Amendment #1 - 10/01/2020

City of Avondale

City Council Online Meeting

Monday, October 5, 2020

Mayor and Council

Kenneth 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 | Cherlene Penilla, Deputy City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

Online Meeting

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

Using a Mobile Device? Download the Zoom Cloud Meeting App

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

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Notice & Agenda
Monday, October 5, 2020

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WORK SESSION
6:30 P.M.

CALL TO ORDER BY MAYOR

1. **ROLL CALL BY THE CITY CLERK**

2. **FEDERAL UPDATE**
   City Council will receive an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. This item is for discussion only.

3. **A NEW LEAF – EAST VALLEY HOMELESS SERVICES AND EXPANSION EFFORTS**
   City Staff will present to Council, information on A New Leaf, a housing, health and community services organization, seeking to expand their homeless services in the West Valley. This item is for discussion only.

4. **ADJOURNMENT**

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should fill out a card located at the back of the Council Chambers and hand it to the City Clerk prior to consideration of that agenda item.

REGULAR MEETING
7:00 PM
(will convene following the Work Session meeting)

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. PRESENTATION ITEMS

a. SWEARING-IN CEREMONY
Ms. Nicholle Harris will be sworn in as the new City Attorney of the City of Avondale.

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 September 11, 2020 City Council Retreat Minutes. The Council will take the appropriate action.

b. FISCAL YEAR 2019-2020 (FY2020) YEAR END BUDGET AMENDMENTS
City Council will consider a request to approve a budget amendment utilizing contingency for certain departments which exceeded the FY2020 amended budget appropriation and approve the transfer of budget appropriation for capital projects that changed funds. The Council will take appropriate action.

c. RESOLUTION 1064-1020 - AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR JOINT LEGAL REPRESENTATION IN THE GILA RIVER GENERAL STREAM ADJUDICATION
City Council will consider a request to adopt Resolution 1064-1020 authorizing the Second Amendment to the Intergovernmental Agreement with the cities of Glendale, Mesa, Scottsdale, and Tempe for joint legal representation in the Gila River General Stream Adjudication; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1065-1020 - INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) FOR THE DYSART ROAD ANONYMOUS RE-IDENTIFICATION (ARID) PROJECT

City Council will consider a request to adopt Resolution 1065-1020 authorizing an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Dysart ARID project for the installation of traffic signal hardware, and to authorize the Mayor, or City Manager and City Clerk, to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1066-1020 - MEMORANDUM OF AGREEMENT FOR EPA BROWNFIELDS ASSESSMENT GRANT

City Council will consider a request to adopt Resolution 1066-1020 approving a Memorandum of Agreement with the City of Phoenix, City of Tempe, and Arizona State University to execute an EPA Brownfields Assessment Coalition Grant in the amount of $600,000 for the three-year term of the agreement and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. RESOLUTION 1067-1020 – AMENDED INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA DEPARTMENT OF CHILD SAFETY AND THE PARTNERING AGENCIES WITH THE SOUTHWEST FAMILY ADVOCACY CENTER

City Council will consider a request to adopt Resolution 1067-1020 authorizing the first amendment of an Intergovernmental Agreement (IGA) between the State of Arizona Department of Child Safety (DCS) and the partnering agencies of the Southwest Family Advocacy Center (SWFAC), which include the City of Avondale, the City of Buckeye, the City of Goodyear, and the Maricopa County Sheriff's Office to extend the shared use of the SWFAC facility and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. FINAL PLAT FOR PARK 10 PHASE 3 - APPLICATION PL-20-0078

City Council will consider a request by Mr. Jeff D. Behrana, Optimus Design Group, for approval of a Final Plat for Park 10 Phase 3. The proposed Final Plat divides 28.54 acres of undeveloped land into five (5) lots, dedicates right-of-way at the intersection of McDowell Road and Harbor Shores Boulevard to accommodate construction of a new traffic signal, and dedicates public water and sidewalk easements to accommodate the development of Park 10 Phase 3 (Barrio Queen, Mountainside Fitness, and Shops C multi-tenant retail building) in accordance with City requirements. The subject property, located at the southeast corner of McDowell Road and 107th Avenue, includes 21.02 acres of unsubdivided land and Lot 3 of Park 10 Phase 2, an existing 7.52-acre platted parcel which will be re-platted as part of this Final Plat. The Council will take appropriate action.

5. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1068-1020 - MINOR GENERAL PLAN LAND USE MAP AMENDMENT FOR HANCOCK COMMUNITIES AT MCDOWELL 117 – APPLICATION PL-20-0054

City Council will hold a public hearing and consider a request to adopt Resolution 1068-1020 approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Avondale Townhomes on Dysart, a proposed 217 unit multi-family residential development located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue. The proposed Minor General Plan Amendment, if approved, will amend the land use designation of approximately 32.30 acres of land inclusive of 19.07 acres of privately owned property, 9.53 acres of adjacent Interstate 10 (I-10) right-of-way and a 3.70 acre undeveloped portion of Friendship Park, from High Density Residential (HDR) to Medium/High Density Residential (MHDR).

b. PUBLIC HEARING AND ORDINANCE 2028-1020 - REZONING FROM PLANNED AREA DEVELOPMENT AND MANUFACTURED HOME PARK TO PLANNED AREA DEVELOPMENT FOR HANCOCK COMMUNITIES AT MCDOWELL 117 – APPLICATION PL-20-0055

City Council will hold a public hearing and consider a request to adopt Ordinance 2028-1020, approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to rezone 19.07 acres of land located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue from Planned Area Development (PAD) and Manufactured Home Park (MH) to PAD (Planned Area Development). The proposed Hancock Communities at McDowell 117 PAD will allow for a 217 unit, single-story multi-family residential development at a density of 11.3 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation will be considered separately.

c. PUBLIC HEARING AND RESOLUTION 1069-1020 - CRYSTAL COVE (RISI HOMES) – MINOR GENERAL PLAN AMENDMENT – APPLICATION PL-20-0076

City Council will hold a public hearing and consider a request to adopt Resolution 1069-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Crystal Cove, a proposed 10.59 gross acre multi-family residential development located at the northeast corner of Central Avenue and La Canada Boulevard. The proposed Minor General Plan Amendment (GPA), if approved, will amend the General Plan 2030 Land Use Map designation from Local Commercial to High Density Residential. Approval of this request is needed in order to approve a concurrent rezone request within a separate agenda item.

