditionally permit the operation of a used car dealership is a three-step process. This PAD amendment is the first step in the process, which is to amend the Avondale Automall PAD to conditionally permit one (1) used car dealership meeting the criteria described above. If this Major PAD Amendment is approved, the property owner of the subject parcel will be able to request a Conditional Use Permit (CUP) application for the operation of the proposed use, which would be the second step. Planning Commission and City Council review and approval of such an application is required. The third step in the entitlement process would be the administrative approval of a Site Plan and Design Review application for any building construction or remodeling, which would include a Comprehensive Sign Plan as part of that application. The existing PAD development standards would need to be met for any new development,

including any exterior improvements and signage that are proposed for an existing building.

PUBLIC PARTICIPATION:

The applicant held a neighborhood meeting to discuss the proposed PAD amendment at 6:00 P.M. on Tuesday, June 30, 2020. Due to protective measures that have been implemented by the City of Avondale, in order to limit the spread of the COVID-19 virus, in-person meetings at City Hall were suspended during the application review process. As a result, the neighborhood meeting was held via teleconference instead. The neighborhood meeting was advertised in the June 10, 2020 edition of the Arizona Republic. Two (2) notification signs, which include information on the request along with details of the neighborhood meeting date, time, and location, were erected throughout the project site on June 11, 2020. Furthermore, in addition to the certified notices, all property owners within the project area and within 1,000 feet of the perimeter boundary were notified of the neighborhood meeting via postcards sent on June 6, 2020. Both the Planning Commission and City Council meeting were advertised in the July 29, 2020 edition of the Arizona Republic. The two (2) existing notification signs, which include information on the request along with details of the Planning Commission and City Council meeting dates, time, and location, were updated on the project site on or before August 3, 2020. In addition to the certified notices, all property owners within the project area and within 1,000 feet of the perimeter boundary were notified of both the Planning Commission and City Council meetings via postcards sent on July 24, 2020.

The virtual neighborhood meeting was attended by the applicant (Paul Gilbert and Andy Jochums), City Staff, Vice Mayor Pat Dennis, George Haugen (the subject property owner's representative and broker), Hector Salazar (current leaseholder for the now vacant building, previously occupied by Avondale Fiat, which abuts the subject property to the west), Dwayne and Beth Hathoot (associates of Cactus Jack's Auto), David Doherty (owner of Cactus Jack's Auto), and Gil Neuner (associate of Cactus Jack's Auto).

Three parties were opposed to the proposed applications: the Hathoots, David Doherty, and Gil Neuner (all affiliated with Cactus Jack's Auto). Cactus Jack's Auto is interested in purchasing or leasing both the former Mitsubishi and Fiat dealership properties with the intention to operate a Mitsubishi franchise there. However, George Haugen pointed out that Cactus Jack's Auto made their offer subsequent to the EchoPark offer, which was already under contract at that point.

Vice Mayor Dennis expressed wanting to protect existing dealerships within the Automall and was in favor of limiting the proposed used car sales operation to just one property. She suggested the applicant explore limiting their rezoning scope to one (1) lot rather than the proposed area.

The applicant has obtained signatures of support from either a property owner or dealership (or in a number of cases both) for eleven (11) out of the fourteen (14) properties currently developed with a dealership, including dealership buildings (Exhibit H).

At the time of writing this report, no comments related to the proposal have been posted on the City's aVOICE digital forum.

PLANNING COMMISSION ACTION:

Planning Commission is scheduled to conduct a public hearing and issue a recommendation on the proposed PAD Amendment on August 19, 2020. Due to publication deadlines, a summary could not be included in this report; Staff will provide Council with a summary of the August 19, 2020 Planning Commission meeting when this item is presented on August 24, 2020.

ANALYSIS:

In 1999, approximately 150 acres south of Interstate 10 between 99th Avenue and 107th Avenue was rezoned from Agriculture to PAD to allow for the creation of an automall along with an envisioned retail shopping center on the westernmost 50 acres. In 2003, due to the success of the automall, the westernmost 50 acres was rezoned to expand the automall and allow for "Outdoor Automobile Sales: New and Used" along

with other associated uses.

The applicant points out in their project narrative (Exhibit E) that since 2003 the landscape of the automobile industry has changed significantly. Several domestic brands such as Mercury, Oldsmobile, Plymouth, and Pontiac have disappeared from the market, along with newer brands and imports such as Hummer, Isuzu, Saturn, and Suzuki, which are also no longer sold. The loss of these car manufacturers has led to a reduced need for dealership space, leaving the Avondale Automall with vacant buildings. Some of those vacancies have been filled with alternative uses, such as recreational vehicle and trailer sales, but some dealership buildings remain vacant or with a high degree of turnover.

Recently, the automobile sales industry has seen great success in dealerships that specialize in selling only more recent model used vehicles, with lower mileage. With this proposed amendment, the applicant is seeking the Major PAD amendment to conditionally permit one (1) dealership selling used vehicles only, subject to that dealer having a minimum consolidated annual revenue of \$500 million and maintaining a minimum of 140 vehicles on display at all times.

If this Major PAD Amendment is approved, the property owner of the subject parcel would be able to request a CUP to conditionally permit a used car dealership at this location in the PAD. Approximately 80 percent of dealerships within the overall PAD area are supportive of the proposed amendment (Exhibit H).

The Planning Commission and City Council will have continued review and approval authority, respectively, for any dealership meeting the aforementioned criteria that is proposed to operate at this location. As this report has already established, a CUP would be required for such an operation, and this would allow for Planning Commission and City Council approval authority, which could involve the imposition of various zoning conditions of approval, should approval be granted.

DISCUSSION:

The proposed Major PAD amendment meets the following findings:

1. The proposed Amendment is in conformance with the General Plan 2030 Land Use Map.
2. The proposed Amendment is in conformance with The Freeway Corridor Specific Plan.
3. The proposed Amendment will result in compatible land use relationships.
4. Adequate public infrastructure to support development in the Avondale Automall PAD either presently exists or will be constructed by adjacent developers as properties develop.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Ensure City has financial capacities to support development.

INITIATIVE: Encourage and support creative innovation in development and service delivery

- STRATEGIC GOAL: Encourage a flexible environment responsive to market trends.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** the Ordinance approving Application PL-20-0119 Avondale Automall, a request for a Major Amendment to the Avondale Automall Planned Area Development (PAD), subject to the following one (1) condition of approval:

1. Development shall conform to the 2003 Amended Avondale Automall Planned Area Development Narrative (the "2003 PAD"), date stamped March, 2003 and approved by Ordinance 927-03, except as explicitly modified in the Avondale Automall Major PAD Amendment Narrative (the "2020 Amendment") date stamped July 7, 2020, and approved as part of Application PL-20-0119.

PROPOSED MOTION:

I move that City Council accept the findings and **ADOPT** the Ordinance approving Application PL-20-0119 Avondale Automall, a request for a Major Amendment to the Avondale Automall Planned Area Development (PAD), subject to one (1) recommended condition of approval as listed in the Staff Report.

ORDINANCE NO. 2024-0720

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE PLANNED AREA DEVELOPMENT ZONING FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ROOSEVELT STREET AND 107 TH AVENUE, AS SHOWN IN APPLICATION PL-20-0119, BY AMENDING THE ALLOWABLE USES AND THE DEVELOPMENT AND DESIGN STANDARDS.

WHEREAS, on December 20, 1999, the Council of the City of Avondale (the “City Council”) amended the City of Avondale Zoning Atlas by adopting Ordinance 722-99, rezoning approximately 150 acres of real property generally located at the southwest corner of 99th Ave and Interstate 10 to a Planned Area Development known as Avondale Automall (the “Avondale Automall PAD”); and

WHEREAS, on April 21, 2003, the City Council amended the Avondale Automall PAD by adopting Ordinance 927-03 amending the permitted uses and property development standards for approximately 50 acres located at the southeast corner of 107th Avenue and Interstate 10; and

WHEREAS, the Property Developer has requested a modification to the Avondale Automall PAD to incorporate a new permitted use (the “Modifications”) for ±6.258 acres of real property designated as Lot 11B and located at the northwest corner of Roosevelt Street and 107th Avenue, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference (the “Subject Property”); and

WHEREAS, the City Council now desires to approve the Modifications to the Avondale Automall PAD by adopting the amendment as shown in Application PL-20-0119 (the “2020 Amendment”); and

WHEREAS, all due and proper notices of the public hearing on the 2020 Amendment held before the City of Avondale Planning Commission (the “Commission”) and by the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, on August 19, 2020, the Commission held a public hearing on the 2020 Amendment, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the 2020 Amendment on August 24, 2020; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the City Council has considered the individual property rights and personal liberties of the residents of the City before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The 2020 Amendment for the Avondale Automall PAD, as shown in Application PL-20-0119, is hereby approved subject to the City of Avondale adopted codes, requirements, standards and regulations and the following stipulations:

1. Except as modified by these conditions of approval, development of the Subject Property shall conform to the Avondale Automall PAD Development Narrative date stamped July 7, 2020.
2. The Automotive Dealership located on the Subject Property shall have a minimum consolidated annual revenue of \$500 million.
3. The Automotive Dealership located on the Subject Property shall maintain a minimum of 140 vehicles on display at all times.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2024-0720

[Legal Description and Map of Subject Property]

See following pages.

**ZONING LEGAL DESCRIPTION
AVONDALE AUTO MALL – LOT 11B
JOB #P5304**

July 6, 2020

A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF AVONDALE BRASS CAP IN HANDHOLE, MARKING THE WEST QUARTER CORNER OF SAID SECTION 5, FROM WHICH THE BRASS CAP IN HANDHOLE, MARKING THE NORTHWEST CORNER OF SAID SECTION 5, BEARS NORTH 00 DEGREES 15 MINUTES 35 SECONDS WEST, A DISTANCE OF 2,640.69 FEET;

THENCE NORTH 88 DEGREES 49 MINUTES 02 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 691.82 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 01 DEGREE 10 MINUTES 59 SECONDS WEST, A DISTANCE OF 618.92 FEET;

THENCE NORTH 88 DEGREES 49 MINUTES 01 SECOND EAST, A DISTANCE OF 43.22 FEET;

THENCE NORTH 01 DEGREE 10 MINUTES 59 SECONDS WEST, A DISTANCE OF 291.43 FEET;

THENCE SOUTH 88 DEGREES 49 MINUTES 01 SECOND WEST, A DISTANCE OF 33.65 FEET;

THENCE NORTH 01 DEGREE 10 MINUTES 59 SECONDS WEST, A DISTANCE OF 338.28 FEET;

THENCE NORTH 88 DEGREES 59 MINUTES 11 SECONDS EAST, A DISTANCE OF 221.50 FEET;

THENCE SOUTH 01 DEGREE 10 MINUTES 59 SECONDS EAST, A DISTANCE OF 1,247.98 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH 88 DEGREES 49 MINUTES 02 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 231.07 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 272,616 SQUARE FEET OR 6.258 ACRES, MORE OR LESS.



NORTHWEST CORNER
SEC. 5, T1N, R1E
FOUND BRASS CAP IN HANDHOLE

McDOWELL RD

INTERSTATE 10



107TH AVE

BASIS OF BEARING
N00°15'35"W 2640.69'

LOT 13
BK. 646, PG. 29
NOT A PART

LOT 11A
BK. 1460, PG. 31
NOT A PART

N01°10'59"W 338.28'

N88°59'11"E
221.50'

S88°49'01"W
33.65'

LOT 11B
BK. 1460, PG. 31

N01°10'59"W
291.43'

N88°49'01"E
43.22'

S01°10'59"E 1247.98'

LOT 11C
BK. 1460, PG. 31
NOT A PART

LOT 12A
BK. 710, PG. 17
NOT A PART

LOT 12B
BK. 710, PG. 17
NOT A PART

POINT OF
COMMENCEMENT

POINT OF
BEGINNING

691.82'

S88°49'02"W
231.07'

WEST QUARTER CORNER
SEC. 5, T1N, R1E
FOUND CITY OF AVONDALE
BRASS CAP IN HANDHOLE

N88°49'02"E 2638.68'
ROOSEVELT ST

CENTER OF
SEC. 5, T1N, R1E
FOUND CITY OF AVONDALE
BRASS CAP IN HANDHOLE

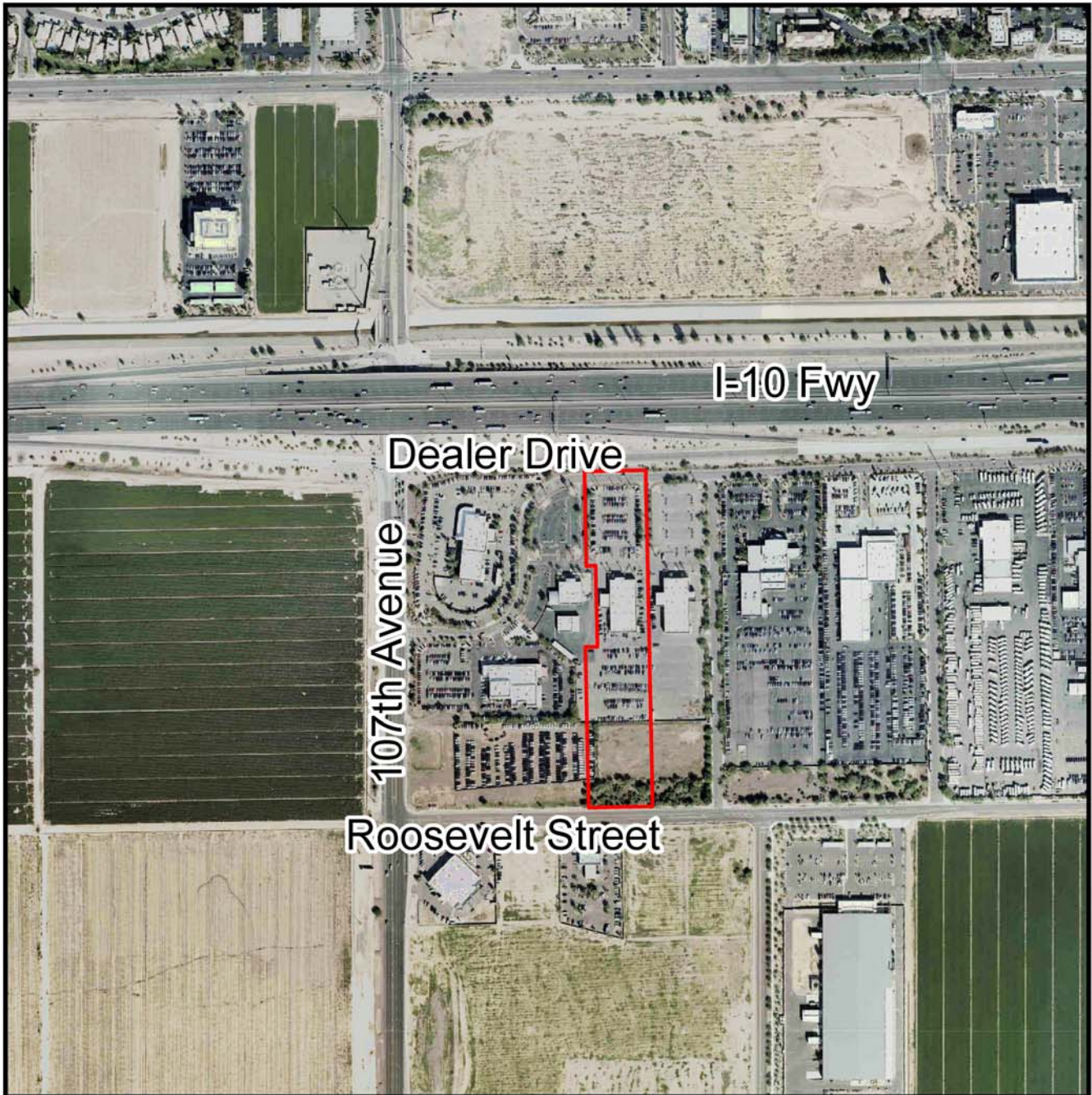
SIG

**SURVEY INNOVATION
GROUP, INC**

**ZONING EXHIBIT
AVONDALE AUTO MALL - LOT 11B
AVONDALE, ARIZONA**

Ph (480) 922 0780 **Land Surveying Services** Fx (480) 922 0781
22425 N. 16th ST., SUITE 1, PHOENIX, ARIZONA 85024

JOB #P5304	DWG: EXHIBIT	DATE 7/6/20
SCALE: N.T.S.	DRAWN: TS	CHK: JAS
		SHEET 1 OF 1

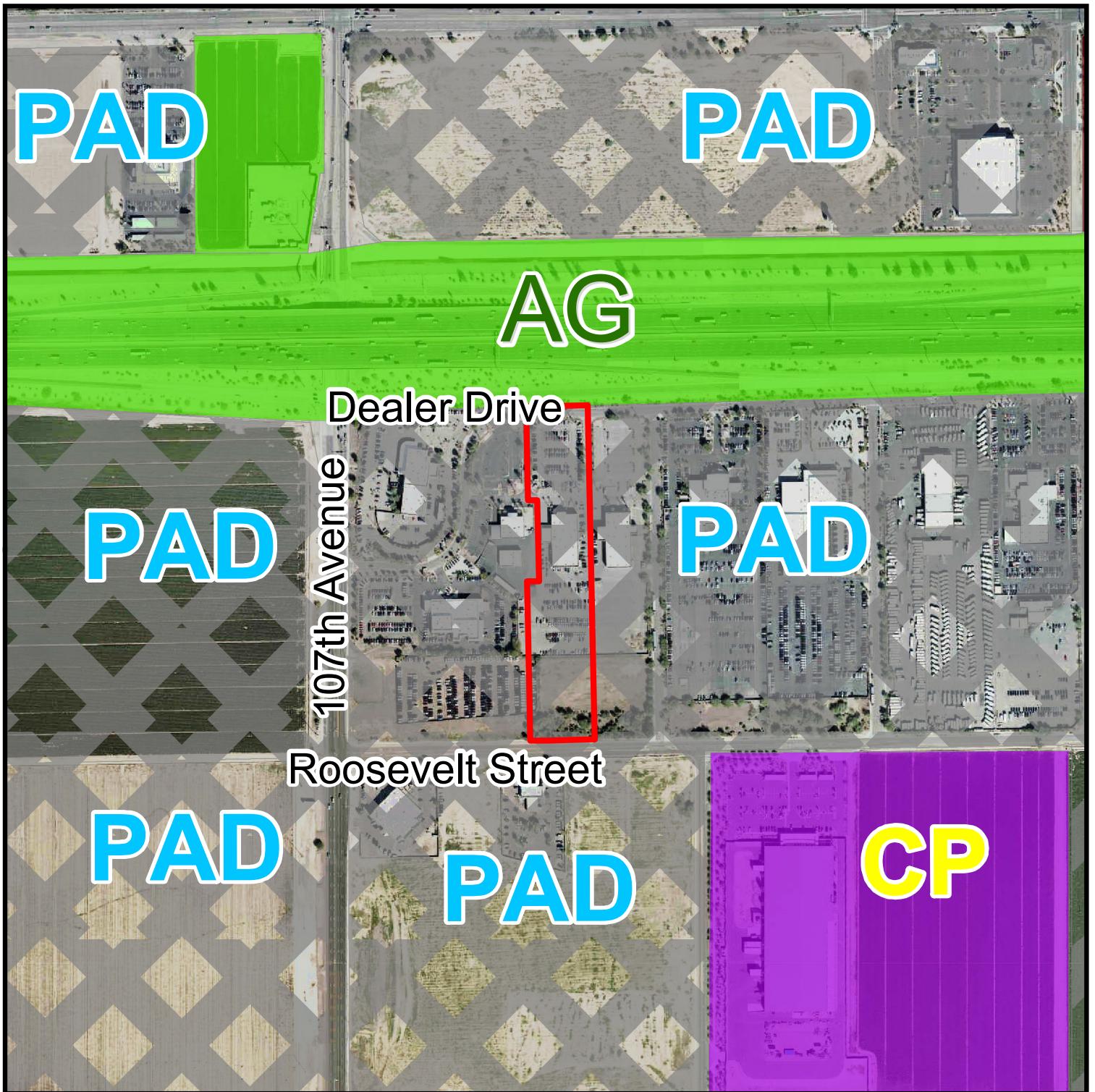


Aerial Image



Project Location



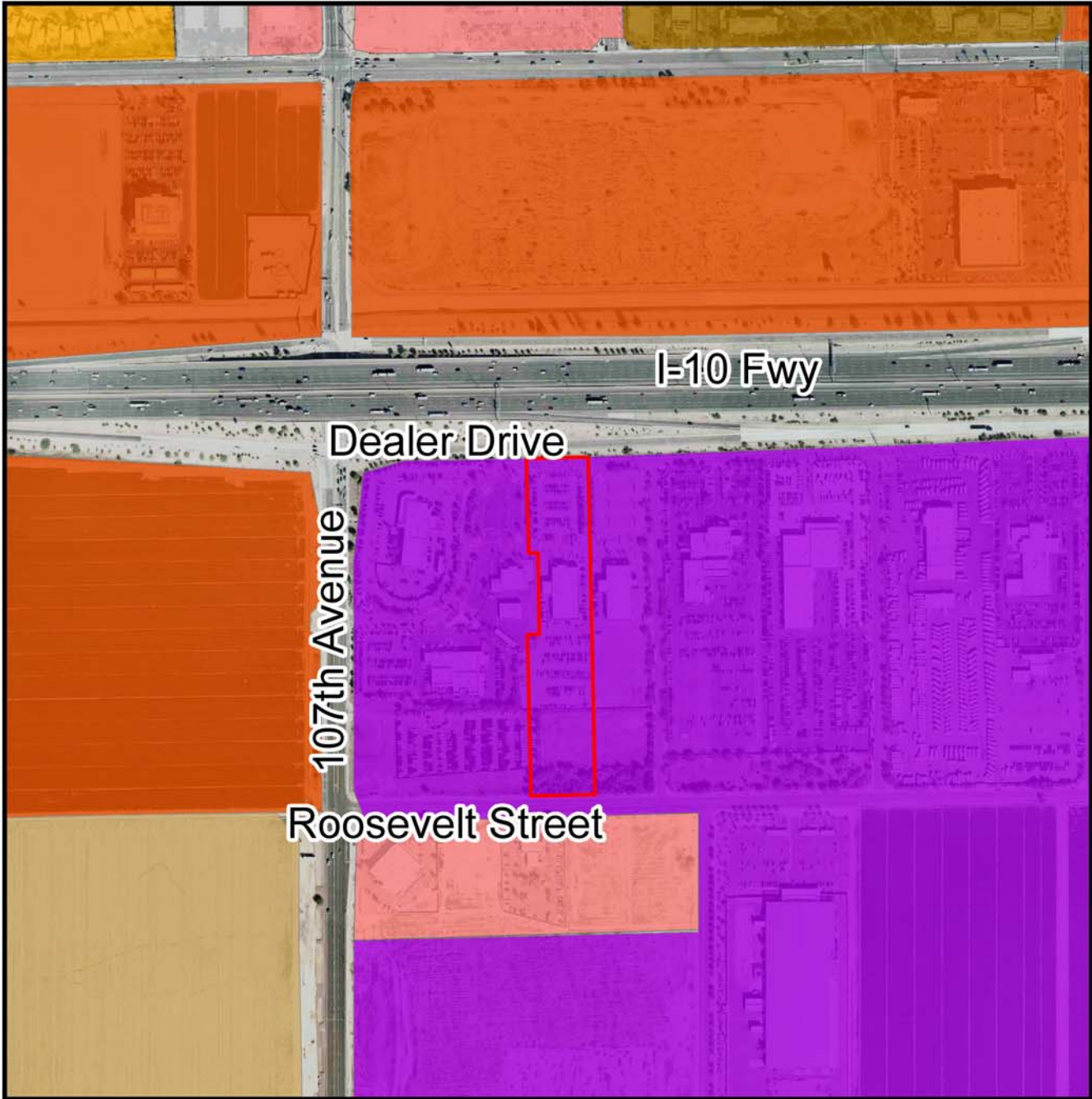


Zoning Vicinity Map



Project Location





al
ce

General Plan Land Use Map



Project Location



Freeway Commercial



Medium/High Density Residential



Business Park



Local Commercial



*SUMMARY OF RELATED FACTS
APPLICATION PL-20-0119*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 6.02 gross acres
LOCATION	South of I-10 Frontage Road, north of Roosevelt Street, east of 107 th Avenue, and west of 99 th Avenue
EXISTING LAND USE	Fully developed and occupied by an existing (vacant) automotive dealership building.
EXISTING ZONING	PAD – Avondale Automall
ZONING HISTORY	The property subject to this request was annexed in May 1986. The property was given Agricultural (AG) zoning upon annexation. As part of the original 1999 PAD, approximately 100 acres on the eastern portion of the 150-acre PAD area was designated as an automall, with the remaining 50 acres being designated as a retail shopping center. C-2 (Community Commercial District) development standards were adopted for the overall site, with some modifications made to the landscape and height standards of the C-2 zone. Additionally, the PAD also established a number of automotive related uses (besides new car dealerships, which were permitted by right), such as motor vehicle repair and motor vehicle body shops, along with additional commercial uses (including live entertainment and skating rinks), as conditionally permitted uses within the overall PAD area. In 2003, based on the success of the automall and its dealerships within the 100-acre area at the easternmost portion of the PAD, the PAD was amended to allow for (by right) additional dealerships within the remaining 50-acre area at the west portion of the PAD. The same development standards that applied to the 100-acre automall portion of the PAD were applied to the 50-acre portion as well to ensure continuity across the whole PAD.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	The Interstate 10 Freeway, which runs through the City of Avondale in an east-west direction, abuts the I-10 Frontage Road to the north. Immediately north of that is a swath of commercial development comprised of the Gateway Crossing PAD and Gateway Village retail and restaurant developments located east of 103rd Avenue, and the Park 10 PAD development (currently under phased construction on vacant land) located immediately west of the 103rd Avenue.
EAST	Abutting the subject property to the east is Tom's Camperland RV dealership, which is one of multiple dealership properties that are also part of the Avondale Automall PAD. Outside of the PAD, the City of Tolleson lies immediately to the east, separated by 99 th Avenue. The existing uses on the east side of 99 th Avenue include a CarMax used car dealership and a Circle K gas station and convenience store.
SOUTH	Between 107 th and 105 th Avenues is the Griffith PAD, which is currently developed

	with a used car sales operation and an Enterprise car rental facility, with the remainder of the PAD currently vacant land. The land situated between 105 th and 103 rd Avenues is zoned Commerce Park and contains a light manufacturing facility and vacant land. Avondale Commerce PAD lies in between 103 rd and 101 st Avenues and is occupied by 101 Logistics Park, a 650,000 square foot industrial center for warehousing and e-commerce. Additionally, the land located between 101 st and 99 th Avenues is part of the Interstate Commerce Center PAD and is fully developed with a truck wash, gas station, convenience store, and fast-food restaurant services.
WEST	Abutting the subject property to the west is the Rodeo Kia dealership, which is one of multiple dealerships which are part of the Avondale Automall PAD. Outside of the PAD area, west of 107 th Avenue, is undeveloped land with active agriculture. This land is zoned PAD Z-07-16 for the Avondale Gateway Center, which is envisioned as a mixed-commercial PAD that is intended to be developed with a combination of commercial uses, including office, restaurant, retail, business park, light industrial, and other uses that support the Freeway Corridor Specific Plan.

GENERAL PLAN

The General Plan 2030 Land Use Map was mostly recently amended in September 2019 to reflect the adopted The BLVD Specific Plan land use categories, which are located outside of the subject area. The properties subject to the request have the General Plan 2030 Land Use designation of Business Park.

The Business Park land use category is intended to allow for large scale campus development that provides abundant employment opportunities and offers amenities such as attractive streetscapes with excess landscaped setbacks, appropriate screening from the I-10 freeway, pedestrian connections, efficient circulation, and refuge areas for active and passive activities to keep a healthy lifestyle for all employees. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited warehouse and support services that support these primary employment uses.

A varying scale and intensity of uses are intended to be accommodated within this land use category.

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	The closest district is Littleton Elementary District, with Tolleson Elementary School located approximately 600 feet east of the southeast corner of 99 th Avenue and Van Buren Street within the City of Tolleson.
HIGH SCHOOL	The closest district is Tolleson Union High School District, with Littleton Elementary School located at the southwest corner of Avondale Boulevard and Buckeye Road within the City of Avondale.

<i>STREETS</i>	
I-10 Frontage Road	
Classification	Collector (2-lane)
Part of ADOT's 575-foot I-10 Freeway right-of-way	
107th Avenue	
Classification	Arterial (4-lane)
Existing half-street ROW	Varies
Roosevelt Street	
Classification	Collector (2-lane, with 2-way left turn lane)
Existing half-street ROW	40 feet
Dealer Drive	
Classification	Private Street (2-lane)

<i>UTILITIES</i>
8-inch water line within Dealer Drive; 12-inch water line and 15-inch sewer line within Roosevelt Street; and a 16-inch water line and 8-inch sewer line within 107 th Avenue. SRP provides electrical service in this portion of Avondale.

Avondale Automall

PAD Zoning – 2nd Amendment

July 6, 2020

History and Narrative

In 1999 the approximately 150 acres south of Interstate 10 between 99th Avenue and 107th Avenue was rezoned from Agriculture to Planned Area Development to allow for the creation of an automall along with a retail shopping center on the westernmost 50 acres.

In 2003, due to the success of the automall, the westernmost 50 acres was rezoned to expand the automall and allow for “Outdoor Automobile Sales: New and Used” along with other associated uses.

Since 2003 the landscape of the automobile industry has changed significantly. Historical marques such as Mercury, Oldsmobile, Plymouth, and Pontiac have vanished along with newer brands and imports such as Hummer, Isuzu, Saturn, and Suzuki are no longer sold. Loss of these manufactures has led to a reduced need for dealership space, leaving the Avondale Automall with vacant buildings. Some of that space has been filled with alternative uses, such as recreational vehicle and trailer sales, but dealership buildings remain vacant or with a high degree of turnover. Recently, the automobile sales industry has seen great success in dealerships that specialize in selling only gently used late model vehicles. With this amendment, we wish to obtain zoning for a portion of the Avondale Automall property to allow for dealerships that sell only used vehicles.

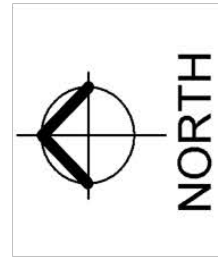
Rezoning Request

In addition to the allowed uses provided within the Avondale Automall Planned Area Development (PAD), as amended, the following additional use shall be allowed subject to a Conditional Use Permit on 6.02 net acres (6.26 gross acres) of the automall:

Automotive Dealerships Selling Used Vehicles Only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property.

This use shall only be considered in the area depicted on the Aerial Photo (Exhibit A) and as further described in the legal description (Exhibit B) and shall be limited to only one (1) used-vehicle dealership meeting the conditional use criteria described above.

With the exception of the above additional use, all applicable development standards and sign standards shall be subject to the existing Avondale Automall Planned Area Development (PAD), as amended.



 = 2nd Amendment Boundary

**ZONING LEGAL DESCRIPTION
AVONDALE AUTO MALL – LOT 11B
JOB #P5304**

July 6, 2020

A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF AVONDALE BRASS CAP IN HANDHOLE, MARKING THE WEST QUARTER CORNER OF SAID SECTION 5, FROM WHICH THE BRASS CAP IN HANDHOLE, MARKING THE NORTHWEST CORNER OF SAID SECTION 5, BEARS NORTH 00 DEGREES 15 MINUTES 35 SECONDS WEST, A DISTANCE OF 2,640.69 FEET;

THENCE NORTH 88 DEGREES 49 MINUTES 02 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 691.82 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTH LINE, NORTH 01 DEGREE 10 MINUTES 59 SECONDS WEST, A DISTANCE OF 618.92 FEET;

THENCE NORTH 88 DEGREES 49 MINUTES 01 SECOND EAST, A DISTANCE OF 43.22 FEET;

THENCE NORTH 01 DEGREE 10 MINUTES 59 SECONDS WEST, A DISTANCE OF 291.43 FEET;

THENCE SOUTH 88 DEGREES 49 MINUTES 01 SECOND WEST, A DISTANCE OF 33.65 FEET;

THENCE NORTH 01 DEGREE 10 MINUTES 59 SECONDS WEST, A DISTANCE OF 338.28 FEET;

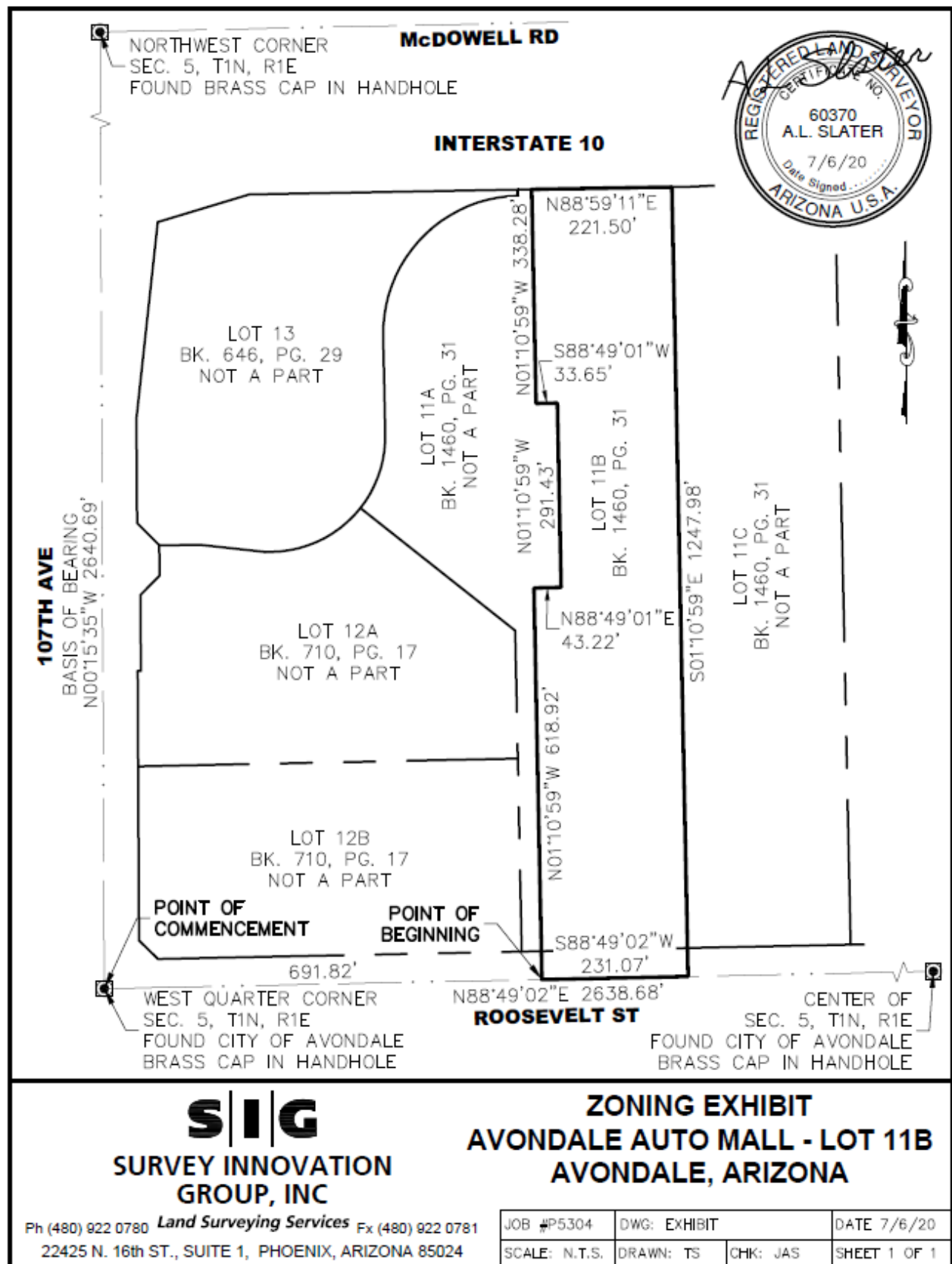
THENCE NORTH 88 DEGREES 59 MINUTES 11 SECONDS EAST, A DISTANCE OF 221.50 FEET;

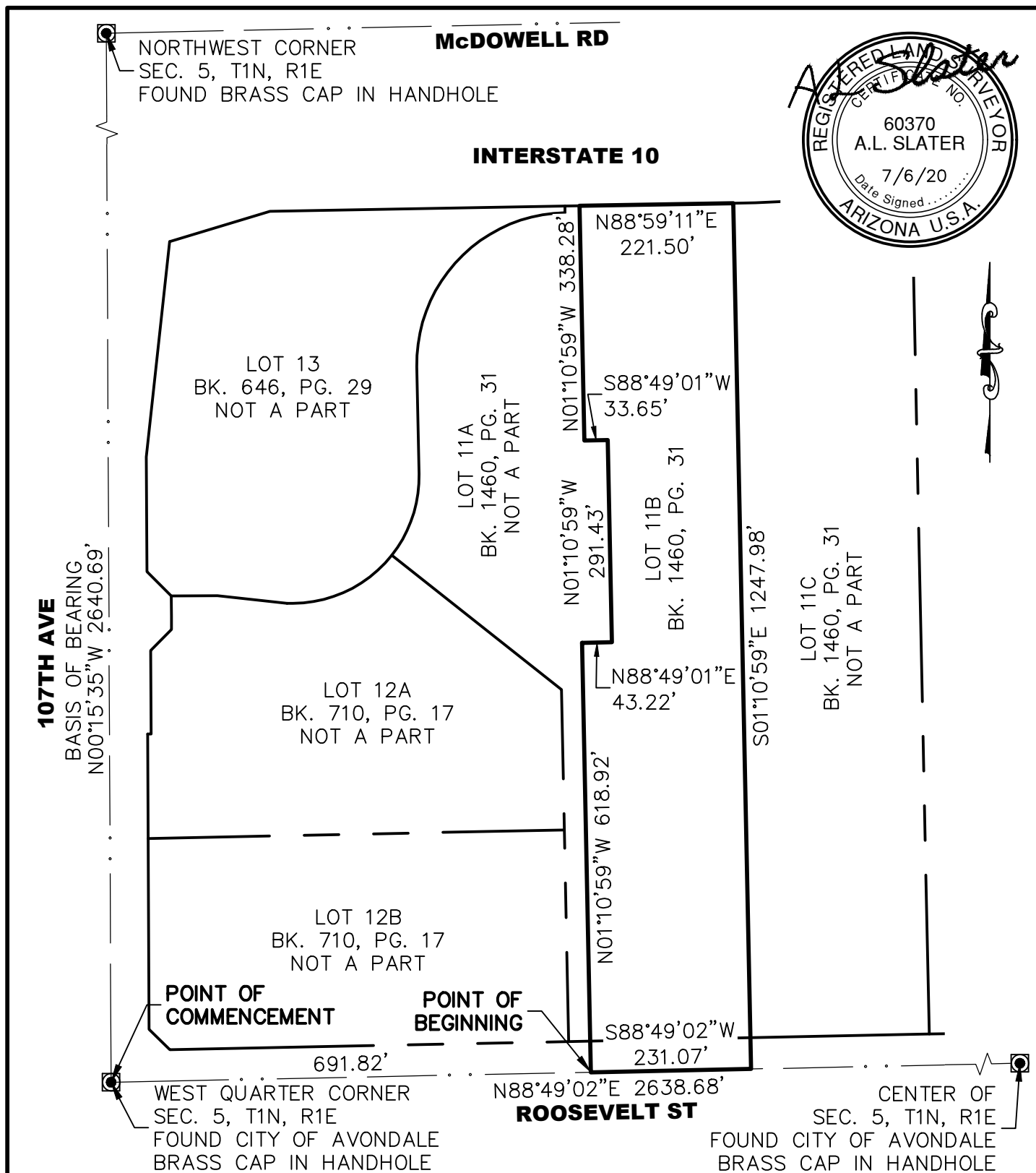
THENCE SOUTH 01 DEGREE 10 MINUTES 59 SECONDS EAST, A DISTANCE OF 1,247.98 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5;

THENCE SOUTH 88 DEGREES 49 MINUTES 02 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 231.07 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 272,616 SQUARE FEET OR 6.258 ACRES, MORE OR LESS.







SIG
SURVEY INNOVATION
GROUP, INC

ZONING EXHIBIT
AVONDALE AUTO MALL - LOT 11B
AVONDALE, ARIZONA

Ph (480) 922 0780 **Land Surveying Services** Fx (480) 922 0781
22425 N. 16th ST., SUITE 1, PHOENIX, ARIZONA 85024

JOB #P5304	DWG: EXHIBIT	DATE 7/6/20
SCALE: N.T.S.	DRAWN: TS	CHK: JAS
		SHEET 1 OF 1

**ZONING LEGAL DESCRIPTION
AVONDALE AUTO MALL – LOT 11B
JOB #P5304**

July 6, 2020

A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 272,616 SQUARE FEET OR 6.258 ACRES, MORE OR LESS.



Charles A. Montoya
 City Manager
 City of Avondale
 11465 W. Civic Center Drive
 Avondale, AZ 85323

Dear Mr. Montoya,

The undersigned are owners of properties and dealerships within the Avondale Automall. We are writing this letter to urge the City of Avondale to permit the Avondale Automall to include dealers that sell only used vehicles, provided the used vehicle facility has operational standards consistent with traditional new car sales dealerships.

There are several vacant and available sites within the Avondale Automall. Because of certain legal and manufacturer restrictions there are few, if any, new car franchises that would be able to relocate to the Avondale Automall beyond the existing 13 franchises.

Accordingly, we support revising the Planned Area Development (PAD) zoning of the Avondale Automall to allow dealerships that sell only used vehicles. We authorize the application to amend the present zoning so long as: 1) the used vehicle dealership can reasonably demonstrate sufficient financial strength to floorplan 140 vehicles; and 2) the dealership establishes and maintains standards consistent with traditional new car dealership, including, without limitation, the reasonable requirements of the Architectural Control Committee as stipulated in the existing CCR's.

Sincerely,

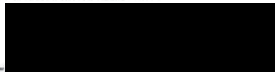
Undersigned Owners:

102-54-027A 102-54-027B 102-54-028B	Property Owner Gateway Chevrolet, Inc. _____ By: Its: Business Owner Gambino Chevrolet _____ By: GAMBINO JOSEPH A/JANET
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102-54-028A	Property Owner NNN Auto Owner I, LLC [REDACTED] By: <u>Jenette O'Brien</u> Its: <u>Authorized signor</u> Business Owner "Avondale Toyota" DocuSigned by: [REDACTED] By: <u>Brian McCafferty</u> Its: <u>Manager</u>
102-54-030	Property Owner MORELAND ARIZONA PROPERTIES LLC _____ By: Its: Business Owner "Larry H. Miller – Avondale Chrysler Jeep _____ By: Its:
102-54-031	Property Owner MORELAND ARIZONA PROPERTIES LLC _____ By: Its: Business Owner "Larry H. Miller – Avondale Dodge Ram _____ By: Its:

102-54-028A	Property Owner NNN Auto Owner I, LLC _____ By: Its: Business Owner "Avondale Toyota" _____ By: Brian McCafferty Its: Manager
102-54-030	Property Owner MORELAND ARIZONA PROPERTIES LLC DocuSigned by: _____ By: William D. Moreland Its: Mgr Business Owner "Larry H. Miller – Avondale Chrysler Jeep" _____ By: Its:
102-54-031	Property Owner MORELAND ARIZONA PROPERTIES LLC DocuSigned by: _____ By: William D. Moreland Its: Mgr Business Owner "Larry H. Miller – Avondale Dodge Ram" _____ By: Its:

102-54-038	Property Owner No Bull, LLC DocuSigned by: [Redacted Signature] By: Hal J. Earnhardt, III Its: Manager/Member Business Owner Earnhardt Avondale, Inc. d/b/a Earnhardt Honda DocuSigned by: [Redacted Signature] By: Hal J. Earnhardt, III Its: President
102-54-039B 102-54-040B	Property Owner and Business Owner MILLER FAMILY REAL ESTATE LLC (Larry H. Miller Volkswagen) By: Its:
102-54-039A 102-54-040A	Property Owner EARNHARDT PROPERTIES LIMITED PARTNERSHIP Only Champions, Inc. (General Partner) DocuSigned by: [Redacted Signature] By: Hal J. Earnhardt, III Its: President

102-54-038	Property Owner and Business Owner No Bull, LLC (Earnhardt Honda) _____ By: Its:
102-54-039B 102-54-040B	Property Owner and Business Owner MILLER FAMILY REAL ESTATE LLC (Larry H. Miller Volkswagen) _____ By: Its:
102-54-039A 102-54-040A	Property Owner EARNHARDT PROPERTIES LIMITED PARTNERSHIP _____ By: Its:
102-54-041	Property Owner BY BX NATIONAL RETAIL PROPERTIES LP a Delaware limited partnership <i>dc</i> By: NNN GP Corp., a Delaware corporation, as general partner By:  Name: <u>Paul E. Bayer</u> Title: <u>Executive Vice President</u> Business Owner Arizona RV, LLC  By: <u>Brent Moody</u> Its: President

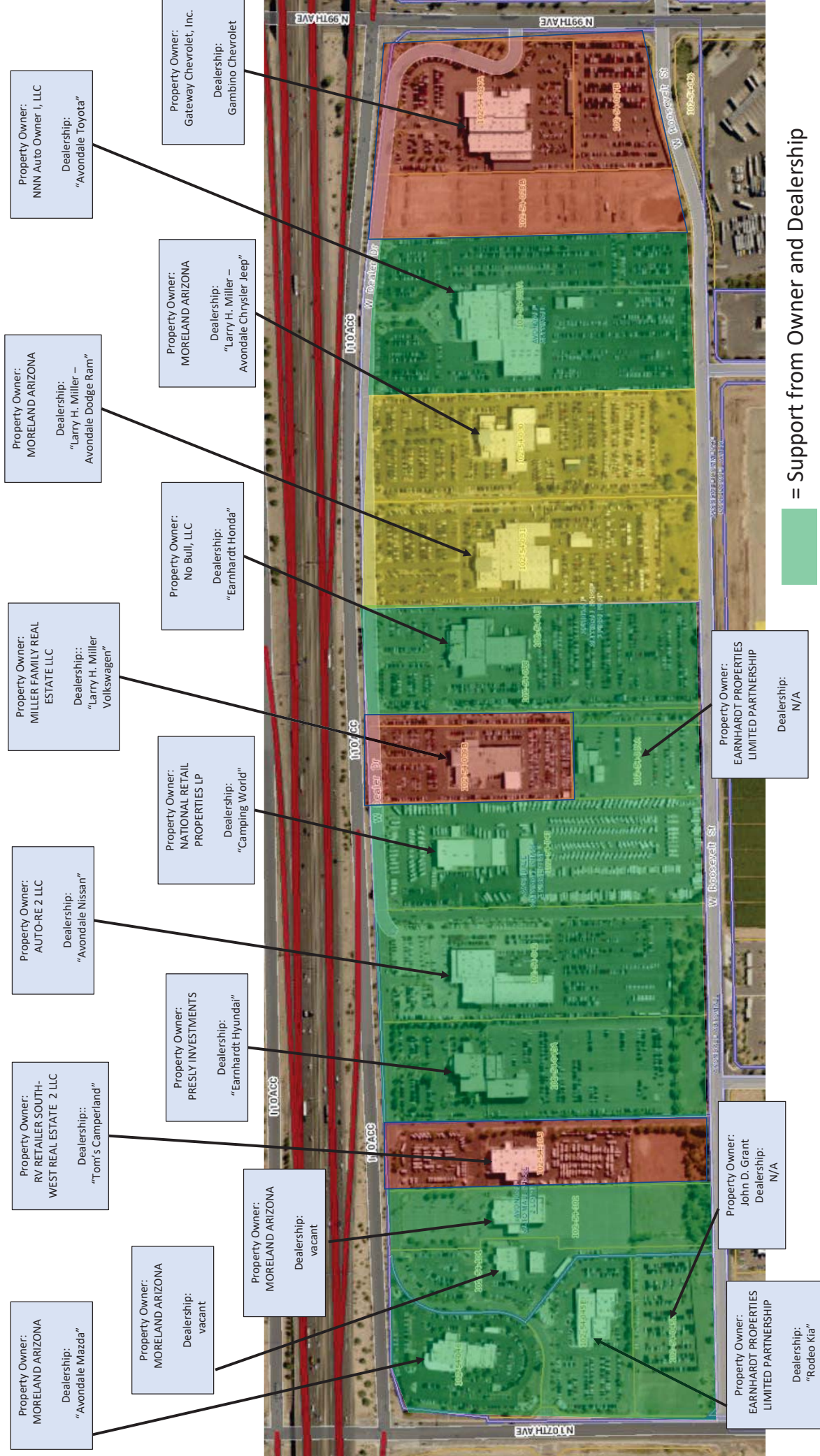
102-54-042	Property Owner AUTO-RE 2 LLC [REDACTED] By: Mitchell D. Pierce Its: Member Business Owner CDG Automotive, LLC (dba "Avondale Nissan") [REDACTED] By: Mitchell D. Pierce Its: Member
102-54-043A	Property Owner PRESLY INVESTMENTS LLC _____ By: Its: Business Owner "Earnhardt Hyundai" _____ By: Its:
102-54-103	Property Owner and Business Owner RV RETAILER SOUTHWEST REAL ESTATE 2 LLC ("Tom's Camperland") _____ By: Its:

102-54-043A	Property Owner PRESLY INVESTMENTS, LLC DocuSigned by: [Redacted Signature] By: Hal J. Earnhardt, IV Its: Manager/Member Business Owner Earnhardt Avondale, Hyundai, Inc. DocuSigned by: [Redacted Signature] By: Hal J. Earnhardt, IV Its: President
102-54-103	Property Owner and Business Owner RV RETAILER SOUTHWEST REAL ESTATE 2 LLC ("Tom's Camperland") _____ By: Its:
102-54-102	Property Owner (Vacant) MORELAND ARIZONA PROPERTIES LLC _____ By: Its:
102-54-101	Property Owner (Vacant) MORELAND ARIZONA PROPERTIES LLC _____ By: Its:

102-54-102	Property Owner (Vacant) MORELAND ARIZONA PROPERTIES LLC DocuSigned by: [Redacted Signature] By: C547F96833874A7 William D. Moreland Its: Mgr
102-54-101	Property Owner (Vacant) MORELAND ARIZONA PROPERTIES LLC DocuSigned by: [Redacted Signature] By: C547F96833874A7 William D. Moreland Its: Mgr
102-54-046	Property Owner MORELAND ARIZONA PROPERTIES LLC DocuSigned by: [Redacted Signature] By: C547F96833874A7 William D. Moreland Its: Mgr Business Owner "Avondale Mazda" DocuSigned by: [Redacted Signature] By: C547F96833874A7 William D. Moreland Its: Mgr
102-54-045E	Property Owner EARNHARDT PROPERTIES LIMITED PARTNERSHIP By: _____ Its: _____ Business Owner "Rodeo Kia" By: _____ Its: _____

102-54-046	Property Owner MORELAND ARIZONA PROPERTIES LLC _____ By: Its: Business Owner "Avondale Mazda" _____ By: Its:
102-54-045E	Property Owner EARNHARDT PROPERTIES LIMITED PARTNERSHIP Only Champions, Inc. (General Partner) DocuSigned by: _____ By: Hal J. Earnhardt, III Its: President Business Owner Rodeo K, Inc. d/b/a Rodeo Kia DocuSigned by: _____ By: Derby H. Earnhardt Its: President
102-54-045D	Property Owner (Vacant) John D. Grant _____ By: Its:

102-54-045D	Property Owner (Vacant) John D. Grant DocuSigned by:  B9FC32686A05403 By: _____ Mr. John Grant Its: owner
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= Support from Owner and Dealership

= Support from Owner Only

= Property Owner/Dealership Not in Support

Outreach Meeting Summary

Avondale Automall PAD Amendment #2 – PL-20-0119

Echo Park Used Vehicle Dealership CUP – PL-20-0120

Neighborhood Meeting

Date: June 30, 2020

Location: Zoom Virtual Meeting hosted by the City

Attendees:

Property owners or other interested individuals

- Dave Doherty – Cactus Jack's Auto/business associate
- Gil Neuner – Cactus Jack's Auto/business associate
- Dwayne and Beth Hathoot – Cactus Jack's Auto/business associates
- Hector Salazar – Leaseholder of adjacent former Fiat dealership

City of Avondale

- Vice Mayor Pat Dennis
- Charles Montoya – City Manager
- Kevin Murphy – Development and Engineering Services Director
- Brian Craig – Planning Manager
- Rick Casswell – Senior Planner

Applicant

- Paul Gilbert – Attorney
- Andy Jochums – Planning Consultant
- George Haugen – Property Owner's Representative and Broker

After a presentation by the applicant's attorney on the proposed PAD Zoning Amendment and the companion CUP for the specific dealership, the following were discussion topics and questions generated from the attendees:

- Appears the application is just for the subject dealership, why is the zoning boundary larger than the dealership property?
- Clarification as to the boundaries of the zoning case as well as the CUP case.

- As proposed with the limitation that the dealership must have an annual revenue in excess of \$500 million and maintain at least 140 vehicles on the property it would preclude 95% of used vehicle dealers.
 - Appears Echo Park is the only one qualified.
 - Prejudice against other dealerships.
 - Appears to preclude other dealers for the sake of an out-of-state company.
- Proposed Echo Park dealership would be a direct competitor for CarMax, located adjacent to the Automall in Tolleson.
- Discussion on the ownership of the 5 parcels within the rezoning boundary.
 - Confirmation that all those owners within the boundary are supportive.
- Gateway Chevy, Larry H. Miller and Tom's Camperland of the Automall are opposed.
 - Balance of Automall owners and dealers do not oppose.
- Cactus Jack's Auto has interest in securing a Mitsubishi franchise and are trying to secure purchase or lease of the subject property.
 - Rent is "too high" for Fiat, but Cactus Jack's Auto can "move in tomorrow"
 - "Complete the Automall"
 - Cactus Jack's Auto is "locally owned" and "25 years in business"
 - Sonic vs. Mitsubishi would be the same as both will have used vehicles, but Mitsubishi brings "flagship" and "brand advertising."
 - Selling used vehicles one way or another.
 - Pointed out that Mitsubishi has been in the Automall twice already and not survived.
 - Cactus Jack's Auto could sublease Fiat property or purchase the vacant parcel in the Automall.
- In proposed EchoPark CUP, City is looking to suggest restrictions on age and value of vehicles sold.
- Discussions on vehicle pricing and whether large volume offsets high prices. (Used car dealer versus luxury dealer)
- "Opposing dealers have done good for the City and should not be ignored"
- Incorrectly suggested that this request for allowing used vehicle dealerships has been tried twice and failed. (Applicant and City staff are unaware that this request for used vehicle only sales has been made to the Council before and Vice Mayor Dennis added that she didn't believe it was brought to City Council during her term in office.)
- Discussion again on the boundary of the zoning case versus the CUP. Vice Mayor Dennis asked why not just the subject parcel.
 - Staff and applicant shared that the idea was to look at a broader area for the rezoning as opposed to a single parcel.
 - Current request still would limit the area to a single used vehicle only dealership.
 - If a second one wanted to come in, it would need to amend the PAD Zoning as well as secure its own CUP.
 - City can incidentally consider this idea, just as the Automall incrementally expanded in the past.
 - If EchoPark went away, a new dealership would also need its own CUP.

- Summary of hearing dates by staff.
 - Planning Commission July 15th and City Council July 27th
 - Most likely virtual meetings
- Detailed discussion on exact boundary of CUP and proposed plans by Echo Park for remodeling the existing dealerships.
 - Question about the whether the paving of the southern portion of the property was part of the initial phase or a second phase expansion.
 - City shared that possible at risk construction and remodeling, but that a used vehicle dealership could not be allowed until after both the PAD Amendment and CUP are approved.
- Reiterated from Cactus Jack's Auto business associate that it was "mindboggling to change one facility for used vehicles as it changes the whole Automall."

Prepared from notes taken by:



Andy Jochums, Planning Consultant with Beus Gilbert McGroder PLLC

CITY COUNCIL REPORT

SUBJECT: Public Hearing - Conditional Use Permit for EchoPark Automotive, Avondale Automall – Application PL-20-0120

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will hold a public hearing and consider a request by Paul Gilbert, of Beus Gilbert McGroder PLLC (on behalf of EchoPark Automotive), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times. The subject request is contingent upon City Council approval of a Major Planned Area Development (PAD) Amendment (application PL-20-0119) to the Avondale Automall, to conditionally permit one (1) such a used vehicle only dealership, meeting the criteria described above, at this subject property. The subject property (APN 102-54-102) is located within the western portion of the Avondale Automall PAD. The Council will take appropriate action.

BACKGROUND:

The 6.02 net acre subject property (Exhibits A, B, & C) is located approximately 700 feet east of the northeast corner of 107th Avenue and Roosevelt Street. The site is visible from the I-10 Freeway and within the Freeway Corridor Specific Plan area. It is mostly rectangular in shape, relatively flat, developed with an existing 17,960 square foot building (formerly Avondale Mitsubishi dealership) and associated site paving (with the exception of an approximately 60,000 square foot portion of vacant land at the southern end of the property, abutting Roosevelt Street), and features no unusual physical characteristics.

The property subject to this request was annexed in May 1986. The property was given Agricultural (AG) zoning upon annexation. As part of the original 1999 Planned Area Development (PAD), approximately 100 acres at the east end of the 150-acre PAD area was designated as an automall, with the remaining 50 acres being designated as a retail shopping center. This parcel was part of the 50 acres designated for a retail shopping center. C-2 (Community Commercial District) development standards were adopted for the overall PAD, with some modifications made to the landscape and height standards of the C-2 zone. The PAD also established a number of automotive-related uses (besides new car dealerships, which were permitted by right), such as motor vehicle repair and motor vehicle body shops, along with additional commercial uses (including live entertainment and skating rinks), as conditionally-permitted uses within the overall PAD area. In 2003, based on the success of the Avondale Automall and its dealerships within the 100-acre area at the easternmost portion of the PAD, the PAD was amended to allow, by right, additional dealerships within the remaining 50-acre area at the west end of the PAD. The same development standards that applied to the 100-acre automall portion of the PAD were applied to the 50-acre portion as well to ensure continuity across the whole PAD.

The property is presently designated by the General Plan 2030 Land Use Map as Business Park (Exhibit C). This land use category is intended to allow for large scale campus development that provides abundant employment opportunities. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited warehouse and support services that support these primary employment uses. The Avondale Automall PAD zoning is consistent with the Business Park designation, since it is a corporate commerce type of use.

EchoPark Automotive, an automotive retailer (and subsidiary of Sonic Automotive) specializing in sales of nearly new, pre-owned vehicles, is proposing a commercial remodel for an existing standalone structure previously occupied by Mitsubishi of Avondale automotive dealer. The proposed remodel scope will consist of exterior paint refresh and signage, interior remodel, as well as back of lot minor vehicle reconditioning, detailing, photo booth, and limited finishing workstation. Exterior scope to include new standalone car wash in the rear parking area. An existing service drive will become a fully enclosed space to be utilized as a vehicle photo booth with an automatic roll-up door and will match the main structure in terms of colors and materials. Overall site surface parking will be provided for customers, employees, service vehicles, and inventory.

A Site Plan and Design Review application for the proposed exterior improvements, which is subject to administrative review and approval, will be required following any approval of this CUP by the City Council.

The existing uses and zoning of surrounding properties include:

North: The Interstate 10 Freeway, which runs through the City of Avondale in an east-west direction, abuts the I-10 Frontage Road to the north. Immediately north of that is a series of commercial developments comprised of the Gateway Crossing PAD and Gateway Village retail and restaurant developments located east of 103rd Avenue, and the Park 10 PAD development (currently under phased construction on vacant land) located immediately west of the 103rd Avenue.

East: Abutting the subject property to the east is Tom's Camperland RV dealership, which is one of multiple dealership properties that are also part of the Avondale Automall PAD. Outside of the PAD, the City of Tolleson lies immediately to the east, separated by 99th Avenue. The existing uses on the east side of 99th Avenue include a CarMax used car dealership and a Circle K gas station and convenience store.

South: Between 107th and 105th Avenues is the Griffith PAD, which is currently developed with a used car sales operation and an Enterprise car rental facility, with the remainder of the PAD currently vacant land. The land situated between 105th and 103rd Avenues is zoned Commerce Park and contains a light manufacturing facility and vacant land. Avondale Commerce Park PAD lies between 103rd and 101st Avenues and is occupied by 101 Logistics Park, a 650,000 square foot industrial center for warehousing and e-commerce. Additionally, the land located between 101st and 99th Avenues is part of the Interstate Commerce Center PAD and is fully developed with a truck wash, gas station, convenience store, and fast-food restaurant services.

West: Abutting the subject property to the west is the Rodeo Kia dealership, which is one of multiple dealerships which are part of the Avondale Automall PAD. Outside of the PAD area, west of 107th Avenue, is undeveloped land with active agriculture. This land is zoned PAD for the Avondale Gateway Center, which is envisioned as a mixed-commercial PAD that is intended to be developed with a combination of commercial uses, including office, restaurant, retail, business park, light industrial, and other uses that support the Freeway Corridor Specific Plan.

DISCUSSION:

SUMMARY OF REQUEST:

The applicant is requesting approval of a CUP to allow for the operation of one (1) automotive dealership selling used vehicles only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times. The subject request is contingent upon City Council approval of a Major Planned Area Development (PAD) Amendment (application PL-20-0119) to the Avondale Automall, to conditionally permit one (1) used vehicle only dealership, meeting the criteria described above. The subject property (APN 102-54-102) is located within the western portion of the Avondale Automall PAD. The purpose of this request is to conditionally permit EchoPark Automotive, an automotive retailer (and subsidiary of Sonic Automotive) specializing in sales of nearly new, pre-owned vehicles, to legally operate out of an existing building previously occupied by Mitsubishi of Avondale automotive dealer. Associated improvements to the subject building and property would be reviewed and approved through a Site Plan and Design Review permit and would follow any approval for the requested CUP.

The proposed development (Exhibit F) will involve the addition of an attached 1,083 square foot photo booth to the west elevation of the existing 17,960 square foot building, along with the construction of a detached 1,809 square foot car wash, located approximately 40 feet from the southeast corner of the existing building. A new driveway is proposed at the southwest corner of the property at Roosevelt Street, which will be in addition to the existing access to and from the property via Dealer Drive. This area of the property is proposed to be paved for both employee and additional inventory parking, which will add approximately 60,000 square feet of new paved area. An existing CMU wall that runs across the property, at the north end of this currently undeveloped portion, will be demolished to allow access to the new paved parking at this end of the project site (Exhibit F).

The proposed retail hours of operation will be: 9:00 A.M. to 10:00 P.M. (Monday through Saturday).

Additionally, the proposed building addition and accessory structure will be compliant with the zoning regulations established within the PAD (which applies C-2 zoning district development standards).

PUBLIC PARTICIPATION:

The applicant held a neighborhood meeting to discuss the proposed CUP and concurrent PAD Amendment at 6:00 P.M. on Tuesday, June 30, 2020. Due to protective measures that have been implemented by the City of Avondale, in order to limit the spread of the COVID-19 virus, in-person meetings at City Hall were suspended during the application review process. As a result, the neighborhood meeting was held via teleconference instead. The neighborhood meeting was advertised in the June 10, 2020 edition of the Arizona Republic. Two (2) notification signs, which include information on the request along with details of the neighborhood meeting date, time, and location, were erected at the project site on June 11, 2020. Furthermore, in addition to the certified notices, all property owners within the project area and within 1,000 feet of the perimeter boundary were notified of the neighborhood meeting via postcards sent on June 6, 2020. Both the Planning Commission and City Council meeting were advertised in the July 29, 2020 edition of the Arizona Republic. The two (2) existing notification signs, which include information on the request along with details of the Planning Commission and City Council hearing dates, time, and location, were updated at the project site on or before August 3, 2020. In addition to the certified notices, all property owners within the project area and within 1,000 feet of the perimeter boundary were notified of both the Planning Commission and City Council hearings via postcards sent on July 24, 2020.

The virtual neighborhood meeting was attended by the applicant (Paul Gilbert and Andy Jochums), City Staff, Vice Mayor Pat Dennis, George Haugen (the subject property owner's representative and broker), Hector Salazar (current leaseholder for the now vacant building, previously occupied by Avondale Fiat, which abuts the subject property to the west), Dwayne and Beth Hathoot (associates of Cactus Jack's Auto), David Doherty (owner of Cactus Jack's Auto), and Gil Neuner (associate of Cactus Jack's Auto).

Three parties were opposed to the proposed applications: the Hathoots, David Doherty, and Gil Neuner (all affiliated with Cactus Jack's Auto). Cactus Jack's Auto indicated interest in purchasing or leasing both the former Mitsubishi and Fiat dealership properties with the intention to operate a Mitsubishi franchise on those properties. However, George Haugen pointed out that Cactus Jack's Auto made their offer subsequent to the EchoPark offer, which was already under contract at that point.

Vice Mayor Dennis expressed that she wished to protect existing dealerships within the Automall and was in favor of limiting the proposed used car sales operation to just one property. She suggested the applicant explore limiting their rezoning scope to one (1) lot rather than the proposed area.

At the time of writing this report, no comments related to the proposal have been posted on the City's aVOICE digital forum.

PLANNING COMMISSION ACTION:

Planning Commission is scheduled to conduct a public hearing and issue a recommendation on the proposed Conditional Use Permit on August 19, 2020. Due to publication deadlines, a summary could not be included in this report; staff will provide Council with a summary of the August 19, 2020 Planning Commission meeting when this item is presented on August 24, 2020.

ANALYSIS:

To grant a Conditional Use Permit, five findings must be met as outlined in Zoning Ordinance Section 108.B. Each finding is presented below along with Staff's analysis.

1. That the proposed use (a) is consistent with the land use designation set forth in the general plan, (b) will further the City's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.

The subject property (located within the Avondale Automall) is designated as Business Park by the General Plan and is also part of the Freeway Corridor Specific Area Plan. This land use category is intended to allow for large scale campus development that provides abundant employment opportunities. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited warehouse and support services that support these primary employment uses. The Avondale Automall PAD zoning is consistent with the Business Park designation, since it is a corporate commerce type of use. Finding 1. (a) has been met.

Furthermore, the City in the Freeway Corridor Specific Plan states, "The Avondale Auto mall, established in the early 2000's, is a vital economic engine for the City and an equally strong employment center." Therefore, continuing to allow the Avondale Automall to remain viable as an economic engine and employment center is clearly supported by the General Plan and the Freeway Corridor Specific Plan. Finding 1. (b) has been met.

Additionally, since the proposed use is another form of automotive dealership, which will be held to a high standard in terms of the value and age of the used vehicles being sold, the proposed use is consistent with the character of the surrounding area. Finding 1. (c) has been met.

2. That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.

The adjacent uses are all dealerships within the Avondale Automall, with other commercial and commerce park uses outside of the Automall. The subject property has already been developed and used as a

dealership prior to this CUP application. The only difference will be that the proposed use will involve the sale of used vehicles only, with no new car sales. However, this will be virtually indistinguishable given that the proposed dealership, EchoPark Automotive, specializes in the sale of very recent model used vehicles. Finding 2 (a) has been met.

In terms of architecture, the proposed exterior improvements to the existing building will be relatively minor and will be in keeping with the existing PAD development standards and Commercial and Industrial Design Manual. Finding 2 (b) has been met.

3. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.

The subject property has been developed with an automotive dealership since 2004, and the proposed used car dealership will continue that land use at this location. The subject parcel is not proposed to change in its size or shape. An expansion of the existing paved area (for additional parking at the south of the property), and additional driveway at this same location, will actually improve onsite circulation. The property will continue to meet all applicable City of Avondale development standards. Finding 3 has been met.

4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

The subject property will continue to have its primary access from Dealer Drive at the north end of the site, which provides access to the Automall between 99th Avenue and 107th Avenue. EchoPark plans on extending the paved area at the rear (south) of the property, to accommodate additional inventory and employee parking, and with that expansion a new driveway is proposed at the southwest corner to provide access to and from Roosevelt Street. Finding 4 has been met.

5. That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

Three (3) conditions have been included in the staff recommendation to ensure that potential adverse effects are minimized.

Condition #1 is a standard stipulation ensuring the proposed use develops in accordance with the site plan, building elevations, and project narrative provided to the City and attached as exhibits to this staff report.

Condition #2 is a standard stipulation noting that, per the Zoning Ordinance, the Conditional Use Permit will expire within two (2) years if the use has not commenced on the property.

Condition #3 is a stipulation requiring that no more than twenty (20) percent of the vehicles sold in retail transactions during any calendar year shall be older than four (4) years old from the date it was first registered, or if they are, no less than \$15,000.00 in purchase price. Upon the request of the City of Avondale, EchoPark Automotive shall, upon thirty (30) days' notice, provide within forty-five (45) days, a year-to-date report indicating the total number of vehicles sold in retail transactions as well as the number of vehicles sold that are older than four years and less than \$15,000.00 in purchase price. Finding 5 has been met.

DISCUSSION:

Staff recommends approval of the request for the following reasons:

1. The proposed land use meets the five (5) required findings for a CUP in Section 108.B.

2. Approval of the proposal will result in a development compatible with the zoning district and existing development in the area.

3. The proposed land use will not be detrimental to persons residing or working in the area, on adjacent properties, or to the public welfare in general.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Ensure City has financial capacities to support development.

INITIATIVE: Encourage and support creative innovation in development and service delivery

- STRATEGIC GOAL: Encourage a flexible environment responsive to market trends.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and **APPROVE** Application PL-20-0120, a request for a Conditional Use Permit to allow for the operation of one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times, within the Avondale Automall PAD zoning district, subject to the following three (3) conditions of approval:

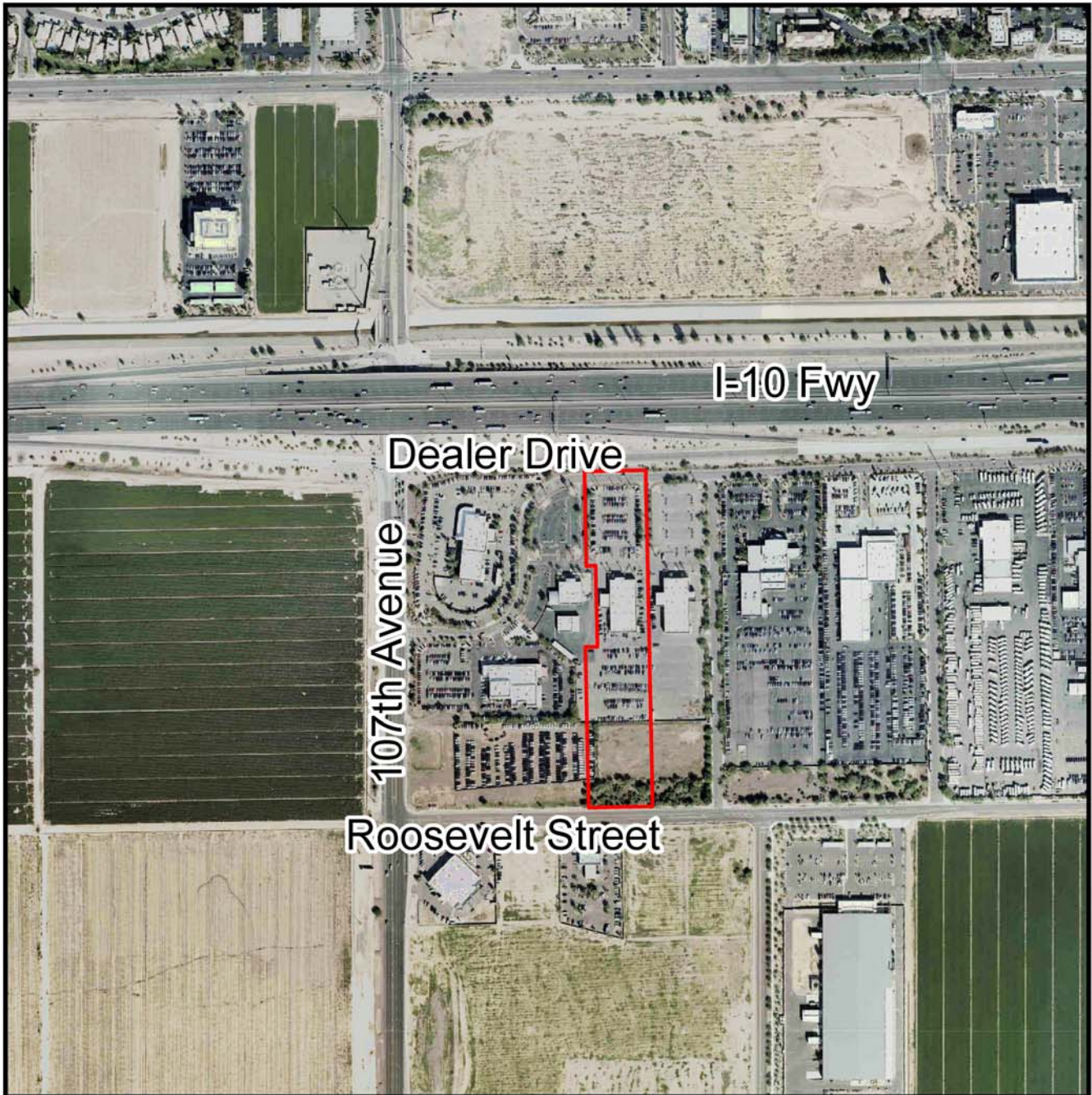
1. Development and use of the site shall generally conform to the CUP narrative, site plan, and building elevations submitted on June 29, 2020, attached to the staff report as Exhibits E, F, and G, respectively.

2. In accordance with Section 108 of the Zoning Ordinance, the CUP shall expire within two (2) years from the date of approval if the use has not commenced.

3. No more than twenty (20) percent of the vehicles sold in retail transactions during any calendar year shall be older than four (4) years old from the date it was first registered, or if they are, no less than \$15,000.00 in purchase price. Upon the request of the City of Avondale, EchoPark Automotive shall, upon thirty (30) days' notice, provide within forty-five (45) days, a year-to-date report indicating the total number of vehicles sold in retail transactions as well as the number of vehicles sold that are older than four years and less than \$15,000.00 in purchase price.

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-20-0120, a request for approval of a Conditional Use Permit to allow the operation of one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times, within the Avondale Automall PAD zoning district, subject to three (3) recommended conditions of approval as listed in the staff report.

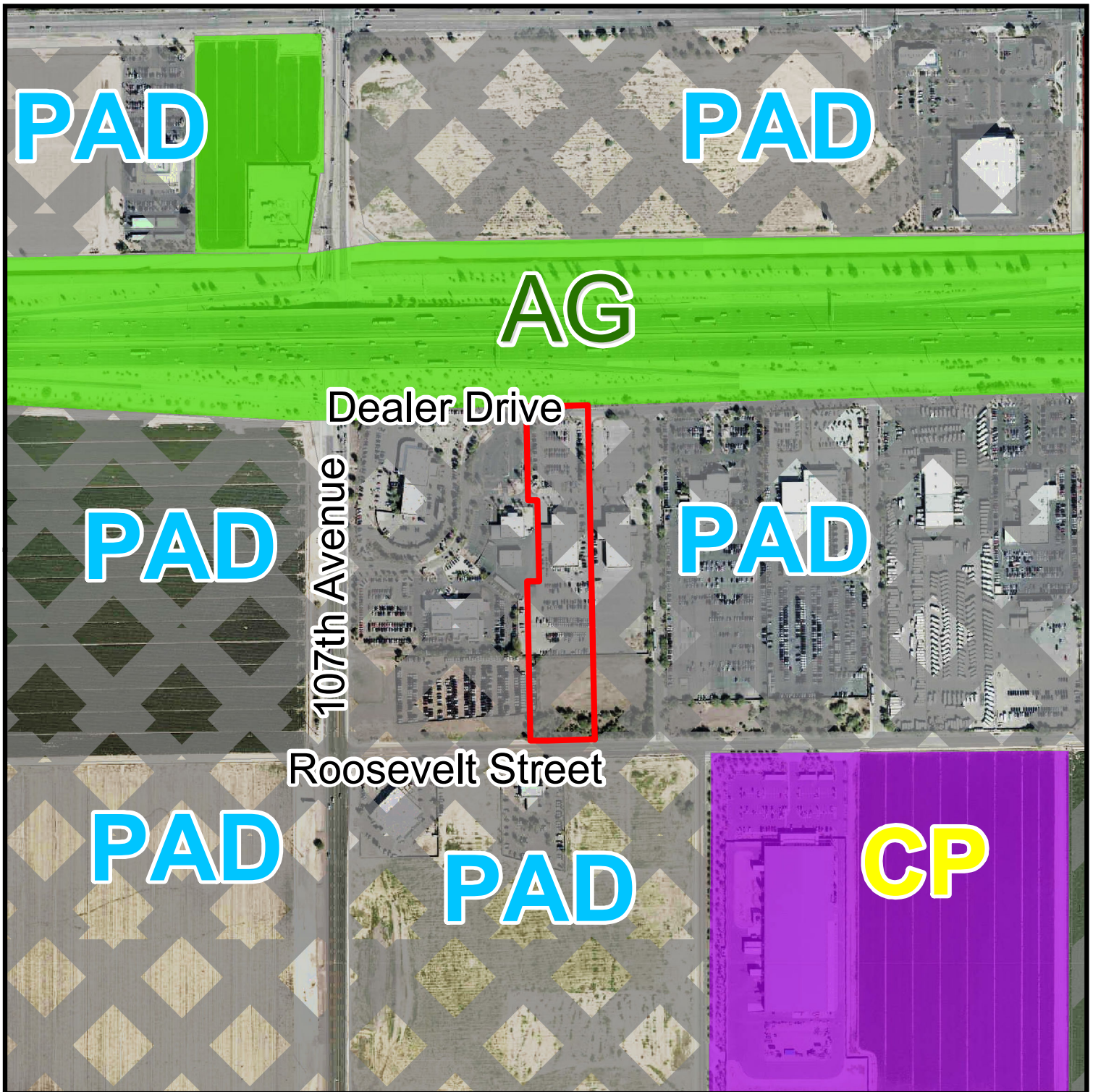


Aerial Image



Project Location



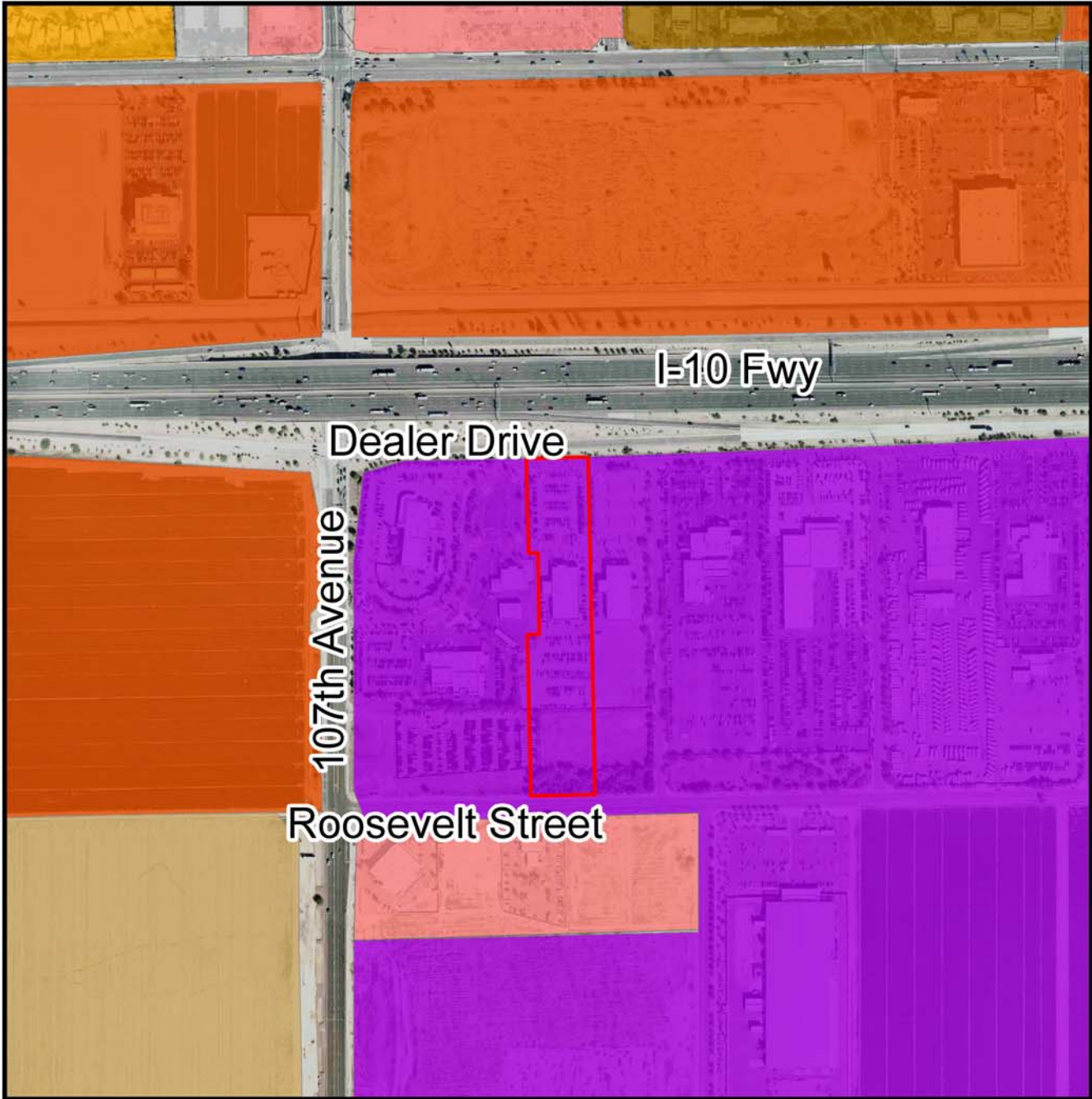


Zoning Vicinity Map



Project Location





al
ce

General Plan Land Use Map



Project Location



Freeway Commercial



Medium/High Density Residential



Business Park



Local Commercial



*SUMMARY OF RELATED FACTS
APPLICATION PL-20-0120*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 6.02 gross acres
LOCATION	South of I-10 Frontage Road, north of Roosevelt Street, east of 107 th Avenue, and west of 99 th Avenue
EXISTING LAND USE	Fully developed and occupied by an existing (vacant) automotive dealership building.
EXISTING ZONING	PAD – Avondale Automall
ZONING HISTORY	The property subject to this request was annexed in May 1986. The property was given Agricultural (AG) zoning upon annexation. As part of the original 1999 PAD, approximately 100 acres on the eastern portion of the 150-acre PAD area was designated as an automall, with the remaining 50 acres being designated as a retail shopping center. C-2 (Community Commercial District) development standards were adopted for the overall site, with some modifications made to the landscape and height standards of the C-2 zone. Additionally, the PAD also established a number of automotive related uses (besides new car dealerships, which were permitted by right), such as motor vehicle repair and motor vehicle body shops, along with additional commercial uses (including live entertainment and skating rinks), as conditionally permitted uses within the overall PAD area. In 2003, based on the success of the automall and its dealerships within the 100-acre area at the easternmost portion of the PAD, the PAD was amended to allow for (by right) additional dealerships within the remaining 50-acre area at the west portion of the PAD. The same development standards that applied to the 100-acre automall portion of the PAD were applied to the 50-acre portion as well to ensure continuity across the whole PAD.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	The Interstate 10 Freeway, which runs through the City of Avondale in an east-west direction, abuts the I-10 Frontage Road to the north. Immediately north of that is a swath of commercial development comprised of the Gateway Crossing PAD and Gateway Village retail and restaurant developments located east of 103rd Avenue, and the Park 10 PAD development (currently under phased construction on vacant land) located immediately west of the 103rd Avenue.
EAST	Abutting the subject property to the east is Tom's Camperland RV dealership, which is one of multiple dealership properties that are also part of the Avondale Automall PAD. Outside of the PAD, the City of Tolleson lies immediately to the east, separated by 99 th Avenue. The existing uses on the east side of 99 th Avenue include a CarMax used car dealership and a Circle K gas station and convenience store.
SOUTH	Between 107 th and 105 th Avenues is the Griffith PAD, which is currently developed

	with a used car sales operation and an Enterprise car rental facility, with the remainder of the PAD currently vacant land. The land situated between 105 th and 103 rd Avenues is zoned Commerce Park and contains a light manufacturing facility and vacant land. Avondale Commerce PAD lies in between 103 rd and 101 st Avenues and is occupied by 101 Logistics Park, a 650,000 square foot industrial center for warehousing and e-commerce. Additionally, the land located between 101 st and 99 th Avenues is part of the Interstate Commerce Center PAD and is fully developed with a truck wash, gas station, convenience store, and fast-food restaurant services.
WEST	Abutting the subject property to the west is the Rodeo Kia dealership, which is one of multiple dealerships which are part of the Avondale Automall PAD. Outside of the PAD area, west of 107 th Avenue, is undeveloped land with active agriculture. This land is zoned PAD Z-07-16 for the Avondale Gateway Center, which is envisioned as a mixed-commercial PAD that is intended to be developed with a combination of commercial uses, including office, restaurant, retail, business park, light industrial, and other uses that support the Freeway Corridor Specific Plan.

GENERAL PLAN

The General Plan 2030 Land Use Map was mostly recently amended in September 2019 to reflect the adopted The BLVD Specific Plan land use categories, which are located outside of the subject area. The properties subject to the request have the General Plan 2030 Land Use designation of Business Park.

The Business Park land use category is intended to allow for large scale campus development that provides abundant employment opportunities and offers amenities such as attractive streetscapes with excess landscaped setbacks, appropriate screening from the I-10 freeway, pedestrian connections, efficient circulation, and refuge areas for active and passive activities to keep a healthy lifestyle for all employees. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited warehouse and support services that support these primary employment uses.

A varying scale and intensity of uses are intended to be accommodated within this land use category.

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	The closest district is Littleton Elementary District, with Tolleson Elementary School located approximately 600 feet east of the southeast corner of 99 th Avenue and Van Buren Street within the City of Tolleson.
HIGH SCHOOL	The closest district is Tolleson Union High School District, with Littleton Elementary School located at the southwest corner of Avondale Boulevard and Buckeye Road within the City of Avondale.

<i>STREETS</i>	
I-10 Frontage Road	
Classification	Collector (2-lane)
Part of ADOT's 575-foot I-10 Freeway right-of-way	
107th Avenue	
Classification	Arterial (4-lane)
Existing half-street ROW	Varies
Roosevelt Street	
Classification	Collector (2-lane, with 2-way left turn lane)
Existing half-street ROW	40 feet
Dealer Drive	
Classification	Private Street (2-lane)

<i>UTILITIES</i>
8-inch water line within Dealer Drive; 12-inch water line and 15-inch sewer line within Roosevelt Street; and a 16-inch water line and 8-inch sewer line within 107 th Avenue. SRP provides electrical service in this portion of Avondale.

EchoPark - Avondale

Used Vehicle Dealership

Conditional Use Permit Narrative

June 26, 2020

Sonic Automotive is proposing a commercial remodel for an existing standalone structure previously occupied by another automotive dealer within Avondale Automall (Exhibit A). EchoPark Automotive is a subsidiary of Sonic Automotive and is one of the nation's top automotive retailers specializing in sales of nearly new, pre-owned vehicles.

The proposed remodel scope will consist of exterior paint refresh and signage, interior remodel to guest experience sales floor, business office functions as well as back of house minor vehicle reconditioning, detailing, photo booth and limited finishing workstation. Exterior scope to include new stand-alone car wash in the rear parking area. Existing service drive to become fully enclosed air-conditioned space to be utilized as a vehicle photobooth. Rear side opening of enclosure to include an automatic roll-up door, all other openings to be full enclosed matching main structure colors and materials. Overall site surface parking to be provided for customers, employees, service vehicles and inventory.

Retail hours of operation of Echo Park Automotive will be Monday through Saturday, between 9:00am and 10:00pm.

Exterior site lighting in the front lot are existing to remain. Existing lights in the rear are proposed to be relocated to align with the re-striping of the parking lot layout as well as rear lot expansion for additional surface parking with rear access drive off W. Roosevelt St. The relocated lights are to align with new light poles down the center aisle and along the perimeter will provide uniform light over the cars. This is to give the back lot cohesive and more purposeful with the proposed rear lot expansion. Lighting levels vary between rear lot security lighting and the display lighting level but will be consistent with the surrounding auto dealerships.

A conceptual site plan is included as Exhibit B, conceptual landscape plan is included as Exhibit C, conceptual elevations drawings for the new car wash structure and modifications existing dealership building are included as Exhibit D, and a conceptual floor plan is included as Exhibit E. All elevations, site features, landscaping and lighting to be further analyzed for compliance with City of Avondale Zoning Ordinance as part of the Design Review process.

Request

This requested Conditional Use Permit is running concurrent with a request to amend the Avondale Automall Planned Area Development (PAD). If approved, the PAD would then allow Automotive Dealerships Selling Used Vehicles Only with a Conditional Use Permit, provided that the dealer has (1) a minimum consolidated annual revenue of \$500 million and (2) shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property. An Automotive Dealerships Selling Used Vehicles Only is only allowed within the westernmost portion of the Avondale Automall and limited to only one such dealership.

EchoPark Automotive, as a subsidiary of Sonic Automotive, has a consolidated annual revenue in excess of \$500 million and will house in excess of 140 vehicles on the property at all times. The proposed dealership is within the allowed area described within the Avondale Automall PAD, as

amended, and if approved would be the only such dealership; therefore, the requested Conditional Use Permit is in compliance with the applicable zoning.

Pursuant to the Avondale Zoning Ordinance, for a Conditional Use Permit to be approved, it must satisfy certain findings. Below are those findings with our justification as to how or why they are satisfied.

- A. That the proposed use is (i) consistent with the land use designation set forth in the General Plan, (ii) will further the City's general guidelines and objectives for development of the area, as set forth in the General Plan, and (iii) will be consistent with the desired character for the surrounding area.

The Avondale Automall has a designation of Business Park on the General Plan Land Use Map as well as within the Freeway Corridor Specific Area Plan. This designation implies it is for campus-like employment opportunities not a regional automall as has been the land use for the last two decades. A Conditional Use Permit to allow a used vehicle dealership may not be an exact fit with Business Park; however, as described by the City in the Freeway Corridor Specific Plan, "The Avondale Auto mall (sic), established in the early 2000's, is a vital economic engine for the City and an equally strong employment center." Continuing to cultivate and allow the Avondale Automall to remain viable as the economic engine and employment center by supporting new dealerships, including one that only sells used vehicles, is clearly supported by the General Plan and the Freeway Corridor Specific Plan and is consistent with the character of the surrounding area.

- B. That the use will be (i) compatible with other adjacent and nearby land uses and (ii) will not be detrimental to (1) persons residing or working in the area, (2) adjacent property, (3) the neighborhood, or (4) the public welfare in general.

The surrounding area is made of up the Avondale Automall along with other commercial and commerce park uses. A new dealership within the Automall, including one that only sells used vehicles, is not only compatible with the adjacent uses, to the casual observer it will be nearly indistinguishable from the other dealerships that sell both new and used vehicles.

The subject property is already built-out as a dealership. The proposed modifications and additions to the site for Echo Park, such as a car wash and detail structure as well as additional vehicle storage area and associated lighting will not negatively impact the surrounding properties as those uses are also occurring on those adjacent dealership properties.

- C. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards, including, but not limited to, setbacks, parking, screening, and landscaping.

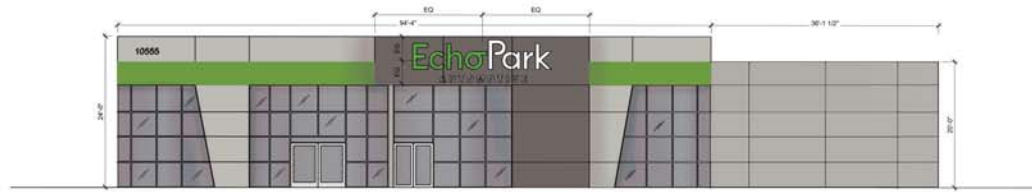
The subject parcel has been developed with an automobile dealership since 2004. Continued use as a dealership selling only used automobiles instead of new and used, does not alter the site. It is still sized appropriately and will continue to meet all applicable City of Avondale development standards.

- D. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

The subject property continues to have main access from “Dealer Drive” serving the Automall between 99th Avenue and 107th Avenue. EchoPark plans on expanding the rear storage lot and with that expansion will also allow for service access to Roosevelt Street.

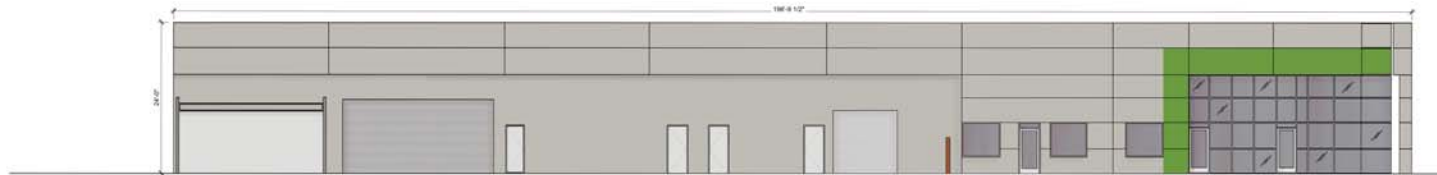
- E. That adequate conditions have been incorporated into the project to ensure that any potential adverse effects will be mitigated.

We look forward to discussing any potential adverse effects needing mitigation that the City of Avondale considers.



01 Building elevation (north)

SCALE: 1/8" = 1'-0"



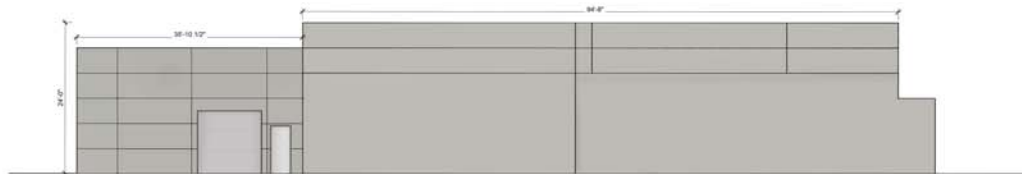
02 Building Front elevation (east)

SCALE: 1/8" = 1'-0"



03 Building elevation (west)

SCALE: 1/8" = 1'-0"



04 Building elevation (south)

SCALE: 1/8" = 1'-0"

project info

VANILLA SHELL FOR
FUTURE TENANT
10555 WEST PAPAGO
FREEWAY, AVONDALE, AZ
85323

issue dates

submission: date
DESIGN REVIEW: 06/25/2020
NO
CONSTRUCTION

revisions: date

designed by

checked by

seal

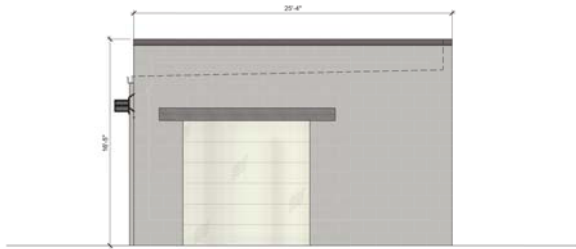
sheet info

EXTERIOR
ELEVATIONS
A2.0



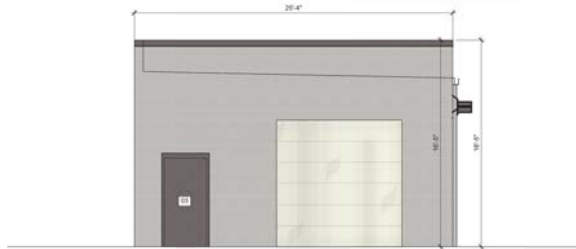
01 Building elevation (north)

SCALE: 1/4" = 1'-0"



02 Building Front elevation (east)

SCALE: 1/4" = 1'-0"



03 Building elevation (west)

SCALE: 1/4" = 1'-0"



04 Building elevation (south)

SCALE: 1/4" = 1'-0"

architect + engineer

wd
Innovation
at scale

7507 DISCOVERY BLVD
DUBLIN, OH 43017
(614) 584-7000
WDPARTNERS.COM

project no. | SAHCD0136

owner

EchoPark
AUTOMOTIVE

project info

ECHOPARK - 10555 WEST
RADAGON FIREWAY
AVONDALE, AZ 85323

issue dates

submission:	date
DESIGN REVIEW	06/25/2020
REV	
CONSTRUCTION	

revisions:

date

designed by

checked by

seal

sheet info

CAR WASH
ELEVATIONS
A8.3

Outreach Meeting Summary

Avondale Automall PAD Amendment #2 – PL-20-0119

Echo Park Used Vehicle Dealership CUP – PL-20-0120

Neighborhood Meeting

Date: June 30, 2020

Location: Zoom Virtual Meeting hosted by the City

Attendees:

Property owners or other interested individuals

- Dave Doherty – Cactus Jack's Auto/business associate
- Gil Neuner – Cactus Jack's Auto/business associate
- Dwayne and Beth Hathoot – Cactus Jack's Auto/business associates
- Hector Salazar – Leaseholder of adjacent former Fiat dealership

City of Avondale

- Vice Mayor Pat Dennis
- Charles Montoya – City Manager
- Kevin Murphy – Development and Engineering Services Director
- Brian Craig – Planning Manager
- Rick Casswell – Senior Planner

Applicant

- Paul Gilbert – Attorney
- Andy Jochums – Planning Consultant
- George Haugen – Property Owner's Representative and Broker

After a presentation by the applicant's attorney on the proposed PAD Zoning Amendment and the companion CUP for the specific dealership, the following were discussion topics and questions generated from the attendees:

- Appears the application is just for the subject dealership, why is the zoning boundary larger than the dealership property?
- Clarification as to the boundaries of the zoning case as well as the CUP case.

- As proposed with the limitation that the dealership must have an annual revenue in excess of \$500 million and maintain at least 140 vehicles on the property it would preclude 95% of used vehicle dealers.
 - Appears Echo Park is the only one qualified.
 - Prejudice against other dealerships.
 - Appears to preclude other dealers for the sake of an out-of-state company.
- Proposed Echo Park dealership would be a direct competitor for CarMax, located adjacent to the Automall in Tolleson.
- Discussion on the ownership of the 5 parcels within the rezoning boundary.
 - Confirmation that all those owners within the boundary are supportive.
- Gateway Chevy, Larry H. Miller and Tom's Camperland of the Automall are opposed.
 - Balance of Automall owners and dealers do not oppose.
- Cactus Jack's Auto has interest in securing a Mitsubishi franchise and are trying to secure purchase or lease of the subject property.
 - Rent is "too high" for Fiat, but Cactus Jack's Auto can "move in tomorrow"
 - "Complete the Automall"
 - Cactus Jack's Auto is "locally owned" and "25 years in business"
 - Sonic vs. Mitsubishi would be the same as both will have used vehicles, but Mitsubishi brings "flagship" and "brand advertising."
 - Selling used vehicles one way or another.
 - Pointed out that Mitsubishi has been in the Automall twice already and not survived.
 - Cactus Jack's Auto could sublease Fiat property or purchase the vacant parcel in the Automall.
- In proposed EchoPark CUP, City is looking to suggest restrictions on age and value of vehicles sold.
- Discussions on vehicle pricing and whether large volume offsets high prices. (Used car dealer versus luxury dealer)
- "Opposing dealers have done good for the City and should not be ignored"
- Incorrectly suggested that this request for allowing used vehicle dealerships has been tried twice and failed. (Applicant and City staff are unaware that this request for used vehicle only sales has been made to the Council before and Vice Mayor Dennis added that she didn't believe it was brought to City Council during her term in office.)
- Discussion again on the boundary of the zoning case versus the CUP. Vice Mayor Dennis asked why not just the subject parcel.
 - Staff and applicant shared that the idea was to look at a broader area for the rezoning as opposed to a single parcel.
 - Current request still would limit the area to a single used vehicle only dealership.
 - If a second one wanted to come in, it would need to amend the PAD Zoning as well as secure its own CUP.
 - City can incidentally consider this idea, just as the Automall incrementally expanded in the past.
 - If EchoPark went away, a new dealership would also need its own CUP.

- Summary of hearing dates by staff.
 - Planning Commission July 15th and City Council July 27th
 - Most likely virtual meetings
- Detailed discussion on exact boundary of CUP and proposed plans by Echo Park for remodeling the existing dealerships.
 - Question about the whether the paving of the southern portion of the property was part of the initial phase or a second phase expansion.
 - City shared that possible at risk construction and remodeling, but that a used vehicle dealership could not be allowed until after both the PAD Amendment and CUP are approved.
- Reiterated from Cactus Jack's Auto business associate that it was "mindboggling to change one facility for used vehicles as it changes the whole Automall."

Prepared from notes taken by:



Andy Jochums, Planning Consultant with Beus Gilbert McGroder PLLC

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2025-0820 - Entrada Annexation – Application PL-19-0227

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2025-0820, approving a request by Ms. Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC, on behalf of property owner Avondale Entrada, L.L.C., annexing approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road into the jurisdiction of the City of Avondale. The properties within the proposed annexation boundary are inclusive of some, but not all, unincorporated land located north of Broadway Road, west of 107th Avenue, south of Miami Avenue, and east of Avondale Boulevard. The Council will take appropriate action.