d. PUBLIC HEARING AND ORDINANCE 2029-1020 – REZONING FROM COMMUNITY COMMERCIAL (C-2) TO PLANNED AREA DEVELOPMENT FOR CRYSTAL COVE – APPLICATION PL-20-0077

City Council will hold a public hearing and consider a request to adopt Ordinance 2029-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to rezone approximately 10.59 gross acres of property located at the northeast corner of Central Avenue and La Canada Boulevard from C-2 (Community Commercial) to Planned Area Development (PAD). The proposed PAD will allow for development of a 238 unit multi-family residential development with a density of 24.9 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation will be considered separately.

e. PUBLIC HEARING AND ORDINANCE 2030-1020 - MAJOR PLANNED AREA DEVELOPMENT AMENDMENT FOR INTERSTATE COMMERCE CENTER (PIERCE 99) - APPLICATION PL-20-0070

City Council will hold a public hearing and consider a request to adopt Ordinance 2030-1020, approving a request by Adam Baugh, Withey Morris PLC, for a Major Amendment to the Interstate Commerce Center Planned Area Development (PAD) located at the northwest corner of 99th Avenue and Pierce Street. The proposed Major Amendment will amend the PAD to allow warehouse and distribution uses as a primary use to be permitted on Lots 5 and 6 of the Interstate Commerce Center PAD on 8.58 gross acres of vacant land located approximately 250 feet west of the northwest corner of 99th Avenue and Pierce Street. Permitted uses on other parcels within the Interstate Commerce Center PAD are not modified by the proposed Amendment.

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.

Item Number: 2.

CITY COUNCIL REPORT

SUBJECT: Federal Update

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Jessica Blazina, Intergovernmental Affairs Administrator, (623) 333-1612

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:
City Council will receive an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. This item is for discussion only.

BACKGROUND:
In July 2015, the Avondale Council approved the City's contract with Capital Edge, Inc. for federal advocacy services. Capital Edge, a Washington, D.C. based advocacy and consulting firm, specializes in representing municipal government, and has represented Avondale's interests at the federal level since December 2009.

DISCUSSION:
Capital Edge's services to the city include:

- Advocating for (or opposing) legislation that may impact the City
- Identifying and promoting pertinent federal grant opportunities
- Influencing the regulatory activities of federal agencies
- Serving as a liaison between the City and the congressional delegation
- Promoting City priorities with national local government organizations

Some recent issues on which Capital Edge has worked include: passage of a five-year reauthorization of federal highway and transit programs known as the "FAST Act;" supporting funding in annual federal budgets for important local government programs such as CDBG and HOME at HUD and the COPS program at the Department of Justice and federal investments in water infrastructure at EPA; opposing federal infringement on local zoning and regulation; promoting consideration of legislation to allow states and local governments to collect sales taxes on out-of-state online purchases; and advocating for direct payment to cities and towns for COVID-19 relief packages.

Capital Edge's DC presence continues to serve as a valuable resource in arranging meetings for Avondale officials with offices of the City's congressional delegation n Washington, DC as well as with key federal agency personnel. Recent activities by Congress and the President will shape what is to come for local governments for the remainder of 2020 and 2021. Capital Edge will discuss how these policies and others

may affect Avondale. Some of these matters include:

- FY 2020 budget highlights
- Infrastructure and transportation package
- Lands and Conservation
- Federal regulatory issues
- Federal intrusion on local control
- Law enforcement and immigration
- COVID Relief Packages

BUDGET IMPACT:
There is no budgetary impact.

RECOMMENDATION:
This item is for information and discussion only.

Item Number: 3.

CITY COUNCIL REPORT

SUBJECT: A New Leaf – East Valley Homeless Services and Expansion Efforts

MEETING DATE: 10/5/2020

TO: Mayor and Council

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

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Staff will present to Council, information on A New Leaf, a housing, health and community services organization, seeking to expand their homeless services in the West Valley. This item is for discussion only.

BACKGROUND:

Through the city's continued efforts to evaluate gaps in service and identify partners to expand the network of programs and services available to the homeless and those at risk of becoming homeless, the City of Avondale has established an Intergovernmental Agreement with the Maricopa County Human Services Department (MCHSD) to provide services that include temporary emergency shelter, outreach, and case management to people experiencing homelessness in Avondale. The funding provided through this agreement has strengthened the current programs that the City of Avondale has in place and has allowed for the following elements to be incorporated into our homeless services:

- A full-time case worker to support the Interfaith Homeless Emergency Lodging Program (IHELP) operated in the City of Avondale by Lutheran Social Services
- A full-time Avondale Homeless Support Specialist for the City of Avondale to continue efforts coordinating services and resources for those experiencing homelessness in Avondale
- Increased homeless navigation services to 32 hours per week with a dedicated outreach team through Phoenix Rescue Mission
- Neighborhood and Family Services, along with other departments such as the Avondale Police Department continuously work together to enhance and leverage coordination of services and programs to address the issue of homelessness in our community.

Recently, A New Leaf's executives have been reaching out to cities in the west valley to explore opportunities to secure support for an expansion of shelter and services. Neighborhood and Family Services Department staff met with A New Leaf and the City of Mesa staff to gather information about the shelter and services being provided in the east valley.

DISCUSSION:

A New Leaf offers shelter, case management and wraparound services via two campuses located in the City of Mesa.

La Mesita Family Homeless Shelter is a 16-unit family shelter that provides a broad array of services to help homeless families with minor aged children to become self-reliant. It is the only shelter in the East Valley that allows parents to bring their children with them, a critically needed resource for families in crisis. The La Mesita Family Homeless Shelter serves approximately 250 adults and children annually and is reserved for families screened and referred by the Family Housing Hub, Maricopa County's Coordinated Entry System specifically for families. Families can stay up to 120 days in one to two-bedroom apartments with basic needs provided upon entry including food, clothing, hygiene and household items. La Mesita delivers comprehensive services meant to assist families with becoming stable and secure in their housing and basic needs.

East Valley Men's Center (EVMC) is a 94 bed, barracks style facility that provides shelter and support services to single men, the largest homeless population in Arizona, and the population that struggles most to find assistance. EVMC assists men as they re-integrate into the community with safe and stable housing and provides the tools to maintain self-sufficiency. EVMC works with residents to build a personalized plan to foster physical and mental health, financial independence, and social responsibility. The program provides comprehensive services and customized strategies for each resident. East Valley Men's Center assists men with securing employment and saving money for their transition to safe, stable housing. Case Managers work individually with clients to set personal goals and address the barriers that inhibit them from becoming productive and contributing members of society. The Center provides life skills training, work assistance, socialization skills, Rapid Re-Housing efforts, food, basic needs and shelter.

Funding for shelter and services is provided by the City of Mesa and other partners in the region to include the City of Scottsdale, City of Tempe, City of Chandler and Town of Gilbert. Funding streams include General Fund, Community Development Block Grants and Emergency Shelter Grants with contributions ranging from $5,000 to $90,000.

A New Leaf believes that its wrap-around support service model, continuum of programs, collaborative partnerships, and years of experience, is what sets it's shelter programs apart, helping families and individuals overcome challenges and achieve self-sufficiency.

BUDGET IMPACT:

There is no budgetary impact regarding this project at the current time.

RECOMMENDATION:

For information and City Council discussion.

Item Number: 4.a.

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 10/5/2020

TO: Mayor and Council

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

THROUGH: Gina Montes, Assistant City Manager, 623-333-1012

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

PURPOSE:
City Council will consider a request to approve the September 11, 2020 City Council Retreat 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 September 11, 2020 City Council Retreat Minutes.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
September 11, 2020

A **Strategic Plan Retreat** of the City Council of the City of Avondale, Arizona was convened at using the Zoom Cloud Meeting platform in open and public session at 4:33 p.m. All participants attended by phone or video.

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; Craig Jennings, Judge; 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 member of the public was present.

1 ROLL CALL BY THE CITY CLERK

2. WELCOME AND INTRODUCTIONS

The Novak Consulting Group and Raftelis Team were introduced:

- Julia Novak, Executive Vice President of the Novak Consulting Group / Raftelis
- Darin Thomas, Vice President of Raftelis
- Catherine Carter, Manager with the Novak Consulting Group / Raftelis

3. REVIEW INPUT ON THE CITY'S STRATEGIC PLANNING FRAMEWORK

Ms. Novak stated that one of the objectives of the retreat is to review input received from City Council, department heads and the community. The goal is to find agreement in terms of the structure of the Strategic Plan via discussion of the straw man strategic framework. Important considerations include Council priorities and initiatives.

4. REVIEW INPUT ON THE FOLLOWING QUESTIONS

- What is true today about Avondale that you hope will still be true in 10 years?
- What is not true about Avondale today that you hope will be true in 10 years?

Mr. Thomas provided an overview of major themes, which covered the following questions: What is true of the City of Avondale today that you hope remains true in the next five years? What attributes may not exist now, but you would like to see them in the next ten years?

Themes for the five-year timeline include:

- Welcoming, family-friendly community
- Safe and diverse
- Sense of place, with great neighborhoods, small town feel, historic roots
- Thriving businesses and diverse living opportunities
- High level of service and infrastructure maintenance
- Quality staff and leadership

Themes for the ten-year timeline include:

- Residents will have more restaurants and entertainment opportunities
- Be more connected to other communities with high quality transportation options
- Diverse employment and industries
- Be resilient and focused on environmental stewardship, strong infrastructure
- Develop services to better support the homeless population and support affordable housing

Major themes identified by Council Members include: Growth (traffic flow, infrastructure), staffing and workforce, support for the homeless, varied development opportunities, public safety and affordable housing. An online community summit was held to gather input from citizens. One of the exercises included gathering feedback from participations to the City's current strategic initiatives. Participants were also asked to answer the aforementioned questions.

Themes for the five-year timeline include:

- Sufficient water supply and open space
- Approachable City staff and Council
- Safe, community feel
- Great amenities for all ages
- Sustained growth
- Reasonable cost of living
- Well-maintained, clean city

Themes for the ten-year timeline include:

- More mass transportation
- Expanded affordable housing
- Great jobs in the West Valley
- Robust programs to address homelessness
- More diverse businesses and employment opportunities
- Unique entertainment opportunities

Similar discussions were held with City staff, with staff members identifying significant issues facing the City as: continued growth, economic development, diversification of employment opportunities, safe and timely response to emergencies, opportunities for mixed-use entertainment district, development of outdoor amenities, and shifting needs as a result of COVID. There were common themes addressed between citizen, City Council, and staff input.

Ms. Carter addressed the five specific strategic initiatives:

1. Foster Sustainable Community Development: Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The question posed to Council was whether this is still appropriate and applicable to priorities moving forward. All Council Members who responded to the survey agreed that it is still applicable. There were some suggestions regarding rewording. Community input indicated that affordable housing is a concern. Other community comments addressed what it means to have the City built-out, keeping up with infrastructure, support for human services, sense of place, and support of small businesses in Old Town.

2. Create and Support Diverse Recreation and Entertainment Opportunities: Avondale provides residents with the ability to connect with amenities, businesses and their community, enhancing the opportunity to live, work and enjoy a healthy lifestyle.

Council agreed that this initiative remains relevant and should continue to be a focus. Rewording and shortening the statement was suggested by Council. Community feedback indicated that residents had an understanding that this is an initiative the City is focused on. They reported feeling as though things were improving and that the City was on a good track. They appreciate the investment in parks and open spaces. The community expressed appreciation for a variety of resources and amenities provided by the City. There were a few HOA-related comments, with participants interested in the opportunity to expand amenities in existing communities.

3. Advocate for and Support Community-Oriented Lifelong Learning Opportunities: Avondale will continue to foster an environment where education is a defining value and learning opportunities abound for residents of all ages.

Council suggested rewording the strategic initiative to: “Community Supported Lifelong Educational Opportunities,” and rewording the definition to: “Avondale will foster pipeline to employment and will influence youth and adult education.” Broadly speaking, community input indicated that the City should be using its resources to provide access to a large spectrum of learning opportunities that should be accessible and available to people of all ages. Libraries were suggested as a hub for such resources. Other suggestions included new programs for seniors, social opportunities, and leveraging the Read-On Avondale Program to expand community partnerships in early childhood education.