BACKGROUND:

The proposed annexation request includes ten (10) parcels of land totaling approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road (Exhibit A). The boundary of the annexation includes some, but not all, unincorporated land located north of Broadway Road, west of 107th Avenue, south of Miami Avenue, and east of Avondale Boulevard, inclusive of the following parcels:

- **Parcels owned by Avondale Entrada LLC, including APNs 101-24-004B, 101-24-005, 101-24-008B, 101-24-001B, 101-22-001B, 101-24-002, 101-22-004, and 101-23-004B:** Located at the northwest corner of 107th Avenue and Broadway Road, these eight (8) parcels totaling approximately 186.4 acres are anticipated to develop with the “Entrada” master planned community for which a Major General Plan Amendment was approved by City Council in December 2019. Rezoning of these parcels to Planned Area Development (PAD) was recommended for approval by the Planning Commission on June 17, 2020 and City Council will consider the rezoning request on August 24, 2020. The proposed Entrada PAD would allow for development of 191.1 acres with 624 single-family residential lots consisting of three different minimum lot sizes (45’x110’, 50’x115’, and 55’x120’) at a density of 3.5 dwelling units per acre, eighteen (18) percent open space including parks, trails, and a centralized open air community center, and a ten (10) acre Neighborhood Commercial (C-1) zoned site at the intersection of Broadway Road and 107th Avenue. These parcels are currently being farmed.
- **Parcel 101-21-003B, owned by Littleton Elementary School District:** The Littleton Elementary School District owns the 15.0 acre parcel located at the southwest corner of Miami Avenue and the 111th Avenue alignment. It is expected that this parcel will be developed by the District with an elementary school serving families within the planned new developments in this portion of Avondale, including Entrada and Verde Trails. No time frame for development of the school is known. This parcel

is currently being farmed.

- **Parcel 101-23-003D, owned by the City of Goodyear:** In April 2019, the City of Goodyear purchased approximately 2.4 acres located adjacent to Avondale Boulevard, approximately one-quarter (1/4) mile north of Broadway Road, to develop with a raw water pump station (RWPS) that will supply Goodyear's planned new municipal water treatment facility. Though owned by the City of Goodyear, the parcel is located within the City of Avondale's planning boundary and is eligible for annexation into Avondale. The parcel is currently undeveloped and not in agricultural use.

The request also includes portions of public rights-of-way, including the east half of Avondale Boulevard directly adjacent to the City of Goodyear parcel and the north half of Broadway Road from 107th Avenue west to the current City limit established with the 2007 Hillcrest/Verde Trails project. The south half of Miami Avenue and the west half of 107th Avenue are not included in the proposed annexation, as it is planned for both of these streets to remain in Maricopa County's jurisdiction to reduce maintenance cost to the City.

Approximately 110 acres subject to the annexation request is zoned Maricopa County Residential Unit Plan of Development (R1-6/RUPD), which allows for development of 6,000 square foot single-family residential lots within the County (Exhibit B). The remainder of the land is zoned Maricopa County Rural-43 (RU-43), a district that allows for agricultural and large lot single-family residential uses. As noted previously, upon annexation, it is anticipated that approximately 191 acres will be rezoned to Planned Area Development to accommodate the proposed Entrada master planned community. The remainder of land would be given City of Avondale zoning equivalent to the existing County zoning. As such, parcels currently zoned Maricopa County RU-43 would be assigned Avondale RR-43 (Rural Residential) zoning while those parcels with County R1-6/RUPD zoning would be given Avondale R1-6 (Urban Residential) zoning.

Multiple General Plan Land Use Categories are designated over the subject property (Exhibit C), as follows (from most prevalent to least prevalent): 181 net acres of Medium Density Residential (2.5 to 4 dwelling units per acre), 18 net acres of Estate Low Density Residential (1 to 2.5 dwelling units per acre), and 10 net acres of Local Commercial.

Existing uses and zoning of adjacent properties that are not included in the annexation request are:

North: Multiple uses are occurring along the property's northern edge. From east to west:

- Multiple parcels, one to three acres in size, located within the City of Avondale, zoned R1-6 (Urban Residential). These parcels are mostly developed with single-family residences and related accessory structures.
- Multiple unincorporated parcels, two (2) to three (3) acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).

East: Multiple uses are occurring east of the property across 107th Avenue. From north to south:

- A 37.4-acre property, owned by the Flood Control District of Maricopa County (FCDMC), to be developed by the FCDMC as a large stormwater retention facility related to the future Durango Regional Conveyance Channel (DRCC). The property is located within the City of Phoenix and is zoned S-1 (Suburban Ranch or Farm Residence).
- Lions Gate, a 39.6-acre, 96-lot single-family residential community, located within the City of Phoenix, zoned R1-10 (Single-Family Residence).
- An undeveloped 33.9-acre parcel located within the City of Phoenix, zoned PCD (Planned Community

District). Development plans for this property are unknown.

South: Multiple uses are occurring along the property's southern edge. From east to west:

- Verde Trails I and II, a planned 248-acre, 891-lot single-family residential subdivision located within the City of Avondale, zoned PAD (Planned Area Development). Permits for the Verde Trails development are approved but construction has not yet commenced.
- Multiple unincorporated parcels, three (3) to five (5) acres in size, mostly developed with single-family residential and related accessory structures. These properties are zoned County RU-43 (Rural-43).

West: A 113.7-acre property located within the jurisdiction of Maricopa County currently in agricultural production. The property is zoned County R1-6/RUPD (Residential Unit Plan of Development), which allows for development of 6,000 square foot residential lots.

SUMMARY OF REQUEST:

At its meeting on June 15, 2020, Council provided Staff with authorization to proceed with the proposed Entrada annexation.

At its meeting on July 27, 2020, Council conducted the required public hearing on the proposed annexation; prior to the July public hearing, Staff and the project applicant, Carolyn Oberholtzer, Bergin, Frakes, Smalley, & Oberholtzer, PLLC, completed all statutorily required steps leading up to the public hearing including:

- July 1, 2020: Filing of the blank annexation petition with the Maricopa County Recorder (Exhibit E).
- July 15, 2020: Publication of a display ad in the Southwest Valley Arizona Republic giving notice of the public hearing.
- On or before July 15, 2020: Posting of three (3) signs on the land to be annexed giving notice of the public hearing.
- On or before July 15, 2020: Notice of the public hearing mailed to all three property owners within the proposed annexation boundary, all utility companies with facilities located on or adjacent to the annexation boundary, and the Chairman of the Maricopa County Board of Supervisors.

At tonight's meeting, Council will consider adoption of the Ordinance approving the requested annexation. To date, no comments on the request have been received by Staff.

DISCUSSION:

As required by Arizona statute, notice of the annexation has been provided to all owners within the annexation boundary. The applicant is expected to bring the executed petition, signed by one-half or more of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation, in both assessed valuation and ownership, to the meeting on August 24th. Because the Littleton Elementary School District and City of Goodyear properties are not assessed, the petition requires only signatures from Avondale Entrada, LLC, owner of approximately 186.4 acres within the boundary. If, however, in the event any non-assessed owners within the boundary wish to be removed from the request, the petition and accompanying legal description may be modified to reflect those properties being removed from the request.

The annexation, if approved by the City Council, will bring the subject site into Avondale's jurisdiction effective 30 days from adoption of the Ordinance, on September 23, 2020. Initially, the property will be zoned a

combination of Urban Residential (R1-6) and Rural Residential (RR-43), comparable zoning to the site's existing County zoning. A separate request to rezone the property within the annexation boundary (excluding the Littleton School District and City of Goodyear parcels) to Planned Area Development (PAD) to permit development of the Entrada master planned community is also scheduled for Council consideration this evening. If the rezoning is approved by separate action, the land will be zoned PAD as soon as the annexation becomes effective.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Ensure City has financial capacities to support development.

BUDGET IMPACT:

The annexation application included the required \$6,000.00 fee that will be used towards costs related to processing the annexation.

If the proposed annexation is approved by City Council, increased revenue from construction sales tax, property tax, sales tax, water and sewer fees, and development impact fees can be expected from development of the subject site. Conversely, the City will incur costs of serving the property with Avondale services, including, but not limited to, water, sewer, sanitation, police, fire, and street services.

RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** an Ordinance annexing approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road.

PROPOSED MOTION:

I move that City Council **ADOPT** an Ordinance annexing approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road.

ORDINANCE NO. 2025-0820

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF AVONDALE BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS.

WHEREAS, the City of Avondale (the “City”) has received a petition in writing (the “Annexation Petition”), accompanied by a map of certain territory hereinafter more particularly described and depicted (the “Annexation Area”), asking that the Annexation Area be annexed into the City by extending and increasing the corporate limits of the City so as to embrace the Annexation Area; and

WHEREAS, the Annexation Petition has been filed and presented to the Council of the City of Avondale (the “City Council”), signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City in the event of annexation within the Annexation Area, as shown by the last assessment of said Annexation Area; and

WHEREAS, the City Council has determined the Annexation Area is contiguous to the City’s corporate limits in accordance with ARIZ. REV. STAT. § 9-471; and

WHEREAS, the City Council desires to grant the request set forth in the Annexation Petition and extend and increase the City’s corporate limits to include the Annexation Area; and

WHEREAS, said Annexation Petition sets forth a true and correct legal description of all the exterior boundaries of the entire Annexation Area and had attached thereto at all times an accurate map of the Annexation Area; and

WHEREAS, no alterations increasing or reducing the Annexation Area have been made after the Annexation Petition was signed by any owner of real and personal property in such Annexation Area; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-471(L), the City is required to adopt a zoning classification for the Annexation Area that permits densities and uses no greater than that permitted by Maricopa County immediately before the annexation; and

WHEREAS, the Annexation Area is currently zoned by Maricopa County as Maricopa County Rural-43 (RU-43) and Maricopa County Residential Unit Planned Development (RUPD/R1-6) zoning classifications; and

WHEREAS, the provisions of ARIZ. REV. STAT. § 9-471, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk together with a true and correct copy of the original Annexation Petition, which original Annexation Petition is on file in the office of the Maricopa County Recorder.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Annexation Area, as more fully described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby annexed to the City and the present corporate limits are hereby extended and increased to include the Annexation Area.

SECTION 3. The land-use classification for the Annexation Area is hereby designated as Rural Residential (RR-43) and Urban Residential (R1-6) under the City of Avondale Zoning Ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to file with the Maricopa County Recorder's Office a fully executed copy of this Ordinance, together with an accurate map of the Annexation Area.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed 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. For purposes of elections there are no residences located in the Annexation Area.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
ORDINANCE 2025-0820

[Legal description and map of Annexation Area]

See following pages.

**ENTRADA
ANNEXATION BOUNDARY
LEGAL DESCRIPTION**

A portion of land being situated within Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 4 inch Maricopa County Engineering Department brass cap in hand hole accepted as the Southeast corner of said Section 19, from which a found 3 inch Maricopa County Department of Transportation brass cap flush accepted as the East quarter corner thereof bears North 00°37'32" West, 2653.70 feet;

Thence South 89°26'07" West, 58.00 feet along the south line of the Southeast quarter of said Section 19, to the west line of the east 58.00 feet thereof, also being the **POINT OF BEGINNING**;

Thence continuing South 89°26'07" West, 1450.46 feet along said south line;

Thence North 00°12'18" West, 40.00 feet to the north line of the south 40.00 feet of said Southeast quarter;

Thence along said north line, North 89°26'07" East, 208.70 feet to the east line of the Southwest quarter of said Southeast quarter,

Thence along said east line of the Southwest quarter of the Southeast quarter, North 00°12'18" West, 1282.76 feet to the northeast corner of said Southwest quarter of the Southeast quarter;

Thence South 89°15'08" West, 1290.05 feet along the north line of said Southwest quarter of the Southeast quarter;

Thence South 88°59'57" West, 2484.63 feet along the south line of the north half of the Southwest quarter of said Section 19 to a point on the east line of the west 70.00 feet of said Section 19;

Thence North 00°13'45" West, 329.66 feet along the east line of the west 70.00 feet of the southwest quarter of said Section 19;

Thence leaving said east line, South 89°59'58" East, 334.94 feet along the north line of the Special Warranty Deed as described in Document No. 2019-0226874, records of Maricopa County, Arizona;

Thence South 00°00'02" West, 283.55 feet along the east line of said Special Warranty Deed;

Thence leaving said east line, North 71°45'37" East, 1369.12 feet to the beginning of a tangent curve, concave southerly, having a radius of 300.00 feet;

Thence easterly along said curve, through a central angle of 51°03'16", an arc length of 267.32 feet to a non-tangent line;

Thence South 57°11'08" East, 82.73 feet to the beginning of a tangent curve, concave northerly, having a radius of 125.00 feet;

Thence easterly along said curve, through a central angle of 70°10'33", an arc length of 153.10 feet to a non-tangent line;

Thence North 52°38'23" East, 482.10 feet;

Thence North 00°13'06" East, 1357.68 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, South 88°59'38" West, 1100.00 feet along the south line of the Special Warranty Deed, as recorded in Document No. 2019-0209048, Records of Maricopa County, Arizona;

Thence North 00°13'06" East, 601.99 feet along the west line of last said Special Warranty Deed to a line that is parallel with and 33.00 feet south of the north line of the south half of the Northwest quarter of said Section 19;

Thence along said parallel line, North 88°59'38" East, 1100.00 feet;

Thence North 88°59'45" East, 1664.78 feet along a line that is parallel with and 33.00 feet south of the north line of the south half of the Northeast quarter of said Section 19;

Thence leaving said parallel line, South 00°41'57" East, 964.81 feet;

Thence North 88°52'30" East, 817.25 feet;

Thence South 00°41'57" East, 332.19 feet along a line that is parallel with and 58.00 feet west of the east line of said Northeast quarter;

Thence South 00°37'32" East, 2653.33 feet along a line that is parallel with and 58.00 feet west of the east line of the Southeast quarter of said Section 19 to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 8,880,482 sq. ft. (203.8678 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1934
Date: April 2020



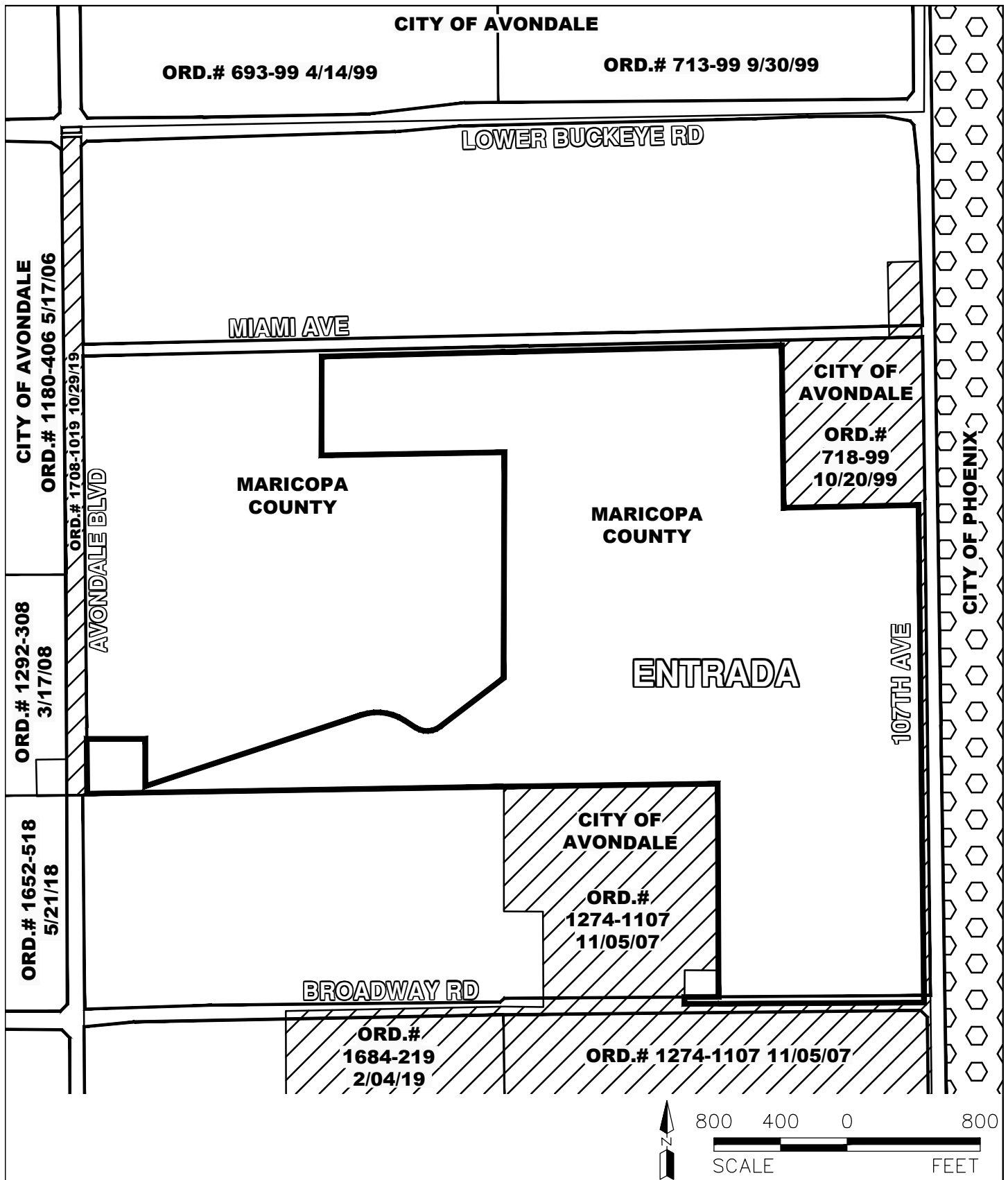
LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S89°26'07"W	58.00'
L2	N00°12'18"W	40.00'
L3	N89°26'07"E	208.70'
L4	N00°12'18"W	1282.76'
L5	S89°15'08"W	1290.05'
L6	N00°13'45"W	329.66'
L7	S89°59'58"E	334.94'
L8	S00°00'02"W	283.55'
L9	N71°45'37"E	1369.12'
L10	S57°11'08"E	82.73'
L11	N52°38'23"E	482.10'
L12	N00°13'06"E	1357.68'
L13	S88°59'38"W	1100.00'
L14	N00°13'06"E	601.99'
L15	N88°59'38"E	1100.00'
L16	N88°59'45"E	1664.78'
L17	S00°41'57"E	964.81'
L18	N88°52'30"E	817.25'
L19	S00°41'57"E	332.52'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
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C2	125.00'	70°10'33"	153.10'

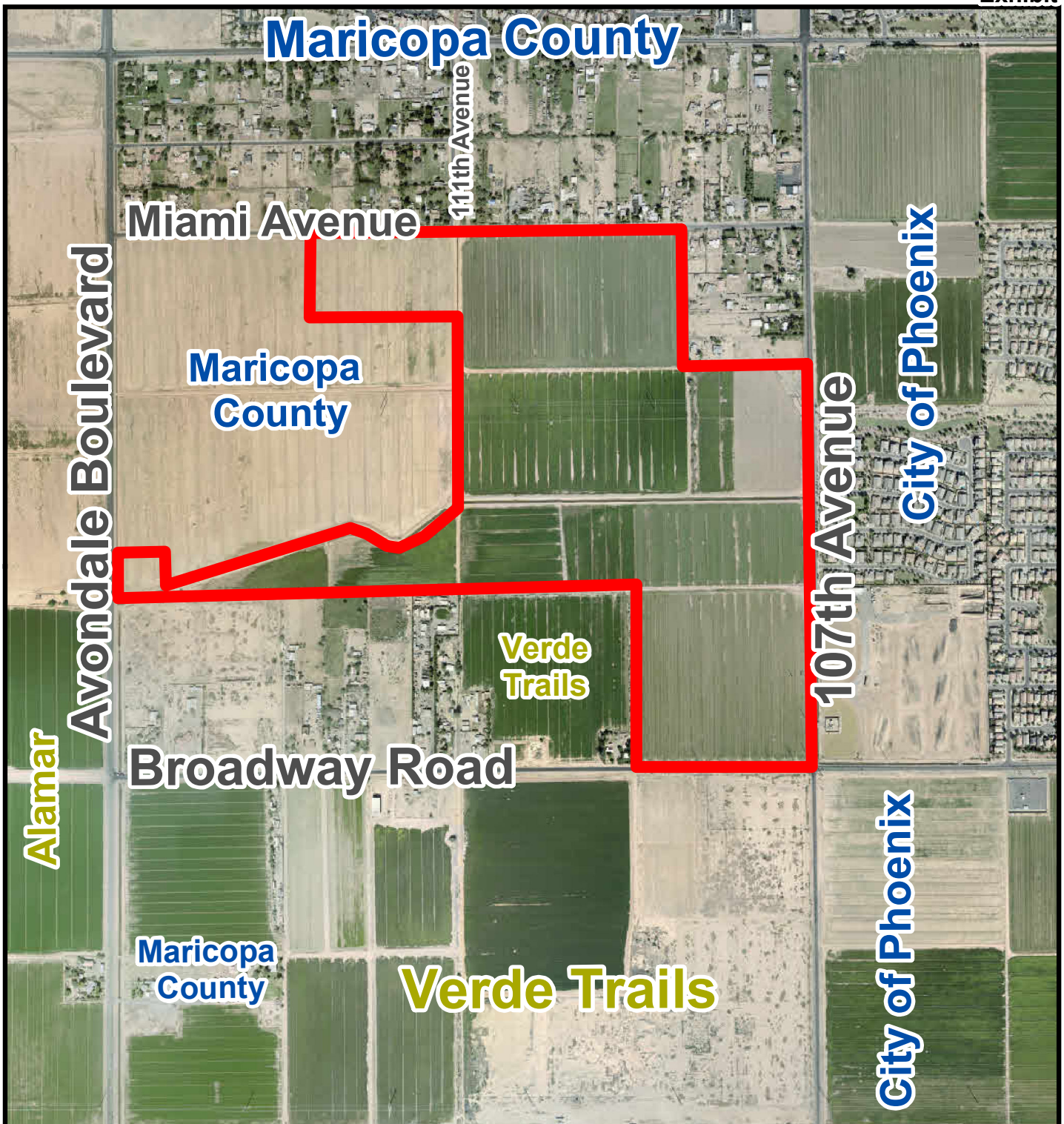


SHEET 2 OF 2

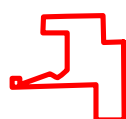
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DATE: APRIL 2020		
SCALE: NONE		
DRAWN BY: JDL/JHVD		
CHECKED BY: KJP		



PROJ.NO.: 1934	ENTRADA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: APRIL 2020		
SCALE: 1"=800'		
DRAWN BY: DD	AVONDALE CITY LIMITS	
CHECKED BY: TB		

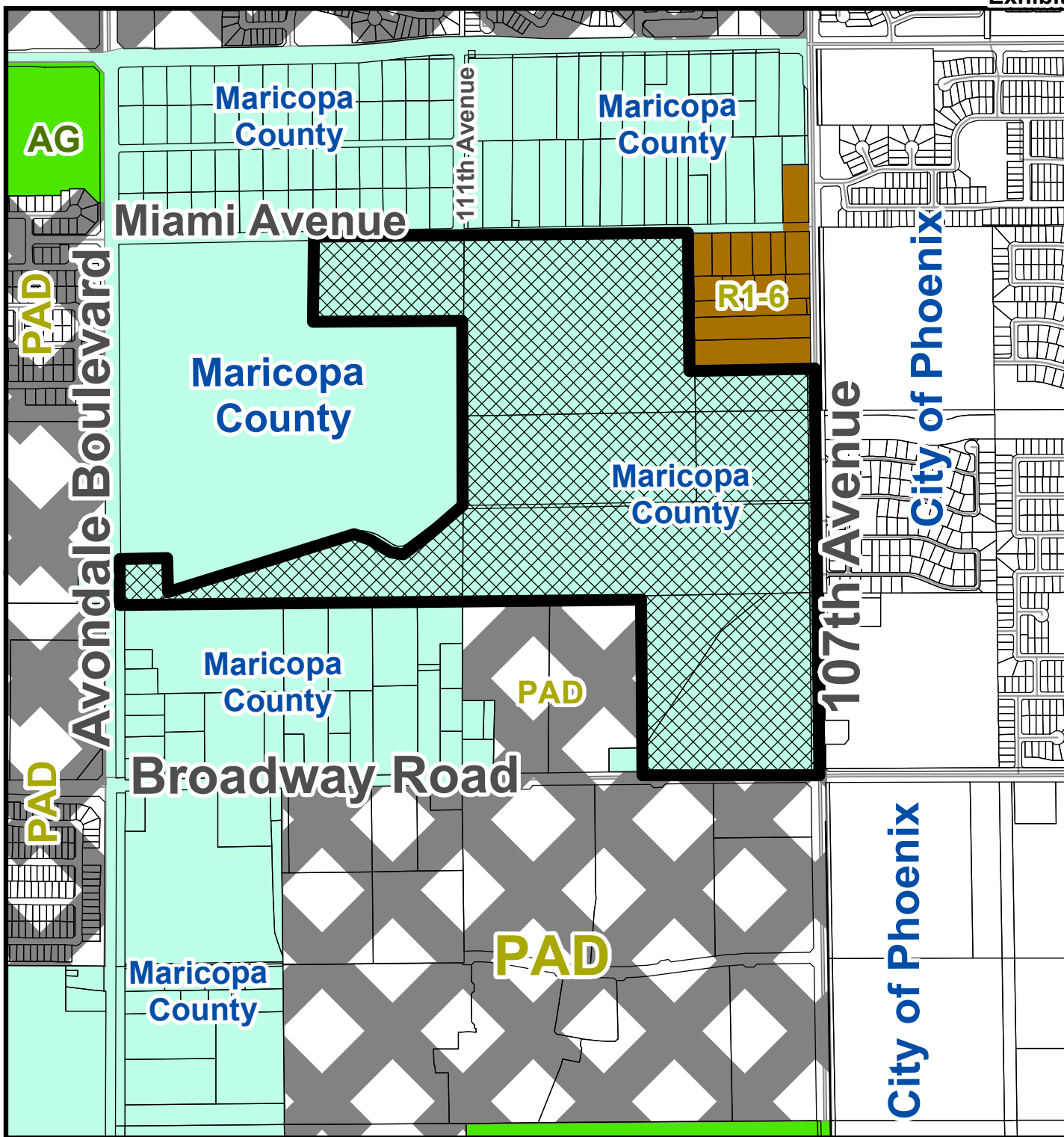


Aerial Photograph

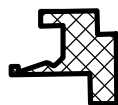


Subject Property



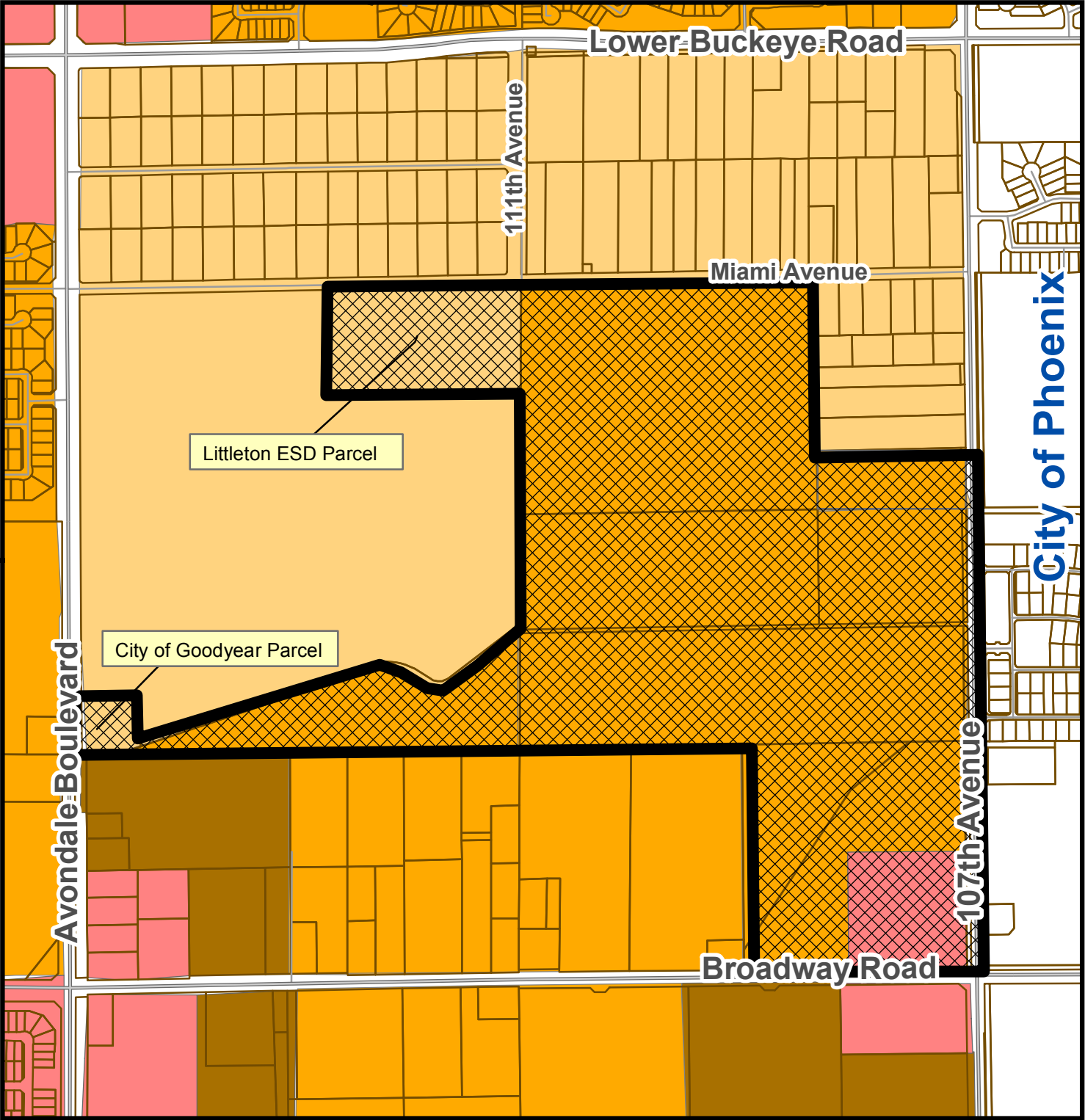


Zoning Vicinity Map



Subject Property

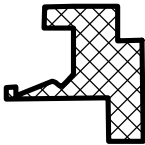




General Plan Land Use Map



-  Estate/Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Local Commercial



Subject Property

*SUMMARY OF RELATED FACTS
APPLICATION PL-19-0227*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 203.86 acres
LOCATION	Northwest corner of 107 th Avenue and Broadway Road, inclusive of some, but not all, unincorporated land located north of Broadway Road, west of 107 th Avenue, south of Miami Avenue, and east of Avondale Boulevard
JURISDICTION	Maricopa County
PHYSICAL CHARACTERISTICS	Relatively flat with frontage on 107 th Avenue, Broadway Road, Miami Avenue, and a small segment of Avondale Boulevard. Several irrigation canals, including a regional SRP irrigation ditch, bisect the properties. Above-ground utilities run along Broadway Road and 107 th Avenue.
EXISTING ZONING	The northern and western portions of the property to be annexed, approximately 110 acres, is zoned Maricopa County Residential Unit Plan of Development (R1-6/RUPD), which allows for development of 6,000 square foot single-family residential lots within the County. The remainder of the land is zoned Maricopa County Rural-43 (RU-43), a district that allows for agricultural and large lot single-family residential uses.
EXISTING LAND USE	The majority of the property subject to the annexation request is in active agricultural use (farming).

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	From east to west: - Multiple parcels, one to three acres in size, located within the City of Avondale, zoned R1-6 (Urban Residential). These parcels are mostly developed with single-family residences and related accessory structures. - Multiple unincorporated parcels, two to three acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).
EAST	From north to south: - A 37.4-acre property, owned by the Flood Control District of Maricopa County (FCDMC), to be developed by the FCDMC as a large stormwater retention facility related to the future Durango Regional Conveyance Channel (DRCC). The property is located within the City of Phoenix and is zoned S-1 (Suburban Ranch or Farm Residence). - Lions Gate, a 39.6-acre, 96-lot single-family residential community, located within the City of Phoenix, zoned R1-10 (Single-Family Residence). - An undeveloped 33.9-acre parcel located within the City of Phoenix, zoned PCD (Planned Community District). Development plans for this property are not known.

SOUTH	Multiple uses are occurring along the property's southern edge. From east to west, these include: • Verde Trails I and II, a planned 248-acre, 891-lot single-family residential subdivision located within the City of Avondale, zoned PAD (Planned Area Development). Permits for the development are approved but construction has not yet commenced, and the property is still being actively farmed. • Multiple unincorporated parcels, three to five acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).
WEST	A 113.7-acre property located within the jurisdiction of Maricopa County, currently in agricultural production. The property is zoned County R1-6/RUPD (Residential Unit Plan of Development), which allows for development of 6,000 square foot residential lots.

<i>GENERAL PLAN</i>	
Multiple General Plan Land Use Categories are designated over the subject property, as follows (from most prevalent to least prevalent): 177.4 acres of Medium Density Residential (2.5 to 4 dwelling units per acre), 17.6 acres of Estate Low Density Residential (1 to 2.5 dwelling units per acre), and 8.9 acres of Local Commercial.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest district school is Quentin Elementary, located at the northwest corner of Whyman Avenue and 110 th Drive within the Sanctuary community.
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Durango Street and Avondale Boulevard.

<i>STREETS</i>	
Broadway Road	
Classification	Minor Arterial
Existing half-street ROW	40 feet
Standard half-street ROW	50 feet
Existing half-street improvements	1 travel lane
Standard half-street improvements	2 travel lanes, ½ center turn lane, bike lane, curb and gutter, detached sidewalks, street lights and landscaping.
107th Avenue	
Classification	Maricopa County Arterial
Existing half-street ROW	33 feet
Standard half-street ROW	65 feet
Existing half-street improvements	1 travel lane and ½ center turn lane

Standard half-street improvements	2 travel lanes, ½ center turn lane, bike lane, curb and gutter, detached sidewalks, and landscaping.
Avondale Boulevard	
Classification	Minor Arterial
Existing half-street ROW	70 feet
Standard half-street ROW	65 feet
Existing half-street improvements	2 travel lanes and ½ center turn lane.
Standard half-street improvements	2 travel lanes, ½ center turn lane, bike lane, curb and gutter, detached sidewalks, street lights and landscaping.

<i>UTILITIES</i>
Future development of the annexation parcels will receive City water service through an existing eight-inch water line in Miami Avenue and a proposed sixteen-inch water line in 107th Avenue, to be partially constructed by the developer of Verde Trails. Sewer service will be provided to the annexation parcels via a proposed twelve-inch sewer line in Broadway Road, to be constructed by the developer of Verde Trails. An additional connection to the existing 36-inch sewer trunk main in Avondale Boulevard may be required for parcels north of the bisecting power line corridor.

Exhibit E

Blank Annexation Petition and Affidavit

Entrada Annexation

BLKANNEXPETENTRADA-12-1-1--
brodiek

When recorded mail to:

Attn: Development and Engineering Services Department
City of Avondale
11465 W. Civic Center Drive, Suite 110
Avondale, Arizona 85323

BLANK ANNEXATION PETITION AND AFFIDAVIT

ENTRADA ANNEXATION

**CITY OF AVONDALE
ANNEXATION PETITION**

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF AVONDALE, ARIZONA:

We, the undersigned, the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the City of Avondale in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Avondale, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked Exhibit A and made a part hereof, request the City of Avondale to annex the following described territory, provided that the requirements of ARIZ. REV. STAT. § 9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed, not already within the present limits of the City of Avondale and located in Maricopa County, Arizona, is as follows:

(SEE ATTACHED MAP AND LEGAL DESCRIPTION)

Parcel Number or Legal Description:	Name of Property Owner:	Phone Number:
Mailing Address:	Signature	Date

Parcel Number or Legal Description:	Name of Property Owner:	Phone Number:
Mailing Address:	Signature	Date

Parcel Number or Legal Description:	Name of Property Owner:	Phone Number:
Mailing Address:	Signature	Date

Parcel Number or Legal Description:	Name of Property Owner:	Phone Number:
Mailing Address:	Signature	Date

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Mailing Address:	Signature	Date

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Mailing Address:	Signature	Date

Parcel Number or Legal Description:	Name of Property Owner:	Phone Number:
Mailing Address:	Signature	Date

Parcel Number or Legal Description:	Name of Property Owner:	Phone Number:
Mailing Address:	Signature	Date

EXHIBIT A

ENTRADA ANNEXATION LEGAL DESCRIPTION AND MAP

**ENTRADA
ANNEXATION BOUNDARY
LEGAL DESCRIPTION**

A portion of land being situated within Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 4 inch Maricopa County Engineering Department brass cap in hand hole accepted as the Southeast corner of said Section 19, from which a found 3 inch Maricopa County Department of Transportation brass cap flush accepted as the East quarter corner thereof bears North 00°37'32" West, 2653.70 feet;

Thence South 89°26'07" West, 58.00 feet along the south line of the Southeast quarter of said Section 19, to the west line of the east 58.00 feet thereof, also being the **POINT OF BEGINNING**;

Thence continuing South 89°26'07" West, 1450.46 feet along said south line;

Thence North 00°12'18" West, 40.00 feet to the north line of the south 40.00 feet of said Southeast quarter;

Thence along said north line, North 89°26'07" East, 208.70 feet to the east line of the Southwest quarter of said Southeast quarter,

Thence along said east line of the Southwest quarter of the Southeast quarter, North 00°12'18" West, 1282.76 feet to the northeast corner of said Southwest quarter of the Southeast quarter;

Thence South 89°15'08" West, 1290.05 feet along the north line of said Southwest quarter of the Southeast quarter;

Thence South 88°59'57" West, 2484.63 feet along the south line of the north half of the Southwest quarter of said Section 19 to a point on the east line of the west 70.00 feet of said Section 19;

Thence North 00°13'45" West, 329.66 feet along the east line of the west 70.00 feet of the southwest quarter of said Section 19;

Thence leaving said east line, South 89°59'58" East, 334.94 feet along the north line of the Special Warranty Deed as described in Document No. 2019-0226874, records of Maricopa County, Arizona;

Thence South 00°00'02" West, 283.55 feet along the east line of said Special Warranty Deed;

Thence leaving said east line, North 71°45'37" East, 1369.12 feet to the beginning of a tangent curve, concave southerly, having a radius of 300.00 feet;

Thence easterly along said curve, through a central angle of 51°03'16", an arc length of 267.32 feet to a non-tangent line;

Thence South 57°11'08" East, 82.73 feet to the beginning of a tangent curve, concave northerly, having a radius of 125.00 feet;

Thence easterly along said curve, through a central angle of $70^{\circ}10'33''$, an arc length of 153.10 feet to a non-tangent line;

Thence North $52^{\circ}38'23''$ East, 482.10 feet;

Thence North $00^{\circ}13'06''$ East, 1357.68 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, South $88^{\circ}59'38''$ West, 1100.00 feet along the south line of the Special Warranty Deed, as recorded in Document No. 2019-0209048, Records of Maricopa County, Arizona;

Thence North $00^{\circ}13'06''$ East, 601.99 feet along the west line of last said Special Warranty Deed to a line that is parallel with and 33.00 feet south of the north line of the south half of the Northwest quarter of said Section 19;

Thence along said parallel line, North $88^{\circ}59'38''$ East, 1100.00 feet;

Thence North $88^{\circ}59'45''$ East, 1664.78 feet along a line that is parallel with and 33.00 feet south of the north line of the south half of the Northeast quarter of said Section 19;

Thence leaving said parallel line, South $00^{\circ}41'57''$ East, 964.81 feet;

Thence North $88^{\circ}52'30''$ East, 817.25 feet;

Thence South $00^{\circ}41'57''$ East, 332.19 feet along a line that is parallel with and 58.00 feet west of the east line of said Northeast quarter;

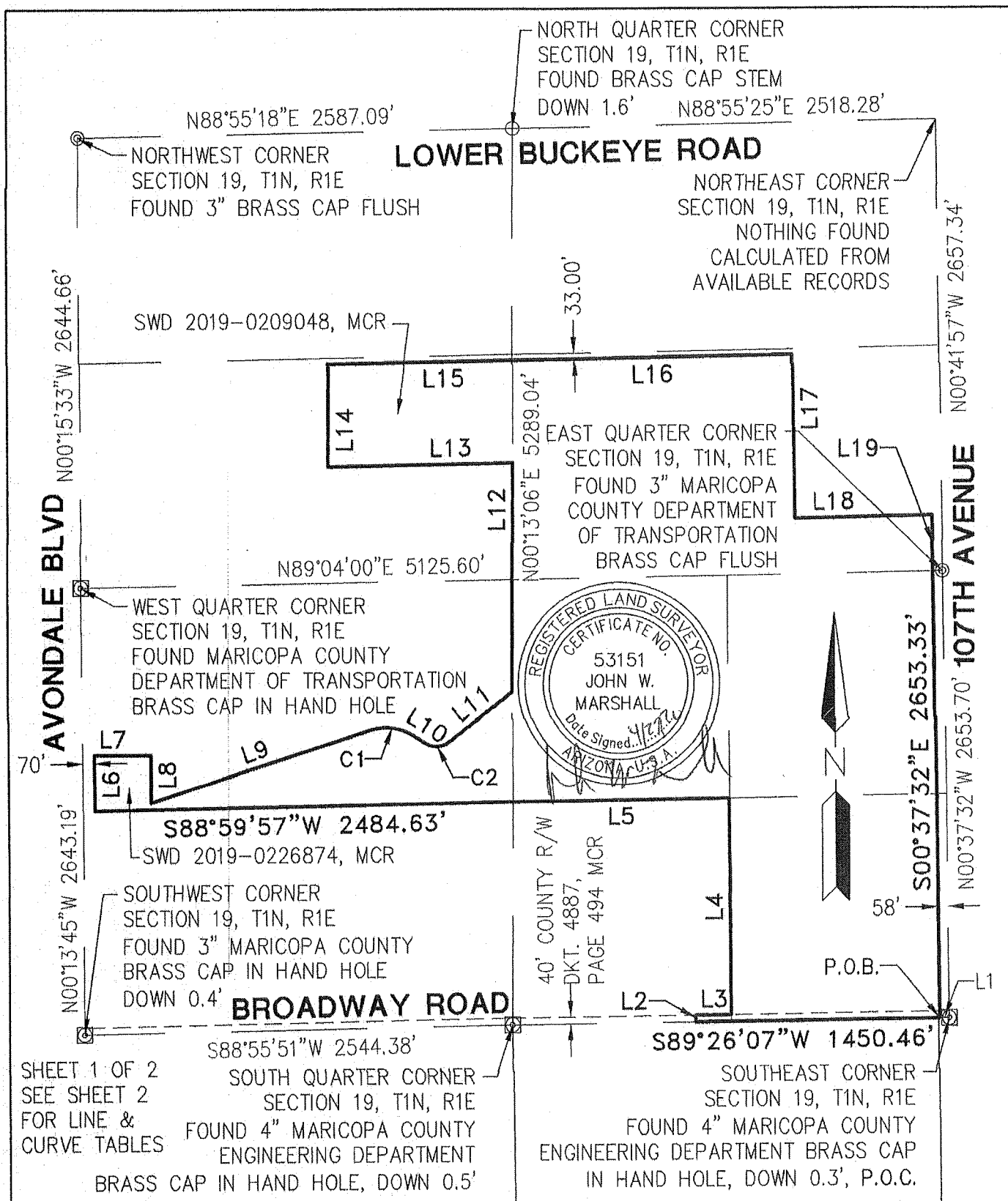
Thence South $00^{\circ}37'32''$ East, 2653.33 feet along a line that is parallel with and 58.00 feet west of the east line of the Southeast quarter of said Section 19 to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 8,880,482 sq. ft. (203.8678 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1934
Date: April 2020





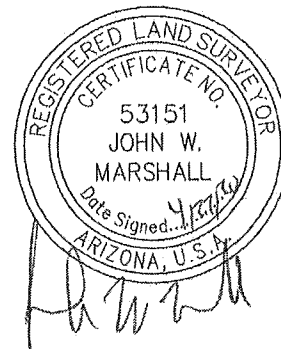
PROJ.NO.:	1934
DATE:	APRIL 2020
SCALE:	N.T.S.
DRAWN BY:	JDL/JHVD
CHECKED BY:	JWM

ENTRADA
ANNEXATION BOUNDARY
MARICOPA COUNTY, ARIZONA
EXHIBIT


HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S89°26'07"W	58.00'
L2	N00°12'18"W	40.00'
L3	N89°26'07"E	208.70'
L4	N00°12'18"W	1282.76'
L5	S89°15'08"W	1290.05'
L6	N00°13'45"W	329.66'
L7	S89°59'58"E	334.94'
L8	S00°00'02"W	283.55'
L9	N71°45'37"E	1369.12'
L10	S57°11'08"E	82.73'
L11	N52°38'23"E	482.10'
L12	N00°13'06"E	1357.68'
L13	S88°59'38"W	1100.00'
L14	N00°13'06"E	601.99'
L15	N88°59'38"E	1100.00'
L16	N88°59'45"E	1664.78'
L17	S00°41'57"E	964.81'
L18	N88°52'30"E	817.25'
L19	S00°41'57"E	332.52'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	300.00'	51°03'16"	267.32'
C2	125.00'	70°10'33"	153.10'

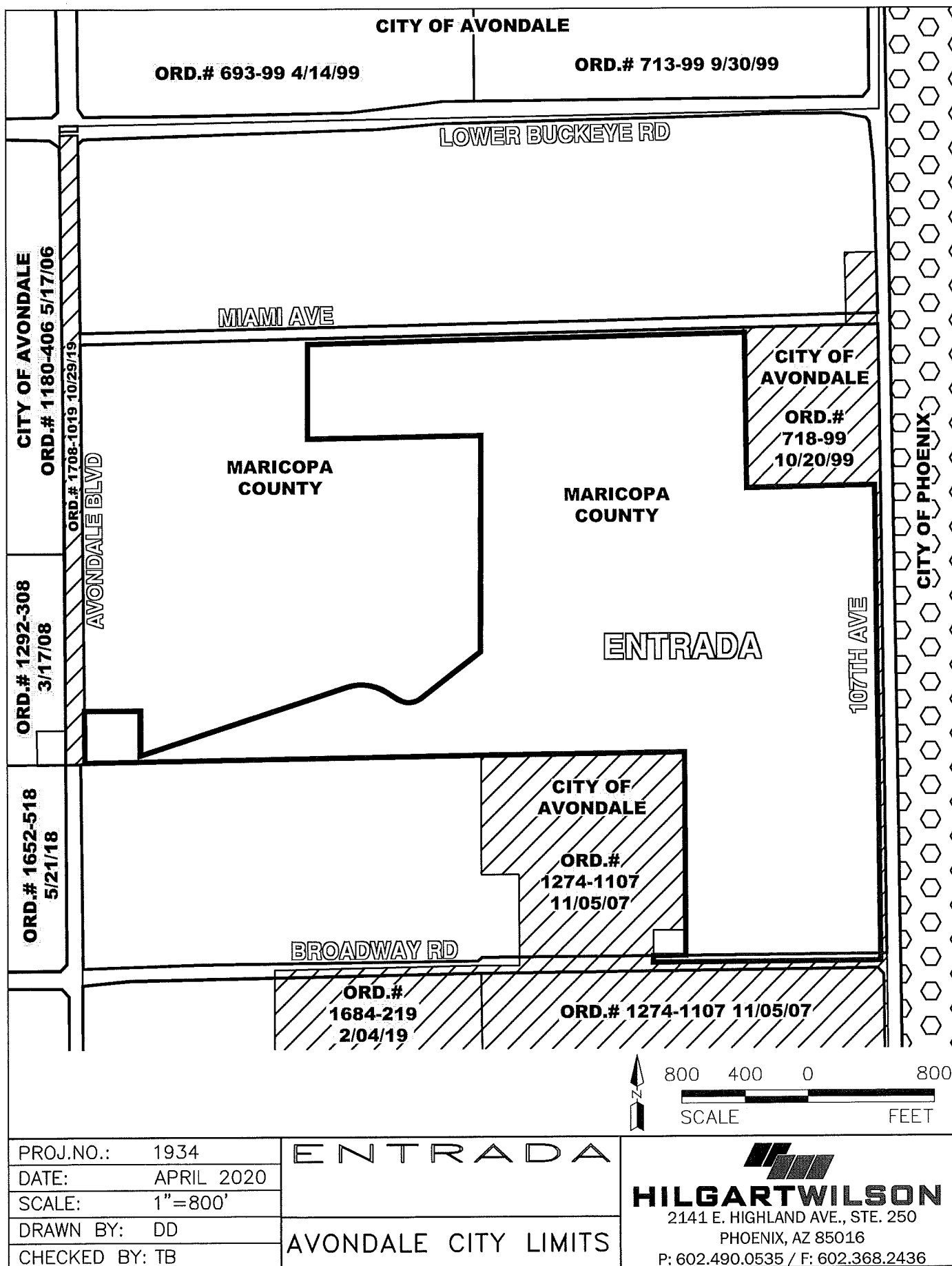


SHEET 2 OF 2

PROJ.NO.: 1934
 DATE: APRIL 2020
 SCALE: NONE
 DRAWN BY: JDL/JHVD
 CHECKED BY: KJP

ENTRADA
 ANNEXATION BOUNDARY
 MARICOPA COUNTY, ARIZONA
EXHIBIT


HILGARTWILSON
 2141 E. HIGHLAND AVE., STE. 250
 PHOENIX, AZ 85016
 P: 602.490.0535 / F: 602.368.2436




Development & Engineering Services Department

11465 W. Civic Center Drive, Suite #110

Avondale, Arizona 85323-6804

Phone: (623) 333-4000 Fax: (623) 333-0420

Annexation Affidavit

Personally appears before me, Ken Galica, who, first being duly sworn, deposes and says as follows:

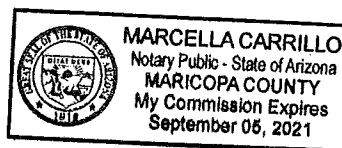
1. I make this affidavit of my own personal knowledge.
2. I am a Division Lead Planner of the City of Avondale, Arizona, and I am qualified to make this affidavit on behalf of and for the City.
3. I have made a diligent search of the records of the Office of the Clerk of the City of Avondale and of the Office of the Maricopa County Recorder for any annexation filing which might involve territory sought to be annexed in the City Annexation Petition, which is filed herewith with exhibits, in the Office of the Maricopa County Recorder.
4. I hereby affirm, pursuant to A.R.S. §9-471 (A) (6), that no part of the territory for which the attached Annexation Petition is filed is already subject to an earlier filing for annexation.

Ken Galica, Division Lead Planner

SWORN TO AND SUBSCRIBED before me
This 1 day of July, 2020.

Notary Public for the State of Arizona

My commission expires: 9/5/2021



CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2026-0820 - Rezoning from Urban Residential (R1-6) and Rural Residential (RR-43) to Planned Area Development (PAD) for Entrada – Application PL-19-0201

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2026-0820, approving a request by Ms. Toni Bonar, AICP, HILGARTWILSON, LLC, to rezone approximately 185.55 acres located at the northwest corner of 107th Ave and Broadway Rd from Rural Residential (RR-43) and Urban Residential (R1-6) to Planned Area Development (PAD) to allow for the development of a single-family residential community consisting of a maximum of 624 lots with eighteen (18) percent open space (approx. 29 acres) on 176.6 acres, a density of approximately 3.5 units/acre. Additionally, the PAD would allow for 9.0 acres located at the northwest corner of 107th Ave and Broadway Rd to be developed with commercial uses in accordance with the uses and development standards of the City's Neighborhood Commercial (C-1) zoning district. The property is currently in the jurisdiction of Maricopa County and the annexation of the property is to be considered at this same meeting. The Council will take appropriate action.

BACKGROUND:

The 185.55-acre subject property (Exhibits A and B) is located at the northwest corner of 107th Avenue and Broadway Road. The site is irregularly-shaped and relatively flat with several irrigation canals, including a regional SRP irrigation canal, bisecting the property. Aboveground utilities, including high voltage power lines, run along the property's 107th Avenue and Broadway Road frontages and bisect the property within a powerline corridor.

The property is currently in the jurisdiction of Maricopa County. The northernmost portion of the site, approximately 96 acres in area, is zoned Residential Unit Plan of Development (R1-6/RUPD). The County's R1-6/RUPD zoning allows for development of 6,000 square foot single-family residential lots on the property. The remainder of the site features Rural-43 (RU-43) zoning, a County district that allows for agricultural and large lot single-family residential uses. Because it is the City's policy not to serve water or sewer to new developments in unincorporated areas, the developer would be required to provide private water and sewer services independent of the City's systems for the property to develop in the County.

A separate application to annex the subject property into the City of Avondale has been submitted, with City Council scheduled to consider approval of the proposed annexation at this same meeting prior to consideration of the rezoning request. If the proposed annexation is approved, the property will be assigned City of Avondale zoning that is equivalent to the site's current Maricopa County zoning: portions currently zoned Rural-43 (RU-43) in the County will become Rural Residential (RR-43) in the City, and portions zoned

Residential Unit Plan of Development R1-6 (RUPD/R1-6) within the County will become Urban Residential (R1-6) in the City. Approval of the annexation is required in order for the Council to consider approval of this rezoning request.

The majority of the property, approximately 176.6 acres, is designated by the General Plan 2030 Land Use Map (Exhibit C) as Medium Density Residential (MDR). The MDR category accommodates development of suburban detached single-family residential within a density range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5. The remaining 9.0 acres of the site are designated Local Commercial. The Local Commercial designation provides for the daily needs of goods and services to residents within the surrounding area. Uses allowed in this category include grocery stores, neighborhood retail and services, and medical or professional offices. The Local Commercial portion of the property is located at the intersection of Broadway Road and 107th Avenue.

The existing uses and zoning of surrounding properties include:

North: Multiple uses are occurring along the property's northern edge. From east to west:

- Multiple parcels, one (1) to three (3) acres in size, located within the City of Avondale, zoned R1-6 (Urban Residential). These parcels are mostly developed with single-family residences and related accessory structures.
- Multiple unincorporated parcels, two (2) to three (3) acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).

East: Multiple uses are occurring east of the property on the opposite side of 107th Avenue. From north to south:

- A 37.4-acre property, owned by the Flood Control District of Maricopa County (FCDMC), to be developed by the FCDMC as a large stormwater retention facility related to the future Durango Regional Conveyance Channel (DRCC). The property is located within the City of Phoenix and is zoned S-1 (Suburban Ranch or Farm Residence).
- Lions Gate, a 39.6-acre, 96-lot single-family residential community, located within the City of Phoenix, zoned R1-10 (Single-Family Residence).
- An undeveloped 33.9-acre parcel located within the City of Phoenix, zoned PCD (Planned Community District). Development plans for this property are unknown.

South: Multiple uses are occurring along the property's southern edge. From east to west, these include:

- Verde Trails I and II, a planned 248-acre, 891-lot single-family residential subdivision located within the City of Avondale, zoned PAD (Planned Area Development). Permits for the development are approved but construction has not yet commenced, and the property is still being actively farmed.
- Multiple unincorporated parcels, three (3) to five (5) acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).

West: A 113.7-acre property located within the jurisdiction of Maricopa County, currently in agricultural production. The property is zoned County R1-6/RUPD (Residential Unit Plan of Development), which allows for development of 6,000 square foot residential lots.

SUMMARY OF REQUEST:

Subject to City Council approval of the concurrent annexation application briefly discussed above, the applicant, Toni Bonar, AICP, HILGARTWILSON, LLC, on behalf of property owner Avondale Entrada, LLC, is requesting to rezone the 185.55-acre property from a combination of Rural Residential (RR-43) and Urban Residential (R1-6) to Planned Area Development (PAD) for single-family residential and local commercial use.

The proposed Entrada Planned Area Development Narrative (Exhibit E) defines permitted uses, development standards, design standards, open space, theming and landscaping requirements, and off-site infrastructure requirements to guide platting and development of the planned Entrada community. The PAD Narrative also includes several plans and architectural drawings that illustrate the layout, design, and function of the proposed community, including a conceptual development plan, conceptual landscape plan, conceptual open space plan, conceptual street and pedestrian circulation plans, and a conceptual phasing plan.

Overall, the proposed Entrada PAD provides for development of up to 624 detached single-family residences on three (3) different lot types across approximately 176.55 acres, at a density of approximately 3.5 dwelling units per acre, in conformance with the property's Medium Density Residential (MDR) General Plan 2030 Land Use designation. In addition to the predominant residential use of the site, the proposed PAD also reserves approximately 9.0 acres for future neighborhood commercial development at the intersection of Broadway Road and 107th Avenue, in conformance with the Local Commercial General Plan Land Use designation for the southeast corner of the site. Specifically, the proposed Entrada PAD partitions the property into a total of seven parcels, as follows:

- **Parcel 1**, approximately 31.3 acres located adjacent to 107th Avenue south of the existing powerline corridor, will be developed with up to 69 detached single-family residential homes on minimum 6,600 square foot lots (minimum 55'x120').
- **Parcel 2**, approximately 29.7 acres located adjacent to 107th Avenue south of Parcel 1, will be developed with up to 125 detached single-family homes on minimum 5,750 square foot lots (minimum 50'x115').
- **Parcel 3**, approximately 25.3 acres located north and west of the northwest corner of 107th Avenue and Broadway Road, will be developed with up to 120 detached single-family homes on minimum 4,950 square foot lots (minimum 45'x110').
- **Parcel 4**, an irregularly shaped 28.7 acres comprising the westernmost portion of the site, will be developed with up to 84 detached single-family homes on minimum 4,950 square foot lots (minimum 45'x110').
- **Parcel 5**, approximately 37.6 acres located adjacent to 107th Avenue north of the existing powerline corridor, will be developed with up to 124 detached single-family homes on minimum 4,950 square foot lots (minimum 45'x110').
- **Parcel 6**, the northernmost 24.0 acres of the property adjacent to Miami Avenue, will be developed with up to 102 detached single-family homes on minimum 5,750 square foot lots (minimum 50'x115').
- **Parcel 7**, approximately 9.0 acres located at the intersection of 107th Avenue and Broadway Road, will be developed for commercial use in accordance with the permitted uses and development standards of the City's Neighborhood Commercial (C-1) zoning district. Specific commercial uses for this corner have not yet been identified.

Entrada's neighborhoods, Parcels 1 through 6, will be accessed from a new collector street that loops through the site, connecting 107th Avenue on the east to Miami Avenue on the north. Local streets will branch off the

new collector spine, providing access to Entrada's planned 624 residences. Additionally, a local street access from 107th Avenue directly into Parcel 5, north of the existing powerline corridor, and a local street access from Broadway Road directly into Parcel 3, west of the commercial corner, will be provided. The future commercial site is expected to have access to both 107th Avenue and Broadway Road. Specific driveway locations to the commercial site will be identified and evaluated when an administrative Site Plan/Design Review application is submitted for that property at a later date.

Over eighteen (18) percent of the residential site area (approximately 29 acres) will take the form of usable open space dispersed throughout the community, in excess of the City's fifteen (15) percent minimum requirement. A range of amenities are provided to ensure open space areas will be usable by residents of all ages and abilities. Some of the more significant and amenitized open space areas planned within Entrada include:

- A minimum 2.5-acre central park featuring an open-air community center pavilion, fitness stations, a yoga lawn, outdoor workspaces featuring outlets and Wi-Fi, basketball and pickleball courts, shaded children's play equipment, a family water play area, and large turf areas for open play.
- A minimum 1.5-acre "outdoor game center" featuring additional pickleball courts, shaded children's play equipment, a terraced amphitheater, ramadas with barbeque grills, a bag toss court, and turf areas for open play including a soccer field.
- A minimum 0.5-acre dog-centric park featuring two separate dog play areas, one designed for small dogs and the second designed for larger dogs. Shaded seating for dog owners, pedestrian and pet water fountains, and a pet waste station is also provided in this amenity area.
- A minimum 0.8-acre "work-play park" featuring a basketball court, ramada, outdoor workstations with bar seating, outlets and Wi-Fi, a shaded playground, and a large turf area for open play.
- A minimum 0.8-acre "climbing park" featuring a shaded climbing playground, ramada, seating, and a large turf area for open play.
- A fully-amenitized trail system within the utility corridor bisecting the Entrada community, to feature an eight (8) to twenty (20) foot wide landscaped multi-use trail and a disc golf course inclusive of signage, tee boxes, and goals.

A 100-foot wide corridor to accommodate future development of the Durango Regional Conveyance Channel (DRCC) is set aside by the developer through the Entrada site adjacent to the existing powerline corridor, continuing west along the site's north property line. Because the DRCC will not be constructed by the developer, nor will the developer contribute to the construction of the channel, the corridor is not counted towards the project's open space. At this time, the DRCC is not currently a funded City of Avondale CIP project. In the interim period before the DRCC is constructed, the developer and/or HOA will be required to maintain the area set aside for the DRCC in a dust proof and weed free condition.

The design theme of the proposed Entrada community is intended to embody a desert-adapted riparian landscape inspired by the existing water conveyance canals that traverse the site. This theme will be reflected throughout the development's landscape, walls, monumentation, and entry features, through inclusion of visual accents such as bridges, river rock, and a water feature utilizing recycled irrigation water and a faux pedestrian bridge at the project's primary entry monument adjacent to 107th Avenue. Proposed theme walls incorporate earth toned smooth face CMU block with accent caps and repeating river rock wall columns, with partial wrought iron view fencing used when walls are provided adjacent to open spaces. Regular recesses and offsets are provided which, in combination with the decorative river rock columns, break up the horizontal wall plane to enhance streetscape aesthetics.

The architectural requirements and conceptual elevations contained within the proposed PAD will result in an attractive development that is in conformance with the City's Single-Family Residential Design Manual and provides for ample diversity between house plans and elevations. Floor plans and elevations for single-family house products within Entrada will require administrative approval. It is anticipated that Lennar will be the homebuilder within the Entrada community.

The developer expects to complete the project in three phases. Phase 1 encapsulates the southeast portion of the property, excluding the commercial site; in addition to on-site construction, improvements to 107th Avenue and Broadway Road, including the portions in front of the future commercial parcel, will also be completed in Phase 1. Phase 2 is expected to include the northern third of the site along with the irregularly shaped western half of the property; improvements to Miami Avenue will also be completed in Phase 2. The final phase, Phase 3, is expected to be the 9.0-acre commercial site.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:

The property is located in the service areas of the Littleton Elementary School District (LESD) and the Tolleson Union High School District (TUHSD).

The LESD no longer assigns students to particular elementary schools based upon geographical location. As such, elementary aged students living in the future Entrada community would have an opportunity to choose which school they will attend within the LESD system. Quentin Elementary, generally located at the northwest corner of Lower Buckeye Road and 107th Avenue within the Sanctuary neighborhood, is the school that is presently closest to the Entrada property; a future new LESD school is planned at the southwest corner of Miami Avenue and 111th Avenue directly adjacent to Entrada. High school students will attend La Joya Community High School located at the southwest corner of Avondale Boulevard and Durango Street.

LESD has provided the City with a Certificate of Adequate School Facilities signed by Superintendent Roger Freeman (Exhibit G) which states that the district does not presently have adequate capacity to accommodate the estimated enrollment from the proposed Entrada development; however, the developer is working with LESD on a donation agreement that will assist in meeting the district's needs.

TUHSD has provided the City with a Certificate of Adequate School Facilities signed by Superintendent Nora Gutierrez (Exhibit G) stating that the district has adequate capacity and no school site within the development is needed.

PUBLIC PARTICIPATION:

A neighborhood meeting to discuss the proposed rezoning with neighboring property owners and other interested parties was held at 6:00 P.M. on Tuesday, October 22, 2019. The meeting took place in the cafeteria of Quentin Elementary School, 11040 West Whyman Avenue. All notices of the meeting, including mailings to owners within 1,000 feet of the site, public hearing notice signs on the property, and display ads in the Arizona Republic, were completed at least fifteen (15) days prior to the meeting as required. Three residents in the vicinity of the Entrada site, two who live in the Lion's Gate community located in Phoenix, east of 107th Avenue, and one who lives in Avondale directly north of the Entrada site, attended the Neighborhood Meeting. Topics discussed included whether a grocery store could be provided in the commercial area, if horseback riding would be permitted in the powerline open space corridor through the Entrada development, how the planned SR-30 freeway would impact the development and the area in general, how vehicular access to Entrada would be provided, what improvements would be made to 107th Avenue with the Entrada development, and if the proposal would have any impact on the zoning of other properties in the area. A summary of responses to these questions is included as Exhibit G.

No comments related to the proposal have been posted on the City's aVOICE web platform.

All required notifications for Planning Commission and City Council public hearings were completed. All property owners within 1,000 feet of the subject site were notified of the time, date, and location of the Planning Commission and City Council meetings via postcards, the meetings were advertised in the Wednesday, May 27, 2020 edition of the Arizona Republic, and two public hearing notice signs identifying meeting dates, times, and locations were installed on the property. No public comments beyond what is discussed above have been received to date.

No members of the public spoke during the Planning Commission public hearing for this request.

PLANNING COMMISSION ACTION:

On June 17, 2020, Planning Commission conducted a public hearing and voted 6-0 to recommend approval of the proposed rezoning subject to six (6) Staff recommended conditions. Commission had the following questions or comments:

- Vice Chair Warren asked about the size of the commercial parcel at the northwest corner of 107th Avenue and Broadway Road and what scale of development could be expected there – would it accommodate a convenience store, a strip mall or a neighborhood shopping center? Staff responded that the parcel is ten (10) gross acres which is typically large enough to accommodate a grocery-store anchored neighborhood shopping center.

ANALYSIS:

Section 603 of the Zoning Ordinance establishes five criteria that any request for PAD zoning must meet. Listed below are each of the five criteria followed by an analysis of each:

1. The proposed PAD is in conformance with the General Plan and applicable specific plan(s).

The proposed Entrada PAD conforms to the property's General Plan Land Use Map designations of Medium Density Residential (MDR) and Local Commercial.

The MDR category allows for development of single-family residential homes with an allowable density range of 2.5 to 4.0 units per acre, with a target density of 2.5 units per acre; density beyond the target can be permitted if a proposed development exhibits exceptional design, including provision of open space beyond minimum requirements. The proposed Entrada PAD provides for usable, amenitized open space across eighteen (18) percent of the site, with unique features including an interactive water play area, multiple pickleball courts, outdoor work stations with access to power outlets and Wi-Fi, multiple playgrounds, seating areas, and the like. The proposed design concept exceeds the City's fifteen (15) percent minimum requirement and, in Staff's view, justifies the proposed density of 3.5 units/acre.

The Local Commercial designation, which covers the site's southeastern most 9.0 acres, is designed to accommodate the daily needs of goods and services from residents in the adjacent communities. The proposed PAD allows for future development of that parcel with Neighborhood Commercial (C-1) uses and development standards. The C-1 district is a more restrictive commercial zone designed to provide opportunities for neighborhood serving retail and services in accordance with the Local Commercial designation.

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

The City's R1-5, R1-6, and R1-7 zoning districts are used as the basis for the PAD's development standards for the 4,950 square foot, 5,750 square foot, and 6,600 square foot lot types, respectively. In line with current trends, the developer is requesting modifications from these base standards as it relates to side yard setbacks

and maximum lot coverage. With respect to side yard setbacks, the applicant has requested to reduce the required combined side yard setback for all lot types from fifteen (15) feet (10'5") to ten (10) feet (5'5") to respond to changing homebuyer preferences for larger homes and less yard maintenance. This request is in line with the approved Verde Trails and Alamar developments planned or under construction in proximity to the Entrada site. Similarly, the applicant has requested to increase the maximum building coverage for lots within the development from the City's standard of 45 percent to 55 percent. This request is also in line with Verde Trails and Alamar and allows for homebuilders to provide larger homes on smaller lots. With those exceptions, proposed development standards meet or exceed Zoning Ordinance minimums.

Smaller lot sizes and reduced setbacks can pose challenges, particularly in regard to ensuring that streetscapes are not dominated by homes that are homogeneous in appearance and where the garage door becomes the focal point of the neighborhood. To alleviate these concerns, the proposed PAD contains design standards, such as requirements to recess street facing garages at least five (5) feet from the face of the home, making the front entry the main emphasis of the home, and to provide a variety of floor plans and different architectural styles throughout the community. Adherence to the design requirements of the PAD along with the City's Design Manual will ensure that streetscapes are interesting and provide for ample variety.

The PAD meets all applicable planning, zoning, and engineering requirements and regulations or provides for alternate standards that achieve the City's goals for quality development.

3. That adequate public infrastructure and services exist to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

As noted previously, primary access to Entrada will be from a new collector street that loops through the site, connecting 107th Avenue on the east to Miami Avenue on the north. Public local streets will branch off of the new collector spine, providing access to Entrada's planned 624 residences. In addition to building the proposed new collector street and all local streets within the development, the developer of Entrada will also complete adjacent portions of 107th Avenue and Broadway Road improvements in the project's first phase, and the adjacent portion of Miami Avenue in the project's second phase. Broadway Road and 107th Avenue improvements will include provision of an additional travel lane, bike lane, curb, gutter, sidewalk, street lights and landscaping; improvements to Miami Avenue will include curb, gutter, sidewalk, street lights, and landscaping. In addition to street improvements, the developer will construct water and sewer system improvements necessary to serve the future residents of Entrada and will underground existing above-ground irrigation canals and utility poles under 69kV to enhance both the functionality and aesthetics of the site.

4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

The proposed PAD, with a planned density of 3.5 dwelling units per acre, is consistent with the Verde Trails and Alamar master planned communities planned or under construction in proximity to the Entrada site. The Entrada PAD also incorporates design measures that are intended to limit impacts on existing large lot, rural residences north of the site, including minimizing new lots that directly abut existing residential property lines, providing solid walls and landscape buffers between the new community and existing residences, and utilizing 107th Avenue, rather than Miami Avenue, for the development's primary entrance. The planned Entrada development is compatible with existing and planned adjacent development.

5. The development standards of the proposed PAD are consistent with or exceed the desired character of development for the area.

As noted in the analysis of Finding #2, the City's R1-5, R1-6, and R1-7 zoning districts are used as the basis

for the PAD's development standards. Where modifications are proposed, they are consistent with previously approved developments in proximity to the Entrada site, such as Alamar and Verde Trails. By developing in accordance with the design and development standards contained within the PAD, the proposed Entrada community will help to further Avondale's goals and objectives as they relate to development in the southeastern portion of the City.

DISCUSSION:

The proposed PAD meets the following findings:

1. The proposed Entrada PAD is in conformance with the property's General Plan 2030 Land Use Map designations of Medium Density Residential and Local Commercial.
2. The residential component of the proposed Entrada PAD is in conformance with the Single-Family Residential Design Manual. Future commercial development will be required to conform to the Commercial and Industrial Design Manual.
3. The proposed Entrada PAD will result in compatible land use relationships.
4. Adequate public infrastructure to support the proposed development either presently exists or will be constructed by the developer with the Entrada project.
5. The recommended conditions of approval are reasonable to ensure conformance with the provisions of the Zoning Ordinance and all other applicable City codes, ordinances, and policies.

STRATEGIC PLAN:

INITIATIVE: Encourage and support creative innovation in development and service delivery

- STRATEGIC GOAL: Encourage a flexible environment responsive to market trends.

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** the Ordinance approving Application PL-19-0201 Entrada, a request to rezone approximately 185.55 acres from Urban Residential (R1-6) and Rural Residential (RR-43) to Planned Area Development (PAD), subject to the following six (6) conditions of approval:

1. Development shall conform to the Entrada Planned Area Development Narrative date stamped February 25, 2020, except as modified by these conditions.
2. The developer of Entrada shall dedicate 32 feet of right-of-way to the City along 107th Avenue for a total half-street width of 65 feet inclusive of the existing 33 feet of Maricopa County right-of-way. Following dedication by developer, the City will then abandon the 32 feet to Maricopa County, who will continue to maintain this roadway. All improvements to 107th Avenue will be to County standards; street lights, if required, will be built and permitted to City standards, unless otherwise approved by the City Engineer.

3. All perimeter off-site improvements to Broadway Road and 107th Avenue, including improvements adjacent to the commercial parcels, shall be completed by the developer in the first phase of development.
4. The developer shall be responsible for fiber conduit installation within the Broadway Road right-of-way in accordance with the City's Transportation Plan and development codes.
5. Per the City's 2018 Integrated Utility Master Plan, a 55-foot by 41-foot (55'x41') pressure reducing valve (PRV) site is required along 107th Avenue, north of Broadway Road. This PRV site must be conveyed to the City before the first engineering permit will be issued for the Entrada development, unless otherwise approved by the City Engineer.
6. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for each individual phase of the development.

PROPOSED MOTION:

I move that City Council accept the findings and **ADOPT** the Ordinance approving Application PL-19-0201 Entrada, a request to rezone approximately 185.55 acres from Urban Residential (R1-6) and Rural Residential (RR-43) to Planned Area Development (PAD), subject to six (6) recommended conditions of approval as listed in the staff report.

ORDINANCE NO. 2026-0820

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 185.55 GROSS ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF 107TH AVENUE AND BROADWAY ROAD, AS SHOWN IN APPLICATION PL-19-0201, FROM RURAL RESIDENTIAL (RR-43) AND URBAN RESIDENTIAL (R1-6) TO PLANNED AREA DEVELOPMENT ZONING DISTRICT (PAD).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a ±185.55 gross acres generally located at the northwest corner of 107th Avenue and Broadway Road , as shown in application PL-19-0201, from Rural Residential-43 (RR-43) and Urban Residential (R1-6) to Planned Area Development Zoning District (PAD) (the “Zoning Atlas Amendment”); and

WHEREAS, all due and proper notices of the public hearings on the Zoning Atlas Amendment held by the City of Avondale Planning Commission (the “Commission”) and by the City Council were given in the time, form and substance required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, on June 17, 2020, the Commission held a public hearing on the Zoning Atlas Amendment, after which hearing the Commission recommended approval; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the City Council has considered the individual property rights and personal liberties of the residents of the City before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Zoning Atlas Amendment for ±185.55 gross acres generally located at the northwest corner of 107th Avenue and Broadway Road, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, is hereby approved, rezoning such property from Rural Residential-43 (RR-43) and Urban Residential (R1-6) to Planned Area Development Zoning District (PAD), subject to the City of Avondale adopted codes, requirements, standards and regulations and the following stipulations:

1. Development shall conform to the Entrada PAD Narrative date stamped February 25, 2020, except as modified by these conditions.
2. The developer of Entrada shall dedicate 32' of right-of-way to the City along 107th Avenue for a total half-street width of 65' inclusive of the existing 33' of Maricopa County right-of-way. Following dedication by developer, the City will then abandon the 32' to Maricopa County, who will continue to maintain the roadway. All improvements to 107th Avenue will be to County standards; streetlights, if required, will be built and permitted to City standards, unless otherwise approved by the City Engineer.
3. All perimeter off-site improvements to Broadway Road and 107th Avenue, including improvements adjacent to the commercial parcels shall be completed in the first phase of development.
4. The developer shall be responsible for fiber conduit installation within the Broadway Road right-of-way in accordance with the City's Transportation Plan and development codes.
5. Per the City's 2018 Integrated Utility Master Plan, a 55'x 41' pressure reducing valve (PRV) site is required along 107th Avenue, north of Broadway Road. This PRV site must be conveyed to the City before the first engineering permit will be issued for the Entrada development, unless otherwise approved by the City Engineer.
6. Grandfathered groundwater rights for the property (#58-106097.0006, 58-102208.0001, and 58-112555.0000) must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for each individual phase of the development.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
August 24, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2026-0820

[Legal Description and Map]

See following pages.

**ENTRADA
P.A.D. BOUNDARY
LEGAL DESCRIPTION**

A portion of land being situated within Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 4 inch Maricopa County Engineering Department brass cap in hand hole accepted as the Southeast corner of said Section 19, from which a found 3 inch Maricopa County Department of Transportation brass cap flush accepted as the East quarter corner thereof bears North $00^{\circ}37'32''$ West, 2653.70 feet;

Thence South $89^{\circ}26'07''$ West, 65.00 feet along the south line of the Southeast quarter of said Section 19 to the **POINT OF BEGINNING**;

Thence continuing along said south line, South $89^{\circ}26'07''$ West, 1234.76 feet to the southeast corner of the Southwest quarter of said Southeast quarter;

Thence North $00^{\circ}12'18''$ West, 1322.76 feet along the east line of said Southwest quarter of the Southeast quarter;

Thence South $89^{\circ}15'08''$ West, 1290.05 feet along the north line of said Southwest quarter of the Southeast quarter;

Thence South $88^{\circ}59'57''$ West, 2280.03 feet along the south line of the north half of the Southwest quarter of said Section 19;

Thence leaving said south line, North $71^{\circ}45'37''$ East, 1504.99 feet to the beginning of a tangent curve, concave southerly, having a radius of 300.00 feet;

Thence easterly along said curve, through a central angle of $51^{\circ}03'16''$, an arc length of 267.32 feet to a non-tangent line;

Thence South $57^{\circ}11'08''$ East, 82.73 feet to the beginning of a tangent curve, concave northerly, having a radius of 125.00 feet;

Thence easterly along said curve, through a central angle of $70^{\circ}10'33''$, an arc length of 153.10 feet to a non-tangent line;

Thence North $52^{\circ}38'23''$ East, 482.10 feet;

Thence North $00^{\circ}13'06''$ East, 1959.67 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, North 88°59'45" East, 1664.78 feet along a line that is parallel with and 33.00 feet south of the north line of the south half of the Northeast quarter of said Section 19;

Thence leaving said parallel line, South 00°41'57" East, 964.81 feet;

Thence North 88°52'30" East, 810.25 feet;

Thence South 00°41'57" East, 332.19 feet along a line that is parallel with and 65.00 feet west of the east line of said Northeast quarter;

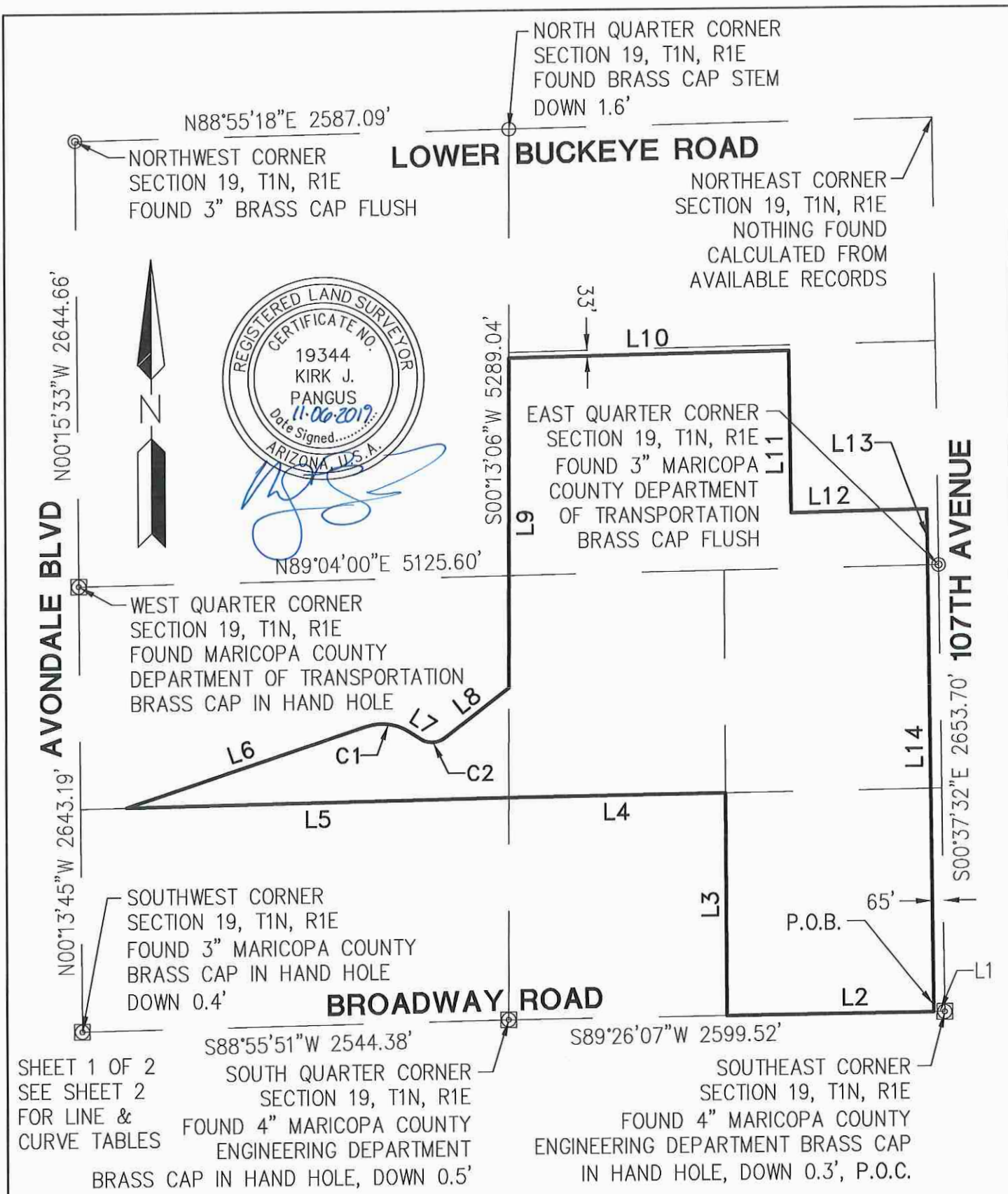
Thence South 00°37'32" East, 2653.59 feet along a line that is parallel with and 65.00 feet west of the east line of the Southeast quarter of said Section 19 to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 8,082,567 sq. ft. (185.5502 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1934
Date: November 2019





PROJ.NO.: 1934	ENTRADA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: NOV. 2019	P.A.D. BOUNDARY MARICOPA COUNTY, ARIZONA	
SCALE: N.T.S.	EXHIBIT	
DRAWN BY: JDL		
CHECKED BY: KJP		

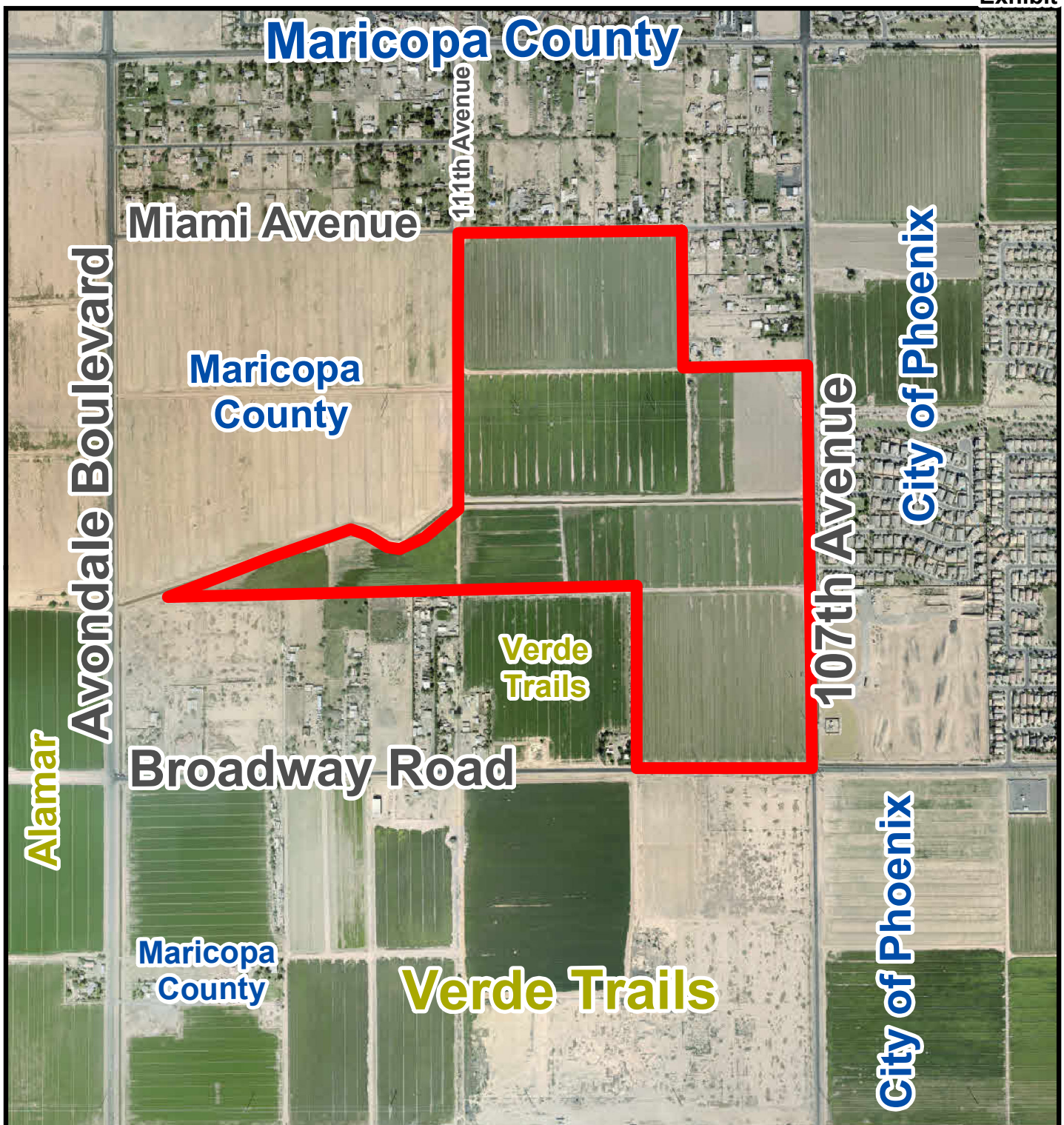
LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S89°26'07"W	65.00'
L2	S89°26'07"W	1234.76'
L3	N00°12'18"W	1322.76'
L4	S89°15'08"W	1290.05'
L5	S88°59'57"W	2280.03'
L6	N71°45'37"E	1504.99'
L7	S57°11'08"E	82.73'
L8	N52°38'23"E	482.10'
L9	N00°13'06"E	1959.67'
L10	N88°59'45"E	1664.78'
L11	S00°41'57"E	964.81'
L12	N88°52'30"E	810.25'
L13	S00°41'57"E	332.19'
L14	S00°37'32"E	2653.59'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	300.00'	51°03'16"	267.32'
C2	125.00'	70°10'33"	153.10'



SHEET 2 OF 2

PROJ.NO.: 1934	ENTRADA P.A.D. BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: NOV. 2019		
SCALE: NONE		
DRAWN BY: JDL		
CHECKED BY: KJP		

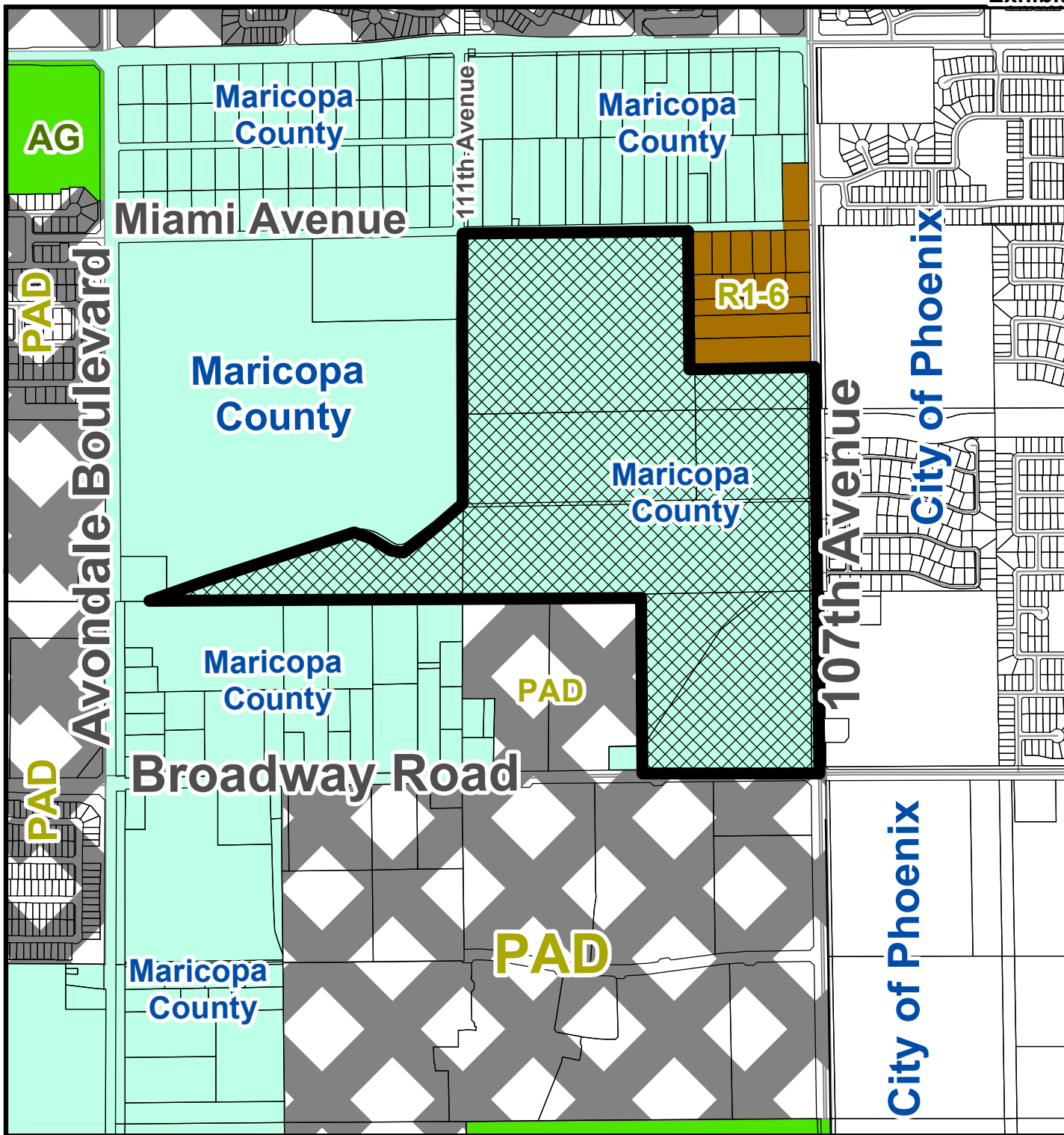


Aerial Photograph

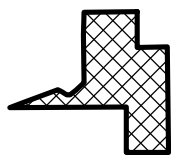


Subject Property



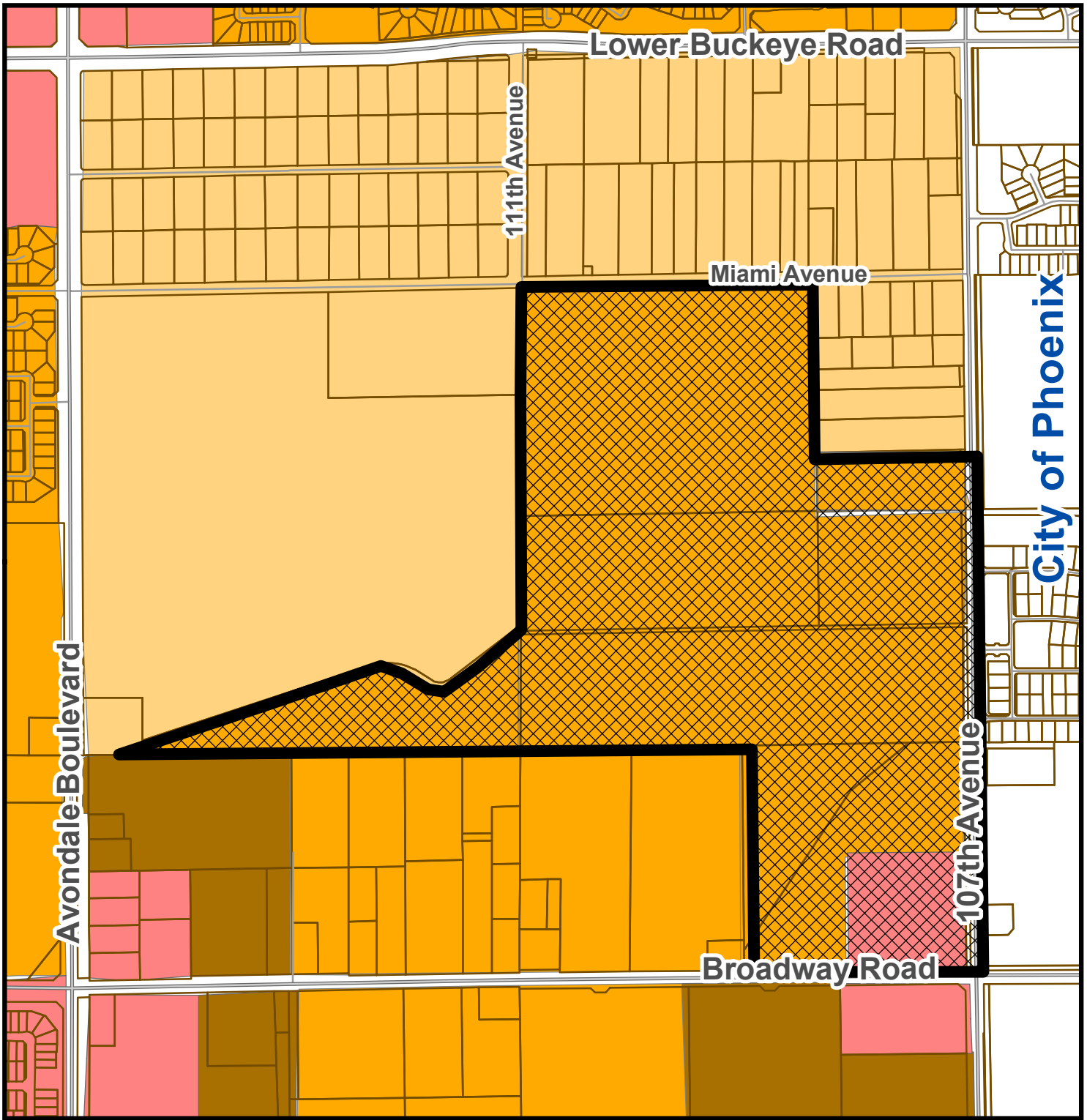


Zoning Vicinity Map



Subject Property

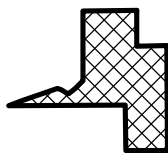




General Plan Land Use Map



-  Estate/Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Local Commercial



Subject Property

*SUMMARY OF RELATED FACTS
APPLICATION PL-19-0201*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 186.55 acres
LOCATION	Northwest corner of 107 th Avenue and Broadway Road, extending north to Miami Avenue.
JURISDICTION	The subject property is currently in the jurisdiction of Maricopa County. A separate request to annex the site into the City of Avondale is currently in review with approval tentatively scheduled for the August 24, 2020 City Council meeting. The proposed rezoning cannot be approved by the City Council until the annexation is approved.
PHYSICAL CHARACTERISTICS	Relatively flat with frontage on 107 th Avenue, Broadway Road, Miami Avenue, and a small segment of Avondale Boulevard. Several irrigation canals, including a regional SRP irrigation ditch, bisect the properties. Above-ground utilities run along Broadway Road and 107 th Avenue.
EXISTING ZONING	The northern and western portions of the property, approximately 95 acres, is zoned Maricopa County Residential Unit Plan of Development (R1-6/RUPD), which allows for development of 6,000 square foot single-family residential lots within the County. The remainder of the land is zoned Maricopa County Rural-43 (RU-43), a district that allows for agricultural and large lot single-family residential uses.
EXISTING LAND USE	The property is actively farmed.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	From east to west: - Multiple parcels, one to three acres in size, located within the City of Avondale, zoned R1-6 (Urban Residential). These parcels are mostly developed with single-family residences and related accessory structures. - Multiple unincorporated parcels, two to three acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).
EAST	From north to south: - A 37.4-acre property, owned by the Flood Control District of Maricopa County (FCDMC), to be developed by the FCDMC as a large stormwater retention facility related to the future Durango Regional Conveyance Channel (DRCC). The property is located within the City of Phoenix and is zoned S-1 (Suburban Ranch or Farm Residence). - Lions Gate, a 39.6-acre, 96-lot single-family residential community, located within the City of Phoenix, zoned R1-10 (Single-Family Residence). - An undeveloped 33.9-acre parcel located within the City of Phoenix, zoned PCD (Planned Community District). Development plans for this property are

	not known.
SOUTH	Multiple uses are occurring along the property's southern edge. From east to west, these include: • Verde Trails I and II, a planned 248-acre, 891-lot single-family residential subdivision located within the City of Avondale, zoned PAD (Planned Area Development). Permits for the development are approved but construction has not yet commenced, and the property is still being actively farmed. • Multiple unincorporated parcels, three to five acres in size, mostly developed with single-family residences and related accessory structures. These properties are zoned County RU-43 (Rural-43).
WEST	A 113.7-acre property located within the jurisdiction of Maricopa County, currently in agricultural production. The property is zoned County R1-6/RUPD (Residential Unit Plan of Development), which allows for development of 6,000 square foot residential lots.

GENERAL PLAN

The majority of the property, approximately 176.6 acres, is designated by the General Plan 2030 Land Use Map as Medium Density Residential (MDR). The MDR category accommodates development of suburban detached single-family residential within a density range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5. The remaining 9.0 acres of the site is designated Local Commercial. The Local Commercial designation provides for the daily needs of goods and services to residents within the surrounding area. Uses allowed in this category include grocery stores, neighborhood retail and services, and medical or professional offices.

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest district school is Quentin Elementary, located at the northwest corner of Whyman Avenue and 110 th Drive within the Sanctuary community.
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Durango Street and Avondale Boulevard.

STREETS

Broadway Road

Classification	Minor Arterial
Existing half-street ROW	40 feet
Standard half-street ROW	50 feet
Existing half-street improvements	1 travel lane
Standard half-street improvements	2 travel lanes, ½ center turn lane, bike lane, curb and gutter, detached sidewalks, street lights and landscaping.

107th Avenue	
Classification	Maricopa County Arterial
Existing half-street ROW	33 feet
Standard half-street ROW	65 feet
Existing half-street improvements	1 travel lane and ½ center turn lane
Standard half-street improvements	2 travel lanes, ½ center turn lane, bike lane, curb and gutter, detached sidewalks, and landscaping.

<i>UTILITIES</i>
The Entrada development will receive City water service through an existing eight-inch water line in Miami Avenue and a proposed sixteen-inch water line in 107th Avenue, to be partially constructed by the developer of Verde Trails. Sewer service will be provided to the site via a proposed twelve-inch sewer line in Broadway Road, to be constructed by the developer of Verde Trails. An additional connection to the existing 36-inch sewer trunk main in Avondale Boulevard may be required for parcels north of the bisecting power line corridor.

Exhibit E

Proposed PAD Narrative

Entrada



ENTRADA

Northwest of Broadway Road & 107th Avenue

Planned Area Development Narrative
Avondale, AZ



3rd Submittal
February 24, 2020

RECEIVED FEBRUARY 25, 2020

Project Team

Owner / Developer	Avondale Entrada, LLC Ed Grant 8901 E. Raintree Drive Suite # 140 Scottsdale, Arizona 85260 Phone # 602.432.2248 Ed Grant
Planner / Engineer	HILGARTWILSON, LLC 2141 E Highland Avenue Suite # 250 Phoenix, Arizona 85016 Phone # 602.490.0535 Toni Bonar, AICP Zach Hilgart, PE
Legal Counsel	Bergin, Frakes, Smalley & Oberholtzer 4343 E Camelback Road Suite # 210 Phoenix, Arizona 85018 Phone # 602.888.7860 Carolyn Oberholtzer
Traffic Engineer	CivTech 10605 N Hayden Road Suite # 140 Scottsdale, Arizona Phone # 480.659.4250 Dawn Cartier, PE, PTOE

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Under Separate Cover

Preliminary Master Water Report
Preliminary Master Wastewater Report
Preliminary Master Drainage Report
Preliminary Traffic Study

1.0 PROPERTY OVERVIEW

1.1 Introduction

The Entrada site is in an area of Avondale primed for development and directly in the path of growth. The entire southern Avondale area will become easily accessible by the SR30 freeway, with a planned alignment one-half mile south of the Entrada community and an anticipated construction of an interim condition by 2022. Coupled with the future SR30, the City has recently adopted the Tres Rios Opportunity Zone (the “Opportunity Zone”). This Opportunity Zone will spur economic development and increase investment and growth covering approximately 7 square miles just west of the Project. Avondale Entrada, LLC acquired the Entrada property and, in concert with Lennar Homes, has developed this Planned Area Development (PAD) to ensure a comprehensive development plan and to facilitate annexation into the City.

The purpose of this request is to rezone the Property from Maricopa County Rural-43 (RU-43), R1-6, and R1-6 Residential Unit Plan of Development (RUPD) to Planned Area Development (PAD) in the City of Avondale (“Avondale” or the “City”) to develop Entrada (the “Project”), a proposed 186.8-acre community that is generally located northwest of Broadway Road and 107th Avenue and south of Miami Avenue (the “Property” or “Community”). See **Figure 1, Regional Vicinity Map**. The Entrada PAD provides lot sizes that will allow for a mix of product types that align with the evolving demands of today’s homebuyers within this uniquely encumbered property, and to justify the high infrastructure costs while maintaining consistency with the character and planned density of the surrounding area. The Property is located within Avondale’s Municipal Planning Area and unincorporated Maricopa County. Annexation into Avondale is anticipated following approval of a Major General Plan Amendment (“GPA”) which is currently in review under Case PL-19-0054. 107th Avenue is the municipal boundary between Avondale (west) and the City of Phoenix (east); however, Entrada’s eastern boundary does not include any of the 107th Avenue right-of-way nor does the northern boundary include any of Miami Avenue, which will remain under Maricopa County jurisdiction.