4. Encourage and Support Creative Innovation in Development and Service Delivery: The City will continue to serve as a model of innovative, efficient and responsive government.

The Council discussion involved how residents can be encouraged to be part of innovation. One Council question was whether this strategic initiative is understandable and relatable to the general public. There was a rewording suggestion for the definition around the idea that the City will investigate all avenues to innovate, be efficient, and deliver responsive government. Community input included very positive comments regarding City staff. They felt staff was impressive, accessible, and responsive to concerns. Other comments expressed the need for inclusion and accessibility to City services. Participants wanted more communication on opportunities for partnerships, collaboration, and communication between different groups.

5. Create a Connected Community: The City will work directly and closely with our citizens to devise and implement programs that work

The Council discussion included that implementation should involve consistent communication, to ensure citizens are informed, and sharing of updates on a regular basis. There was a rewording suggestion for the definition: “The City will provide many resources to engage our citizens and provide programs for all stages of growth.” Community comments were related to transportation, Wi-Fi connectivity, and accessibility to fiber optics infrastructure. There were also suggestions of connectivity related neighborhood gatherings and mass transit.

5. DISCUSSION ON THE SUGGESTED FRAMEWORK

The consultant will share proposed modifications to the City’s Strategic Plan that takes into consideration input received to date. City Council feedback and suggestions will be solicited to modify the framework.

Ms. Novak said the proposal for Avondale’s strategic planning framework includes seven outcome areas, the five already reviewed plus two additional categories: Public Health & Safety and Natural Resources & Open Space. The process revealed that people value the natural amenities in the City as well as the feeling of safety in the community. Ms. Novak described the initiatives as the “big buckets” of things that must go well in order for the community to advance towards Council’s vision.

Ms. Novak asked for Council’s input on adding the two new strategic outcomes. There was consensus on the appropriateness of the additions.

Mayor Weise inquired if connectivity would be explained further, as the community comments showed that there were different interpretations on the definition of connectivity. Ms. Novak stated that would be clarified within the definitions.

Ms. Novak listed the suggested outcomes, along with suggested definitions of success:

1. **Creative and sustainable community development: Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.** This language in this initiative was not changed.

2. Diverse recreation and entertainment opportunities: Avondale provides residents with the ability to connect with amenities, businesses and their community, enhancing the opportunity to live, work and enjoy a healthy lifestyle. The language was revised as follows: **Avondale provides residents with the ability to connect with amenities, businesses and their community, enhancing the opportunity to live, work and enjoy a healthy, active, and affordable lifestyle.** The change was in response to much input regarding an affordable lifestyle. Vice Mayor Dennis agreed that one of the key items of input from citizens was the desire for affordability. Mayor Weise agreed, especially with Avondale having the hottest market in the State.

3. **Community-oriented lifelong learning opportunities: Avondale will continue to foster an environment where education is a defining value and learning opportunities abound for residents of all ages.** This language in this initiative was not changed. Council Member Nielson stated that he sat on a school board meeting on Tuesday night, where they drafted a resolution to ensure that the community, parents, and children work together to increase education and lifelong learning. This is an ideal opportunity for the City and the Littleton School District to work together. Mayor Weise asked Council Member Nielson to provide some language to be incorporated into this initiative. He further encouraged all Council Members to forward any desired language changes.

4. Innovative program and service delivery: The City will continue to serve as a model of innovative, efficient and responsive government. Ms. Carter noted that this initiative was slightly changed for consistency. The language was revised as follows: **Avondale will continue to serve as a model of innovative, efficient and responsive government.**

5. Create a connected community: The City will work directly and closely with our citizens to devise and implement programs that work. This was revised to speak to infrastructure its regional nature. The language was revised as follows: **Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the City's resources, the region and each other.**

The two new initiatives were presented.

6. **Support public health and safety: Avondale is a City where all people feel safe and secure, relying on trusted public and community-based resources.** Feedback from the community included high marks for Avondale's public safety departments and stressed the importance of safety and security.

7. **Protect natural resources and open spaces: Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations and activities.** Council Member Nielson commented that setting this as a stand-alone initiative, clearly communicates the City's commitment to the natural resources' environment. Vice Mayor Dennis suggested inclusion of City lands in the language. Ms. Carter suggested the following revision: "…in its operations, activities and planning."

6. AGREEMENT ON PROPOSED FRAMEWORK

Consultant will conclude the meeting by agreeing on a proposed framework to use for the City's Strategic Plan Update.

Ms. Carter summarized that there is agreement on the framework. A workshop with City staff is scheduled for October regarding implementation of initiatives within each of the outcome areas. It would be helpful to gather Council comments and feedback regarding new topics or issues they would like to have considered.

Vice Mayor Dennis suggested looking at specifics on affordable housing and how this can be enacted in the community. Topics of importance would include how Avondale invests in affordable housing and ensuring that it is available into the future. It would also be helpful to address the varying perspectives of Avondale residents. For example, Old Town residents have expressed feeling left behind in terms of infrastructure and other areas. She also suggested looking at the long-term resolution ideas for homelessness in the City.

Council Member Malone stated that the community should be looked at as whole. She acknowledged that some older neighborhoods are falling behind. Before the pandemic, the City was in the midst of good conversation and engagement with older communities in terms of desired improvements. It is important that they do not lose momentum, despite COVID. She also addressed the importance of addressing homelessness.

Council Member Conde agreed with Vice Mayor Dennis and Council Member Malone's comments. It is also important to educate and empower residents in terms of local government processes, such as how Board & Commission and Council meetings run. It is important to engage people in the process.

Council Member Pineda suggested looking more closely at private/public partnerships opportunities such as infrastructure and development projects. In terms of transportation, he would like to see more consideration for modes such as walking and biking.

Council Member Kilgore commented that the COVID-19 pandemic exposed a vulnerability in the nation in terms of entertainment and entertainment revenues. The financial losses impacted many cities because they put a lot of emphasis on large gatherings through entertainment venues. Avondale should ensure it has revenue sources that can still generate income through any pandemic or disaster. The City should focus on economic engines and resources that will continue, such as grocery stores or tech companies. The pandemic also increased the demand for quality tech and the City

should focus on having technical resources and assets. He noted the importance of having technical resources to ensure sustainability for the future. He noted the City would not be able to assist with the homeless or other issues if the proper funding is not being generated.