1.2 Existing Property Conditions

The Property is currently being used for agricultural uses; however, there is a complex network of physical encumbrances and constraints on the Property that need to be overcome or mitigated for responsible development to occur. These encumbrances require a significant expense to sustainably develop the Property, which makes Entrada more extensive and expensive than a typical development. See **Figure 2, Site Constraints Map**. Major overhead power lines traverse along the northern third of the Property, the Buckeye Feeder regional irrigation canal runs east to west and effectively bisects the site in half, and the future Durango Regional Conveyance Channel (“DRCC”) is slated to parallel the existing irrigation channel. In addition, there is a substantial floodplain south of the proposed DRCC that will need to be mitigated. The flood hazard zones on both sides of the DRCC are attributable to the same source of flooding that will ultimately be managed and mitigated by

the construction of the DRCC. With the DRCC's westward extension through the Community, these flows will be contained within the channel and the historical floodplain on both sides of the Canal will be mitigated. The ultimate width of the DRCC will be sufficient to accommodate/construct a channel corridor capable of conveying the required 100-year peak flow for not just the property, but the region as well. Finally, the sheer configuration of the triangular shaped western parcel, with no frontage onto Avondale Boulevard, limits the accessibility and viability of the ultimate configuration of residential lots.

1.3 Existing General Plan

A Major GPA for Entrada, Case PL-19-0054, was recently approved for Medium Density Residential (MDR) and Local Commercial land uses. The General Plan included the area within Avondale and Maricopa County, which includes Miami Road and 107th Avenue. See **Figure 3, General Plan**. Medium Density is residential land that will contain densities ranging from 2.5 to 4 single-family dwelling units per acre. This land use category provides for a suburban lifestyle with planned detached single-family residential communities and neighborhood facilities. Parks, trails and other open space amenities, and public facilities are permitted in this category. **Table 1, General Plan Land Use Designations** provides General Plan land use designations and areas.

Table 1
General Plan Land Use Designations

Land Use Designation	Areas (ac)
MDR	181
LOCAL COMMERCIAL	10
TOTAL PROJECT	191*

* 107th Avenue and Miami Avenue is within the City of Avondale Municipal Planning Area, but is and will remain under the jurisdiction of Maricopa County. 107th Avenue and Miami Avenue was included as part of the General Plan Amendment (191 acres), but not the PAD (186 acres).

The MDR permits a density range of 2.5 - 4 du/ac, or 444 to 711, single family dwelling units. The density supports the adjacent growth area (Avondale Boulevard Employment and Commercial Corridor), the Tres Rios Opportunity Zone, the proximity to the future SR30 freeway by providing both affordable and middle-class opportunity for home ownership within proximity of planned employment land uses, and is consistent with residential development in the corridor.

1.4 Zoning

Entrada is located within Maricopa County, although it wholly resides in the City of Avondale Municipal Planning Area. Approximately 68 acres within the northern portion of the Property are currently zoned R1-6 RUPD per Maricopa County zoning case Z 99-3: Shadow Ridge. Shadow Ridge is approved for a mix of lot sizes including 45' x 110', 50' x 110', and 55' x

110', and a single-loaded street on the south side of Miami Avenue with a typical lot dimension of 80'x110'. The Entrada proposed lot sizes, as further discussed in the PAD Request section, will yield 3 different product types within with homes that will range from 1,395 to 2,600 square feet and offer a mixture of single and two-story options with up to 3-car garages. The range of product will attract many segments of market-buyers that range from first time homebuyers, to move-up buyers, to down-sizing retirees, and will also provide for multi-generational units that are specifically permitted in this PAD. .

1.5 Surrounding Area Land Uses and Zoning

Several large-scale communities nearby have recently received GPA and entitlement approval through the City. The communities of Verde Trails and Alamar are helping to shape the changing vernacular in the area from a rural farming and agricultural development pattern to one with more suburban residential density master planned communities and subdivisions. A future 15-acre elementary school site is located at the southwest corner of Miami and 111th Avenues to serve the site and surrounding area. See **Figure 4, Context Map**. **Table 2, Surrounding Property Information**, provides General Plan land use, zoning, and existing land uses on the surrounding property.

Table 2
Surrounding Property Information

	General Plan Land Use	Zoning District	Existing Land Use
North	Estate/Low Density Residential	R1-6 RUPD (Maricopa County) RU-43 (Maricopa County) R1-6 (Avondale)	Fallow agriculture Large lot rural residential
East	Residential 2.5 du/ac (City of Phoenix)	R1-6 (Avondale) S-1 (Phoenix) R1-10 PRD (Phoenix) R1-6, R-2, C-1 PCD (Phoenix)	Large lot residential Agriculture Lions Gate community Abandoned dairy farm
South	High Density Residential Medium Density Residential Local Commercial	RU-43 (Maricopa County) PAD (Avondale)	Fallow agriculture Agriculture Large lot rural residential
West	Estate/Low Density Residential Medium Density Residential	R1-6 RUPD (Maricopa County) RU-43 (Maricopa County) PAD (Avondale)	Future elementary school site Large lot residential Fallow agriculture

South of Entrada is a planned 310-acre master planned community known at Verde Trails. It is located approximately at the southwest corner of 107th Avenue and Broadway Road. The project was originally approved in 2007 with lot sizes ranging from 4,500 to 10,000 square feet. In 2018, the underlying General Plan Land Use categories for approximately 49 acres were amended to remove a 9-acre Education parcel, 9-acre Open Space and Park parcel, and modify 31 acres from ELDR to MDR. Coupled with the land use amendment, the Verde

Trails PAD was also amended to modify lot sizes to address today's current home buying market trends. Approximately 34 acres of Verde Trails is north of Broadway Road and directly adjacent to Entrada. Within this area of Verde Trails are two proposed lot sizes ranging from 5,175 to 6,900 square feet. Directly south of Broadway Road, lot sizes range from 5,175 to 6,000 square feet. The total overall density for Verde Trails is 3.25 du/ac.

Directly west of Entrada, across Avondale Boulevard, is a future 1,124-acre master planned community known as Alamar. The Alamar site comprises some of the same physical encumbrances as the Entrada site. This includes power line corridors, effluent water line easements, the DRCC alignment, and a significant amount of floodplain. The community is planned for a mixture of lot sizes predominately ranging from 2,500 to 9,000 square feet with an anticipated residential density of 3.29 du/ac. Groundbreaking on Alamar occurred in April 2019.

East of Entrada, across 107th Avenue in the City of Phoenix, is a 40-acre master planned community known as Lions Gate. Lot sizes start at 9,000 square feet. The density for Lions Gate is 2.42 du/ac. This site is not encumbered with the significant number of constraints that both Entrada and Alamar will need to address. Immediately east of Lions Gate is the 89-acre Sunset Farms development. Lot sizes start at 5,750 square feet with a density of 3.76 du/ac.

North and east of Entrada, northeast of 107th and Miami Avenues in the City of Phoenix, is a recently re-platted 67-acre development known as Park Forest. Lot sizes range from 45' x 115', 50' x 115', and 55' x 115 with a density of 4.2 du/ac.

The newer developments are generally developing with a residential density range of 2.42 du/ac to 3.76 du/ac. The requested GPA MDR land use (2.5 to 4 du/ac, target of 2.5 du/ac) will fall right in line with market trends and permit Entrada to develop at the target of 2.5 du/ac and up to 4.0 du/ac through the incorporation of exceptional characteristics as indicated by the General Plan 2030. Per the General Plan, those characteristics may include such items as *“existing and planned adjacent developments; infrastructure to include streets and parks; neighborhood interaction and sustainability – its walkability, design, amenities, active and passive dedicated open space; and, the overall character of the areas proposed that includes energy efficient design and promotes a healthy and livable community.”* As proposed, the density range of 2.5 to 4 du/ac will be similar to the surrounding newer developments both in the City of Avondale and in Phoenix. See **Figure 5, Zoning Map**.

2.0 PROJECT DESCRIPTION

2.1 Development Plan

Entrada is proposing a 185.6-acre planned community with 176.6 acres of residential land use and 9 acres of commercial. Residential lots of 45' x 110', 50' x 115', and 55' x 120' are proposed. The Commercial component of Entrada will consist of a neighborhood shopping center, which provides retail and service establishments, satisfying the everyday needs of the consumers residing in adjacent neighborhoods. A future 15-acre elementary school site, recently acquired by Littleton Elementary School District, is located at the southwest corner of Miami and 111th Avenues to serve the site and surrounding area. See **Figure 6, Conceptual Development Plan**.

The 9-acre commercial parcel is located at the northwest corner of 107th Avenue and Broadway Road. The theme of the commercial development will be consistent with the overall theme of Entrada and will include pedestrian connections between the residential development and commercial development; providing convenient access for the residents of Entrada.

2.2 Dwelling Units and Density

Entrada is proposing 624 single family residential lots on 176.6 gross acres, for a gross residential density of 3.5 du/ac. The residential development consists of three distinctive size lots, 45' x 110', 50' x 115', and 55' x 120', in six neighborhoods. Refer to **Table 3, Project Data** for detailed site data. It is anticipated the lot mix will be 53% (45' x 110'), 36% (50' x 115'), and 11% (55' x 120'). Target lot count and target density per parcel may be exceeded if dwelling units are transferred from another parcel and the maximum number of units is not exceeded for the Project and will not necessitate the need for a PAD amendment. The number of lots will be tracked as part of the preliminary plat for each parcel. **Table 3, Project Data** provides the overall site data.

**Table 3
Project Data**

Parcel No.	Land Use	Standard Zoning District	Lot Size	Gross Acres ⁽¹⁾	Target Lot Count ⁽²⁾	Target Density ⁽²⁾ (du/ac)
1	SFR	R1-7	55 x 120	31.3	69	2.2
2	SFR	R1-6	50 x 115	29.7	125	4.2
3	SFR	R1-5	45 x 110	25.3	120	4.7
4	SFR	R1-5	45 x 110	28.7	84	2.9
5	SFR	R1-5	45 x 110	37.6	124	3.3
6	SFR	R1-6	50 x 115	24.0	102	4.3
Total SFR				176.6	624	3.5
7	Commercial	C-1		9.0	-	-
Total Project				185.6	624	3.4

⁽¹⁾ Gross area excludes 65-foot half street ROW for 107th Ave and 33-foot half street ROW for Miami Avenue. 107th Ave and Miami Avenue will remain in unincorporated Maricopa County.

⁽²⁾ Target lot count and target density per parcel may be exceeded if dwelling units are transferred from another parcel and the maximum number of units is not exceeded for the Project.

2.3 Project Character and Theme

The existing water conveyance structures provide the overall inspiration for the Community from landscape to walls, monumentation, and entry features. The main theme throughout the Community is a desert adapted riparian landscape accented by visuals of bridges, river rock, and other related water features.

2.4 Circulation

Broadway Road and 107th Avenue will provide primary access to the Project. Per the 2017 City of Avondale Transportation Plan, Broadway Road is classified as a Minor Arterial with 100 feet of right-of-way (50-feet half width). 65-feet along 107th Avenue will be dedicated to and ultimately maintained by Maricopa County. Broadway Road and 107th Avenue will be improved with the first phase of development.

Miami Avenue is classified as a minor collector by Maricopa County. It will provide a single point of access to the Project at the mid-section line. Since Miami is a 33-foot wide County roadway easement, the 33-foot half right-of-way will be dedicated to Maricopa County and improved with the second phase of development.. **Figure 7, Street Circulation Plan, Figure 8,**

Street Cross Sections depicts the vehicular circulation and street cross section, respectively. The future SR 30 freeway will be located approximately one-half mile to the south.

Open space sidewalks and trails meander throughout the Community, providing opportunities for the all residents and the public to move about without the use of vehicles. Each of the active open spaces are connected by a trail or sidewalk. A trail within the power line corridor on the eastern part of Entrada and along the south side of the DRCC corridor on the western part provide for regional connectivity as depicted on Figure 9.1 of the City of Avondale Parks, Recreation, Libraries and Trails Master Plan Update. **Figure 9, Conceptual Pedestrian Circulation Plan**, depicts the pedestrian circulation for the Community.

2.5 Density and Land Use Justification

The Project is located in a high-growth area where Avondale's modern master planned communities, such as the recently approved Verde Trails and Alamar, will develop in close proximity to the recently adopted the Tres Rios Opportunity Zone, the targeted Growth Area within the General Plan, and planned SR 30. Proposed deviations from development standards in the R1-5, R1-6, and R1-7 zoning districts are necessary to develop a high-quality and diverse mix of housing product on a uniquely constrained site while providing ample open space, exceeding 18%, with parks and connected trail amenities and maintaining a commercial corner for neighborhood-serving businesses. Proposed deviations from the C-1 development standards will increase the building setback from residential uses while allowing a more flexible parking layout consistent with the suburban character of the area.

The Property's physical encumbrances will require improvements to create a unified, cohesive community; however, the cost is significantly higher than other residential developments. Many of these improvements are listed below:

- 107th Avenue half-street improvements
- Broadway Road half-street improvements
- Miami Avenue half-street improvements
- Reserve land for the Durango Regional Conveyance Channel (approximately 100' wide) to mitigate regional floodplain issues
- Relocate and tile the SRP irrigation canal (approximately 60' wide)
- Tile irrigation ditch on 111th Avenue
- Landscape SRP Electrical easement (ranges from 180' to 218' wide)
- Process CLOMR to mitigate flood hazard zone
- Relocate 107th Avenue 12Kv lines

Considering all of the necessary improvements, the amount of improved open space is in excess of 18% of the net area, providing active and passive open spaces, inclusive of neighborhood, pocket, and dog parks; amenity areas; non-vehicular trails; and improved retention areas and power line corridor.

The residential unit count and density is estimated to be 624 units at 3.5 du/ac. This is comparable to nearby recently zoned and re-platted master plan communities and 12% below the maximum number of 711 units and 4.0 du/ac permitted with the General Plan. Refer to **Table 4, Recently Approved Master Planned Communities** for comparison data.

Table 4
Recently Approved Master Planned Communities

Location	Development	Typical Lot Sizes (sq. ft.)	Density	Significant Physical Encumbrances	Rezone/Platted Timeline
Site	Entrada	4,950 to 6,600	3.5	✓	
South of Entrada	Verde Trails (north of Broadway Rd)	5,175 to 6,000	3.25		Rezoned 2018
West of Avondale Blvd	Alamar	2,500 to 9,000	3.29	✓	Rezoned 2019
Northeast of 107th Ave & Miami Ave	Park Forest	5,175 to 6,325	4.2		Re-platted 2018

3.0 LAND USES AND DEVELOPMENT STANDARDS

The requirements of the Zoning Ordinance, as amended, and Avondale Subdivision Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD.

3.1 Residential

3.1.1 Permitted, Conditional, Accessory Land Uses

All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use.

The following uses are permitted by right:

- Single-family detached dwelling
- Multigenerational living units, including range/oven subject to the following conditions:
 - i. The unit shall not be rented, leased, or sold separately from the principal residence or otherwise used for compensation.
 - ii. A separate address, water meter, utility meter, driveway, or parking area shall not be permitted for the living unit.
 - iii. If detached from the principal residence, the unit shall apply materials, colors, and architectural style of the principal residence.
 - iv. A detached multigenerational living unit shall meet the location, height and setback requirements required for the principal residence.
- Child care in the home for four (4) or fewer children not related to the residents as an accessory to the primary residential use of the dwellings
- Community garden, one acre or less
- Group home
- Parks and recreation areas, HOA-operated
- School, public

The following uses are permitted with conditions per the City Zoning Ordinance:

- Home occupation, as an accessory to the primary residential use of a dwelling
- Public utility facility required for local service

The following uses are permitted with a Conditional Use Permit:

- Child care in the home for five (5) to ten (10) children not related to the residents as an accessory to the primary residential use of the dwelling
- Child care center in conjunction within a school
- Public utility facility with the exception of those allowed as a Use Permitted with Conditions

3.1.2 Development Standards

The Residential Development Standards below, **Table 4, Residential Development Standards** shall replace the development standards as shown in the City of Avondale Zoning Ordinance. Deviations from the City's standard are shown in **bold**. It is the intent of these development standards to be comparable to the Avondale R1-5 and R1-6 (Single Family Residential) zoning districts with modifications.

Table 4
Residential Development Standards

	Avondale R1-7	55' x 120'	Avondale R1-6	50' x 115'	Avondale R1-5	45' x 110'
Min. Lot Width (ft.)	70	55	65	50	50	45
Min. Lot Depth (ft.)	110	120	100	115⁽³⁾	100	110⁽³⁾
Min. Lot Size (sq. ft.)	7,000	6,600	6,000	5,750	5,000	4,950
Max. Lot Coverage (%)	45	55	45	55	45	55
Max. Building Height (ft.)	30	30	30	30	30	30
Min. Setbacks						
Front (ft.)	20 ⁽¹⁾	20 10 to livable area and side entry garage ⁽⁴⁾	20 ⁽¹⁾	20 10 to livable area and side entry garage ⁽⁴⁾	20 ⁽¹⁾	20 10 to livable area and side entry garage ⁽⁴⁾
Side (ft.)	8	5/5	8	5/5	10/0 ⁽²⁾	5/5
Total Sides (ft.)	18	10	18	10	15	10
Street Side (ft.)	10	12 5 when adjacent to a 10 landscape tract	10	12 5 when adjacent to a 10 landscape tract	10	12 5 when adjacent to a 10 landscape tract
Rear (ft.)	15	15⁽⁵⁾	15	15⁽⁵⁾	15	15⁽⁵⁾

⁽¹⁾ Minimum front yard setback may be reduced by five (5) feet when providing a side-entry garage.

⁽²⁾ Minimum 10' separation between buildings on adjacent lots.

⁽³⁾ Minimum lot depth can be decreased by 5' when fronting a street knuckle.

⁽⁴⁾ Minimum 3' stagger required on adjacent lots.

⁽⁵⁾ Minimum 3' stagger required on adjacent lots when backing onto collector and arterial streets.

3.2 Commercial

3.2.1 Permitted, Conditional, Accessory Land Uses

All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use.

The following uses are permitted by right:

- Antique store
- Art studio
- Automobile rental facility with no on-site storage
- Banks and financial institutions without drive-through, excluding non-chartered financial institutions
- Barber shop/beauty salon
- Brewery, ancillary to a bar or restaurant
- Business support services – photocopy, office supply stores, and package delivery service
- Clothing alterations, custom dressmaking or tailor shop
- Community garden, one acre or less
- Consignment shops
- Dance studio
- Dry cleaning and laundry establishments, pick-up and drop-off only
- Emergency medical care facility
- Employment agencies, excluding day labor
- Libraries
- Massage or day spa
- Massage therapy (medical)
- Medical, dental, or health offices, clinics, and laboratories, excluding plasma centers and medical marijuana uses
- Music studio
- Nail salon
- Non-consignment second-hand retail store
- Places of worship
- Professional offices
- Public Uses
- Real estate office
- Residential, upper floor
- Restaurant, without drive-through
- Retail sales of new merchandise within closed buildings, excluding liquor sales
- Specialty retail, indoor, excluding liquor sales
- Specialty services

- Tanning salon
- Ticket and travel agency

The following uses are permitted with conditions. Conditions can be found in Section 304 of the Zoning Ordinance.

- Adult daycare
- Banks and financial institutions with drive-through, excluding non-chartered financial institutions
- Health and exercise center
- Public utility buildings, structures, uses, facilities, and equipment
- Restaurant, with drive-through; limited to one stand-alone drive-through
- Social/private clubs
- Veterinary hospital, offices and clinics, excluding animal boarding

The following uses are permitted accessory uses.

- Outdoor dining
- Sidewalk Cafe

The following uses are permitted with a Conditional Use Permit:

- Child care center
- Preschool or similar uses
- Public service and non-profit community use
- Theater, excluding movie theater

3.2.2 Development Standards

Commercial development standards are indicated in **Table 6, Commercial Development Standards** below. It is the intent of these standards to be comparable to C-1 zoning. Proposed standards that differ from standards provided in the zoning ordinance have been highlighted in **bold**.

Table 5
Commercial Development Standards

	Avondale C-1	Entrada PAD
Min. Lot Width (ft.)	None	None
Min. Lot Depth (ft.)	None	None
Max. Building Height (ft.)	30	30 ⁽¹⁾
Max. Lot Coverage (%)	None	None
Min. Setbacks		
Front (ft.)	20	20
Street Side (ft.)	20	20
Rear (ft.)	20	20
Side (ft.)	15	15
Parking (ft.)	30	20 ⁽²⁾
Interior (ft.)	None	None
From Residential (ft.)	1' per 1' of building height	50
Min. Parking setback from residential (ft.)	25	15 ⁽²⁾
Max. Accessory Structure Height (ft.)	15	15

⁽¹⁾ The maximum building height for non-occupied architectural embellishments to create visual interest within commercial districts, such as towers, mechanical screening, pitched roof elements, and parapets, will not exceed forty feet (40').

⁽²⁾ The minimum fifteen-foot (15') parking setback adjacent to residential uses must include a landscaped tract including one (1) tree every twenty (20) linear feet along the length of the common property line.

4.0 OPEN SPACE, THEMING, AND LANDSCAPING

4.1 Open Space, Trail, and Parks

Diverse and meaningful open space is placed strategically throughout the Community providing continuous visual and physical connectivity of active and passive amenities. The location, type, and programming are intentionally designed to help create the overall theming and cohesiveness. The amount of open space surpasses 18% (approximately 29 acres), exceeding the minimum required 15% open space (net area) as depicted on **Figure 9, Conceptual Open Space Plan**. The open space includes parks; amenity areas; non-vehicular trails; and improvements to retention areas, power line corridor, SRP irrigation canal, and a portion of the DRCC.

Trails are interwoven within the Community providing pedestrian circulation for all residents of Entrada. A Utility Access Road/Multi-Use Trail and Secondary Trail are within the power line corridor and along the DRCC, respectively, constructing a portion of the regional trail system as depicted on Figure 9.1 of the City of Avondale Parks, Recreation, Libraries and Trails Master Plan Update. The Utility Access Road/Multi-Use Trail is a dual-purpose regional trail and access to the power lines as needed for maintenance. A network of concrete sidewalks connects the active open space amenity areas internal to the Community, adjacent commercial parcel, and regional trail system. See **Figure 10, Conceptual Pedestrian Circulation Plan** for trail types and locations.

Highly amenitized open spaces are centrally and visibly situated, enticing social interaction and enjoyable access to a broad range of activities. Amenities incorporated into the Community encourage all generations from tots to seniors through features such as active recreation, passive gathering, or some form of work/study activity. Six distinctly programed areas meet this goal through a Community Center, Outdoor Game Center, Dog Park, Work-Play Park, Climbing Park, and an activated electrical corridor. Amenities are depicted in **Figures 12, 13, and 14, Conceptual Community Center; Conceptual Outdoor Game Center; and Conceptual Dog Park, Work-Play Park, and Climbing Park, respectively.**

The Community Center is centrally located adjacent to the DRCC and regional trail system that meanders through the power line corridor and into the DRCC from east to west. High levels of amenitization and resort-style design define the park with an open-air community center that includes a fitness station cluster, yoga space, large dining/BBQ pavilion, outdoor work space with outlets and Wi-Fi and water fountains. The open-air community center is surrounded by a variety of gaming options and courts, open space turf area, a variety of playground elements, and a low water use, interactive water play element.

The low use, interactive water feature may include either a hand activated, farm style pump and/or a hand crank modern pump. The low water use pumps are connected to the irrigation system, with the runoff directed toward and used as supplemental irrigation water for the

adjacent riparian plant community. The pumps allow children to manually dispense water and interact with it while not allowing any push buttons or steady flow of water.

The Outdoor Game Center connects Parcels 5 and 6 and provides active opportunities for all ages with a pickle ball court, play equipment, soccer area, bag toss, options for other outdoor games, and open space turf areas.

The Dog Park incorporates two separate dog parks, which is programed according to the size of the dog that will be using the facility. One is for the larger size dog and the other is for the smaller size dog. SRP will select and approve the fencing within the electrical easement.

The Work-Play Park and Climbing Park are sized and amenitized for the local neighborhoods. The Work-Play Park connects Parcels 2 and 4 and includes an outdoor workstation, basketball court, playground equipment, and ramada. The Climbing Park connects Parcels 2 and 3 and includes a climbing type of playground equipment and ramada.

To support the multi-generational use of technology, the ramadas will provide short-range Wi-Fi and amenity areas will incorporate additional electrical outlets to allow streaming of music or project videos onto walls, play games, or even work outside in the park. Additional amenities may include outdoor office type furnishings where people who work from home can hook up to the Wi-Fi, plug into the outlets, and have a table top that is adequate for working.

The power line corridor is fully amenitized with a dog park, regional trail, and Frisbee disc course inclusive of signage and tee boxes, and a ramada or shade sail at the main entry to the easement to help create a gathering place and amenity identification. The irrigation canal is landscaped and the DRCC is directly adjacent to the irrigation canal and power line corridor; thus, creating a larger visual open space experience. **Figure 15, Conceptual Electrical/Drainage Corridor Amenity Exhibit** depicts this cross section and anticipated amenities.

4.2 Character and Theme

The existing water conveyance structures provide the overall inspiration for the Community from landscape to walls, monumentation, and entry features. The main theme throughout the Community is a desert adapted riparian landscape accented by visuals of bridges, river rock, and other related water features, such as recycling irrigation water in the entry monument.

4.3 Walls and Monumentation

Figure 16, Conceptual Wall Plan for wall types and locations and **Figure 17, Conceptual Hardscape Details** for theme walls and entry features.

4.4 Landscape

Figure 11, Conceptual Landscape Master Plan, depicts parks, amenities, open space, and lists plant sizes and types permitted in the Community.

5.0 DESIGN GUIDELINES

5.1 Site Design Guidelines

5.1.1 Residential

Significant changes to existing physical property characteristics such as the 230 Kv electrical power line corridor and associated easements ranging from 180 to 218 feet in width, realignment of the irrigation canal, and incorporation of the regional DRCC have been taken into consideration to create a unified, cohesive community. The majority of the Project will meet the intent of the Single Family Residential Design Manual; however, given these significant site constraints, the Entrada PAD will address the subdivision guidelines of the City of Avondale Single Family Residential Design Manual as amended below.

Section 1.1 Lot Design and Street Layout

- 1.1.B “Maximize the number of lots that front onto common open spaces and maximize opportunities for view corridors.”

Entrada has a significant amount of open space. Lots will front onto the common open space where feasible. Where not feasible, such as along the power line and DRCC corridors, a type of view wall may be utilized.

- 1.1.E “Group wider side yards together on some adjoining lots to provide a separation of 20 feet or more between houses.”

Wider separation, greater than the minimum side yard setbacks but less than 20 feet will be applied where feasible. Curvilinear streets and strategically situated open space will help to create a larger visual separation between some homes.

- 1.1.H. “Avoid the placement of lots centered on “T” intersections and avoid driveways opposite a “T” intersection to limit headlight intrusion.”

Lots placed on “T” intersection will be avoided; however, driveways may be placed opposite a “T” intersection to prevent headlight spillage into the livable part of the home.

- 1.1.L “Provide direct vehicular, bicycle, and pedestrian connections to adjacent residential and non-residential areas through trail development and buffered bike lanes.”

Direct vehicular, bicycle, and pedestrian connections to adjacent residential, school, and commercial areas will be provided through street and trail development. Buffered bike lanes are not necessary, since the streets within Entrada are limited to local and collector classifications.

- 1.1.N “Recess front facing garages a minimum of five feet from the front façade or provide side entry garages to break the uniformity and to vary the street scene.”

Recess or projection of front facing garages a minimum of five feet from the front façade, side entry garages, livable forward, and/or architectural enhancements will be used to break the uniformity and to vary the street scene.

Section 1.5 Open space and Amenities

- 1.5.F “Provide a clubhouse and community pool for subdivisions over 500 lots.”

A clubhouse and community pool may take alternative forms other than a traditional building and swimming pool. Alternatives include open air pavilions, multi-tier ramadas, splash pads, and other water elements. A splash pad may incorporate water pumps or cranks that are fed from an irrigation water meter. They are very low water use and require a substantial amount of effort to pump water; thus, encouraging children to take turns playing in the water. A benefit of this type of water feature reduces the unlikely flooding of an adjacent sump or grass area as is harder work than a push a button that is typical of a standard splash pad.

Section 2.1 Architectural Design/Materials and Colors

- 2.1.A “Articulate all facades, including variation in massing, roof forms, and wall planes, as well as surface articulation.”

Entrada will articulate facades visible to public view, which include variation in massing, roof forms, and wall planes, as well as surface articulation. This revision meets the intent of the Design Manual.

- 2.1.B “Incorporate architectural elements and details that add visual interest, scale, and character to all sides of the home to include, four-sided pop outs.”

Incorporate architectural elements and details that add visual interest, scale, and character to visible sides of the home and can include, for example, four-sided pop outs.

- 2.1.D “Incorporate pavers or other similar treatments to driveways.”

Driveway material or treatment, such as plain, salt finish, scored concrete, brick paver, or stamped concreted will be commensurate with the architectural detail of the home.

- 2.1.H “Utilize high-quality, durable, natural materials. Synthetic materials are acceptable if they are sustainable products.”

High-quality, durable, natural materials are encouraged. Synthetic materials are acceptable if they are sustainable or eco-friendly products such as cultured stone or faux shutters.

- 2.1.E. “Incorporate decorative garage doors to assist with the overall design of the front façade. Utilizing “carriage-style” and other non-conventional sectional garage door styles is recommended to provide additional diversity and to better tie in with architectural themes.”

Decorative garage doors are encouraged to assist with the overall design of the front façade. Utilizing “carriage-style” and other non-conventional sectional garage door styles, commensurate with the architectural detail of the home, is recommended to provide additional diversity and to better tie in with architectural themes.

Section 2.5 Required Home Diversity

“Single-Family subdivisions shall include a diversity of architectural types as set forth in Table 1.1....”

The diversity of architectural types for Entrada has been modified as follows:

- The minimum of 3 floor plans and **4 elevations** per plan (0-99 units per plat) has been revised to 3 floor plans and **3 elevations** per plan.
- The minimum of 4 floor plans and **4 elevations** per plan (100+ units per plat) has been revised to 4 floor plans and **3 elevations** per plan.
- The minimum of **3 different roof styles** per plat (0-99 units per plat) has been revised to **2 different roof styles; consisting of gable hip, or combination thereof.**
- The minimum of **4 different roof styles** per plat (100+ units per plat) has been revised to **2 different roof styles; consisting of gable, hip, or combination thereof.**
- The minimum of 8 different color schemes per plan (0-99 units per plat) remains unchanged.
- The minimum of **10 different color schemes** per plan (100+ units per plat) has been revised to **8 different color schemes.**
- The minimum of 3 different roof colors (0-99 units per plat) and 4 different roof colors (100+ units per plat) remain unchanged.
- **Figure 19, Conceptual Architectural Elevations,** depicts the conceptual elevations proposed for Entrada.

5.1.2 Commercial

The commercial site and PRV facility will comply with the City of Avondale 2019 Commercial and Industrial Design Manual as amended.

6.0 INFRASTRUCTURE

6.1 Roadway Improvements

Half street improvements for 107th Avenue (65-half width) and Broadway Road (50-foot half width) will be completed with phase 1 development. Half street improvements for Miami Avenue will be completed with phase 2 development. 107th Avenue will be dedicated to and ultimately maintained by Maricopa County. Miami Avenue is a County-maintained roadway. **Figure 8, Street Circulation Plan** depicts street locations.

6.2 Utilities

Table 6, Utility Providers indicates the utility providers for Entrada.

Table 6
Utility Providers

Utility	Provider
Water	City of Avondale
Wastewater	City of Avondale
Electric	Salt River Project
Natural Gas	Southwest Gas
Phone	Century Link
Cable	Cox Communications

Water

The City of Avondale will be the water service provider for the Project. Onsite water lines serving the Project will tie into offsite water lines in at least two locations to provide a looped system. West of the Project is an existing 16-inch water line that runs south along Avondale Boulevard; to the north is an 8-inch water line that runs along Miami Avenue; and to the east is a 12-inch water line that runs south along 107th Avenue to Jones Avenue. To assist in the development of Verde Trails, the Developer is donating a site for a future pressure reducing valve (PRV) station that is planned along 107th Avenue on the eastern boundary of Entrada. The Entrada property is reserving land for this PRV station and supplemental access easements, and planning around this PRV station in an effort to maintain the Project's high quality development standard. Once constructed, the PRV station will be owned and maintained by the City of Avondale. A water master plan will be provided with the required preliminary plat process. Water infrastructure needed to serve each phase of development will be determined during the preliminary plat process. See **Figure 19, Master Water Plan**.

Wastewater

The City of Avondale will be the wastewater service provider for the Project. Onsite sewer mains serving the Project are anticipated to tie into existing 30-inch and 36-inch sewer lines west of the Project in Avondale Boulevard, a short distance north of Broadway Road. A wastewater master plan will be provided with the required preliminary plat process. Sewer infrastructure needed to serve each phase of development will be determined during the preliminary plat process. See **Figure 20, Master Wastewater Plan**.

6.3 Drainage

The Community is in an area that has generally been used for agricultural uses, large lot residential, and subdivided master planned communities and not in hillside or an environmentally sensitive area. It is, however, located in a substantial floodplain that will be mitigated as part of the regional DRCC. The flood hazard zones on both sides of the DRCC are attributable to the same source of flooding that will ultimately be managed and mitigated by the construction of the DRCC. With the DRCC's westward extension through the project, these flows will be contained within the channel and the historical floodplain on both sides of the Canal will be mitigated. Developer will reserve the land necessary for construction of the DRCC. See **Figure 21, Master Drainage Plan**.

6.4 Phasing

Development of the Project is anticipated to be completed in three phases. Conceptually, phase 1 is planned south of the power line corridor, phase 2 is planned north of the power line corridor and the triangular area on the west side of the Project, and phase 3 is the planned commercial parcel. 107th Avenue and Broadway Road will be improved as part of the phase 1 development and Miami Avenue will be improved as part of phase 2 development as depicted in **Figure 22, Conceptual Phasing Plan**. The water and wastewater infrastructure needed to serve each phase of development will be determined during the preliminary plat process.

The actual phasing will be based on market conditions, industry factors, and/or business considerations. Deviations from the Phasing Plan are allowed and do not constitute a PAD amendment, as long as the phasing meets City requirements, provides two points of access, a looped/redundant waterline, and adequately addresses upstream and downstream drainage.

7.0 MAINTENANCE OF COMMON AREAS AND FACILITIES

The Homeowners Association (HOA) will be responsible for maintaining all common areas and facilities within the Community such as the parks, amenity areas, landscaping, power line corridor, amenities adjacent to the DRCC, and landscaping along all internal and perimeter streets.

8.0 CONFORMANCE WITH CITY PLANS

8.1 General Plan Conformance

Once the Major GPA is approved, the Project will meet the following goals of the General Plan:

Land Use Element

Goal 4: Ensure all land use decisions meet the long-term social and economic goals of the community.

Policies:

A. Encourage annexations that benefit the quality of life for Avondale residents and are in the best interest of the City.

The Project is within unincorporated Maricopa County, within the Avondale planning area immediately adjacent to one of the City's growth areas and the Avondale Boulevard Employment and Commercial Corridor. Water and sewer infrastructure are readily available in 107th Avenue and Broadway Road and along Avondale Boulevard. The Project anticipates annexation into the City of Avondale, which will provide a revenue source for water, sewer, police, and fire services.

Goal 6: Promote regional land use planning and coordination with neighboring communities to develop and maintain sustainable land use patterns.

Policies:

A. Coordinate with external entities, surrounding jurisdictions, and state and federal agencies to address issues of regional concern.

D. Coordinate connectivity opportunities with neighboring communities when creating pedestrian and non-motorized trail systems.

Developer will work with Maricopa County Flood Control District by reserving land for the DRCC in an effort to mitigate a regional floodplain issue.

The power line corridor, DRCC, and irrigation canal provide opportunities for regional connectivity, such as a trail system. The type and location of connectivity will be finalized during the design process.

Economic Element

Goal 3: Enhance and market Avondale's business climate.

Policies:

F. Encourage continued diversity and expansion of small business.

The Local Commercial land use will remain and slightly increase in size. This Local Commercial land use designation allows for smaller scale neighborhood serving businesses such as grocery stores, dry-cleaning, and restaurants. This land use will help promote the addition of smaller scale, potentially independently owned businesses. The proximity to growing residential communities will help neighborhood-serving businesses thrive at this location.

Goal 8: Invest in neighborhood infrastructure, public spaces, and amenities

Policies:

B. Assess and implement methods requiring new residential developments to incorporate specific amenities and designate a specific amount of space for common use by neighborhoods.

The Entrada community will meet all City requirements for open space, including passive and active recreational amenities. The physical encumbrances, including the power line corridor, canals, and drainage channels, will be utilized and enhanced to the extent possible. It is envisioned that these areas will add value to the community and residents through the incorporation of pedestrian path and trail system.

Housing Element

Goal 4: Require excellence and innovation in residential design and construction

Policies:

A. Encourage builders to construct homes that use the latest energy conservation materials, methods, and techniques.

B. Support creatively designed subdivision layouts, particularly layouts in which open space and recreation areas containing amenities are thoughtfully integrated throughout.

The homebuilder has partnered with Amazon to offer an integrated automation and voice control system as a standard feature. This feature will provide Wi-Fi coverage in every room with no dead spots and control of lights, front door lock, and thermostat by talking to Amazon Alexa. This permits today's best smart and streaming products to operate at peak performances and future technologies as they come to market.

The homebuilder offers a product designed for multigenerational living, in essence two separate homes in one, which includes innovative floorplans that provide independence and nearby help when needed. This second living area incorporates a private entrance, living area, kitchenette, washer/dryer, bedroom and bathroom separate from the main living area of the home.

Significant changes to existing physical property characteristics such as the 230 Kv electrical power line corridor and associated easements ranging from 180 to 218 feet in

width, realignment of the irrigation canal, and incorporation of the regional DRCC have been taken into consideration to create a unified, cohesive community. Trails and open spaces will be thoughtfully situated along what are currently considered significant property constraints and throughout the Community.

Energy Element

Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.

Policies:

- C. Encourage “walkable” communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage.

The Project is adjacent to a growth area and the Avondale Boulevard Employment and Commercial Corridor as identified in GP2030. The Project provides residential adjacent to commercial and employment uses. A trail system will be utilizing the power line, irrigation and DRCC easements to provide pedestrian connectivity throughout the Community.

Goal 5: Integrate electric power line corridors, electric substations, and other energy infrastructure into future development.

Policies:

- A. Work with developers and local utility providers to mitigate the off-site visual impacts on surrounding properties of electrical substations and well sites through decorative walls, opaque fencing, earthen berms, and dense landscaping.
- B. Require that electric power line corridors and regional drainage channels be developed as active and passive open space amenities for the community allowing for non-motorized connections between neighborhoods.

The 180- to 218-foot wide 230 Kv power line corridor will likely mirror the landscape theme provided in the development east of Entrada through the use of berms and landscaping within SRP guidelines.

The power line corridor, DRCC, and/or irrigation canal provide opportunities for regional connectivity, such a trail system. The exact location will be determined through the design stage.

Open Space Element

Goal 2: Create linkages to parks, trails, rivers, and mountains.

Policies:

- D. Utilize all High Voltage corridors (greater than 69Kv) for passive recreational use to connect to a greenway corridor system.

The 180- to 218-foot wide 230 Kv power line corridor will incorporate landscape design features, and potential recreational opportunities, in accordance with SRP guidelines.

Bicycling Element

Goal 3: Increase recreational opportunities for bicyclists throughout Avondale.

Policies:

A. Take advantage of electrical power line corridors, canals, regional drainage channels, and rivers to develop and enhance a regionally connected multi-modal recreation trail system.

The power line corridor, DRCC, and irrigation canal provide opportunities for regional connectivity, such as a multi-model trail system. The exact location will be determined through the design process.

Facilities Element

Goal 3: Protect the community from flooding and plan for long-term, effective, and efficient stormwater services.

Policies:

D. Participate, to the extent feasible, in regional flood control planning and improvement projects.

Developer will work with Maricopa County Flood Control by reserving land for the DRCC in an effort to mitigate a regional floodplain issue.

8.2 Avondale Strategic Five-Year Plan

The Avondale Strategic Five-Year Plan (the “Five-Year Plan”) provides a comprehensive vision to create a community that is both family friendly and economically robust. With a young and vibrant population with a median age of only 29 years, providing housing options to meet the needs of this demographic is paramount to achieving the goals of the Five-Year Plan. Focusing on the goals of fostering sustainable community development and encouraging and supporting creative innovations in development, the concurrent GPA will allow for a new community in southern Avondale to be responsive to the market trends and needs of the population. Entrada will provide residential opportunities for the small businesses and large corporations’ employees that look to locate within this area of the City. Ultimately supporting the economic development corridor planned for Avondale Blvd, along SR30, and to support the expansion of ISM Raceway, capitalizing on the desire to grow the area in a destination for major sports and entertainment district. Overall, Entrada will be a highly desirable development that will provide a minimum of three varied housing options coupled with an intricate network of enhanced open space and neighborhood commercial that will ultimately create and promote a sense of community in an area of Avondale that is otherwise disconnected from the balance of the City

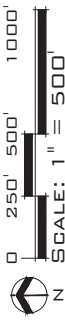
FIGURES

ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 2

SITE CONSTRAINTS MAP



LEGEND	
—	ELECTRICAL EASEMENT AREA 10.2 AC
—	DURANGO CONVEYANCE AREA 9.0 AC
—	EXISTING IRRIGATION CANAL AREA 3.1 AC
—	OFFSITE SEWER EXTENSION
—	AVONDALE PLANNING AREA BOUNDARY LINE

SUMMARY OF COSTS	
1. 10TH AVE HALF STREET IMPROVEMENTS	\$ 1,800,000
2. BROADWAY RD HALF STREET IMPROVEMENTS	\$ 750,000
3. MAMM AVE HALF STREET IMPROVEMENTS	\$ 800,000
4. DURANGO REGIONAL CONVEYANCE CHANNEL	\$ 800,000
5. TILE EXISTING IRRIGATION CANAL	\$ 2,500,000
6. TILE EXISTING IRRIGATION DITCH	\$ 800,000
7. SRP ELECTRICAL EASEMENT - LANDSCAPING	\$ 750,000
8. 10TH AVE BOX CULVERT	\$ 750,000
9. COLLECTOR ST BOX CULVERT	\$ 500,000
10. PROCESS CLOVER	\$ 500,000
11. 10TH AVE 12" LINES RELOCATION	\$ 9,200,000
TOTAL	\$ 9,200,000



SRP ELECTRICAL TOWER

NOTES

1. STREET CLASSIFICATIONS AND ROWS PER CITY OF AVONDALE TRANSPORTATION PLAN UPDATE DATED NOVEMBER 2012.



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2141 E. HIGHLAND AVE., STE. 250
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PROJECT NUMBER: 1934
FIGURE 2
FEBRUARY 2, 2020

U:\9000\9000\9000 - Sonotrade Investment Management\PROJECTS\AVONDALE\FIGURE 2 - SITE CONSTRAINTS MAP.dwg

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ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 3

GENERAL PLAN



LEGEND

- Planning Area Boundary
- Maricopa County
- Avondale Growth Area

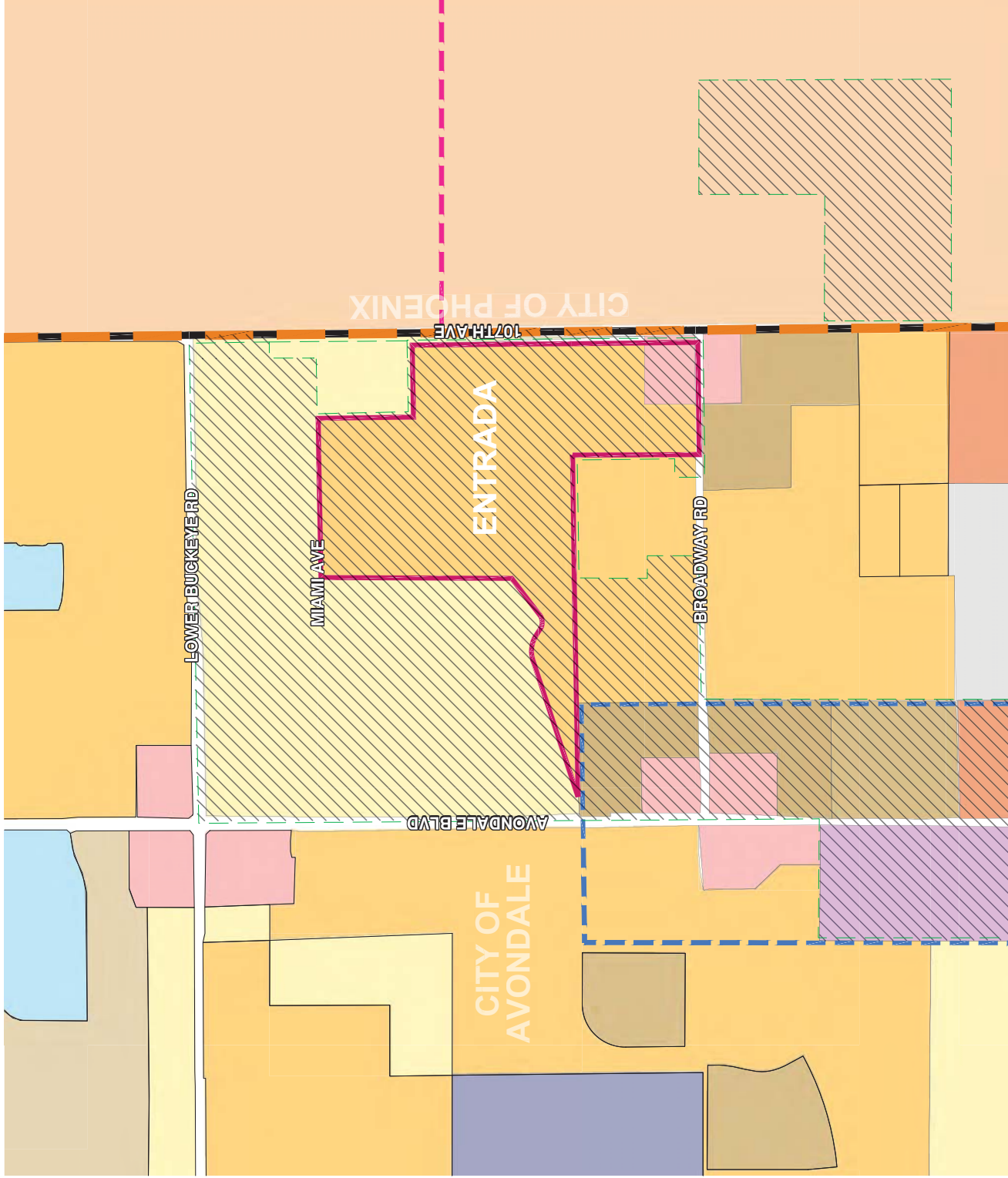
CITY OF AVONDALE GENERAL PLAN LAND USE LEGEND

LAND USE

- Estate/Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Local Commercial
- Freeway Commercial
- Office/Professional
- Public/Civic
- Mixed Use
- Education

CITY OF PHOENIX GENERAL PLAN LAND USE LEGEND

- Residential 2-3.5 du/ac
- Density Cap Limit

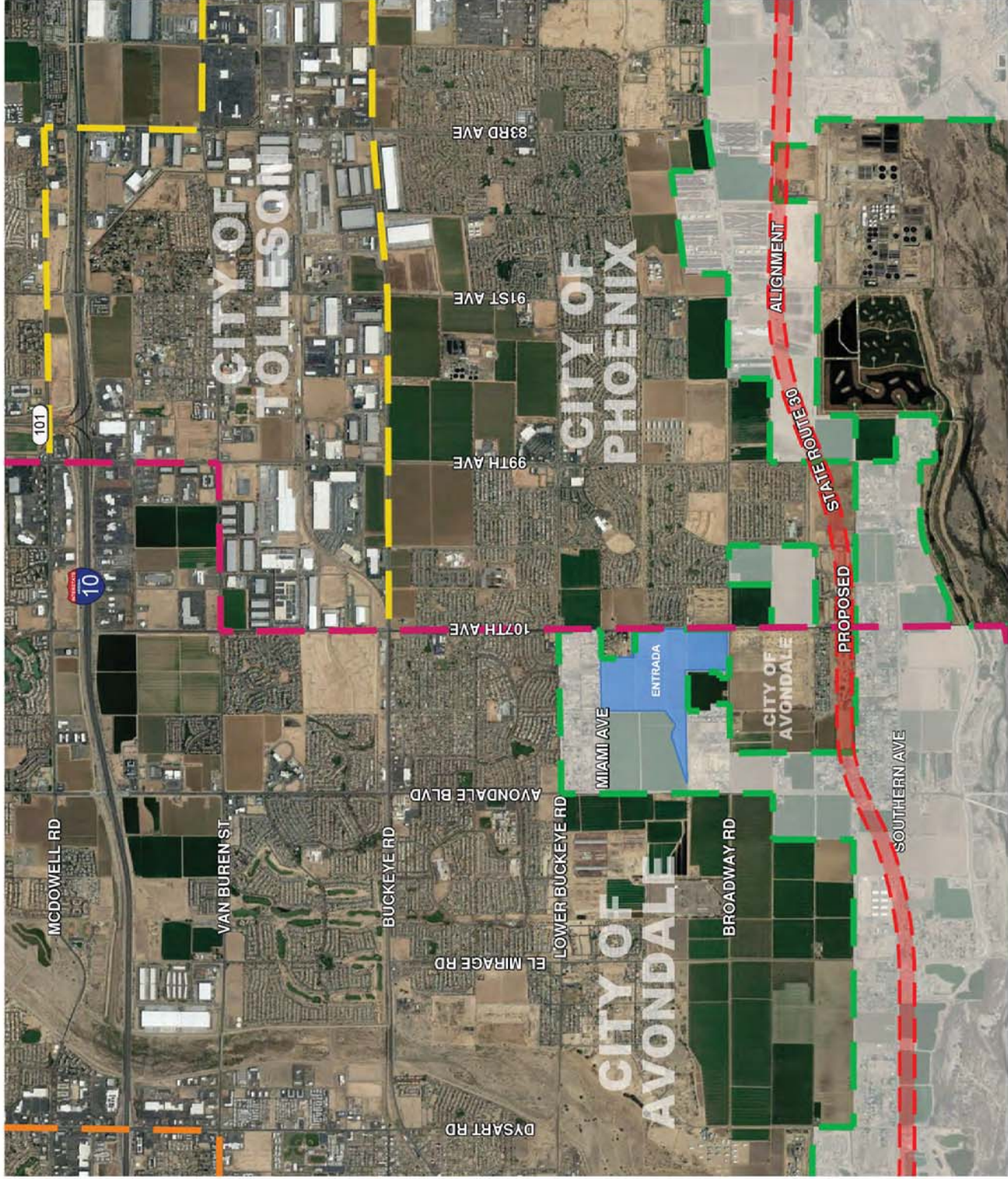
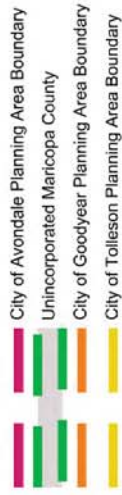


ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 4

CONTEXT MAP



PLANNED AREA DEVELOPMENT

FIGURE 5

CITY OF AVONDALE ZONING LEGEND

R1-6 R1-8 R1-10 S-1 PCD C-2

R1-6
RU-43
RUPD OVERLAY

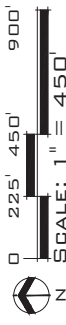


ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 6

CONCEPTUAL DEVELOPMENT PLAN



LEGEND

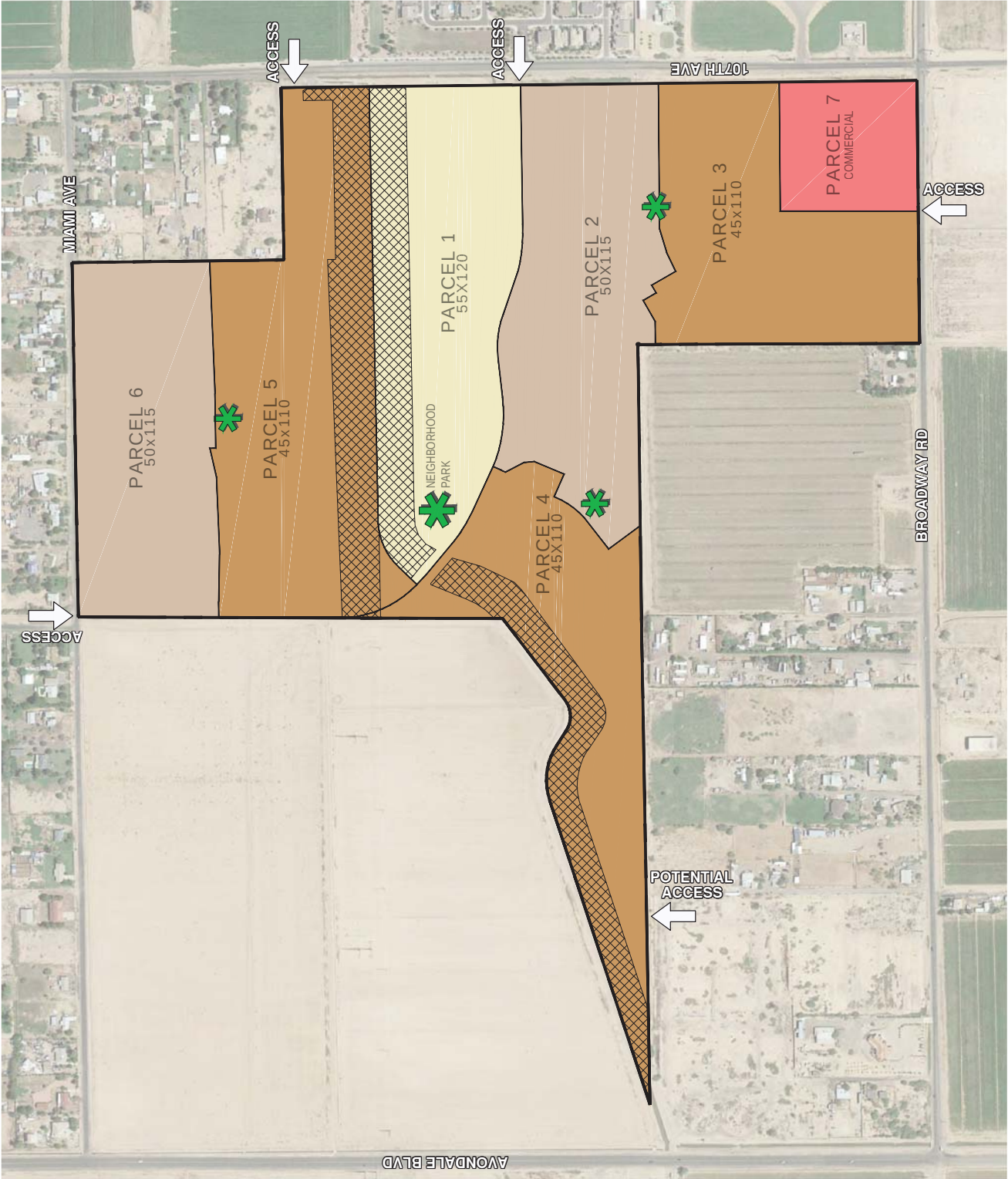
- Pad Boundary
- Park
- Utility / Irrigation / Drainage / OS Corridors
- 45 x 110 Lot Size
- 50 x 115 Lot Size
- 55 x 120 Lot Size
- Commercial

Project Data

Parcel No.	Land Use	Standard Zoning District	Lot Size	Gross Acres ⁽¹⁾	Target Lot Count ⁽²⁾	Target Density ⁽²⁾ (du/ac)
1	SFR	RL-7	55 x 120	31.3	69	2.2
2	SFR	RL-6	50 x 115	29.7	125	4.2
3	SFR	RL-5	45 x 110	25.3	120	4.7
4	SFR	RL-5	45 x 110	26.7	84	2.9
5	SFR	RL-6	45 x 110	37.6	124	3.3
6	SFR	RL-6	50 x 115	24.0	102	4.3
Total SFR				178.6	624	3.5
7	Commercial	C-1		9.0	-	-
Total Project				185.6	624	3.4

⁽¹⁾ Gross area excludes 85-foot half street ROW for 107th Ave and 35-foot half street ROW for Miami Avenue, 107th Ave and Broadway Road, and 10-foot half street ROW for 107th Ave and Broadway Road.

⁽²⁾ Target lot count and target density per parcel may be accepted if existing units are transferred from another parcel and the maximum number of units is not exceeded for the Project.



ENTRADA
AVONDALE, ARIZONA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 7

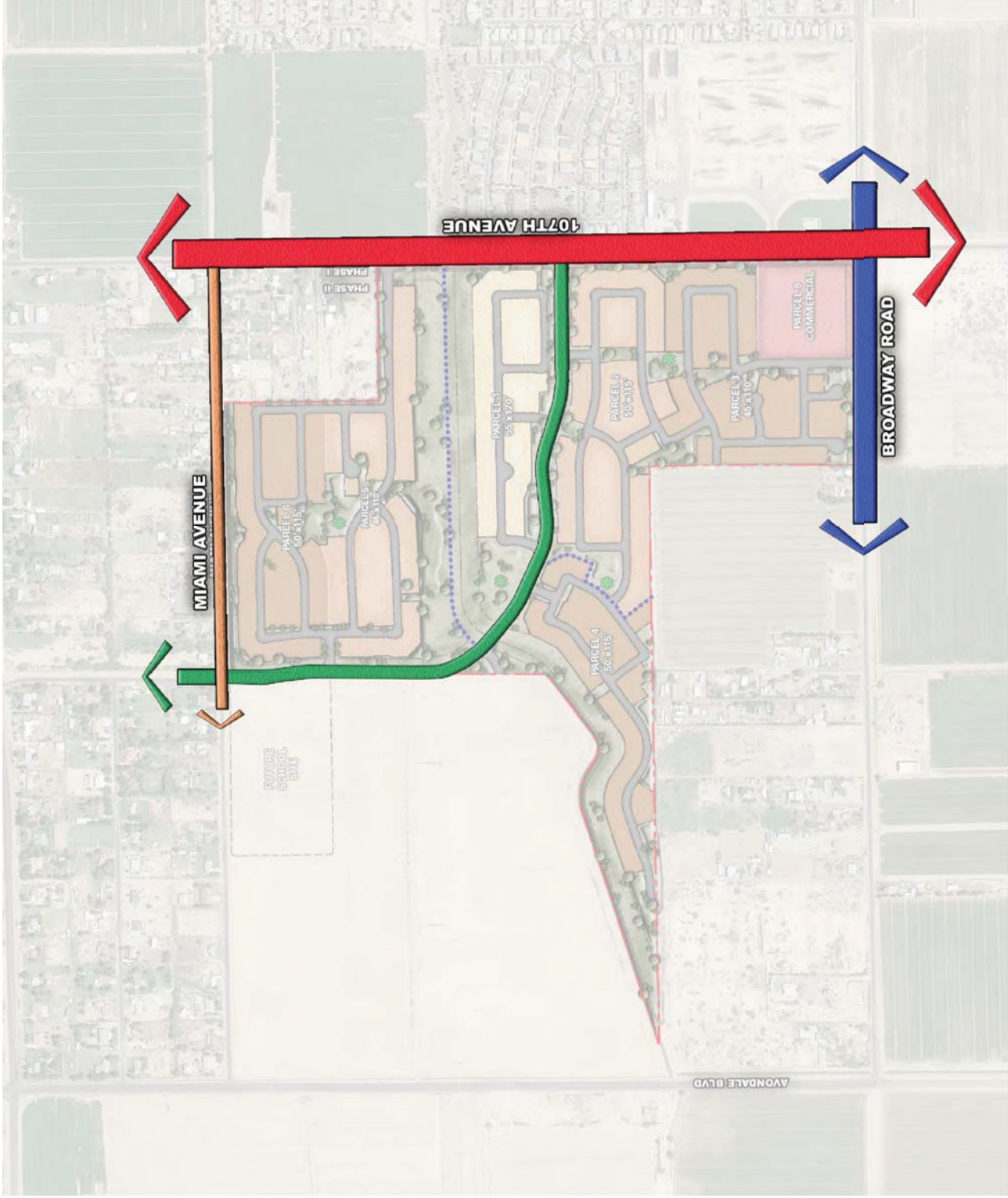
FIGURE 7

STREET CIRCULATION PLAN



LEGEND

- | | |
|---|--|
|  | Maricopa County Urban Principal Arterial
(107th Avenue) |
|  | Minor Arterial (Broadway Road) |
|  | Collector Road |
|  | Maricopa County Urban Minor Collector
(Miami Avenue) |

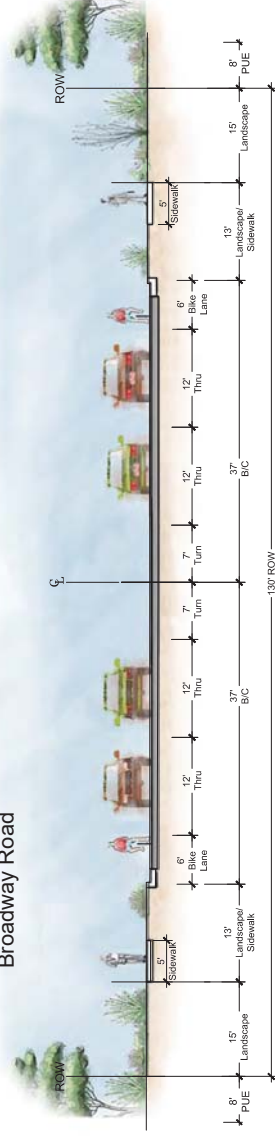
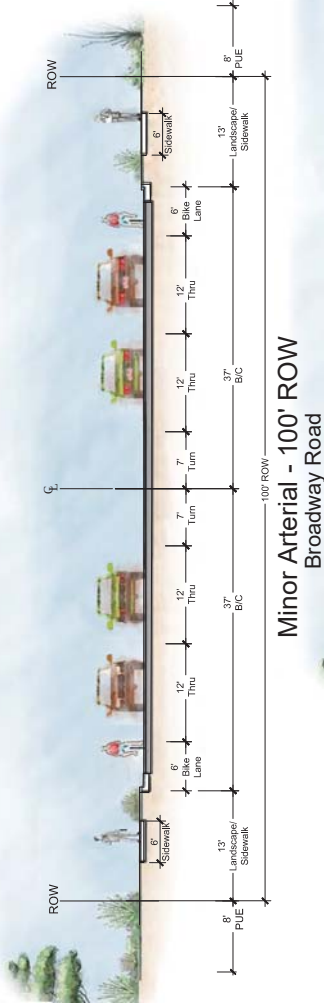
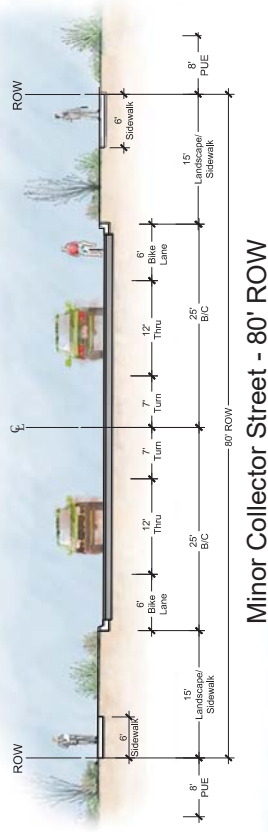
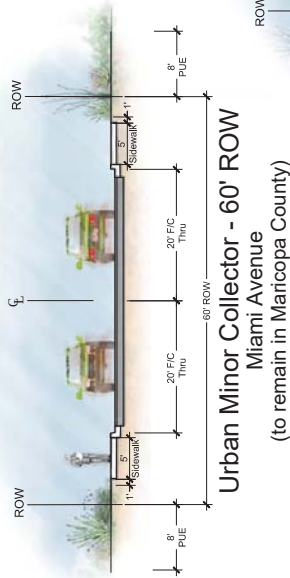


ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 8

STREET CROSS SECTIONS

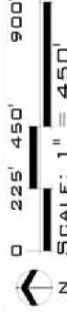


ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 9

CONCEPTUAL OPEN SPACE PLAN



LEGEND

- PAD Boundary
- - - Proposed Trail / Path (See Conceptual Pedestrian Circulation Plan)
- Proposed Open Space Areas (Exceeds 18% net OS)
- Visual Open Space
- Existing Electric Easement

AMENITIES

- Community Center - Min. 2.5 Acres
- Outdoor Game Center - Min. 1.5 Acres
- Dog park - Min. .5 Acres
- West Pocket Park - Min. .8 Acres
- East Pocket Park - Min. .8 Acres

NOTE:
This plan is conceptual and subject to change through the planning and development process.



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PROJECT NUMBER: 1924
DATE: NOVEMBER 2019

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CIRCULATION LEGEND

---	TYPICAL CONCRETE SIDEWALK CONNECTIONS
---	UTILITY ACCESS ROAD/MULTI-USE TRAIL
---	SECONDARY TRAIL (DURANGO CHANNEL TRAIL)
★ ●	ENHANCED PEDESTRIAN CROSSING/CROSSWALK (LANDSCAPE CROSSING & PATTERN TO MATCH COMMUNITY THEMES)
---	TYPICAL STREET CROSSING/CROSSWALK (PER CITY STANDARD)



UTILITY ACCESS ROAD/MULTI-USE TRAIL (SRP ELECTRICAL EASEMENT)



SECONDARY TRAIL CROSS SECTION (DURANGO CHANNEL TRAIL)

NOTE:

ALL PROPOSED LOTS SHOWN ON THIS GRAPHIC ARE CONCEPTUAL AND FOR REFERENCE ONLY.

ENTRADA
CONCEPTUAL PEDESTRIAN CIRCULATION PLAN

BROADWAY RD AND 107TH AVE
FEBRUARY 24, 2020



SHEET 6



ENTRADA
CONCEPTUAL LANDSCAPE MASTER PLAN

BROADWAY RD AND 107TH AVE
FEBRUARY 24, 2020

SHEET 1

PLANT LEGEND

LARGE - MEDIUM CANOPY TREES* (24" BOX MIN.)	
	DAT PLUM
	THORNLESS PALM (VINE)
	FAU-TA-SH
	THORNLESS OLIVE
	PAHOA-BIA
	THORNLESS MESQUITE SP.
	LIVE OAK
	CHINQUE VERGEMENTS (24" BOX MIN.)
	MULGA TREE
	THORNLESS PALM (VINE)
	MASTIC TREE
	RED FISH POACHIE
	THORNLESS CACALOTE
MEDIUM-SMALL CANOPY TREES* (24" BOX MIN.)	
	ACACIA AMERICA
	FRAXINUS VELUTINA
	CHILICOPHILLUM ALCOLOLE
	CHILICOPHILLUM
	POSTALIA SPECIES
	CHILICOPHILLUM
	CHILICOPHILLUM
SHRUBS (5 GALLON MIN.)	
	BOUGAINVILLEA
	BOUGAINVILLEA
	CASSIA PENTADACTYLA
	CASSIA PENTADACTYLA
	ERABOPHILA SP.
	LEUCOPHILLUM ALCOLOLE
	LEUCOPHILLUM
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NOTES:

- THE TYPE AND MATERIAL AVAILABILITY, SUBSTITUTIONS FOR PLANT MATERIAL LISTED ABOVE MAY BE USED. ANY ALTERNATES OR SUBSTITUTIONS MUST BE ON THE ADJ. LOW-WATER USE PLANT LIST.
- SUB-SPECIES OR FORMS OF PLANT MATERIAL LISTED ABOVE MAY BE USED AS ALTERNATES/SUBSTITUTIONS.
- ADDITIONAL PLANT MATERIAL MAY BE ADDED TO THE LIST ABOVE DUE TO AVAILABILITY OF LOCAL REQUESTS AND/OR PLANTING RECTIONS WITHIN VARIOUS CLIMATES.
- NO TREES TO BE LOCATED WITHIN THE FULL OR ANY OTHER NOTED LIMIT.
- PER THE CITY OF AVONDALE STREET TREE MASTER PLAN, THE THORNS MESQUITE WILL BE USED AS THE PRIMARY TREE ALONG 10TH AND 11TH AND THE DESERT PALM WILL BE USED AS THE PRIMARY TREE ALONG 12TH AND 13TH. THE WELL-BLISHED MESQUITE IS TO BE USED AS THE PRIMARY TREE AND THE OAK TREE USED AS THE SECONDARY TREE.
- ALL PROPOSED OTS SIGNING ON THIS GRAPHIC ARE CONCEPTUAL AND FOR PRESENTATION ONLY.

FIGURE 11





PICKLEBALL COURTS



FITNESS EQUIPMENT ZONE



LARGE BBQ GRILL/GATHERING AREA



ENTRADA CONCEPTUAL COMMUNITY CENTER

BROADWAY RD AND 107TH AVE
FEBRUARY 24, 2020

SHEET 2



OUTDOOR WORKSPACE - WIFI CONNECTED



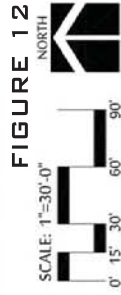
PLAY EQUIPMENT - NETPLEX



WATER PLAY AREA

NOTES:

1. POLE LIGHTING TO BE USED ADJACENT TO ALL SPORT COURT AMENITIES.
2. PERMANENT LIGHTING TO BE USED ALONG OPEN SPACE BOUNDARIES AND TRAILS THAT ARE WITHIN OR ADJACENT TO OPEN SPACE AMENITIES AREAS AND GATHERING NODES WITH A MINIMUM OF 100' SPACING. HOWEVER, NO TRAIL LIGHTING TO BE INSTALLED IN ANY ELECTRICAL EASEMENTS OR ADJACENT TO ANY IRRIGATION OR CONVEYANCE CHANNELS.
3. CHARACTER IMAGES ARE FOR REFERENCE ONLY AND INTENDED TO SHOW PROPOSED AMENITIES. ACTUAL SPECIFICATIONS MAY VARY.





NOTES:

1. POLE LIGHTING TO BE USED ADJACENT TO ALL SPORT COURT AMENITIES
2. PEDESTRIAN SCALE LIGHTING TO BE USED ALONG OPEN SPACE SIDEWALKS AND PLAY AREAS. LIGHTING TO BE INSTALLED IN ANY ELECTRICAL EASEMENTS OR ADJACENT TO ANY IRRIGATION OR CONVEYANCE CHANNELS.



FIGURE 13

ENTRADA CONCEPTUAL OUTDOOR GAME CENTER

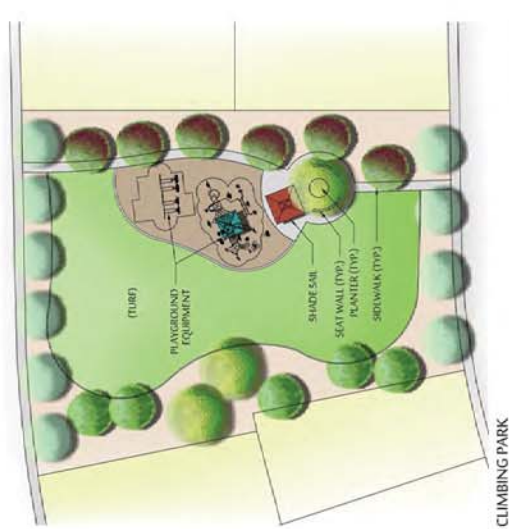
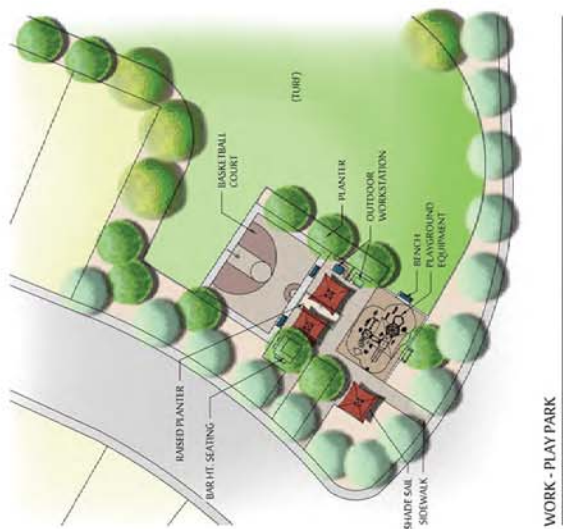
BROADWAY RD AND 107TH AVE
FEBRUARY 24, 2020

SHEET 3



NOTES:

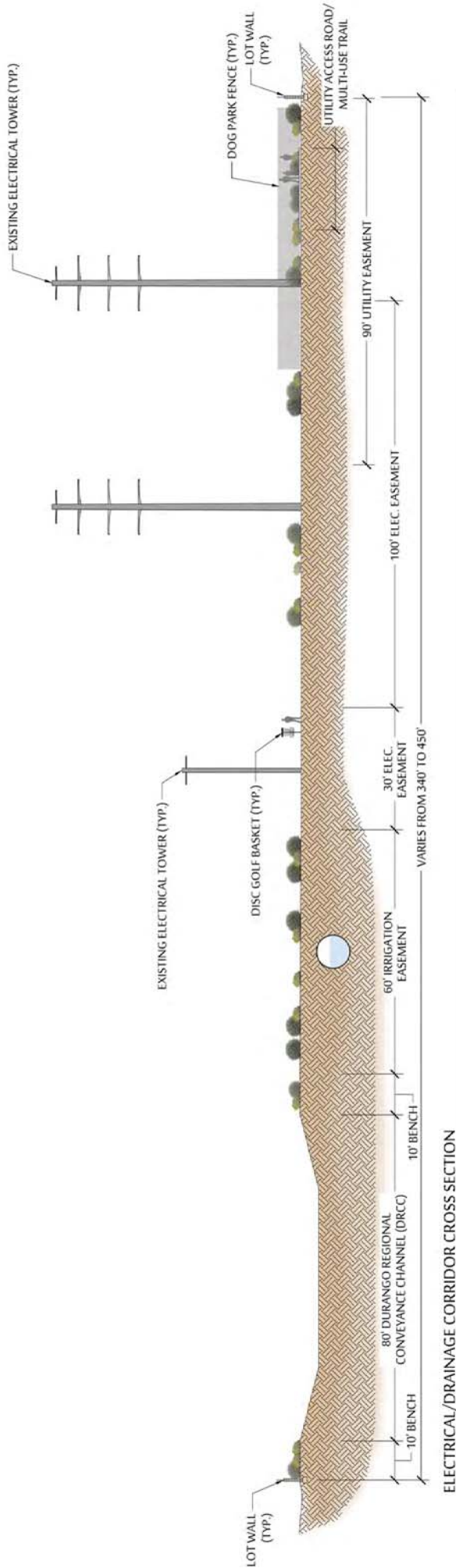
1. POLE LIGHTING TO BE USED ADJACENT TO ALL SPORT COURT AMENITIES.
2. PEDESTRIAN SCALE LIGHTING TO BE USED ALONG OPEN SPACE CORRIDORS AND TRAILS THAT ARE WITHIN OR ADJACENT TO OPEN SPACE AMENITIES. AREA AND GATHERING NODES WITH A MINIMUM OF 100' SPACING. HOWEVER, NO TRAIL LIGHTING TO BE INSTALLED IN ANY ELECTRICAL EASEMENTS OR ADJACENT TO ANY IRRIGATION OR CONVEYANCE CHANNELS.



ENTRADA
CONCEPTUAL DOG PARK, WORK-PLAY PARK AND CLIMBING PARK

BROADWAY RD AND 107TH AVE
FEBRUARY 24, 2020

SHEET 4



UTILITY ACCESS ROAD/MULTI-USE TRAIL



DISC GOLF COURSE



DISC GOLF BASKET



DOG PARK



DOG PARK LAYOUT



ENTRADA

CONCEPTUAL ELECTRICAL/DRAINAGE CORRIDOR AMENITY EXHIBIT

BROADWAY RD AND 107TH AVE
FEBRUARY 24, 2020

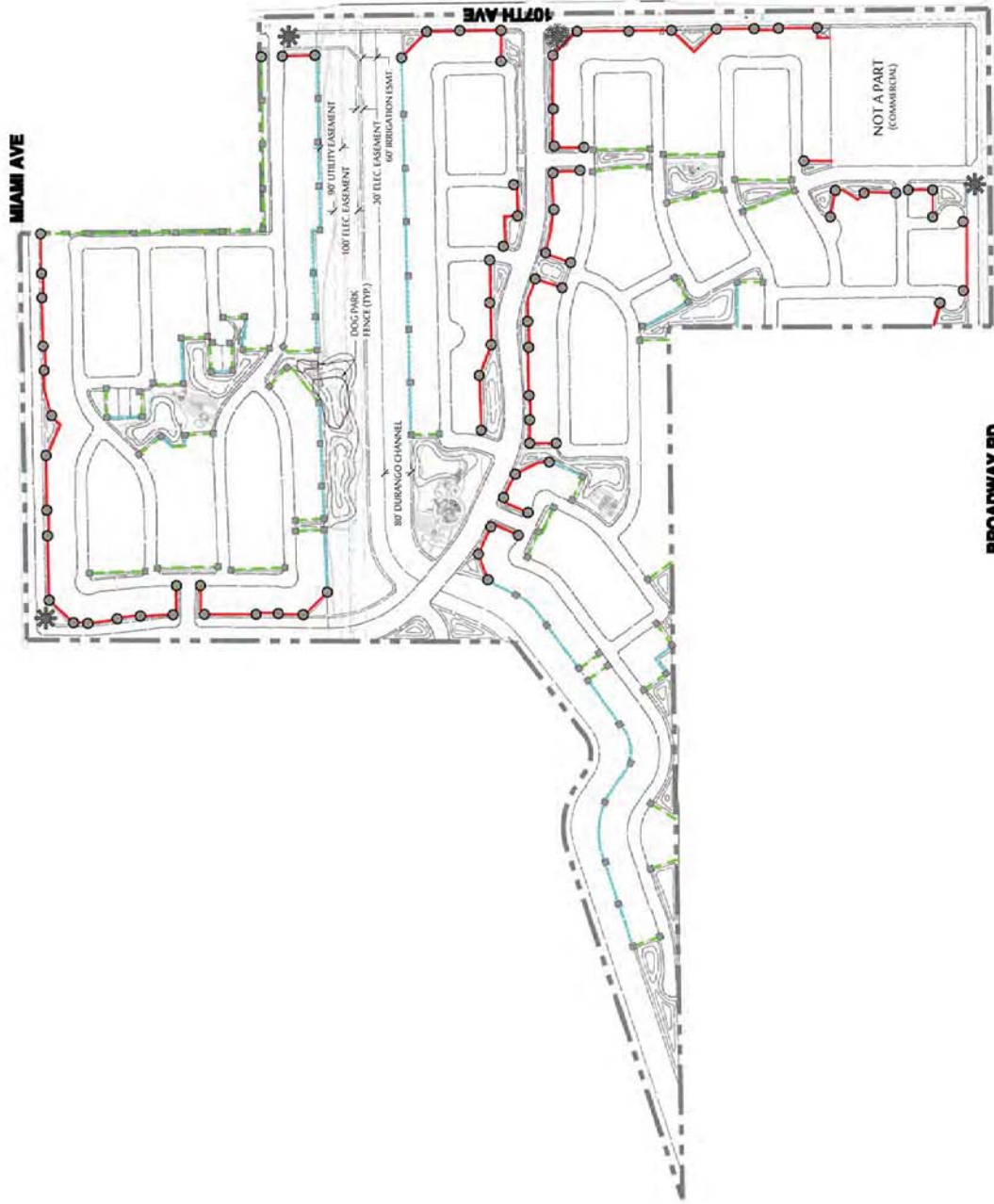
SHEET E

FIGURE 15
NOTE: CHARACTER IMAGES ARE FOR REFERENCE ONLY AND INTENDED TO SHOW PROPOSED AMENITIES. ACTUAL SPECIFICATIONS MAY VARY.

WALL PLAN LEGEND

	PRIMARY THEME WALL - SEE DETAIL 'B'
	SECONDARY THEME WALL - SEE DETAIL 'C'
	PARTIAL VIEW FENCE - SEE DETAIL 'D'
	DOG PARK FENCE (FINAL FENCING SPECIFICATION TO BE SELECTED AND APPROVED BY UTILITY COMPANY)
	ALL LOT BEAR VARD WALLS NOT NOTED OR DESIGNATED ABOVE TO BE BUILDER WALLS
	PRIMARY THEME COLUMNS - SEE DETAIL 'B'
	SECONDARY THEME COLUMNS - SEE DETAIL 'C'
	PRIMARY ENTRANCE MONUMENT - SEE DETAIL 'A'
	SECONDARY ENTRANCE MONUMENT - SEE DETAIL 'A'

NOTE: SEE THE "CONCEPTUAL LANDSCAPE DETAILS" SHEET FOR ALL DETAILS REFERENCED ABOVE.

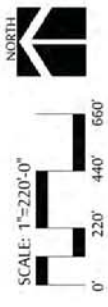


BROADWAY RD

NOTE:
ALL PROPOSED LOTS SHOWN ON THIS GRAPHIC ARE CONCEPTUAL AND FOR REFERENCE ONLY.

ENTRADA CONCEPTUAL WALL PLAN BROADWAY RD AND 107TH AVE FEBRUARY 24, 2020

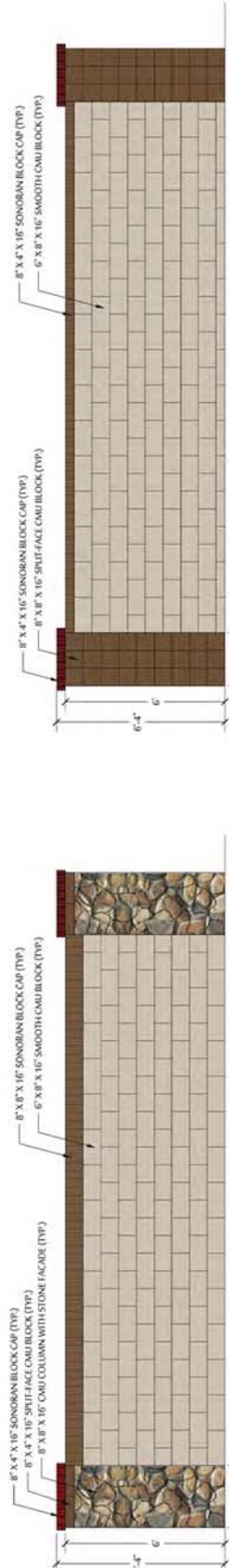
FIGURE 16



SHEET 5

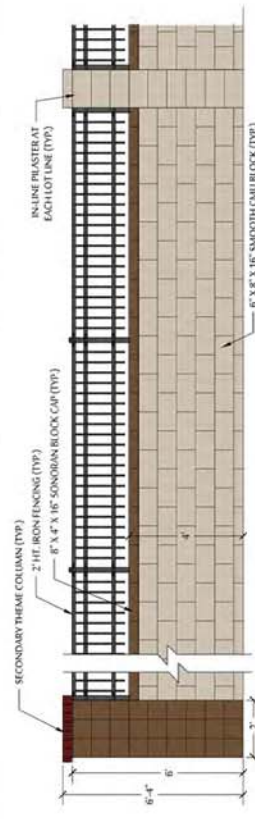


A PRIMARY ENTRANCE MONUMENT ELEVATION



B PRIMARY THEME WALL ELEVATION

C SECONDARY THEME WALL ELEVATION



D PARTIAL VIEW FENCE ELEVATION



ENTRADA
AVONDALE, ARIZONA
PLANNED AREA DEVELOPMENT
FIGURE 18
CONCEPTUAL ARCHITECTURAL
ELEVATIONS

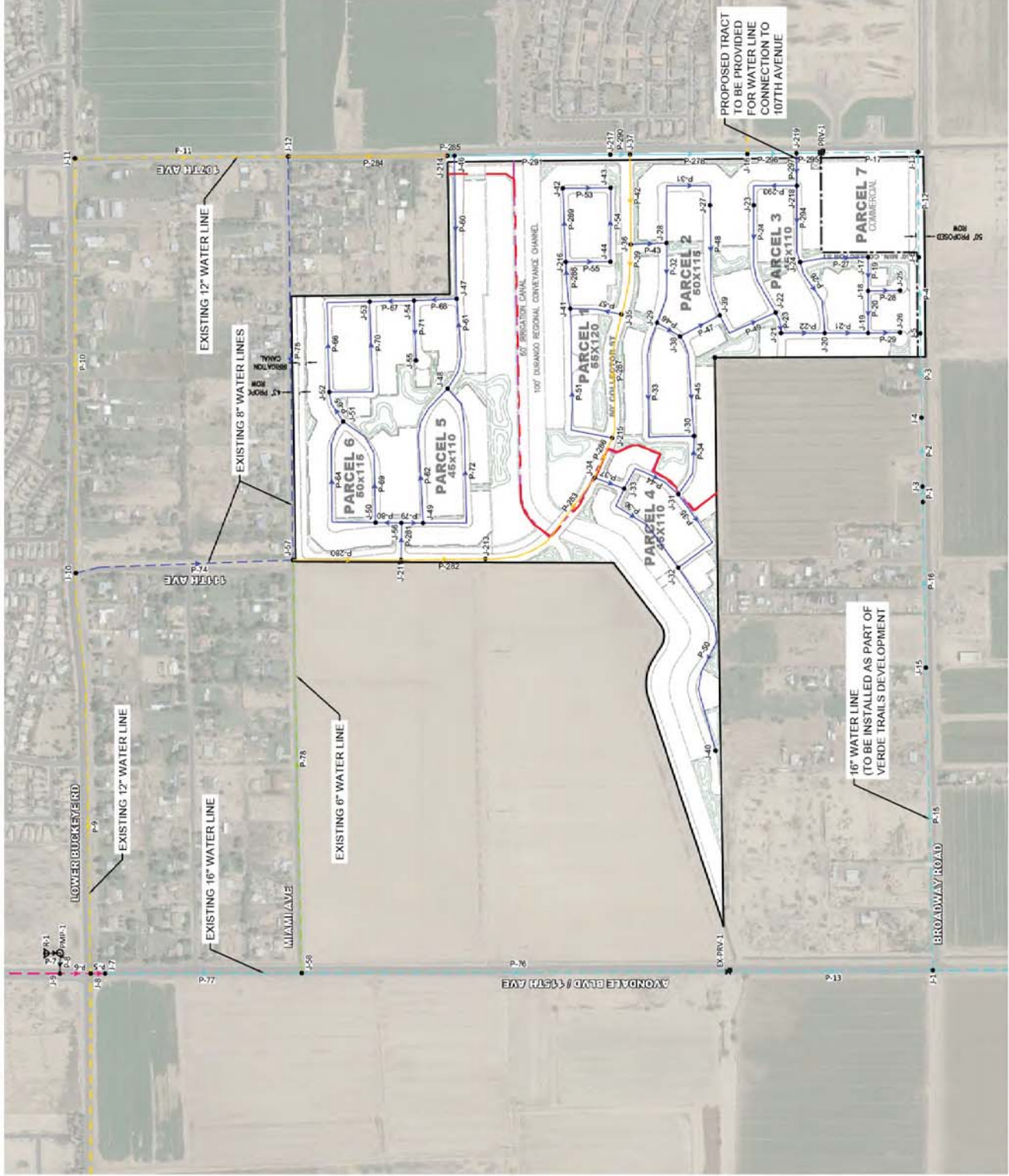
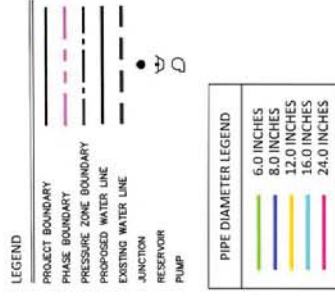
 NOT TO SCALE

ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 19

MASTER WATER PLAN



ENTRADA

AVONDALE, ARIZONA

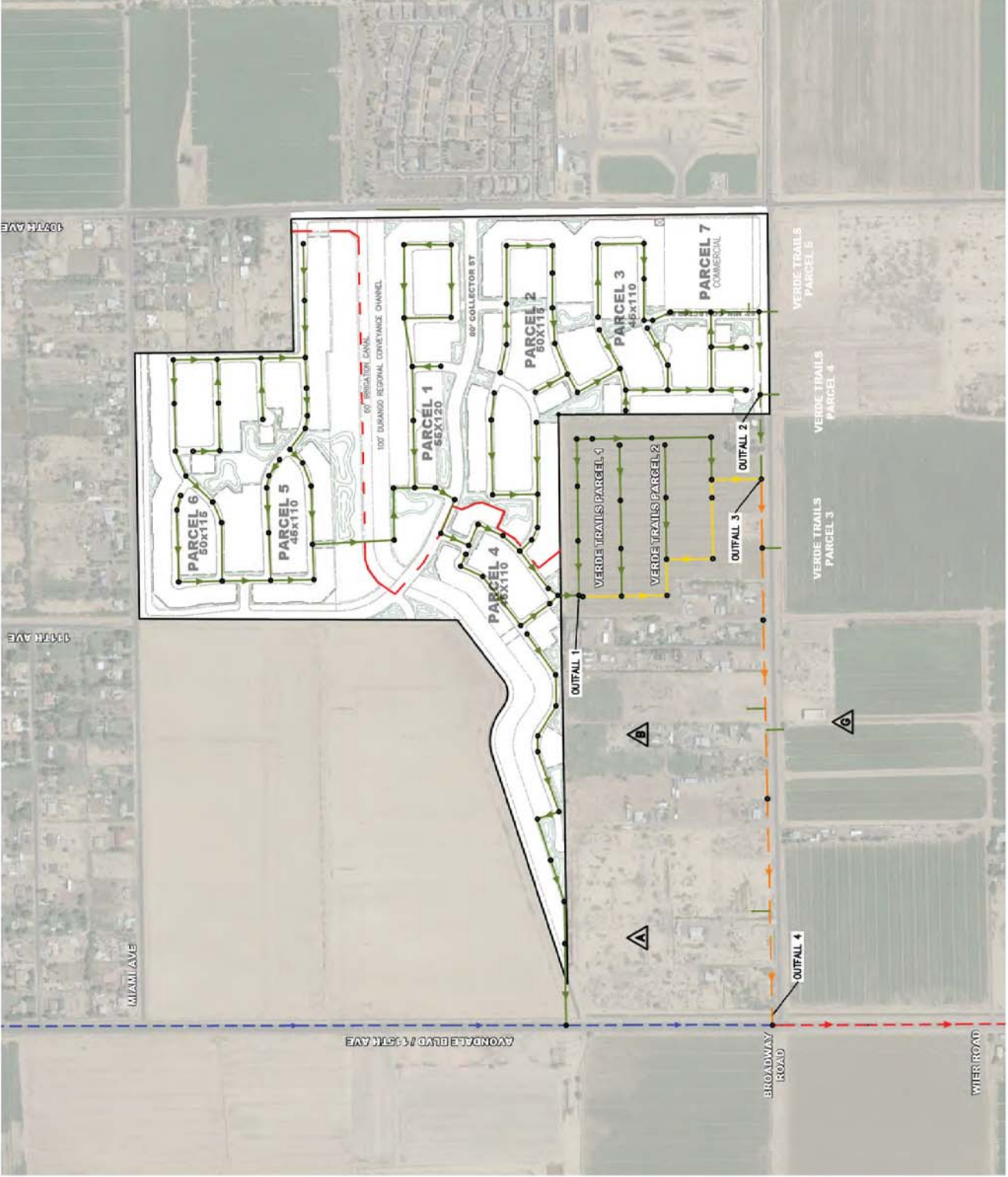
PLANNED AREA DEVELOPMENT FIGURE 20

MASTER WASTEWATER PLAN

NOT TO SCALE

- LEGEND
- PROJECT BOUNDARY
 - PHASE BOUNDARY
 - PROPOSED SEWER BY OTHERS
 - PROPOSED GRAVITY MAIN
 - EXISTING GRAVITY MAIN
 - OFFSITE PARCEL
 - SEWER MANHOLE

COLOR CODING LEGEND CONDUIT DIAMETER (IN)	
8.0	10.0
12.0	16.0
20.0	24.0
30.0	36.0

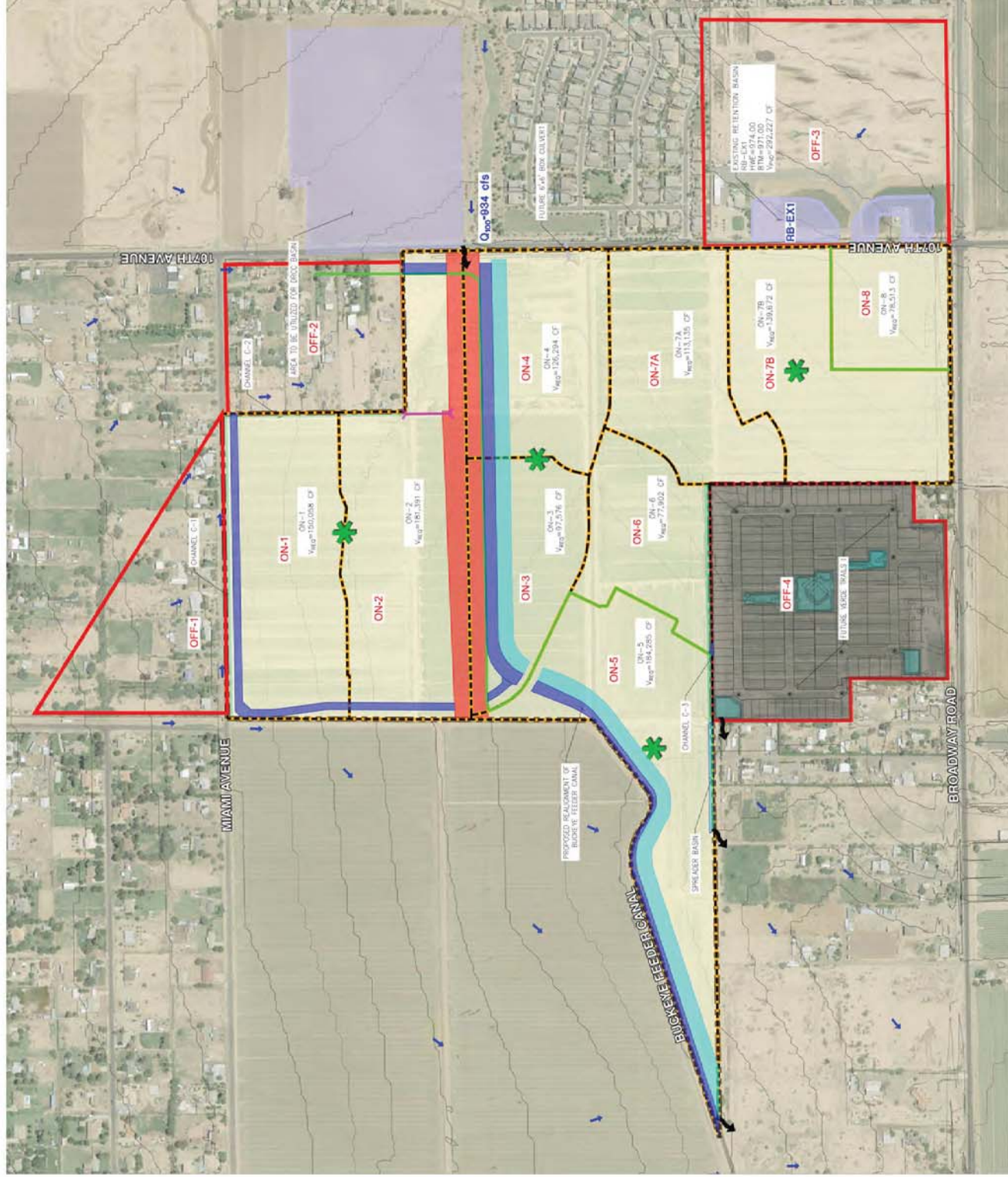


ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 21

MASTER DRAINAGE PLAN

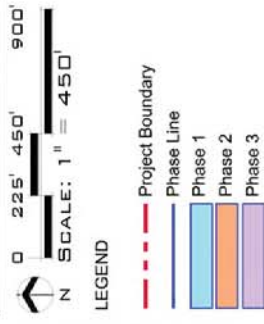


ENTRADA

AVONDALE, ARIZONA

PLANNED AREA DEVELOPMENT FIGURE 22

CONCEPTUAL PHASING PLAN



NOTE:

The actual phasing will be based on market conditions, industry factors, and/or business considerations. Deviations from the Phasing Plan are allowed and do not constitute a PAD amendment, as long as the phasing meets City requirements, provides two points of access, a looped/redundant waterline, and adequately addresses upstream and downstream drainage.

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250
AVONDALE, ARIZONA 85015
P: 602.492.0535
F: 602.368.2438
PROJECT NUMBER: 1924
FEBRUARY 2020
USING 04/15/14-01 Schedule Treatment Management PLAN/FIGURE 22 Concept Phasing Plan

Exhibit F

Neighborhood Meeting Summary & Sign-In Sheet
October 22, 2019 – 6:00 P.M. – Quentin Elementary School Cafeteria

October 22, 2019, Neighborhood Meeting

Summary for Entrada

PL-19-0054 & PL-19-0201

The neighborhood meeting for Entrada was held in the cafeteria of Quentin Elementary School, 11050 W Whyman Ave, Avondale, AZ 85323, at 6:00 p.m. on October 22, 2019. The Development Team arrived by 5:15 p.m. and the first attendees arrived at 5:57 p.m. A copy of the sign in sheets are attached as Appendix A.

Members of the Development Team present included:

Ed Grant – Property Owner

Toni Bonar - Hilgart Wilson

Carolyn Oberholtzer- Bergin, Frakes, Smalley & Oberholtzer

Lyle Begiebing- Bergin, Frakes, Smalley & Oberholtzer

Members of City of Avondale:

Ken Galica - Planner

The meeting began with two citizens arriving at 5:57pm. The development team walked them through the various presentation boards outlining the project and explained the major general plan amendment, annexation and zoning application. They also explained that the property is in Maricopa County and that the current zoning is a mixture of RU-43 and R1-6 RUPD. The team also explained the relationship of the General Plan amendment to the annexation and zoning processes and anticipated hearing schedule.

The following is a summary of questions and feedback given by the attendees. The development team's response to each question is provided after each question in **bold**.

A citizen inquired about the possibility of a grocery store on the commercial corner.

There is not a plan yet for the commercial corner but the site and zoning would permit grocery uses.

A citizen asked whether the development would allow her to still ride horses on the power line corridor path in the area.

The development team explained how they took careful consideration to work with the various constraints around the property such as the Salt River Project's large power line corridor and the regional drainage channel managed by Maricopa County Flood Control. The team pointed out the regional context map and showed how the project would take the drainage and flood areas and combine them into one greenspace corridor running down the power lines. They explained that this corridor will feature a wide mixed-use path that is accessible for horses.

Citizens asked how the project would fit with the future SR-30 freeway alignment to the south.

The development team pointed out an exhibit board with the likely freeway path highlighted on a map of the region and relationship to the property.

Citizens asked where the entrances of the development would be placed.

The team pointed out the preliminary site plan and showed the access points on Miami Ave. and 107th Ave. They explained that the internal road network may still change but the access points will stay where they are.

A citizen asked what will be improved on the east edge of the project adjacent to 107th Ave.

The development team explained that the entire half-street will be improved including curb, gutter, and sidewalks.

A citizen that lives off of Miami and 107th asked if the zoning or rules would change for her property.

The development team confirmed the location of her residence as already within the City of Avondale and explained that no part of their applications impact other properties.

The summary of the feedback received was support of the development concept and especially with the single-family master-plan. A resident expressed that she would not be supportive of multi-family in the project as a result, she was glad to see the General Plan High Density Residential category being revised to Medium Density.

In total, 3 people attended the meeting and the last attendee left at 6:55.

The meeting adjourned at 7:00 p.m.

Hilgart Wilson
Entrada Major GPA (PL-19-0054), Rezone (PL-19-0201),
Northwest corner of Broadway Road and 107th Avenue
Neighborhood Meeting – Tuesday October 22 @ 6:00 PM
Quentin Elementary School - Cafeteria
11050 W Whyman Ave, Avondale, AZ 85323

Entrada Major GPA (PL-19-0054), Rezone (PL-19-0201),

Neighborhood Meeting – Tuesday October 22 @ 6:00 PM

11050 W Whymman Ave, Avondale, AZ 85323

[illegible]

Exhibit G

Certificates of Adequate School Facilities

Littleton Elementary School District

Tolleson Union High School District



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for Rezoning Application has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Entrada Project Manager: Carolyn Oberholtzer
Request: Single Family Units Acreage/Parcel Size: 186.81 acres
Current Density Allowed: 1.6 - 3.8 du/ac Density Proposed: 3.5 du/ac
Total number of residential units proposed: 625

As an authorized representative of the District, please complete the questionnaire below.

Does the District have adequate capacity to accommodate the estimated enrollment from the proposed development?

Yes No X

If answered no, please summarize the needs of the district as they relate to serving the students generated by the proposed development.

Is a school site within the proposed development needed? Yes No X
If answered yes, how many acres is needed for the school site?

Is the district currently working with the developer to provide or help meet the needs identified above through a developer assistance or impact agreement? Yes X No

If answered yes, please explain below:

The District would anticipate 190 - 208 students from this project. 7.7 classrooms and books, equipment and added staff at \$385,185/year plus \$69,680 one-time expenses.

If additional writing space is needed, please attach pages to this form

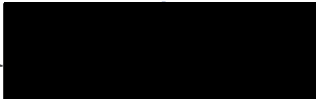
Date Reviewed: 03.03.2020

School District: Littleton Elementary School District #65

District Superintendent: R. Freeman

Phone #: 623.478.5611

E-mail: rfreeman@littletonaz.org

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
www.avondaleaz.gov/developmentservices



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for a General Plan Amendment has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Entrada Project Manager: Ken Galica
Request: Land use change from Estate/Low Density & HDR to MDR Acreage/Parcel Size: 191 AC
Current Density Allowed: 1.6 - 3.8 du/ac Density Proposed: 2.5 - 4 du/ac
Total number of residential units proposed: 625

As an authorized representative of the District, please complete the questionnaire below.