To summarize, Mayor Weise stated having a more diverse employment base, instead of just relying on just one thing. Council Member Kilgore said yes, while also bringing in technology businesses and assets that will sustain Avondale through a pandemic or natural disaster.

Council Member Nielson said he spent last weekend in Las Vegas, and he concurred with the importance of staying away from one focused area such as entertainment. He suggested an avenue for communicating to residents what development plans are upcoming for specific areas of the City. It is also important to get families and kids involved in City Council meetings.

Mayor Weise commented that the pandemic also exposed failings in the school system. The City should be more involved with the school districts in terms of forming partnerships. He noted that some at-home students did not have access to laptops or Wi-Fi; this is an opportunity for such partnership.

Council Member Nielson suggested the public safety departments visit the schools during the lunch hours to increase their interaction with the students. Council Member Malone commented that both fire and police have built strong relationships with the school district.

7. NEXT STEPS

- Staff Retreat – October 29th
- City Council Work Session – November
- Completion – December

8. ADJOURNMENT

There being no further business before the Council, Vice Mayor Dennis moved to adjourn the Strategic Plan Retreat; 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 5:36 p.m.

_____
Kenneth Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Strategic Plan Retreat of the Council of the City of Avondale held on the 11th day of September 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

_____
Marcella Carrillo, City Clerk

Item Number: 4.b.

CITY COUNCIL REPORT

SUBJECT: Fiscal Year 2019-2020 (FY2020) Year End Budget Amendments

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Lindsey Duncan, Finance & Budget Director, (623) 333-2011

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Council will consider a request to approve a budget amendment utilizing contingency for certain departments which exceeded the FY2020 amended budget appropriation and approve the transfer of budget appropriation for capital projects that changed funds. The Council will take appropriate action.

BACKGROUND:

The adopted Financial Policies of the City state that transfer of general fund contingency appropriation requires City Council approval and the transfer of appropriation between funds requires City Council approval.

DISCUSSION:

Staff is recommending adjusting the FY2020 budget for items either not accounted for in the original FY2020 budget or items that changed funds in FY2020. The adjustments are detailed below and specific dollar amounts to be transferred are detailed in Exhibit A.

1. Unbudgeted transactions: A few items were not budgeted in FY2020 and the expenses related to these items is causing certain areas to be over budget. Items in this category include bad debt expense, real estate transaction related-costs, bond issuance costs, and unbudgeted retirement payouts in FY2020. The total impact to the general fund contingency is $474,173. Overall, these items are covered by other savings in the budget and the City actual expenses in FY2020 were below the FY2020 adopted budget of $236,699,250.
2. Change in Project Funds: For FY2020, bond proceeds were separated from other capital sources. To establish the budget in the new bond funds, budget needs to be transferred for these projects from the construction funds to the bond funds.

Interfund transfers

Printer Copier Fund to Equipment Management Fund – The Printer Copier Fund was discontinued in FY2020. For the fund balance, staff recommends transferring the balance to the Equipment Replacement Fund, which is a similar purpose. The proposed interfund transfer is $1,193,954 in FY2020.

BUDGET IMPACT:

The proposed FY2020 budget amendment will lower the budget capacity available in the general fund contingency by $474,173 and increase the various department budgets. As of October 5, 2020, the only expenses that can post to FY2020 are accounting adjustments. As these expenses that necessitate this budget contingency have already posted, there was no additional costs associated with this item.

RECOMMENDATION:

It is recommended that City Council approve the transfer of budget appropriation detailed on Exihibit A and adjust the interfund transfer schedule on Exhibit B.

Exhibit A

Transfer From

Account Number	Fund	Department	Item Description		Amount	Justification
101-5300-00-9900	General Fund	Non-Departmental	General Fund Contingency	$	474,173	Contingency Line Item
308-1161-00-8001	Police Construction	Police	Police Expansion Project	$	542,934	Change in project fund
308-1161-00-8150	Police Construction	Police	Police Expansion Project	$	8,645	Change in project fund
308-1161-00-8220	Police Construction	Police	Police Expansion Project	$	2,992,356	Change in project fund
310-1105-00-8210	Park Construction	Parks and Recreation	Festival Fields Park Project	$	1,007,437	Change in project fund
322-1410-00-8001	One-Time Capital	Neighborhood and Family Srv	Resource Center Project	$	720,933	Change in project fund
322-1410-00-8150	One-Time Capital	Neighborhood and Family Srv	Resource Center Project	$	12,545	Change in project fund
322-1410-00-8230	One-Time Capital	Neighborhood and Family Srv	Resource Center Project	$	3,629,944	Change in project fund
514-1469-00-8200	Water Construction	Public Works	North Avondale Water Supply	$	870	Change in project fund
514-1469-00-8520	Water Construction	Public Works	North Avondale Water Supply	$	759,344	Change in project fund
Total				**$**	**10,149,181**	

Transfer To

Account Number	Fund	Department	Item Description		Amount	Justification
101-5100-00-5010	General Fund	City Administration	City Administration Personal Services	$	62,350	Retirement Payout
230-5300-00-6980	Dedicated Sales Tax	Non-Departmental	Dedicated Sales Tax - Bad Debt	$	8,705	Bad Debt Expense not budgeted
322-1511-00-8200	One Time Capital	Non-Departmental	Land Acquisition	$	1,012	Real Estate Transaction costs not budgeted
360-5300-00-9425	PRO Bond Construction	Non-Departmental	Bond Issuance Costs	$	96,000	Bond issuance costs not budgeted
430-5300-00-9410	0.5% Sales Tax Debt Service	Non-Departmental	Bond Principal	$	306,106	Budget for principal was low
350-1161-00-8001	General Obligation Bond	Police	Police Expansion Project	$	542,934	Change in project fund
350-1161-00-8150	General Obligation Bond	Police	Police Expansion Project	$	8,645	Change in project fund
350-1161-00-8220	General Obligation Bond	Police	Police Expansion Project	$	2,992,356	Change in project fund
350-1105-00-8210	General Obligation Bond	Parks and Recreation	Festival Fields Park	$	1,007,437	Change in project fund
350-1410-00-8001	General Obligation Bond	Neighborhood and Family Srv	Resource Center Project	$	720,933	Change in project fund
350-1410-00-8150	General Obligation Bond	Neighborhood and Family Srv	Resource Center Project	$	12,545	Change in project fund
350-1410-00-8230	General Obligation Bond	Neighborhood and Family Srv	Resource Center Project	$	3,629,944	Change in project fund
360-1469-00-8200	0.5% Sales Tax Debt Service	Public Works	North Avondale Water Supply	$	870	Change in project fund
360-1469-00-8520	0.5% Sales Tax Debt Service	Public Works	North Avondale Water Supply	$	759,344	Change in project fund
Total				**$**	**10,149,181**	

Exihibit B

Transfer From Fund	Transfer To Fund	Fiscal Year	Amount	Reason
604 - Printer - Copier Service	603 - Equipment Replacement	FY2020	$ 1,193,954	Printer Fund no longer exist, moving balance

Item Number: 4.c.

CITY COUNCIL REPORT

SUBJECT: Resolution 1064-1020 - Amendment to Intergovernmental Agreement for Joint Legal Representation in the Gila River General Stream Adjudication

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Nicholle Harris, City Attorney, (623) 333-1514

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Council will consider a request to adopt Resolution 1064-1020 authorizing the Second Amendment to the Intergovernmental Agreement with the cities of Glendale, Mesa, Scottsdale, and Tempe for joint legal representation in the Gila River General Stream Adjudication; and 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 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.

In August of 2006, the five original partner cities (Avondale, Chandler, Glendale, Mesa and Scottsdale) first contracted with Engelman Berger, P.C. On July 1, 2019 the five cities entered into a new Intergovernmental Agreement for joint legal representation in the Gila River General Stream Adjudication (the "IGA"). The City of Chandler later decided to handle the matter in-house and withdrew from the joint representation. On August 24, 2020, Council approved the First Amendment to the IGA and the Legal Services Contract with Engelman Berger P.C. to reflect Chandler's withdrawal.

DISCUSSION:

The purpose of the this Amendment is to include the City of Tempe as a party to the IGA and 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.

The Second Amendment to the IGA includes the City of Tempe and reflects the updated cost sharing structure between the five cities. The new cost sharing structure decreases the costs to the City of Avondale from 25% to 20%.

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. Per the terms of the contract, the City shall not be liable for any amount in excess of $34,400 per year.

RECOMMENDATION:

Staff recommends that the City Council Adopt a Resolution approving the Second Amendment to the Intergovernmental Agreement with the cities of Glendale, Mesa, Scottsdale, and Tempe for joint legal representation in the Gila River General Stream Adjudication; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

RESOLUTION NO. 1064-1020

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITIES OF GLENDALE, MESA, SCOTTSDALE, AND TEMPE 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 Second Amendment to the Intergovernmental Agreement with the cities of Glendale, Mesa, Scottsdale, and Tempe 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, Arizona, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1064-1020

[Amendment]

See following pages.

SECOND AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT

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

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

WHEREAS, the City of Tempe desires to become a party to the Original Agreement as amended by this Second Amendment; 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;

NOW, THEREFORE, in consideration of the terms and conditions of this Second 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 Second Amendment is to include the City of Tempe as a party to the Original Agreement and 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 Second 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 defined below) as amended with the City of Tempe.

4. Subject to the terms of this Second 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 October 1, 2020, which share currently is as follows:

CITY	LEGAL FEE %	EXPERT FEE %
Avondale	20%	20%
Glendale	20%	20%
Mesa	20%	20%
Scottsdale	20%	20%
Tempe	20%	20%
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 Second Amendment may be canceled pursuant to A. R. S. § 38-511.

8. This Second 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 Second 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 Second 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 Second Amendment will, upon partial or complete termination of the Original Agreement as amended by this Second Amendment, be disposed of in equal pro-rata shares among the Cities.

11. The provisions of the Original Agreement as amended by this Second Amendment are severable. If any portion or portions of the Original Agreement as amended by this Second 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 Second Amendment.

13. This Second 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 Second Amendment to be effective as of October 1, 2020.

ENGELMAN BERGER, P.C.

By: [redacted]

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 Second 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 Second 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**

_____ By: _____

City Clerk

Its: _____

DETERMINATION OF LEGAL COUNSEL

The foregoing Second 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 Second 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

ATTEST:

CITY OF TEMPE

_____
City Clerk

By: _____

Its: _____

DETERMINATION OF LEGAL COUNSEL

The foregoing Second 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

_____
Judith R. Baumann
Tempe City Attorney

Item Number: 4.d.

CITY COUNCIL REPORT

SUBJECT: Resolution 1065-1020 - Intergovernmental Agreement with Arizona Department of Transportation (ADOT) for the Dysart Road Anonymous Re-Identification (ARID) Project

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development and Engineering Services Director, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

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

PURPOSE:

City Council will consider a request to adopt Resolution 1065-1020 authorizing an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Dysart ARID project for the installation of traffic signal hardware, and to authorize the Mayor, or City Manager and City Clerk, to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The City of Avondale applied for Congestion Mitigation and Air Quality (CMAQ) funding through the Maricopa Association of Governments (MAG) for the Dysart Road ARID project which tracks wifi or bluetooth signals of vehicles on the road, between Indian School Road and Main Street (MC85).

DISCUSSION:

This project will provide real-time traffic flow information on Dysart Road between Indian School and Main St (MC85) (at sixteen locations). Additionally, to obtain highest level data acquisition, numerous existing on-street traffic signal system components will also be upgraded with the funding. The data obtained from the project is used to assist in improving how the street performs for all transportation and safety needs.

The funding is only for design and procurement tasks. City Traffic staff will install and configure the devices for service. No street construction activities are associated with the project, only wiring in the traffic cabinets.

The MAG grant funds will be available in FY2021. The Project's estimated procurement cost is $442,255.00, with the federal contribution estimated to be $383,080.00 and the City's cost share estimated to be $59,175.00, which includes the City's cost share for design and procurement and the estimated City cost for ADOT project management and design review fees.