Does the District have adequate capacity to accommodate the estimated enrollment from the proposed development?

Yes ☒ No ☐

If answered no, please summarize the needs of the district as they relate to serving the students generated by the proposed development.

Is a school site within the proposed development needed?

Yes ☐ No ☒

If answered yes, how many acres is needed for the school site?

Is the district currently working with the developer to provide or help meet the needs identified above through a developer assistance or impact agreement? Yes ☐ No ☒

If answered yes, please explain below:

****If additional writing space is needed, please attach pages to this form****

Date Reviewed: March 27, 2019

School District: Tolleson Union High School District #214

District Superintendent: Nora Gutierrez

Phone #: 623-478-4000

E-mail: nora.gutierrez@tuhsd.org

Signature

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
www.avondaleaz.gov/development/services

**WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
AVONDALE ENTRADA, LLC**

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this “Waiver”) is made August 24, 2020, between Avondale Entrada, LLC, an Arizona limited liability company (the “Owner”) and the City of Avondale, an Arizona municipal corporation (the “City”), regarding the approximately 185.55 acre parcel of real property generally located at the northwest corner of 107th Avenue and Broadway Road in Avondale, Arizona, described and depicted on Exhibit A attached hereto and incorporated as if fully set forth herein (the “Property”). Owner intends to encumber the Property with the following agreements and waivers.

1. Waiver of Claims Related to the Rezoning. The Owner agrees and understands that the City is entering into this Waiver in conjunction with that certain approval for rezoning of the Property, Application No. PL-19-0201 (the “Rezoning”) in good faith and with the understanding that, if the City approves the Rezoning, it will not be subject to a claim for diminished value of the Property from the Owner or other parties having an interest in the Property. Owner agrees and consents to all the conditions imposed as part of the ordinance rezoning the Property (the “Rezoning Ordinance”), including all stipulations adopted by the Council of the City of Avondale (the “City Council”) and, by signing this Waiver, hereby waives any and all claims, suits, damages, compensation and causes of action the Owner may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 12-1136 (but specifically excluding any provisions included therein relating to eminent domain) and resulting solely from actions relating to the Rezoning. Owner acknowledges and agrees that any stipulations imposed by the City Council as part of the Rezoning Ordinance will not result in a reduction of the fair market value of the Property as defined in ARIZ. REV. STAT. § 12-1136. The Owner acknowledges that additional stipulations may be imposed by the City Council, in its sole discretion, prior to approval of the Rezoning. Owner agrees and understands that its waiver of claims as set forth in this Waiver shall be deemed to extend to cover any changes to the Rezoning Ordinance and all stipulations to the Rezoning Ordinance approved by the City Council unless, not later than three business days following such City Council approval, Owner notifies the City, in writing, of its disagreement with such stipulation(s). In the event that Owner timely notifies the City of such disagreement, Owner shall not be deemed to have waived claims with respect to only the stipulations imposed or revised by the City Council prior to approval of the Rezoning Ordinance; provided, however, that if Owner does not submit a separate waiver of such claims, in a form acceptable to the City, prior to close of business on the fifth business day following approval of the Rezoning Ordinance, then the City may, after proper notice and hearing, rescind the Rezoning Ordinance, and if rescinded by the City Council acting in its sole discretion, this Waiver shall act as a bar to a claim for diminished value based upon the rescinded Rezoning Ordinance. The foregoing waiver of claims shall be of no further force and effect with respect to the Rezoning in the event the City Council disapproves the Rezoning Ordinance,

except that it shall serve as a bar to a claim for diminished value based upon denial of the Rezoning Ordinance.

2. Entire Agreement; Modification. This Waiver, any exhibits attached hereto and any addenda, collectively constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and City regarding waiver of claims pursuant to ARIZ. REV. STAT. § 12-1134 *et seq.* relating to the Rezoning and the General Plan Amendment. This Waiver may not be modified or amended except by written agreement by the Owner and City.

3. Applicable Law; Venue. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. Any suit pertaining to this Waiver may be brought only in courts in Maricopa County, Arizona.

4. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

5. Recording; Waiver Runs With Land. Within 10 days after the execution of this Waiver, the City Clerk shall file the Waiver in the Official Records of the County Recorder's Office, Maricopa County, Arizona, but a failure to timely do so shall not invalidate this Waiver. This Waiver runs with the land and is binding upon all present and future owners of the above-referenced Property.

6. Owner Authority. The Owner warrants and represents that it is the owner of all right, title and interest to the Property, and that no other person has an ownership interest in the Property. The person(s) who sign on behalf of Owner personally warrant and guarantee to the City they have the legal power to bind the Owner to this Waiver.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“Owner”

AVONDALE ENTRADA, LLC,
an Arizona limited liability limited company

By: _____

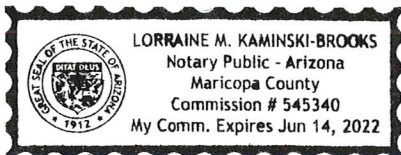
Name: Edwin H. Grant, IV

Title: Executive Vice President

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On July 12, 2020, before me personally appeared Edwin H. Grant IV, the Executive VP of AVONDALE ENTRADA, LLC, an Arizona limited liability company, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed the above document on behalf of the limited liability company.



(affix notary seal here)

Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

“City”

CITY OF AVONDALE, an Arizona
municipal corporation

Charles A. Montoya, City Manager

ATTEST:

Marcella Carrillo, City Clerk

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 2020, before me personally appeared Charles A. Montoya,
the City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, whose
identity was proven to me on the basis of satisfactory evidence to be the person who he claims to
be, and acknowledged that he signed the above document, on behalf of the City.

(affix notary seal here)

Notary Public

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
AVONDALE ENTRADA, LLC

[Legal Description and Map of the Property]

See following pages.

**ENTRADA
P.A.D. BOUNDARY
LEGAL DESCRIPTION**

A portion of land being situated within Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 4 inch Maricopa County Engineering Department brass cap in hand hole accepted as the Southeast corner of said Section 19, from which a found 3 inch Maricopa County Department of Transportation brass cap flush accepted as the East quarter corner thereof bears North $00^{\circ}37'32''$ West, 2653.70 feet;

Thence South $89^{\circ}26'07''$ West, 65.00 feet along the south line of the Southeast quarter of said Section 19 to the **POINT OF BEGINNING**;

Thence continuing along said south line, South $89^{\circ}26'07''$ West, 1234.76 feet to the southeast corner of the Southwest quarter of said Southeast quarter;

Thence North $00^{\circ}12'18''$ West, 1322.76 feet along the east line of said Southwest quarter of the Southeast quarter;

Thence South $89^{\circ}15'08''$ West, 1290.05 feet along the north line of said Southwest quarter of the Southeast quarter;

Thence South $88^{\circ}59'57''$ West, 2280.03 feet along the south line of the north half of the Southwest quarter of said Section 19;

Thence leaving said south line, North $71^{\circ}45'37''$ East, 1504.99 feet to the beginning of a tangent curve, concave southerly, having a radius of 300.00 feet;

Thence easterly along said curve, through a central angle of $51^{\circ}03'16''$, an arc length of 267.32 feet to a non-tangent line;

Thence South $57^{\circ}11'08''$ East, 82.73 feet to the beginning of a tangent curve, concave northerly, having a radius of 125.00 feet;

Thence easterly along said curve, through a central angle of $70^{\circ}10'33''$, an arc length of 153.10 feet to a non-tangent line;

Thence North $52^{\circ}38'23''$ East, 482.10 feet;

Thence North $00^{\circ}13'06''$ East, 1959.67 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, North 88°59'45" East, 1664.78 feet along a line that is parallel with and 33.00 feet south of the north line of the south half of the Northeast quarter of said Section 19;

Thence leaving said parallel line, South 00°41'57" East, 964.81 feet;

Thence North 88°52'30" East, 810.25 feet;

Thence South 00°41'57" East, 332.19 feet along a line that is parallel with and 65.00 feet west of the east line of said Northeast quarter;

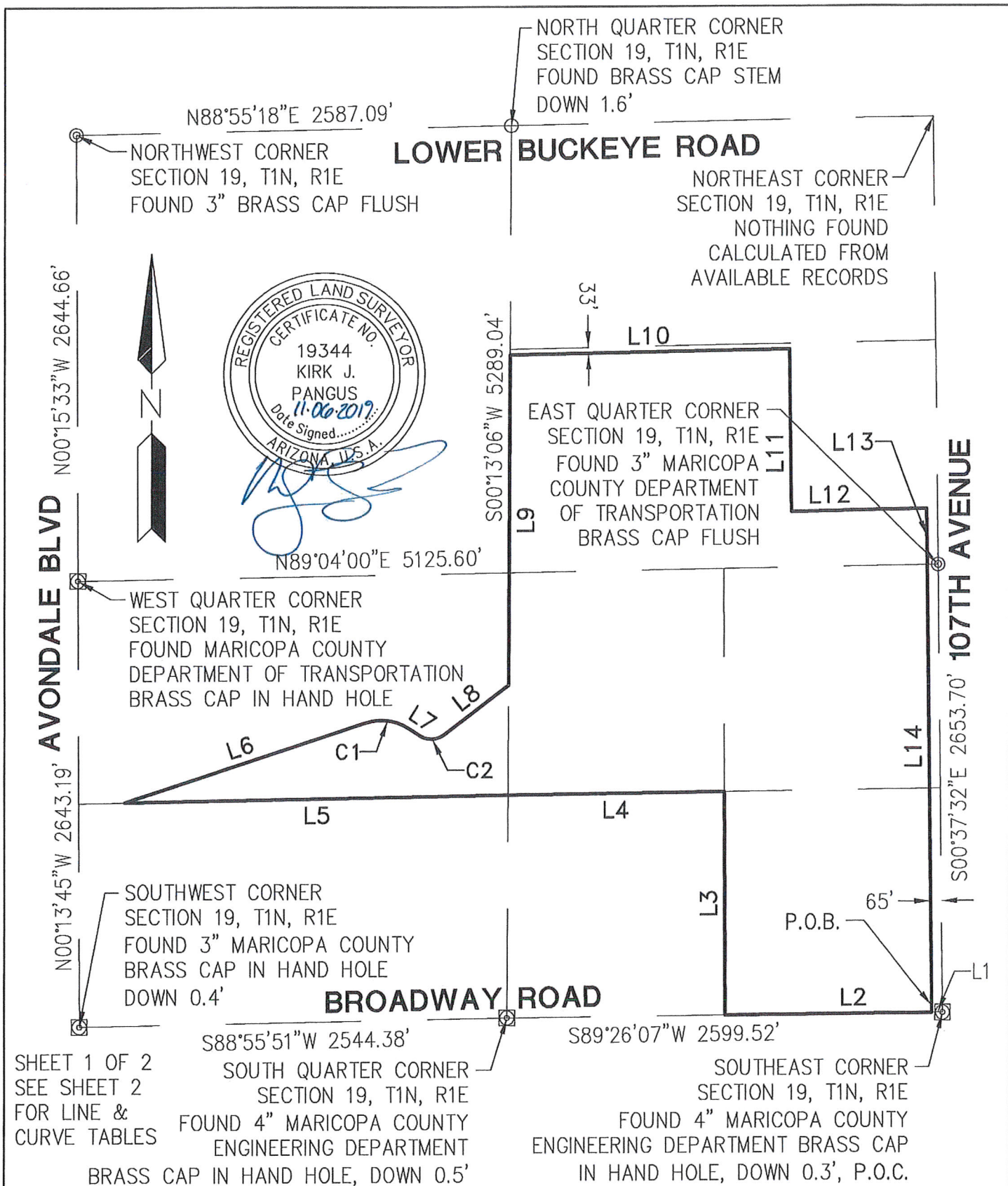
Thence South 00°37'32" East, 2653.59 feet along a line that is parallel with and 65.00 feet west of the east line of the Southeast quarter of said Section 19 to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 8,082,567 sq. ft. (185.5502 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1934
Date: November 2019





PROJ.NO.: 1934	ENTRADA P.A.D. BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: NOV. 2019		
SCALE: N.T.S.		
DRAWN BY: JDL		
CHECKED BY: KJP		

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S89°26'07"W	65.00'
L2	S89°26'07"W	1234.76'
L3	N00°12'18"W	1322.76'
L4	S89°15'08"W	1290.05'
L5	S88°59'57"W	2280.03'
L6	N71°45'37"E	1504.99'
L7	S57°11'08"E	82.73'
L8	N52°38'23"E	482.10'
L9	N00°13'06"E	1959.67'
L10	N88°59'45"E	1664.78'
L11	S00°41'57"E	964.81'
L12	N88°52'30"E	810.25'
L13	S00°41'57"E	332.19'
L14	S00°37'32"E	2653.59'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	300.00'	51°03'16"	267.32'
C2	125.00'	70°10'33"	153.10'



SHEET 2 OF 2

PROJ.NO.: 1934	ENTRADA P.A.D. BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: NOV. 2019		
SCALE: NONE		
DRAWN BY: JDL		
CHECKED BY: KJP		

CITY COUNCIL REPORT

SUBJECT: Avari Apartments – Development Plan – Application PL-19-0308

MEETING DATE: 8/24/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request by by Mr. Andrew Yancey, Bergin, Frakes, Smalley and Oberholtzer, PLLC, for approval of a Development Plan for Avari Apartments, a proposed 354-unit multi-family apartment community located on 16.44 net acres located at the northwest corner of Avondale Boulevard and the Corporate Drive alignment. The Council will take appropriate action.

BACKGROUND:

The 16.44 net acre subject property (Exhibits A and B) is located at the northwest corner of Avondale Boulevard and the Corporate Drive alignment; also known as The BLVD east of Avondale Boulevard. An unoccupied, vacant single-family home constructed between 1969 and 1976 is located at the southeast corner of the property; the home will be demolished when the proposed Avari Apartments development occurs. The remainder of the subject property is undeveloped and currently in agricultural/farming production.

The property was annexed in August 1976 and rezoned from Agricultural (AG) to City Center District (CCD) in August 2009. The property was again rezoned, this time from CCD to The BLVD District (BLVDD) in March 2020 following adoption of The BLVD Specific Plan. The property is located within The BLVD's Village District further described below.

The General Plan 2030 Land Use Map was amended in September 2019 to reflect the adopted The BLVD Specific Plan land use categories. The subject property is designated by the General Plan Land Use Map (Exhibit C) as "The BLVD Village District", a category intended to accommodate retail, restaurant, office, employment, and urban-form multi-family residential uses (target density of a minimum 18 dwelling units per acre), all with a strong pedestrian-oriented emphasis and contemporary urban design that interfaces with and creates a presence on adjacent streets. Development in the Village District is expected to generate a diversity of activity to attract people to the area and support The BLVD as a whole. Convenience uses that cater more to automobiles than pedestrians, for example drive-through restaurants, are limited in this land use.

As previously noted, the property is also located within the boundary of The BLVD Specific Plan (The BSP) which guides physical design and character of the site's development.

Surrounding uses and zoning include:

North: An undeveloped 19.0-acre parcel zoned The BLVD District (BLVDD), located within The BLVD's Gateway District. The BLVD Gateway District is designed to accommodate development of commercial uses

that will act as catalysts for development in the remainder of The BLVD, including post-secondary education campuses, medical campuses/hospitals, hotels and resorts, and/or corporate offices. Dense urban form residential uses are also permitted in the Gateway District portion of The BLVD.

East: On three sides, the Avari site surrounds a 0.88-acre parcel, zoned BLVDD Village District, that was developed with a single-family residence sometime between 1976 and 1979. The occupied single-family home and associated accessory buildings are considered legal non-conforming buildings and uses.

East of Avondale Boulevard: A City-owned 3.40-acre property that had, until late 2019, been used as a parking lot for the adjacent American Sports Center. The property is zoned BLVDD, located within The BLVD's Park Avenue District, which is intended to be the mixed-use core of the overall The BLVD area. The City intends to sell a portion of the property for development of a Dutch Bros. coffee shop on the north end of the parcel; the remainder of the property will accommodate future development in accordance with The BLVD Park Avenue District. Parking for the ASC is provided throughout The BLVD via on-street parking and parking areas north of the ASC.

South: Approximately 33.59 acres of undeveloped land currently in agricultural/farming production. This undeveloped site, which consists of three parcels under common ownership, is zoned BLVDD Village District, which allows for retail, restaurant, office, employment, and urban-form multi-family residential uses.

West: A 76.71-acre parcel, zoned City Center District (CCD), that is being used for agricultural/farming purposes. This property was excluded from The BLVD Specific Plan area and assigned a Mixed Use General Plan 2030 Land Use designation in September 2019.

SUMMARY OF REQUEST:

Unlike most properties within the City that require administrative review and approval of Site Plan/Design Review applications prior to construction, all properties zoned BLVDD require Planning Commission review and City Council approval of a Development Plan prior to commencement of development. The purpose of the Development Plan application is to allow for evaluation of building placement, landscaping, circulation, site lighting, signage, retention, building architecture, and other aspects of design to ensure conformance with the approved BLVDD zoning, The BLVD Specific Plan, and other applicable City policy documents.

On behalf of property owner and multi-family residential developer Lervick Investments LLC, Andrew Yancey, Bergin, Frakes, Smalley and Oberholtzer, PLLC, is requesting approval of a Development Plan application for Avari Apartments, a proposed 354-unit urban-form multi-family apartment community located on approximately 16.44 net acres at the northwest corner of Avondale Boulevard and the Corporate Drive alignment/The BLVD.

The proposed Site Plan (Exhibit E) for Avari Apartments provides for a single point of public vehicular ingress and egress via a grand entrance into the gated community off of Corporate Drive. Additionally, emergency only access is provided from inside the community to Corporate Drive, 117th Avenue, and also along the north side of the property, where first responders will have access to a temporary fire access road that will be removed once the property to the north develops and permanent access can be obtained through a future parking area on that site. As required by The BLVD Specific Plan, pedestrian access to the site from adjacent sidewalks is plentiful, with four (4) pedestrian gates into the property provided along Avondale Boulevard, five (5) along Corporate Drive, and two (2) along 117th Avenue.

A total of 40 buildings are proposed within the development, including 28 residential buildings of varying sizes, eight (8) garage buildings (each containing eight (8) single-car garages), an indoor clubhouse/leasing office, a separate exercise facility, a pool bath building, and a maintenance building. Residential buildings on the site range in height from 24.5 feet to 55.2 feet with the taller four-story (55.2-foot) buildings strategically located adjacent to Avondale Boulevard and the eastern portion of Corporate Drive to present an appearance of a

dense, urban development in accordance with the expectations of The BSP. Lower buildings, ranging in height from two to three stories (24 feet to 38.2 feet), are located along the western portion of Corporate Drive, adjacent to 117th Avenue along the property's western edge, and internal to the project. The complex's 354 units include a mix of 111 one-bedroom/one-bath, 211 two-bedroom/two-bath, and 32 three-bedroom/two-bath apartment units.

A total of 663 parking spaces are provided within the development, 26 spaces beyond the minimum parking required (637 spaces) for a multi-family development of this size. In addition to the eight (8) garage buildings containing 64 single-car garages mentioned above, 64 additional "tuck-under" single-car garages are provided on the site, resulting in a total of 128 garage parking spaces (exceeding the 126 garage spaces required by the Zoning Ordinance). In addition to garage parking, 231 covered carport parking spaces are provided; all units will be assigned at least one (1) covered parking space. There are also 306 uncovered parking spaces provided. As required for development within The BLVD, parking is located interior to the project so that it is less visible from adjacent streets. The perimeter buildings themselves serve to secure the interior of the site and block views of the majority of parking with only three (3) small parking areas, one (1) adjacent to Corporate Drive and two (2) adjacent to 117th Avenue, visible from off-property. Decorative paving is provided at the primary entry into the site and also at any location where the community's internal sidewalk network crosses parking lot drive aisles.

Buildings located at the perimeter of the subject property are sited at the minimum setback (30 feet adjacent to Avondale Boulevard, 15 feet adjacent to Corporate Drive and 117th Avenue) to create The BLVD's desired urban feel where buildings interface with adjacent streets. Direct access to the perimeter buildings from the public sidewalk is provided, allowing future residents easy access to their building/unit without having to travel a circuitous route internal to the site.

A total of 160,080 square feet of open space (22.3 percent of the net site area) is provided, greatly exceeding the fifteen (15) percent minimum required within The BLVD's Village District. Most of the open space, is provided in a 2.5-acre amenity zone located at the center of the development, where it can be conveniently accessed by the residents of all units. A range of active and passive amenities are provided, including:

- An indoor clubhouse building that will include a conference/business center, media center/movie theater, lounge area, and event kitchen. Leasing offices for the Avari Apartments will also be located within the clubhouse building.
- A large, approximately 4,000 square foot fitness building that will include an equipment gym, separate exercise classroom, and restroom/locker room facilities. The fitness facility also features a covered open-air event space to be utilized for yoga, Zumba, and/or other similar activities.
- A cardio gym, separate from the main fitness center, located on the ground floor of a residential building adjacent to Avondale Boulevard, where residents will be able to work out while overlooking the east half of The BLVD.
- A main pool area, directly north of the clubhouse, featuring a large resort-style pool, spa, cabanas, and a large trellis-covered social area with a fire pit, seating, and a barbeque area.
- A second pool designed for children/families featuring its own restroom/changing facility.
- A covered/shaded play area that includes children's playground equipment under a large shade structure.
- A five-hole artificial turf golf putting green.

- Two linear dog parks along the site's northern edge, featuring bench seating for dog owners, pet waste stations, and "fake" fire hydrants.
- A multi-use path along the site's 117th Avenue frontage that, when adjoining properties develop, will provide recreational access to the soon-to-be constructed Van Buren Street Trail. The multi-use path is located outside of any gates to allow access by residents and non-residents alike.
- Barbeque grills, benches, and other pedestrian amenities located throughout the community.
- Multiple pedestrian seating areas/plazas are provided near pedestrian gates along the Avondale Boulevard and Corporate Drive frontages. Plazas feature raised planters with shade trees and seat walls located outside the complex's pedestrian gates, allowing for use by both residents and visitors to The BLVD.
- A vertical water feature is provided to enhance the aesthetics and uniqueness of the site's Avondale Boulevard frontage.

Landscaping is provided throughout the site for aesthetic enhancement and to provide ample shade in parking areas and along pedestrian pathways and nodes. The proposed Landscape Plan (Exhibit F) meets all City landscape requirements and primarily uses plant material that is listed on the Arizona Department of Water Resources' low-water/drought-tolerant plant catalog. Street frontages landscaping includes a combination of colorful Red Push Pistache, Thornless Mesquite shade trees, and visually-interesting Italian Cypress trees. Other trees used on-site include Cascalote, Fruitless Olive, Texas Mountain Laurel, and Evergreen Elms, with Date Palms provided at the main entrance and at the main pool area to assist in creating the desired resort-like appearance.

As is required within The BLVD, the proposed building architecture (Exhibit G) is contemporary and features materials such as stucco, concrete veneer, glazing, and metal accents that accentuate modern, clean lines while adding texture, relief, and shadow for effect at strategic locations. Gray, beige, gray-blue, and white materials, with scoring provided to delineate color breaks and to create additional visual interest, is incorporated into the proposed facades. Significant variation in building parapet heights and wall planes is also incorporated into the proposed elevations along with exceptional massing to ensure the planned development will show well on-site and along adjacent streets. Buildings will feature energy efficient construction including EnergyStar appliances and light fixtures, high efficiency HVAC units, and high efficiency vinyl windows and insulation. Project walls, gates, and monument signs (Exhibit H) utilize the same materials, colors, and design techniques as the buildings to ensure the development presents cohesively.

The developer will be responsible for the construction of all water, sewer, and street infrastructure needed to serve the planned development. Required street improvements include construction of a new southbound deceleration lane along the site's Avondale Boulevard frontage, full construction of the north half of Corporate Drive adjacent to the site, full construction of the east half of 117th Avenue adjacent to the property, and constructing a new traffic signal arm with signal heads on an existing traffic signal pole at the southeast corner of Avondale Boulevard and Corporate Drive/The BLVD, allowing that intersection to function as a fully signalized four-way intersection.

It is expected that the project will develop in one phase.

PUBLIC PARTICIPATION:

Development Plan applications are not public hearing items; thus, no public notifications are required. However, as is the City's policy, all property owners within 1,000 feet of the project boundaries were notified that the proposed development was in for City review. No property owners have contacted Staff regarding this application.

PLANNING COMMISSION ACTION:

On July 15, 2020, Planning Commission considered this item and voted 5-0 to recommend approval of the proposed Development Plan subject to twelve (12) staff-recommended conditions. Commission had the following questions or comments:

- Commissioner Thompson asked, currently, how many other apartment complexes are located within the City of Avondale. Staff estimated that there were seven (7) to ten (10) of the large scale (200+ unit) complexes, with multiple smaller complexes as well. Following conclusion of the meeting, Staff research found that there were eleven large (200+ unit) complexes in the City currently, and an additional seven medium size complexes (96-190 units).
- Commissioner Amos commended the proposal for exceeding minimum parking requirements, stating that extra parking for residential uses are needed because larger groups/families are occupying residences today than in the past.
- Commissioner Amos noted the proposed water feature adjacent to Avondale Boulevard, stating that she appreciates those features but is concerned that they tend to be unused and/or removed after a period of time when maintenance becomes costly. Commissioner Amos listed a couple examples of features including the fountain at Gateway Pavilions, which no longer runs, and the former water feature at CVS (Van Buren Street at Avondale Boulevard), which was removed and replaced with a more traditional identification sign for the shopping center. Commissioner Amos asked if some sort of agreement or condition was needed to ensure the developer maintains these features for the project life cycle. Staff responded that the water feature was the idea of the project developer to create the desired aesthetic from Avondale Boulevard; usually, when that type of feature is desired by the developer rather than requested by the City, the developer has more ownership of the feature and is more likely to continue proper maintenance so that the feature's life cycle is extended. Project applicant, Carolyn Oberholtzer, also noted that the developer would need to get City approvals if they did ever seek to remove or modify site features, but that the developer is very experienced in the planning, development, and on-going management of multi-family residential communities and that features such as the proposed water element are vital to projecting the desired image.
- Commissioner Amos inquired about the carriage-style units on the Avondale Boulevard frontage, saying she was not accustomed to seeing garages adjacent to major arterial streets such as this. Staff clarified that while the buildings adjacent to Avondale Boulevard do incorporate "tuck-under" garages, those garages are accessed from the project interior and not visible from the street.

ANALYSIS:

General Plan, The BLVD Specific Plan, and BLVDD Zoning

- The high-density multi-family residential use, proposed density (18.7 units per acre), and pedestrian-oriented, urban design of the site is consistent with the property's The BLVD Village District General Plan designation, The BLVD specific Plan, and BLVDD zoning.
- The proposed plan meets all development standards for the BLVDD zoning district, including, but not limited to, minimum and maximum setbacks, building height, parking standards, and landscaping/open space requirements.

Access, Circulation, and Parking

- The site is adequately served by the proposed primary entrance on Corporate Drive, west of Avondale

Boulevard. All residents will enjoy full access to the primary entrance via a fully signalized intersection at Avondale Boulevard and Corporate Drive.

- Additional emergency-only access, as required by fire codes, is provided along the project's north, south, and western boundaries.
- The proposed configuration of the site allows for sufficient on-site circulation within the development. Ample turning radius is provided for emergency vehicles, garbage trucks, and delivery vehicles.
- As required for development within The BLVD, multiple pedestrian connections to public sidewalks along Avondale Boulevard, Corporate Drive, and 117th Avenue are provided.
- Total parking, covered parking, and garage parking all meet or exceed minimum City requirements.
- At the City's request, the developer made a significant effort to acquire the exception parcel adjacent to Avondale Boulevard that is surrounded by the subject site. If the developer can acquire that parcel in the future, approval of an amendment to this Development Plan will be required. Staff is confident that the exception parcel could be accommodated into the proposal without detriment to the remainder of the site.

Open Space and Landscaping

- Project landscaping exceeds minimum requirements and will contribute to both the aesthetics and walkability of the site.
- Open space and amenities within the community greatly exceed minimum requirements and will offer future residents of all ages a wide range of recreational options within the complex.
- Decorative pedestrian-scale lighting is provided in usable open space areas and adjacent to walking paths internal to the site.

Architectural Design

- The proposed building designs feature contemporary architecture that uses color and material to create interest on all sides, furthering the urban-themed aesthetic goals for The BLVD.
- Buildings incorporate significant variation in wall planes and parapet heights to reduce scale and contribute to the pedestrian-oriented nature of The BLVD.

DISCUSSION:

Staff recommends approval of this application for the following reasons:

- The proposed Avari Apartments Development Plan, including the Site Plan, Landscape Plan, Building Elevations, and Site Details, are in conformance with the property's The BLVD Village District General Plan Designation, The BLVD Specific Plan, and BLVDD zoning.
- The proposed Avari Apartments Development Plan, including the Site Plan, Landscape Plan, Building Elevations, and Site Details, meet or exceed development standards and requirements contained within the City of Avondale Zoning Ordinance, The BLVD Specific Plan, and Multi-Family Residential Design Manual.

- The proposal achieves City objectives for urban-form, pedestrian-centered development within The BLVD.
- Through provision of a community clubhouse, fitness center, two (2) pools, children's playground, and a wide range of other amenities, the proposal achieves City objectives related to provision of open space within residential communities.

STRATEGIC PLAN:

INITIATIVE: Encourage and support creative innovation in development and service delivery

- STRATEGIC GOAL: Encourage a flexible environment responsive to market trends.

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.
- STRATEGIC GOAL: Maintain and expand quality infrastructure and improve connectivity to City amenities.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will **APPROVE** Application PL-19-0308 Avari Apartments, a request for Development Plan approval for a proposed 354-unit multi-family residential development, subject to the following twelve (12) conditions of approval:

1. Development of Avari Apartments shall substantially conform to the following documents, except as modified by these conditions of approval:

- a. Site Plan (Sheet A1.1), electronically date stamped June 16, 2020.
- b. Landscape Plan (Sheets L100 through L104), electronically date stamped June 16, 2020.
- c. Building Elevations (Sheets A5.0 through A5.12), electronically date stamped June 16, 2020.
- d. Site Details (Sheets A1.2 through A1.4), electronically date stamped June 16, 2020.

Further, the development will be reviewed for conformance with these stipulations unless otherwise approved by the City Engineer.

2. The Development Plan will expire two (2) years from approval unless a building permit has been issued for the project.

3. Approval of a Minor Land Division (MLD)/Lot Consolidation or Final Plat will be required prior to the City issuing any permit for construction of the proposed Avari Apartments development. The MLD or Final Plat shall:

- a. Consolidate the two (2) existing parcels into a single parcel.
- b. Dedicate 40 feet of right-of-way for the north half of Corporate Drive adjacent to the property.
- c. Dedicate 40 feet of right-of-way for the east half of 117th Avenue adjacent to the property.
- d. Dedicate additional right-of-way for deceleration lanes, intersection improvements, or other necessary street improvements as identified in the project's Traffic Impact Analysis.

e. Dedicate 8-foot Public Utility Easements adjacent to Corporate Drive and 117th Avenue

4. The developer shall construct the west half-street of Avondale Boulevard adjacent to the site to the Avondale Boulevard standard contained within The BLVD Specific Plan, the north half-street of Corporate Drive adjacent to the site to the Corporate Drive standard contained within The BLVD Specific Plan, and the east half-street of 117th Avenue to the City's Minor Collector standard (Detail A1102). Half-street pavement width must be adequate to accommodate two-way vehicular traffic.

5. The developer shall relocate the existing traffic signal pole at the northwest corner of the Avondale Boulevard and Corporate Drive intersection as necessary to accommodate intersection improvements. The developer shall also provide a new trombone style mast arm with signal heads to the existing pole located at the southeast corner of the intersection; the scope of developer work shall include the appropriate rewiring and installation of a new illuminated street name sign on the mast arm.

6. The developer shall construct ADA ramps on the northwest, northeast, southwest, and southeast corners of the Avondale Boulevard and Corporate Boulevard intersection.

7. Power lines less than 69 kV and/or irrigation canals on or adjacent to the property shall be converted to underground transmission/conveyance in the first phase of development.

8. The developer shall be responsible for fiber conduit installation within the City's public right-of-way in accordance with the City's Transportation Plan and development codes.

9. All required off-site improvements shall be completed in the first phase of development prior to issuance of the first Certificate of Occupancy for the project.

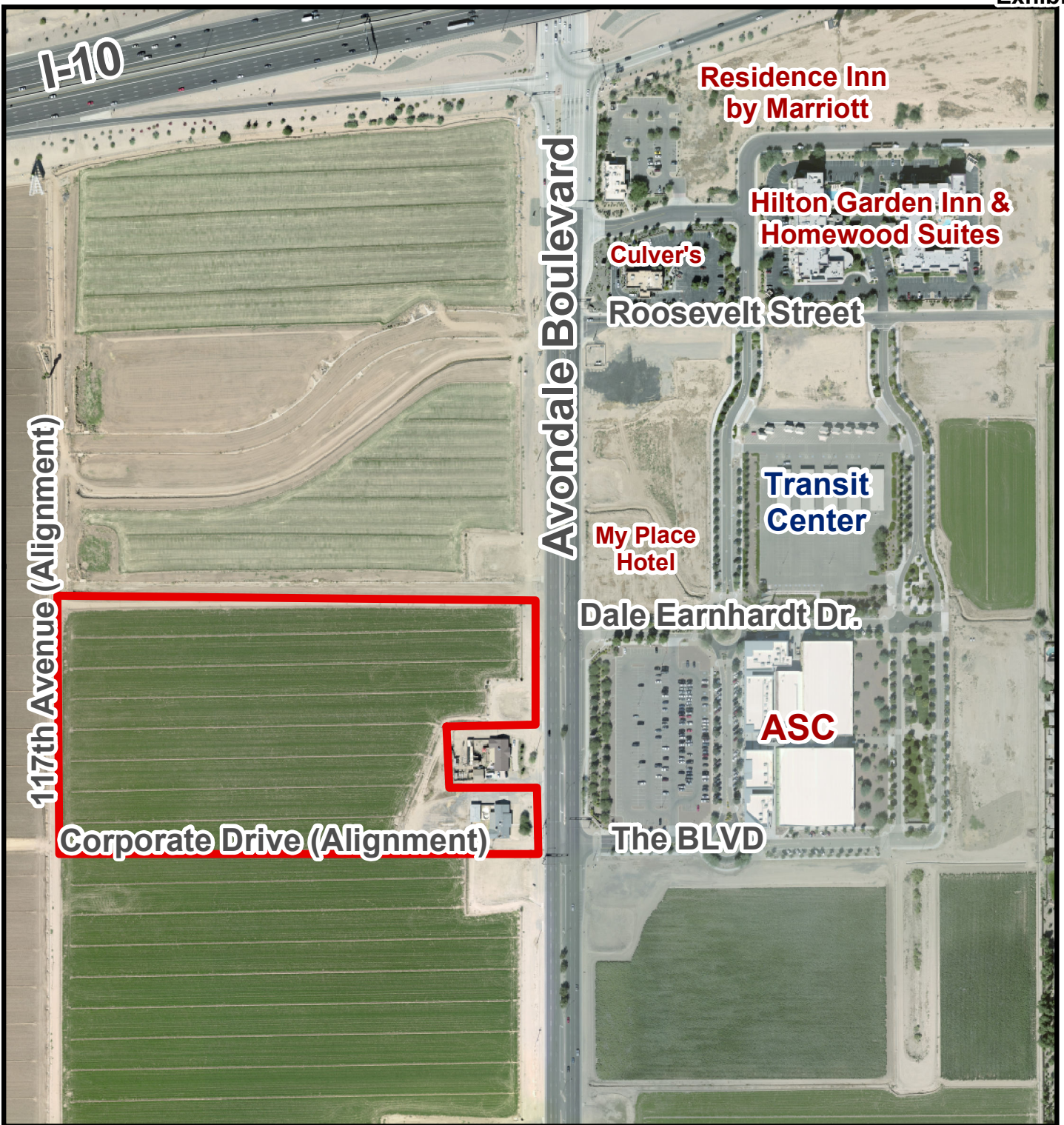
10. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for any portion of the project.

11. All development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.

12. In the event that the exception parcel is acquired and incorporated into the Avari Apartments development, approval of Development Plan in accordance with the requirements for The BLVD District shall be required.

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-19-0308 Avari Apartments, a request for Development Plan approval for a proposed 354-unit multi-family residential development, subject to twelve (12) conditions of approval as listed in the staff report.

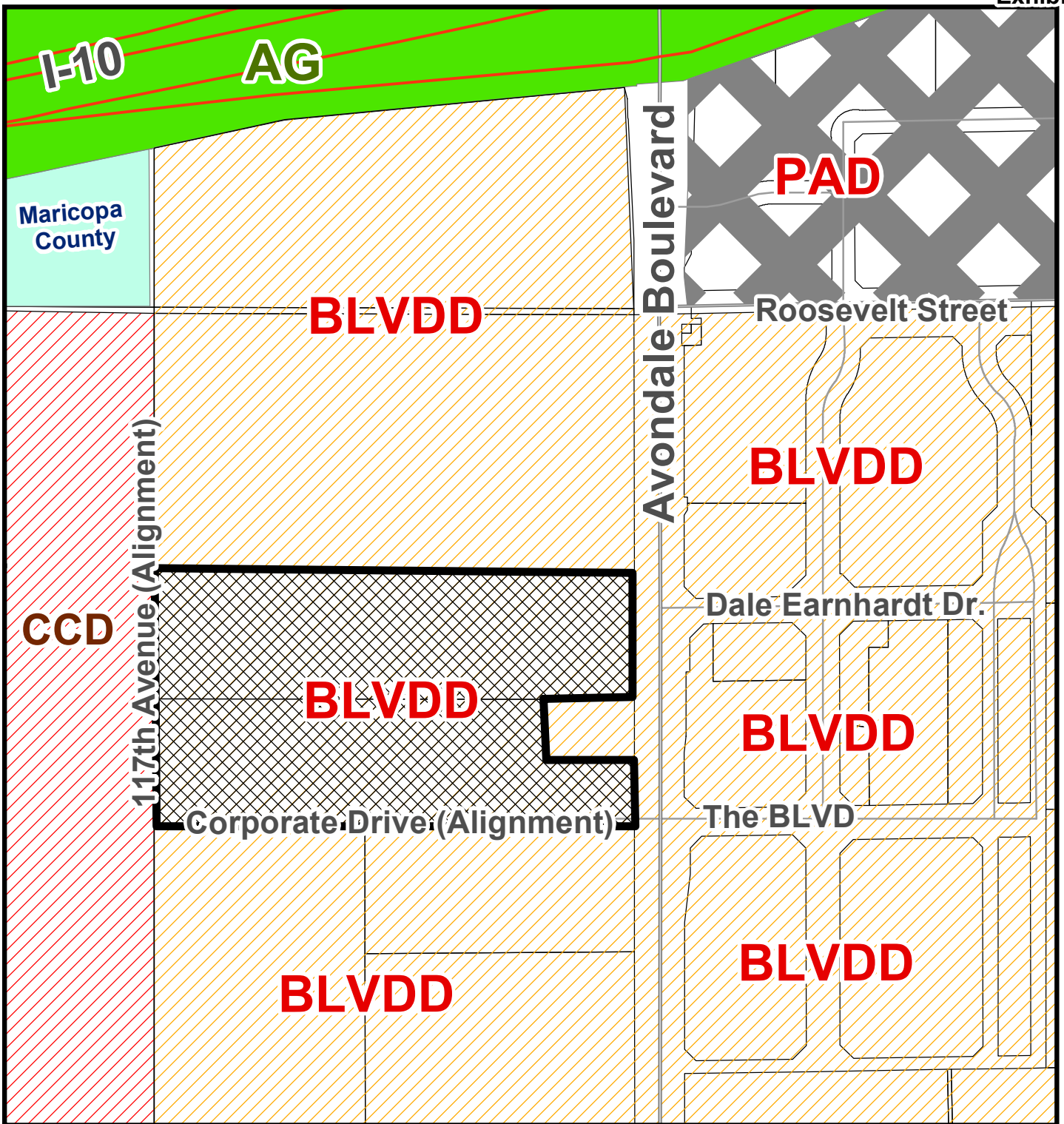


Aerial Photograph

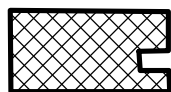


 Subject Property



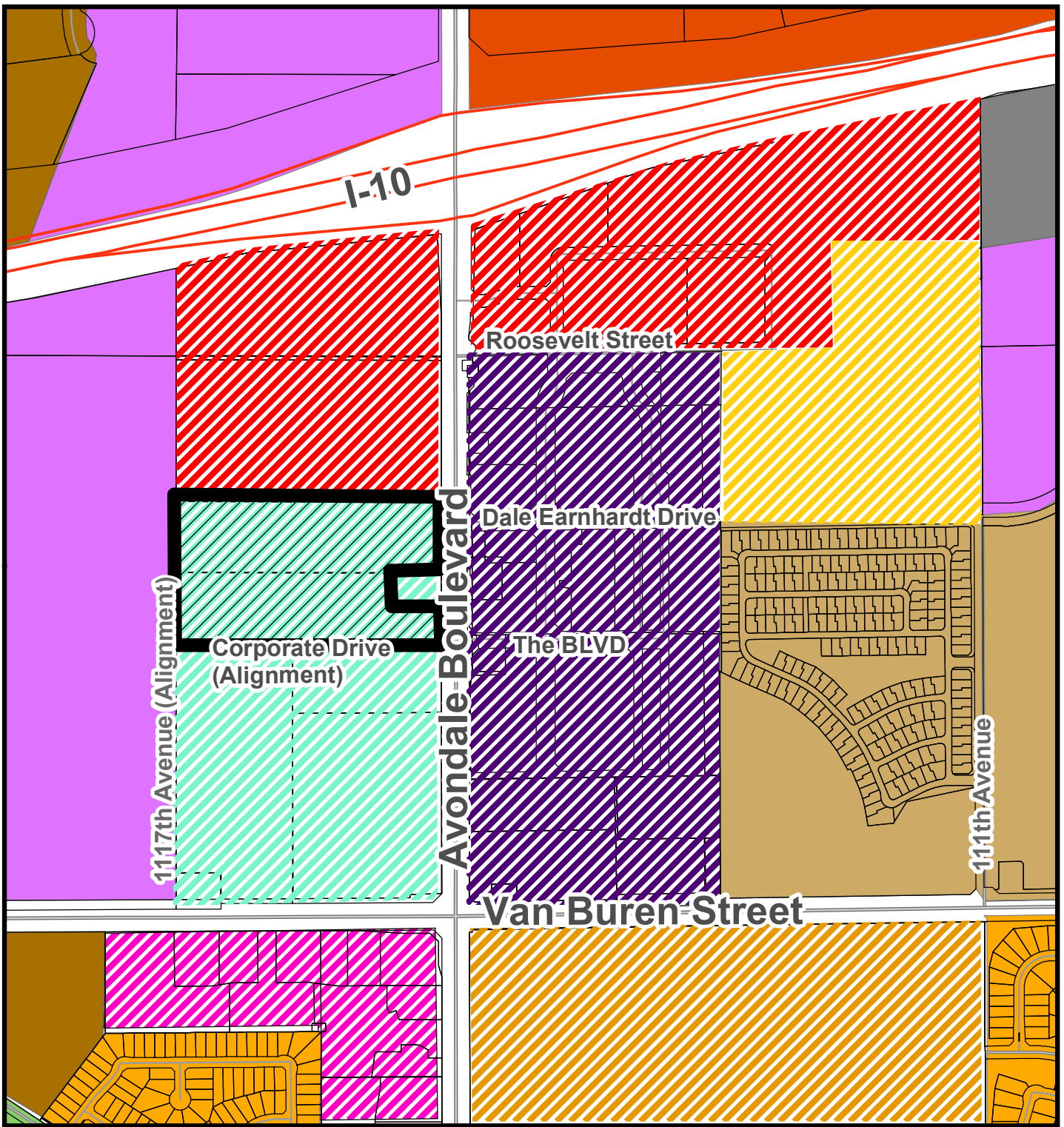


Zoning Vicinity Map



Subject Property



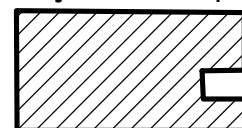


General Plan Land Use Map

- | | |
|---|---|
|  The BLVD Gateway District |  The BLVD Neighborhood District |
|  The BLVD Village District |  The BLVD Residential District |
|  The BLVD Park Avenue District |  The BLVD Promenade District |
|  Mixed Use |  Medium Density Residential |
|  High Intensity Office |  Medium/High Density Residential |
|  Freeway Commercial |  High Density Residential |



Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-19-0308 AVARI*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 18.89 gross acres; 16.44 net acres
LOCATION	Northwest corner of Avondale Boulevard and Corporate Drive alignment (called “The BLVD” east of Avondale Boulevard)
EXISTING LAND USE	An unoccupied/vacant single-family home is located at the southeast corner of the property; the home, which was constructed between 1969 and 1976, will be demolished as part of the construction of the Avari development. The remainder of the subject property is undeveloped and currently in agricultural/farming production.
EXISTING ZONING	The BLVD District Village District (BLVDD-Village)
ZONING HISTORY	The property was annexed in August 1976 and rezoned from Agricultural (AG) to City Center District (CCD) in August 2009. Upon adoption of The BLVD Specific Plan in September 2019, the property was rezoned from CCD to The BLVD District (BLVDD) in March 2020. The property is located within The BLVD’s Village District, which allows for retail, restaurant, office, employment, and urban-form multi-family uses (minimum 18 dwelling units per acre) with a strong emphasis on pedestrian-orientation and contemporary urban design that interfaces with and creates a presence on adjacent streets.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	An undeveloped 19.0-acre parcel zoned The BLVD District (BLVDD), located within The BLVD’s Gateway District. The BLVD Gateway District is designed to accommodate development of commercial uses that will act as catalysts for development in the remainder of The BLVD, including post-secondary education campuses, medical campuses/hospitals, resort hotels, and/or corporate offices. Dense urban form residential uses are also permitted in the Gateway District portion of The BLVD.
EAST	On three sides, the Avari site surrounds a 0.88-acre parcel, zoned BLVDD Village District, that was developed with a single-family residence sometime between 1976 and 1979. The home, which continues to be occupied, is a legal non-conforming building and use. East of Avondale Boulevard is a City-owned 3.40-acre property that had, until 2019, been used as the parking lot for the adjacent American Sports Center. The property is zoned BLVDD, located within The BLVD’s Park Avenue District, which is intended to be the mixed-use core of the overall The BLVD area. The City intends to sell a portion of the property for development of a Dutch Bros. coffee shop on the north end of the parcel; the remainder of the property will accommodate future development in accordance with The BLVD Park Avenue District.
SOUTH	Approximately 33.59 acres of undeveloped land currently in agricultural/farming production. This undeveloped site is zoned BLVDD Village District, which allows for retail, restaurant, office, employment, and urban-form multi-family residential uses.
WEST	A 76.71-acre parcel, zoned City Center District (CCD), that is being used for

	agricultural/farming purposes. This property had been included within the City Center Specific Plan area but was excluded from The BLVD Specific Plan area and assigned a Mixed Use General Plan 2030 Land Use designation in September 2019.
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GENERAL PLAN	
The General Plan 2030 Land Use Map was amended in September 2019 to reflect the adopted The BLVD Specific Plan land use categories. The subject property is designated The BLVD Village District. This category is intended to accommodate more conventional retail, restaurant, office, employment, and urban-form multi-family residential uses (target density of a minimum 18 dwelling units per acre), all with a strong pedestrian-oriented emphasis and contemporary urban design that interfaces with and creates a presence on adjacent streets. Development in the Village District will generate a diversity of activity to attract people to the area and support The BLVD as a whole. Convenience uses that cater more to automobiles than pedestrians, for example drive-through restaurants, are limited in this land use.	

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest district school is Collier Elementary School located at the southwest corner of Coldwater Springs Boulevard and 114 th Avenue within the Coldwater Springs community.
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Avondale Boulevard and Durango Street.

STREETS	
Avondale Boulevard	
Classification	Major Arterial
Existing half-street ROW	65 feet
Standard half-street ROW	65 feet
Existing half-street improvements	Three travel lanes, landscaped median/center turn lane, bike lane, curb, gutter, and streetlights.
Standard half-street improvements	Three travel lanes, landscaped median/center turn lane, bike lane, curb, gutter, detached sidewalk, streetlights, and landscaping.
Corporate Drive (called "The BLVD" east of Avondale Boulevard)	
Classification	Minor Collector
Existing half-street ROW	None
Standard half-street ROW	40 feet
Existing half-street improvements	None
Standard half-street improvements	One travel lane, ½ center turn lane, bike lane, curb and gutter, detached sidewalk, street lights and landscaping.
117 th Avenue	
Classification	Minor Collector

Exhibit D

Existing half-street ROW	None
Standard half-street ROW	40 feet
Existing half-street improvements	None
Standard half-street improvements	One travel lane, ½ center turn lane, bike lane, curb and gutter, detached sidewalk, street lights and landscaping.

<i>UTILITIES</i>
Water service to the property will be provided from an existing 16” main in Avondale Boulevard.
Sewer service will be accommodated to the property by tying into the existing 30” trunk line in Avondale Boulevard.
SRP provides electrical service in this portion of Avondale.

Exhibit E

Proposed Site Plan

Avari Apartments

[illegible][illegible][illegible][illegible]

2009 BIC
2009 NC
2009 NC
2009 POC
2009 POC
2009 BIC
2009 POC
2009 POC
2009 NC
2009 NC
2009 ADVAM
2009 POC (PROBABLE EDITION BY LOCAL CITY OF ANTONIOLE MEMORIAL)

AVARI APARTMENTS
CORPORATE DRIVE AND AVONDALE BLVD.
AVONDALE
ARIZONA

DRAWN BY: MY
DATE: 6-11-20
REVISIONS:



Exhibit F

Proposed Landscape Plan

Avari Apartments

AVARI APARTMENTS

LANDSCAPE ARCHITECTURE

TRUEFORM
LANDSCAPE ARCHITECTURE STUDIO
2009 NORTH 7TH STREET
PHOENIX, ARIZONA 85006
CONTACT NAME: MARC BEYER
PHONE: (480) 382-4244
EMAIL: MARC.BEYER@TRUEFORMLA.COM

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KSE DESIGN GROUP, PLC
2525 W. GREENWAY RD., SUITE 306
PHOENIX, AZ 85023
PHONE: (602) 347-7007, EXT. 100
FAX: (602) 249-1310

1. ALL SINGLE TRUNK TREES REQUIRED TO BE ON SITE SHALL BE 2" INCH CALIPER AVERAGE SIZE. TREE CALIPER FOR SINGLE-TRUNK TREES SHALL BE MEASURED AT 12 INCHES ABOVE THE GROUND. ALL MULTI-TRUNK TREES SHALL BE ONE AND ONE-HALF (1-1/2") INCH CALIPER MINIMUM. THE CALIPER FOR MULTI-TRUNK TREES SHALL BE MEASURED (12) INCHES ABOVE THE FIRST FORK OR TWELVE (12) INCHES ABOVE GROUND IF ALL TRUNKS ORIGINATE FROM THE SOIL. CALIPER OF MULTI-TRUNK TREES SHALL BE DETERMINED BY TAKING THE AVERAGE CALIPER OF ALL ITS TRUNKS. MULTI-TRUNK TREES SHALL HAVE NO MORE THAN THREE (3) TRUNKS.
2. TREE CALIPER AND HEIGHT SHALL GOVERN OVER ANY OTHER PLANTING SIZE INFORMATION PROVIDED ON THE DRAWINGS. TREES SPECIFIED BY CONTAINER SIZES ONLY SHALL NOT BE ACCEPTED.
3. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPE WITHIN THE RIGHT-OF-WAY. ALL LANDSCAPING SHALL BE MAINTAINED AS APPROVED ON THE LANDSCAPE MAINTENANCE SCHEDULE (SEE ATTACHED).
4. A 3-FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH UPON THIS CLEAR SPACE WHEN MATURING.