Funding Summary:

Federal-aid funds at 94.3%	$383,080.00
City's match at 5.7%	$23,155.00 (City Responsibility)
Design	$5,000.00 (City Responsibility)
Subtotal – Design & Procurement	$411,235.00
ADOT Proj. Dev. Admin. Cost	$31,020.00 (City Responsibility)
Estimated TOTAL Project Cost	$442,255.00
Total Estimated City Funds	$59,175.00
Total Federal Funds	$383,080.00

Schedule:
IGA Approval - October 2020
Installation Completion - June 2021

Strategic Plan Alignment

Initiative: Foster Sustainable Community Development
Goal: Maintain and Expand Quality Infrastructure and Improve Connectivity to City Amenities

BUDGET IMPACT:

The City is required to fund the project upfront, and will be reimbursed at the completion of the project. The City funding needed for the Project is $500,000, which includes an additional contingency of $57,745.00.

Funding for this project in the amount of $500,000 is available in CIP Fund Line 304-1547-00-8410, Dysart Road Traffic Flow Improvement Project

RECOMMENDATION:

Staff recommends that City Council adopt a resolution authorizing the Intergovernmental Agreement (IGA) between the City of Avondale and the Arizona Department of Transportation (ADOT) allowing ADOT to oversee the procurement and installation of project devices, and authorize the Mayor, or City Manager and City Clerk, to execute the necessary documents

EXHIBIT A

IGA 20-0007817I
Cost Estimate

T0267 01D/01X

The federal funds will be used for the Project Development Administration (PDA) and procurement costs of the Project. The estimated Project costs are as follows:

T0267 01D (ADOT (PDA) Cost, non-federal aid):

PDA costs*	$ 30,000.00
Subtotal – PDA*	**$** 30,000.00

T0267 01X (procurement):

Federal-aid funds @ 94.3%	$ 383,080.00
City's match @ 5.7%	$ 23,155.00
City's contribution @ 100%	$ 5,000.00
Subtotal – Procurement	**$ 411,235.00**
Estimated TOTAL Project Cost	**$ 441,235.00**
Total Estimated City Funds	**$ 58,155.00**
Total Federal Funds	**$ 383,080.00**

* (Included in the City's Estimated Funds)

RESOLUTION NO. 1065-1020

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA RELATING TO THE INSTALLATION OF ANONYMOUS RE-IDENTIFICATION DEVICES AT SIGNALIZED INTERSECTIONS ON DYSART ROAD FROM INDIAN SCHOOL ROAD TO BUCKEYE ROAD (MC 85).

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

SECTION 1. The Intergovernmental Agreement with the State of Arizona, Department of Transportation, relating to the installation of anonymous re-identification devices at signalized intersections on Dysart Road from Indian School Road to Buckeye Road (MC 85) (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 Arizona, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1065-1020

[Agreement]

See following pages.

ADOT CAR No.: IGA 20-0007817-I
AG Contract No.: P001 2020 001631
Project Location/Name: Dysart Rd Arid Project
Type of Work: Install Arid Devices at Signalized Intersections
Federal-aid No.: CMAQ-AVN-0(226)T
ADOT Project No.: T0267 01D/01X
TIP/STIP No.: AVN20-060
CFDA No.: 20.205 - Highway Planning and Construction
Budget Source Item No.: NA

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF AVONDALE

THIS AGREEMENT is entered into this date _____, 2020, pursuant to the Arizona Revised Statutes ("A.R.S") §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the THE CITY OF AVONDALE, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties."

I. RECITALS

1. The State is empowered by A.R.S. § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by A.R.S. § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The purpose of this Agreement between the City and the State is to allow the State to acquire federal funds for the purchase of Anonymous Re-Identification devices for signalized intersections as well as upgrading controllers, vehicle detection, switches, CCTV cameras, and minor wiring on Dysart Rd from Indian School to MC85, (the "Project" or "Equipment"). The Project costs is estimated at $436,235.00, as shown in Exhibit A, attached and made a part of this Agreement, which includes federal aid and City's match. With the aid and consent of the State and the Federal Highway Administration (FHWA), the City will utilize the State's Procurement Process and ADOT Procurement contract(s), to enter into a contract with an authorized supplier who will provide the Equipment as outlined in the contract and approved plans to complete this Project. The City will receive and install the Equipment at its own cost. The City will be reimbursed up to a maximum allotment of equipment for 16 intersections complete-in-place, as verified by ADOT.

4. The interest of the State in this Project is the acquisition of federal funds for the use and benefit of the City and authorization of such federal funds for the Project pursuant to federal law and regulations. The State shall be the designated agent for the City for the Project, if the Project is approved by FHWA and funds for the Project are available.

THEREFORE, the Recitals set forth above are incorporated into this Agreement, in consideration of the mutual terms expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The Parties agree:

   a. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project plans and specifications.

   b. The final Project amount may exceed the initial estimate(s) identified in Exhibit A, and in such case, the City is responsible for, and agrees to pay, any and all actual costs exceeding the initial estimate. If the final Project amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all actual costs exceeding the final Project amount.

2. The State will:

   a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the City's designated agent for the Project.

   b. After this Agreement is executed, and prior to performing or authorizing any work, invoice the City for the initial Project Development Administration (PDA) costs, estimated at $30,000.00. If PDA costs exceed the estimate during the development of design, notify the City, obtain concurrence prior to continuing with the development of design, and invoice as determined by ADOT and the City for additional costs to complete PDA for the Project. After the Project costs are finalized invoice or reimburse the City for the difference between actual costs and the amount the City has already paid for PDA.

   c. Submit all required documentation pertaining to the Project to FHWA with the recommendation that the maximum federal funds programmed be approved for the procurement of the Project.

   d. After receipt of the Local's PDA and funding is authorized, the State will send a Notice to Proceed letter ("NTP") and ADOT Procurement will coordinate with the City and solicit and enter into a contract(s) with authorized supplier(s) for the purchase of the Equipment. Instruct the vendor to deliver Equipment directly to the City for final acceptance and to bill the City directly. The City will then enter into such contract(s) with such authorized supplier(s) for the purchase of the Equipment.