Age Group	Control	100 Hz	200 Hz	400 Hz	800 Hz
0	~100	~100	~100	~100	~100
50	~100	~100	~100	~100	~100
100	~100	~100	~100	~100	~100
150	~100	~100	~100	~100	~100
300	~100	~100	~100	~100	~100



A map of the project area. The map shows a grid of streets. W. Van Buren St. runs horizontally across the top. W. Corporate Dr. runs horizontally below it. S. 107th Ave. runs vertically on the left. S. Avondale Blvd. runs vertically in the center. N. Dysart Rd. runs vertically on the right. The Agua Fria River flows from the bottom left towards the center. The Project Site is located on W. Corporate Dr. between S. Avondale Blvd. and S. 107th Ave. The American Sports Center is located on W. Van Buren St. between S. 107th Ave. and S. Avondale Blvd. A north arrow is in the top right corner.

L 100 LANDSCAPE COVER SHEET
L 101 LANDSCAPE PLAN
L 102 MAINTENANCE
L 103 LANDSCAPE DETAILS
L 104 LANDSCAPE SPECIFICATIONS

APARTMENT SITE AREA:

OPEN SPACE:

TOTAL OPEN SPACE AREA REQUIRED:

15% X 716, 126 = 107,419 SF

TOTAL OPEN SPACE AREA PROVIDED = 160,080 SF

APN: 500-01-020, 500-01-007Y

ZONING: CCD / VILLAGE BLVD SUB-DISTRICT

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PHONE: (480) 382-4244
EMAIL: MARC BEYER@TRUEFORMI.AS.COM

ERIC MILLER • ARCHITECT
3620 WYOMING BLVD., NE, SUITE 210
(505) 764-8550

TRUEFORM

AVARI APARTMENTS
CORPORATE DRIVE AND AVONDALE BLVD.
AVONDALE ARIZONA

General Note:

DRAWN BY: TEAM
DATE: 06-02-20
REVISIONS:

Electronically
Submitted June
16, 2020



[illegible]

MONTHLY MAINTENANCE SCHEDULE

MONTH	SEASONAL MAINTENANCE REQUIREMENTS
JANUARY	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE - TRIM HEDGES - PRUNE LEGUOUS TREES INSPECT / REPLACE TREE STAKES
FEBRUARY	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE -
MARCH	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE - TRIM HEDGES
APRIL	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE - INSPECT / REPLACE TREE STAKES
MAY	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE - TRIM HEDGES - PRUNE FLOWERING AND DESERT TREES
JUNE	-LAWN MAINTENANCE / BERMLUDA RYE GRASS: - FERTILIZE - PRUNE PALM TREES
JULY	-LAWN MAINTENANCE / BERMLUDA RYE GRASS: - FERTILIZE - TRIM HEDGES - INSPECT / REPLACE TREE STAKES
AUGUST	-LAWN MAINTENANCE / BERMLUDA RYE GRASS: - FERTILIZE -
SEPTEMBER	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - TRIM HEDGES -
OCTOBER	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - SPRAY PRE-EMERGENT IN DECOMPOSED GRANITE FOR WEED CONTROL - GRASS NO EARLIER THAN SEPTEMBER 20TH - REPAIR AND ADJUST ROTOR SPRAY HEADS IF NEEDED - PLANT PERENNIAL RYE GRASS AT A RATE OF 15 LBS PER 1000 SQUARE FEET. DO NOT FERTILIZE UNTIL GRASS HAS MOVED.
NOVEMBER	- INSPECT / REPLACE TREE STAKES -LAWN MAINTENANCE / PERENNIAL RYE GRASS: - TRIM HEDGES - CLEAR DEAD WOOD FROM TREES
DECEMBER	-LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE - SPRAY PRE-EMERGENT IN DECOMPOSED GRANITE FOR WEED CONTROL
NOTES	- REMOVE TREE STAKES AFTER 1ST YEAR - TRIM TREES ONCE IN SPRING - RAKE DECOMPOSED GRANITE WEEKLY - REMOVE DEBRIS WEEKLY

CITY OF AVONDALE GENERAL LANDSCAPE NOTES

- | MONTH | SEASONAL MAINTENANCE REQUIREMENTS |
|-----------|---|
| JANUARY | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -TRIM HEDGES |
| | -INSPECT DEADWOOD TREES INSPECT / REPLACE TREE STAKES |
| FEBRUARY | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | - |
| MARCH | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -TRIM HEDGES |
| APRIL | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -INSPECT / REPLACE TREE STAKES |
| MAY | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -TRIM HEDGES |
| | -PRUNE FLOWERING AND DESERT TREES |
| JUNE | -LAWN MAINTENANCE / BERMUDA RYE GRASS: FERTILIZE |
| | -PRUNE PALM TREES |
| JULY | -LAWN MAINTENANCE / BERMUDA RYE GRASS: FERTILIZE |
| | -TRIM HEDGES |
| | -INSPECT / REPLACE TREE STAKES |
| AUGUST | -LAWN MAINTENANCE / BERMUDA RYE GRASS: FERTILIZE |
| | - |
| SEPTEMBER | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -TRIM HEDGES |
| | - |
| OCTOBER | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: SCALP AND LIGHTLY DETATCH BERMUDA GRASS NO EARLIER THAN SEPTEMBER 25TH IF NEEDED |
| | -PRUNE AND ADJUST MOTOR SPRAY HEADS IF NEEDED |
| | -PLANT PERENNIAL RYE GRASS AT A RATE OF 15 LBS. PER 1000 SQUARE FEET. DO NOT FERTILIZE OVERSEEDED RYE GRASS UNTIL AFTER FIRST MOWING. |
| NOVEMBER | -INSPECT / REPLACE TREE STAKES |
| | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -TRIM HEDGES |
| | -CLEAR DEAD WOOD FROM TREES |
| DECEMBER | -LAWN MAINTENANCE / PERENNIAL RYE GRASS: FERTILIZE |
| | -SPRAY PRE-EMERGENT IN DECOMPOSED GRANITE FOR WEED CONTROL |
| NOTES | -REMOVE TREE STAKES AFTER 1ST YEAR |
| | -TRIM TREES ONCE IN SPRING |
| | -RAKE DECOMPOSED GRANITE WEEKLY |
| | -REMOVE DEBRIS WEEKLY |

MAY	- LAWN MAINTENANCE / PERENNIAL RYE GRASS: - FERTILIZE - TRIM HEDGES - PRUNE FLOWERING AND DESERT TREES
JUNE	- LAWN MAINTENANCE / BERMUDA RYE GRASS:

	- PRUNE PALM TREES

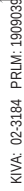
JULY	- LAWN MAINTENANCE / BERMUDA RYE GRASS:
	- FERTILIZE

	- TRIM HEDGES
	- INSPECT / REPLACE TREE STAKES
AUGUST	- LAWN MAINTENANCE / BERWUDA RYE GRASS; - FERTILIZE -
SEPTEMBER	- LAWN MAINTENANCE / PERENNIAL RYE GRASS;

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OCTOBER		- LAWN MAINTENANCE / PERENNIAL RYE GRASS; - SCALP AND LIGHTLY DETATCH BERMUDA

	- REPAIR AND ADJUST ROTOR SPRAY HEADS IF NEEDED.
	- PLANT PERENNIAL RYE GRASS AT A RATE OF 15 LBS PER 1000 SQUARE FEET. DO NOT FERTILIZE NEEDED RYE GRASS UNTIL AFTER FIRST MOWING.
	- INSPECT / REPLACE TREE STAKES
NOVEMBER	- LAWN MAINTENANCE / PERENNIAL RYE GRASS: - TRIM HEDGES
	- CLEAR DEAD WOOD FROM TREES





REMOVING LITTER IN ALL LANDSCAPED AREAS.

1. MAINTENANCE NOTES

GROUND COVER PLANTING NOTES

GRIFORM PLANTING TABLETS: SHALL BE 20-10-5 ANALYSIS
NITROGEN, 1 PER 4 GALLON, 2 PER 8 GALLON, 3 PER 12 GALLON, 4 PER 16 GALLON, 5 PER 20 GALLON, 6 PER 25 GALLON, 7 PER 30 GALLON, 8 PER 35 GALLON, 9 PER 40 GALLON, 10 PER 45 GALLON, 11 PER 50 GALLON, 12 PER 55 GALLON, 13 PER 60 GALLON, 14 PER 65 GALLON, 15 PER 70 GALLON, 16 PER 75 GALLON, 17 PER 80 GALLON, 18 PER 85 GALLON, 19 PER 90 GALLON, 20 PER 95 GALLON, 21 PER 100 GALLON, 22 PER 105 GALLON, 23 PER 110 GALLON, 24 PER 115 GALLON, 25 PER 120 GALLON, 26 PER 125 GALLON, 27 PER 130 GALLON, 28 PER 135 GALLON, 29 PER 140 GALLON, 30 PER 145 GALLON, 31 PER 150 GALLON, 32 PER 155 GALLON, 33 PER 160 GALLON, 34 PER 165 GALLON, 35 PER 170 GALLON, 36 PER 175 GALLON, 37 PER 180 GALLON, 38 PER 185 GALLON, 39 PER 190 GALLON, 40 PER 195 GALLON, 41 PER 200 GALLON, 42 PER 205 GALLON, 43 PER 210 GALLON, 44 PER 215 GALLON, 45 PER 220 GALLON, 46 PER 225 GALLON, 47 PER 230 GALLON, 48 PER 235 GALLON, 49 PER 240 GALLON, 50 PER 245 GALLON, 51 PER 250 GALLON, 52 PER 255 GALLON, 53 PER 260 GALLON, 54 PER 265 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GALLON, 157 PER 780 GALLON, 158 PER 785 GALLON, 159 PER 790 GALLON, 160 PER 795 GALLON, 161 PER 800 GALLON, 162 PER 805 GALLON, 163 PER 810 GALLON, 164 PER 815 GALLON, 165 PER 820 GALLON, 166 PER 825 GALLON, 167 PER 830 GALLON, 168 PER 835 GALLON, 169 PER 840 GALLON, 170 PER 845 GALLON, 171 PER 850 GALLON, 172 PER 855 GALLON, 173 PER 860 GALLON, 174 PER 865 GALLON, 175 PER 870 GALLON, 176 PER 875 GALLON, 177 PER 880 GALLON, 178 PER 885 GALLON, 179 PER 890 GALLON, 180 PER 895 GALLON, 181 PER 900 GALLON, 182 PER 905 GALLON, 183 PER 910 GALLON, 184 PER 915 GALLON, 185 PER 920 GALLON, 186 PER 925 GALLON, 187 PER 930 GALLON, 188 PER 935 GALLON, 189 PER 940 GALLON, 190 PER 945 GALLON, 191 PER 950 GALLON, 192 PER 955 GALLON, 193 PER 960 GALLON, 194 PER 965 GALLON, 195 PER 970 GALLON, 196 PER 975 GALLON, 197 PER 980 GALLON, 198 PER 985 GALLON, 199 PER 990 GALLON, 200 PER 995 GALLON, 201 PER 1000 GALLON, 202 PER 1005 GALLON, 203 PER 1010 GALLON, 204 PER 1015 GALLON, 205 PER 1020 GALLON, 206 PER 1025 GALLON, 207 PER 1030 GALLON, 208 PER 1035 GALLON, 209 PER 1040 GALLON, 210 PER 1045 GALLON, 211 PER 1050 GALLON, 212 PER 1055 GALLON, 213 PER 1060 GALLON, 214 PER 1065 GALLON, 215 PER 1070 GALLON, 216 PER 1075 GALLON, 217 PER 1080 GALLON, 218 PER 1085 GALLON, 219 PER 1090 GALLON, 220 PER 1095 GALLON, 221 PER 1100 GALLON, 222 PER 1105 GALLON, 223 PER 1110 GALLON, 224 PER 1115 GALLON, 225 PER 1120 GALLON, 226 PER 1125 GALLON, 227 PER 1130 GALLON, 228 PER 1135 GALLON, 229 PER 1140 GALLON, 230 PER 1145 GALLON, 231 PER 1150 GALLON, 232 PER 1155 GALLON, 233 PER 1160 GALLON, 234 PER 1165 GALLON, 235 PER 1170 GALLON, 236 PER 1175 GALLON, 237 PER 1180 GALLON, 238 PER 1185 GALLON, 239 PER 1190 GALLON, 240 PER 1195 GALLON, 241 PER 1200 GALLON, 242 PER 1205 GALLON, 243 PER 1210 GALLON, 244 PER 1215 GALLON, 245 PER 1220 GALLON, 246 PER 1225 GALLON, 247 PER 1230 GALLON, 248 PER 1235 GALLON, 249 PER 1240 GALLON, 250 PER 1245 GALLON, 251 PER 1250 GALLON, 252 PER 1255 GALLON, 253 PER 1260 GALLON, 254 PER 1265 GALLON, 255 PER 1270 GALLON, 256 PER 1275 GALLON, 257 PER 1280 GALLON, 258 PER 1285 GALLON, 259 PER 1290 GALLON, 260 PER 1295 GALLON, 261 PER 1300 GALLON, 262 PER 1305 GALLON, 263 PER 1310 GALLON, 264 PER 1315 GALLON, 265 PER 1320 GALLON, 266 PER 1325 GALLON, 267 PER 1330 GALLON, 268 PER 1335 GALLON, 269 PER 1340 GALLON, 270 PER 1345 GALLON, 271 PER 1350 GALLON, 272 PER 1355 GALLON, 273 PER 1360 GALLON, 274 PER 1365 GALLON, 275 PER 1370 GALLON, 276 PER 1375 GALLON, 277 PER 1380 GALLON, 278 PER 1385 GALLON, 279 PER 1390 GALLON, 280 PER 1395 GALLON, 281 PER 1400 GALLON, 282 PER 1405 GALLON, 283 PER 1410 GALLON, 284 PER 1415 GALLON, 285 PER 1420 GALLON, 286 PER 1425 GALLON, 287 PER 1430 GALLON, 288 PER 1435 GALLON, 289 PER 1440 GALLON, 290 PER 1445 GALLON, 291 PER 1450 GALLON, 292 PER 1455 GALLON, 293 PER 1460 GALLON, 294 PER 1465 GALLON, 295 PER 1470 GALLON, 296 PER 1475 GALLON, 297 PER 1480 GALLON, 298 PER 1485 GALLON, 299 PER 1490 GALLON, 300 PER 1495 GALLON, 301 PER 1500 GALLON, 302 PER 1505 GALLON, 303 PER 1510 GALLON, 304 PER 1515 GALLON, 305 PER 1520 GALLON, 306 PER 1525 GALLON, 307 PER 1530 GALLON, 308 PER 1535 GALLON, 309 PER 1540 GALLON, 310 PER 1545 GALLON, 311 PER 1550 GALLON, 312 PER 1555 GALLON, 313 PER 1560 GALLON, 314 PER 1565 GALLON,

ALL TREES SHALL BE GUARANTEED FOR ONE (1) YEAR. ALL TREES USED SHALL CARRY A MANUFACTURER'S GUARANTEE OF ONE (1) YEAR. ANY SETTLING OF TREE/SHRUB WELLS MAY OCCUR DURING THE 90 DAY PERIOD FINAL

OWN
MATE
OF MI
WHIC

Exhibit G

Proposed Building Elevations

Avari Apartments



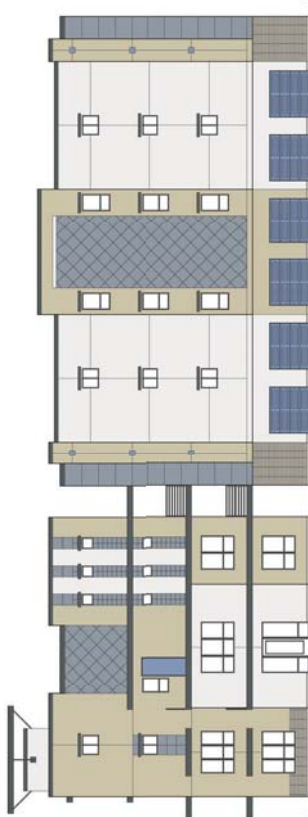
FRONT ELEVATION - BUILDING G (1/1 + 2/2)

3.35' x 1'-0"



RIGHT ELEVATION - BUILDING G (1/1 + 2/2)

3.35' x 1'-0"



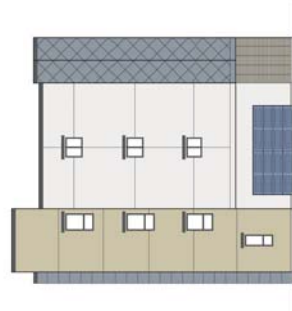
REAR ELEVATION - BUILDING G (1/1 + 2/2)

3.35' x 1'-0"



REAR 2 ELEVATION - BUILDING G (1/1 + 2/2)

3.35' x 1'-0"



LEFT ELEVATION - BUILDING G (1/1 + 2/2)

3.35' x 1'-0"



LEFT 2 ELEVATION - BUILDING G (1/1 + 2/2)

3.35' x 1'-0"

FINISH / COLOR LEGEND

- 1. MAIN STUCCO
DEC 108 ENTER LITE
- 2. SECONDARY STUCCO
DEC 108 PRECIOUS PEARL
- 3. PAINTING / ACCENTS / CLSTER / METAL HANDS - STERNOVA
DEC 108 BLACK PEARL
- 4. STUCCO ACCENTS / ARCS
DEC 108 CANADIAN LAKE
- 5. DOORS / TILE AND / ON STUCCO SQUARE DIALS
DEC 108 OCEAN CITY
- 6. 4 X 12 SCORED CONCRETE VENEER /
ON BLOCK NATURAL GREY COLOR
FINISH TEXTURE AS SELECTED BY OWNER



FRONT ELEVATION - BUILDING L/M/N (1/1 + 2/2)



REAR ELEVATION - BUILDING L/M/N (1/1 + 2/2)



LEFT ELEVATION - BUILDING L/M/N (1/1 + 2/2)



REAR 2 ELEVATION - BUILDING L/M/N (1/1 + 2/2)

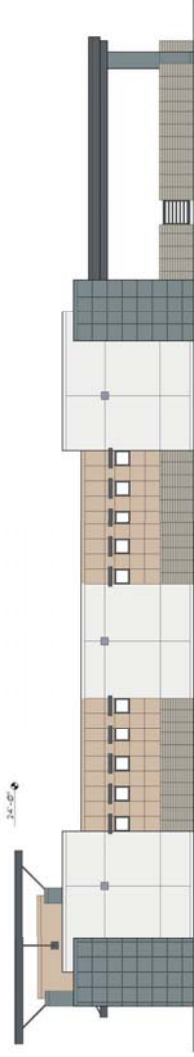


RIGHT ELEVATION - BUILDING L/M/N (1/1 + 2/2)

FINISH / COLOR LEGEND

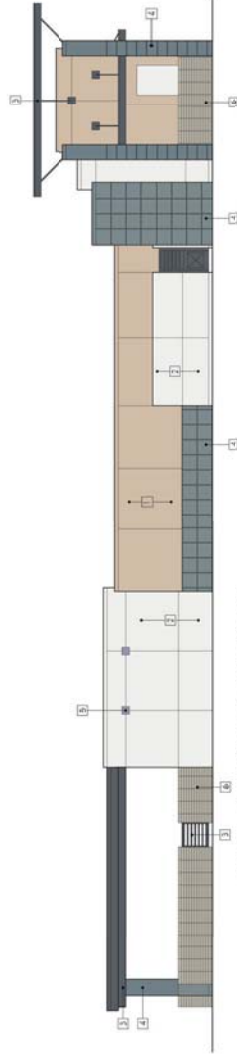
- 1. MAIN STUCCO
- 2. DECORATIVE STUCCO
- 3. SECONDARY STUCCO
- 4. STUCCO ACCENTS / PANELS
- 5. CONCRETE / TILE / ASP. OR STUCCO SQUARE DTL'S
- 6. 4 X 10 SCORED CONCRETE VENEER /

1. "HAWK" STUCCO
DEC 146 WATER LITE
2. "SECONDARY" STUCCO
DEC 146 PRECIOUS PEARL
3. "MAINLINE" ACCENTS / GATES / TRAIL WINNINGS - ETERNOL
DEC 146 BLACK PEARL
4. STUCCO ACCENTS / ORN'S
DEC 6340 CANADIAN LAKE
5. DOORS / TILES AND / OR STUCCO DYE'S
DEC 1875 COZEN CITY
6. 4 X 20 SCURED CONCRETE VINYL /
CHALK NATURAL ART. COLOR
FINISH TEXTURE AS SELECTED BY OWNER



BLDG. I - EXERCISE (NORTH ELEVATION)

10-1-01



BLDG. I - EXERCISE (SOUTH ELEVATION)

 $\frac{1}{2} \times 1 = \frac{1}{2}$ 

BLDG. I - EXERCISE (EAST ELEVATION)

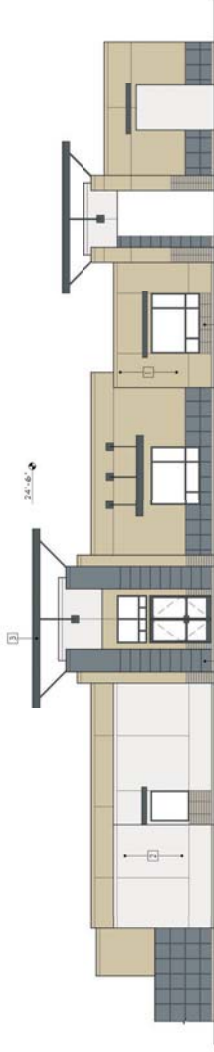
$$|U_8^*| = |1'-2'|$$


BLDG. I - EXERCISE (WEST ELEVATION)

$$1/e^* = 1 - \phi^*$$

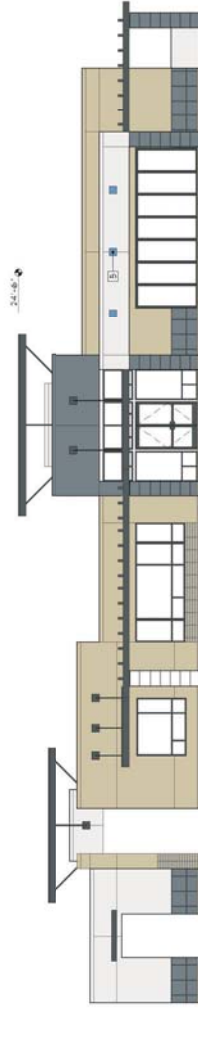
FINISH / COLOR LEGEND

1. MAIN STUCCO
DES: M8 INTER LITE
2. SECONDARY STUCCO
DES: M6 PRECIOUS PEARL
3. BALUNGS / ACCENTS / GATES / METAL JUNGLES - EXTERIORS
DES: M6 BLACK PEARL
4. STUCCO ACCENTS / GRIDS
DES: M6 CANCA/AN LAKE
5. DOORS / TILE AND / OR STUCCO SQUARE CIVILIS
DES: M6 OCEAN CITY
6. 4"x8" SCORED CONCRETE VENEER /
OR BLACK NATURAL GREY COLOR /
FINISH TEXTURE AS SELECTED BY OWNER



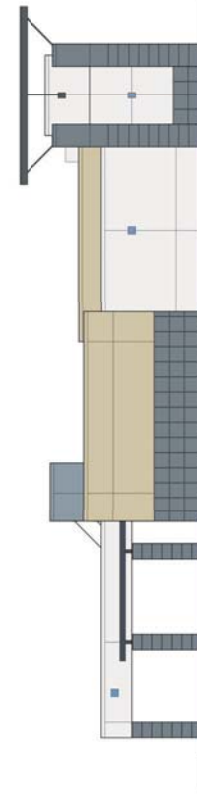
BLDG. H - CLUBHOUSE (SOUTH ELEVATION)

1/8" = 1'-0"



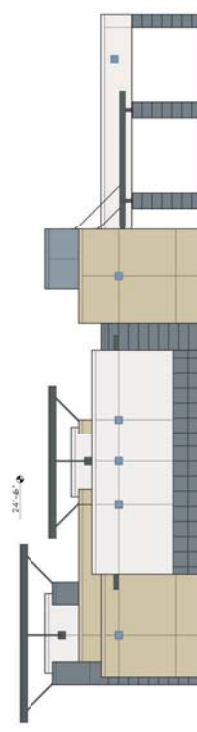
BLDG. H - CLUBHOUSE (NORTH ELEVATION - REAR POOL SIDE)

1/8" = 1'-0"



BLDG. H - CLUBHOUSE (WEST ELEVATION)

1/8" = 1'-0"



BLDG. I - CLUBHOUSE (EAST ELEVATION)

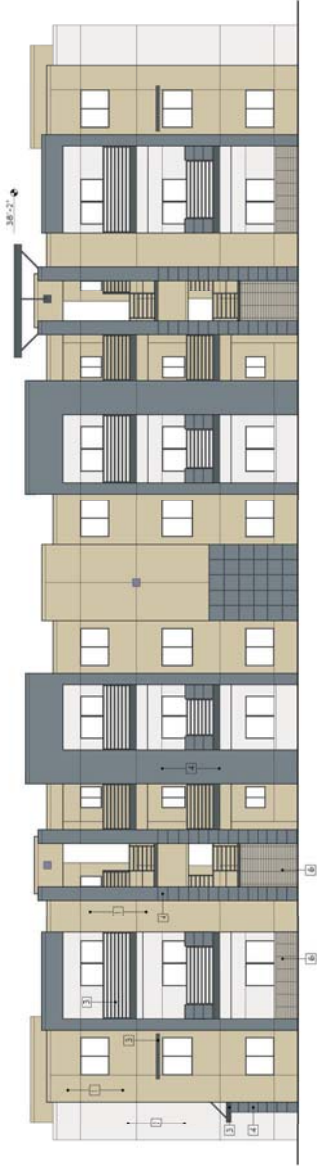
1/8" = 1'-0"

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ALBUQUERQUE, NM 87111
1000 WINDING BLVD. #100
SUITE 210
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DATE: 5-14-20
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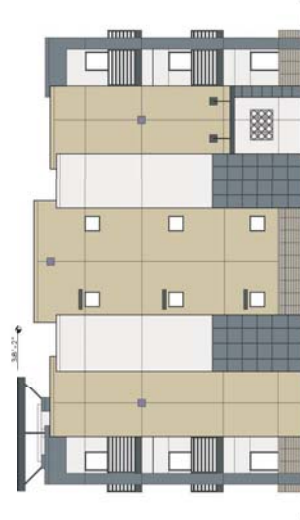
ARCHITECTURAL
A5.3
CLUBHOUSE
BUILDING



FRONT ELEVATION - BUILDING A (1/1-24)

(TYPICAL BOTH FRONTS)

1/8" = 1'-0"



SIDE ELEVATION - BUILDING A (1/1-24)

(TYPICAL BOTH ENDS)

1/8" = 1'-0"

FINISH / COLOR LEGEND	
1	MAIN STUCCO DEC M8 ENTER LITE
2	"SECONDARY" STUCCO DEC M6 "PISCOSA PEARL"
3	RAILINGS / ACCENTS / GATES / PETAL JUNGLES - STEREOCH DEC M8 BLACK PEARL
4	STUCCO ACCENTS / GRIDS DEC M40 CANADIAN LAKE
5	DOORS / T&E AND / OR STUCCO SQUARE DIALS DEC M8 OCEAN CITY
6	4" X 8" SCORED CONCRETE VENEER / OR BLOCK NATURAL GREY COLOR FINISH TEXTURE AS SELECTED BY OWNER

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A5.4

BUILDING

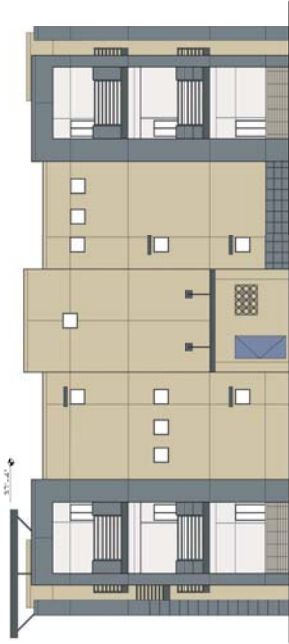
TYPE A



FRONT ELEVATION - BUILDING B (2/2-24)

(TYPICAL BOTH FRONTS)

1/8" = 1'-0"



SIDE ELEVATION - BUILDING B (2/2-24)

(TYPICAL BOTH SIDES)

1/8" = 1'-0"

FINISH / COLOR LEGEND	
1	MAIN STUCCO
2	DECORATIVE STUCCO
3	SECONDARY STUCCO
4	STUCCO ACCENTS / GRIDS
5	STUCCO ACCENTS / GRIDS
6	4" X 8" SCORED CONCRETE VENEER /
	OR BLOCK NATURAL GREY COLOR
	FINISH TEXTURE AS SELECTED BY OWNER



FRONT ELEVATION - BUILDING C1 (3/2-8)
(TYPICAL BOTH SIDES)

1/8" = 1'-0"



SIDE ELEVATION - BUILDING C1 (3/2-8)
(TYPICAL BOTH SIDES)

1/8" = 1'-0"

FINISH / COLOR LEGEND	
1	MAIN STUCCO
DES 1A	INTER LITE
2	SECONDARY STUCCO
DES 1A	INTER LITE
3	RAILING / ACCENTS / GATES / PETAL JUNGLES - STEREO
DES 1A	BLACK PEARL
4	STUCCO ACCENTS / GRIDS
DES 1A	CANADIAN LARK
5	DOORS / TILE AND / OR STUCCO SQUARE TILE
DES 1A	OCEAN CITY
6	4" X 8" SCORED CONCRETE VENEER /
	OR BLOCK NATURAL GREY COLOR
	FINISH TEXTURE AS SELECTED BY OWNER

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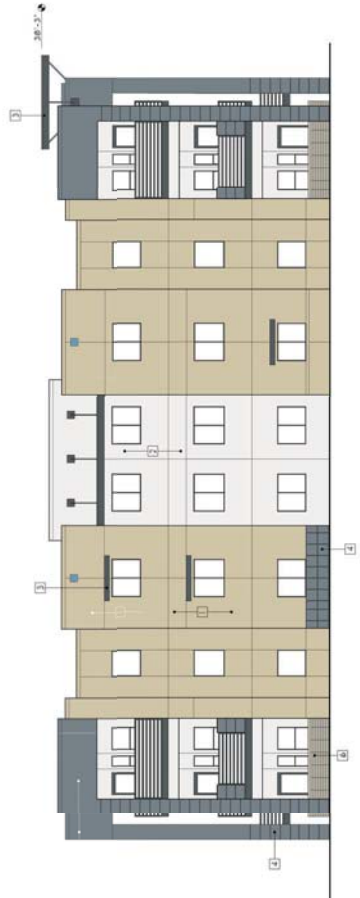
REVISIONS:

ARCHITECTURAL

A5.6

BUILDING

TYPE C1



FRONT ELEVATION - BUILDING C2 (3/2-12)

(TYPICAL BOTH SIDES)



SIDE ELEVATION - BUILDING C2 (3/2-12)

(TYPICAL BOTH SIDES)

FINISH / COLOR LEGEND	
1	MAIN STUCCO
2	DESIGN: 1/8" INTER LITE
3	SECONDARY STUCCO
4	DESIGN: 1/8" INTER LITE
5	BALCONIES / ACCENTS / GATES / PETAL JUNGLES - STEREO
6	DESIGN: 1/8" INTER LITE
7	DESIGN: 1/8" INTER LITE
8	DESIGN: 1/8" INTER LITE
9	DESIGN: 1/8" INTER LITE
10	DESIGN: 1/8" INTER LITE
11	DESIGN: 1/8" INTER LITE
12	DESIGN: 1/8" INTER LITE
13	DESIGN: 1/8" INTER LITE
14	DESIGN: 1/8" INTER LITE
15	DESIGN: 1/8" INTER LITE
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43	DESIGN: 1/8" INTER LITE
44	DESIGN: 1/8" INTER LITE
45	DESIGN: 1/8" INTER LITE
46	DESIGN: 1/8" INTER LITE
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78	DESIGN: 1/8" INTER LITE
79	DESIGN: 1/8" INTER LITE
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84	DESIGN: 1/8" INTER LITE
85	DESIGN: 1/8" INTER LITE
86	DESIGN: 1/8" INTER LITE
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88	DESIGN: 1/8" INTER LITE
89	DESIGN: 1/8" INTER LITE
90	DESIGN: 1/8" INTER LITE
91	DESIGN: 1/8" INTER LITE
92	DESIGN: 1/8" INTER LITE
93	DESIGN: 1/8" INTER LITE
94	DESIGN: 1/8" INTER LITE
95	DESIGN: 1/8" INTER LITE
96	DESIGN: 1/8" INTER LITE
97	DESIGN: 1/8" INTER LITE
98	DESIGN: 1/8" INTER LITE
99	DESIGN: 1/8" INTER LITE
100	DESIGN: 1/8" INTER LITE

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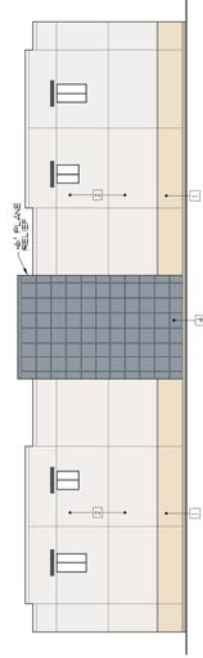
A5.7

BUILDING

TYPE C2



BUILDING D FRONT ELEVATION (Duplex - 2/1, garage)



BUILDING D REAR ELEVATION (Duplex - 2/1, Garage)



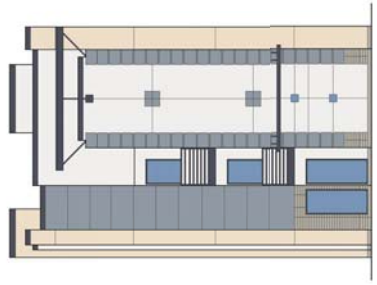
BUILDING D SIDE ELEVATION (Duplex - 2/1, Garage)
(TYPICAL BOTH SIDES)

FINISH / COLOR LEGEND

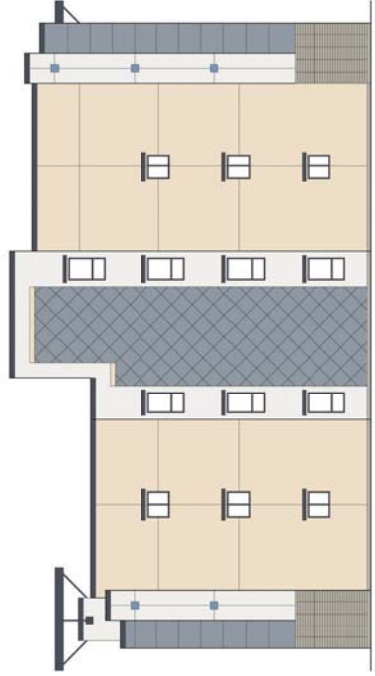
- 1. MAIN STUCCO
DES 108 ENTER LITE
- 2. SECONDARY STUCCO
DES 106 PISCOSA PEARL
- 3. WALLS / ACCENTS / CLIMB / METAL JUNGLE - STERLING
DES 108 BLACK PEARL
- 4. STUCCO ACCENTS / ARCHES
DES 106 CANADIAN LAKE
- 5. DOORS / TILE AND / OR STUCCO SQUARE DIALS
DES 106 OCEAN CITY
- 6. 4 X 12 SCORED CONCRETE VENEER /
OR BLOCK MATERIAL ONLY COLOR
FINISH TEXTURE AS SELECTED BY OWNER



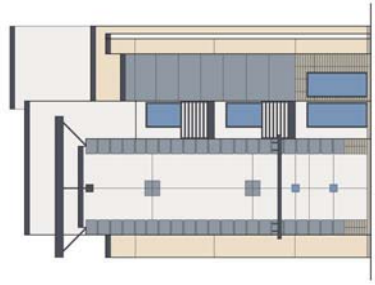
FRONT ELEVATION - BUILDING E (1/1 + 2/2)



LEFT ELEVATION - BUILDING E (1/1 + 2/2)



REAR ELEVATION - BUILDING E (1/1 + 2/2)



RIGHT ELEVATION - BUILDING E (1/1 + 2/2)

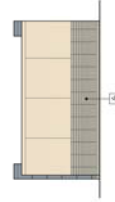
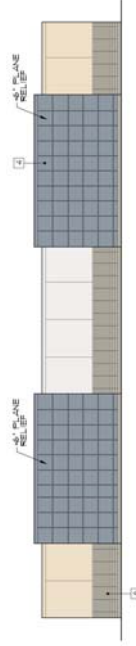
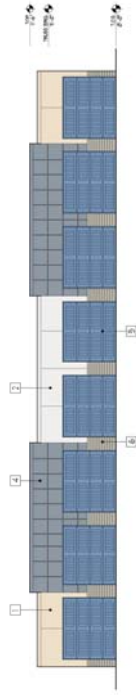
- FINISH / COLOR LEGEND**
- 1. MAIN STUCCO
DEC 108 ENTER LITE
 - 2. SECONDARY STUCCO
DEC 108 PRECIOUS PEARL
 - 3. PAINTING / ACCENTS / GLAZES / METAL FINISHES - INTERIOR
DEC 108 BLACK PEARL
 - 4. STUCCO ACCENTS / GRIDS
DEC 6345 CANADIAN LAKE
 - 5. DOORS / TILE AND / OR STUCCO SQUARE DIALS
DEC 3075 OCEAN CITY
 - 6. 4 X 12 SCORED CONCRETE VENEER /
OR BLOCK NATURAL GREY COLOR
FINISH TEXTURE AS SELECTED BY OWNER

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A5.9
BUILDING
TYPE E



FINISH / COLOR LEGEND

1. MAIN SUZZO
CDS AND ARTISTS LITE
2. "SECONDARY" SUZZO
CDS 3RD. PRECIOUS PEARL
3. BOLLING / AGENTS / GAMES / METAL JUNGLES - INTERMIX
CDS 4TH. BLACK PEARL
4. SUZZO AGENTS / OFFICE
DEBAND CANDIDIN LAKE
5. DOORS / TLE AND / OR SUZZO SQUARE DILLS
DE 5TH OCEAN CITY
6. 4.7.20 SCORDED CONCRETE / ENTER /
CHU BLACK MOUNTAIN (NET COLOR)
FINISH TEASERS AS SELECTED BY OWNER

Valuation

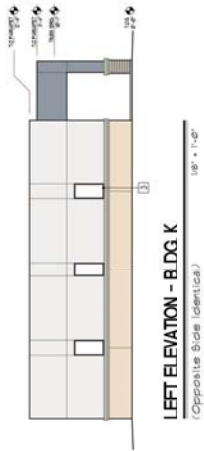
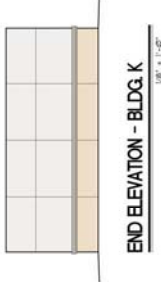
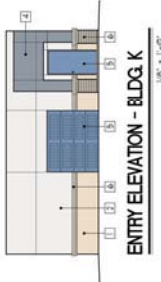
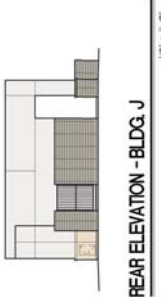
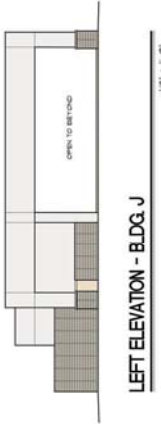
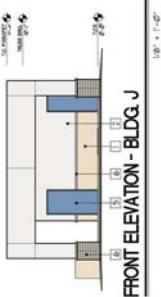
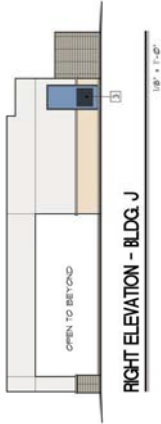
A5.10

BUILDING TYPE 0

DRAWN BY: MM
DATE: 5-5-20
REVISIONS:

AVARI APARTMENTS
AVONDALE ARIZONA

ERIC MILLER • ARCHITECT
9620 WYOMING BLVD. NE, SUITE 210
(505) 764-8550

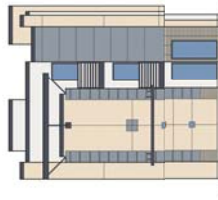


- FINISH / COLOR LEGEND**
- 1. MAIN STUCCO
DEC 108 ENTER LITE
 - 2. SECONDARY STUCCO
DEC 108 PRECIOUS PEARL
 - 3. PAINTING / ACCENTS / EXTERIOR / METAL / HANDS - INTERIOR
DEC 108 BLACK PEARL
 - 4. STUCCO ACCENTS / GRIDS
DEC 6345 CANADIAN LAKE
 - 5. DOORS / TILE AND / OR STUCCO SQUARE DIALS
DEC 5015 OCEAN CITY
 - 6. 4 X 12 SMOOTH CONCRETE VENEER /
OR BLOCK NATURAL GREY COLOR
FINISH TEXTURE AS SELECTED BY OWNER



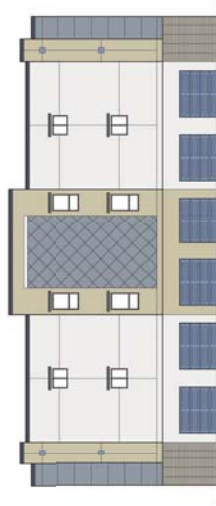
FRONT ELEVATION - BUILDING F (1/1)

3/32" = 1'-0"



RIGHT ELEVATION - BUILDING F (1/1)

3/32" = 1'-0"



REAR ELEVATION - BUILDING F (1/1)

3/32" = 1'-0"



LEFT ELEVATION - BUILDING F (1/1)

3/32" = 1'-0"

FINISH / COLOR LEGEND

- 1. MAIN STUCCO
DEC 108 ENTER LITE
- 2. SECONDARY STUCCO
DEC 108 PRECIOUS PEARL
- 3. PAINTING / ACCENTS / CLUTER / METAL HANDS - INTERIOR
DEC 108 BLACK PEARL
- 4. STUCCO ACCENTS / GRIDS
DEC 108 CANADIAN LAKE
- 5. DOORS / TILE AND / OR STUCCO SQUARE DIALS
DEC 108 OCEAN CITY
- 6. 4 X 12 SCORED CONCRETE VENEER /
OR BLOCK NATURAL GREY COLOR
FINISH TEXTURE AS SELECTED BY OWNER

Exhibit H

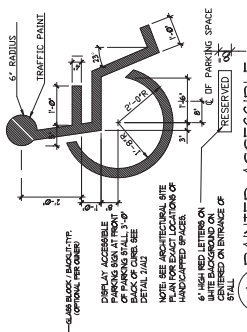
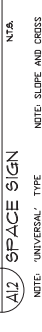
Site Details

Avari Apartments

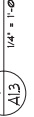
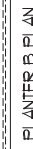
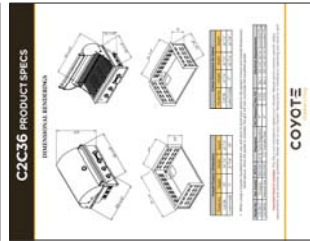
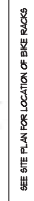
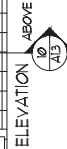


DRAWN BY: AM
DATE: 6-11-20
REVISIONS

Electronically Submitted June 16, 2020



1. 8" x 8" x 16" CHU. W/ STUCCO FINISH TO MATCH BUILDING.
2. 1" BAR CONTINUOUS BOND BEAM
3. 1/4 BARS @ 8" OC. VERT. ABOUT CELLS SOLID FULL HT.
4. PROVIDE 4" OPENING AT LOW POINT WHERE FLOOR SLORES BACK TO BIN RECEIPTABLE SPACED AT 16" - 0" OC.
5. 2-1/4 BARS CONTINUOUS.
6. FINISHED GRADE
7. 12" X 4" X 16" CHU CAP BLOCK - TYP. AT ALL





ERIC MILLER • ARCHITECT
3030 WYOMING BLVD. NE, SUITE 200
ALBUQUERQUE, NM 87110
(505) 754-8500

AVONDALE
CORPORATE DRIVE AND AVONDALE BLVD.
ARIZONA

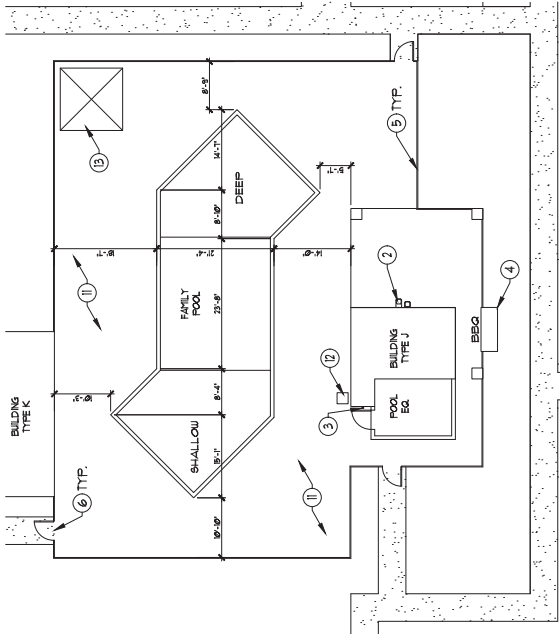
DRAWN BY: TM
DATE: 6-15-20
REVISIONS:

ARCHITECTURAL

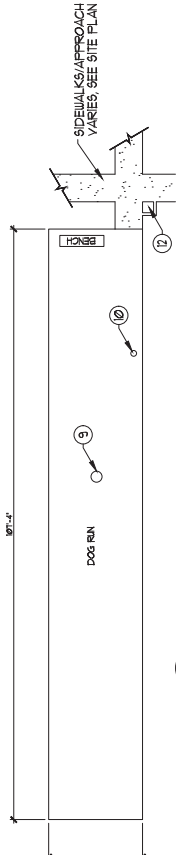
A1.4

SITE DETAILS

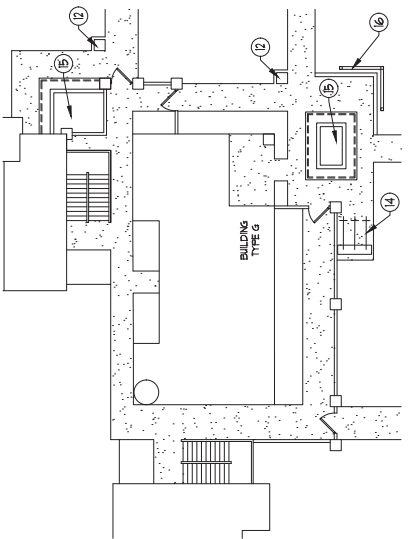
- SITE KEYED NOTES
1. MEDIAN BENCH SEE DETAIL A1.4
 2. SHOWER HEAD W/ 8" TYP. RAINFALL
 3. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 4. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 5. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 6. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 7. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 8. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 9. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 10. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 11. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 12. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 13. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 14. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 15. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 16. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 17. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 18. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 19. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)
 20. 4" DIA. 10' POOL SECURITY BARRIER FENCING (PER MARICOPA COUNTY)



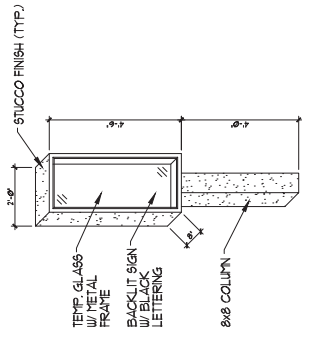
3 FAMILY POOL AREA
A1.4



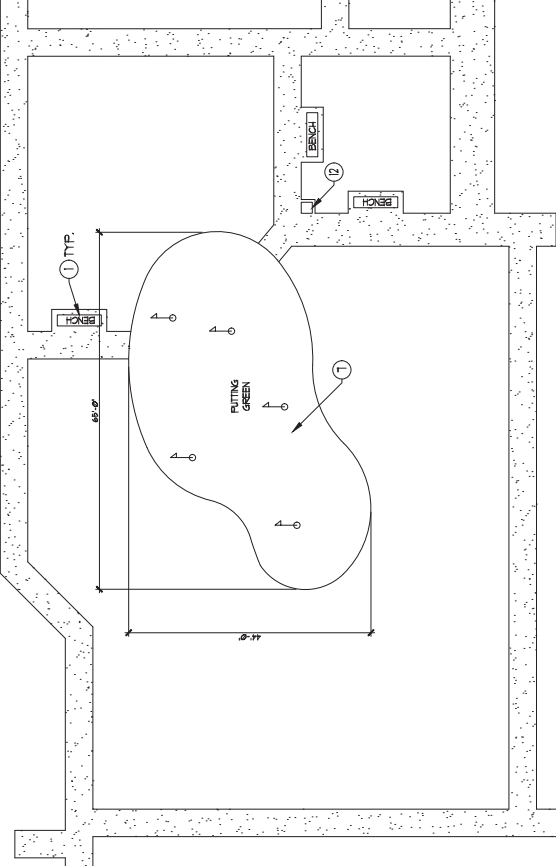
4 DOG STATION AREA
A1.4



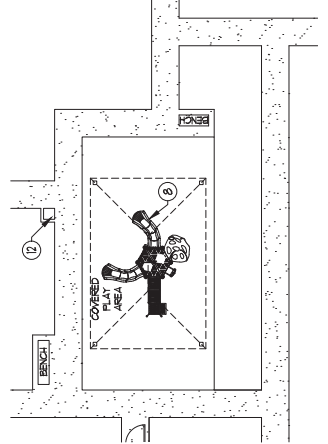
5 CORNER PLAZA AREA
A1.4



6 PROJECT DIRECTORY SIGN
A1.4



1 PUTTING GREEN AREA
A1.4



2 TOT LOT AREA
A1.4



SHADE STRUCTURE - EXAMPLE
(BUILT BY OTHERS)
MFG: ALUNING WORKS INC.

2 TOT LOT AREA
A1.4