e. Within 30 days after receipt, review, and approval of invoice(s) and documentation of payment for Equipment, reimburse the City for eligible costs incurred not to exceed 80% of the programmed amount for the Project, less the City's applicable pro-rata match, as depicted in Exhibit A. After completion of final inspection, and within 30 days of receipt, review, and approval of the final invoice and documentation from the City, reimburse the City with the remaining federal funds approved and programmed as depicted in Exhibit A for this Project not to exceed $383,080.00.

f. After notification of Project completion from the City, perform final inspection, verify installation of all Equipment was performed and completed in compliance with State and FHWA requirements.

g. Reserve the right to de-obligate federal funds should the Project go six months or more without being charged to.

h. Not be obligated to complete or maintain the Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

3. The City will:

a. Designate the State as the City's authorized agent for the Project.

b. Within 30 days of receipt of an invoice from the State, pay the initial PDA costs, estimated at $30,000.00. Agree to be responsible for actual PDA costs, if during the development of design, PDA costs exceed the initial estimate. Be responsible and pay for the difference between the estimated and actual PDA of the Project within 30 days of receipt of an invoice.

c. Coordinate with the State during the procurement process, providing Equipment specifications to best ensure the requirements of the Project are met.

d. Utilize the State's Procurement Process and the ADOT Procurement contract(s) developed and entered into for this Project. Issue a purchase order to the authorized supplier and install the Equipment acquired under this Agreement.

e. Have 365 calendar days from award of contract to order the Equipment. Send the invoice to the State, and inform the State when the Equipment arrives so the State can inspect the Equipment.

f. Ensure that each item purchased is marked with a unique decal so the State can track the items that are delivered against the items that are installed. The decals must be in place before the State performs inspection on the delivered Equipment.

g. Make all payments directly to the vendor, and be responsible for all costs incurred for the purchase of the Equipment subject to reimbursement by the State as provided herein.

h. Within 30 days after payment for the Equipment, submit an invoice, on ADOT's Progress Payment Report Form, Exhibit B, attached and made a part of this Agreement, including

all back-up documentation, to the State for review and approval, of eligible costs incurred by the City for the purchase of the Equipment, less the City's applicable pro-rata match, not to exceed 80% of the total programmed amount, $383,080.00, as depicted in Exhibit A. Any costs incurred prior to the date of the official NTP will not be eligible for reimbursement.

i. Be responsible for the cost of installation and any costs exceeding the maximum federal funds available for the Project. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the City is responsible for these costs; payment for these costs shall be made within 30 days of receipt of an invoice from the State.

j. Install the Equipment acquired under this Agreement within one year of receipt of Equipment and maintain all Project improvements provided for the life of the Equipment. Keep complete records of all Equipment installed per this Project in a manner consistent with State and FHWA requirements.

k. Notify the State when all Equipment has been installed and is ready for inspection; coordinate final inspection of the Project with the State. After completion of final inspection, invoice the State, on the Progress Payment Report Form, Exhibit B, for the remaining federal funds programmed as depicted in Exhibit A for this Project for a total not to exceed $383,080.00.

l. Certify that the City has adequate resources to discharge the City's real property related responsibilities and ensures that its Title 23-funded projects are carried out using the FHWA approved and certified ADOT Right of Way Procedures Manual and that they will comply with current FHWA requirements whether or not the requirements are included in the FHWA approved ADOT Right of Way Procedures Manual. (23 CFR 710.201)

III. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

2. Any change or modification to the Project will only occur with the mutual written consent of both Parties.

3. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all related deposits and/or reimbursements are made. Any provisions for maintenance shall be perpetual, unless assumed by another competent entity.

4. This Agreement may be cancelled at any time up to 30 days before the award of the Project contract, so long as the cancelling Party provides at least 30 days' prior written notice to the other Party. It is understood and agreed that, in the event the City terminates this Agreement, the City shall be responsible for all costs incurred by the State up to the time of termination. It is further understood and agreed that in the event the City terminates this Agreement, the State shall in no way be obligated to complete or maintain the Project.

5. The City shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the City, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The City's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the City which may be legally imputed to the State by virtue of the State's ownership or possession of land. The City's obligations under this paragraph shall survive the termination of this Agreement.

6. The cost of the Project under this Agreement is to be covered by the federal funds programmed for this Project, up to the maximum available. The City acknowledges that actual Project costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by FHWA as eligible for federal funds. Therefore, the City agrees to pay the difference between actual costs of the Project and the federal funds received.

7. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

8. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.

9. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

10. The City acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.

11. The City acknowledges compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend $750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.

    ADOT – FMS
    Attn: Cost Accounting Administrator

206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

12. This Agreement shall be governed by and construed in accordance with Arizona laws.

13. This Agreement may be cancelled in accordance with A.R.S. § 38-511.

14. The City shall retain all books, accounts, reports, files and other records relating to the Agreement for five years after completion of the Project. These documents shall be subject at all reasonable times to inspection and audit by the State. Such records shall be produced by the City at the request of ADOT.

15. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination."

16. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

17. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by arbitration as is set forth for public works contracts if required by A.R.S. § 12-1518.

18. The Parties shall comply with the applicable requirements of A.R.S. § 41-4401.

19. The Parties shall certify that all contractors comply with the applicable requirements of A.R.S. §35-393.01.

20. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

21. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered electronically, in person, or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Agreement Section
205 S. 17th Avenue, Mail Drop 637E
Phoenix, AZ 85007
JPABranch@azdot.gov

City of Avondale
11465 W. Civic Center Dr
Suite 120
Avondale, AZ 85323
623.333.4200
623.333.0420 Fax

For Project Administration:
Arizona Department of Transportation
Project Management Group
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
PMG@azdot.gov

City of Avondale
Attn:
Address
City, AZ Zip Code
Phone #
Fax #

For Financial Administration:
Arizona Department of Transportation
Project Management Group
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
PMG@azdot.gov

City of Avondale
Attn:
Address
City, AZ Zip Code
Phone #
Fax #

22. Any revisions to the names and addresses above may be updated administratively by either Party and shall be in writing.

23. In accordance with A.R.S. § 11-952 (D), attached and incorporated in this Agreement is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF AVONDALE

By _____

Mayor

ATTEST:

By _____

City Clerk

STATE OF ARIZONA
Department of Transportation

By _____
BRENT A. CAIN, PE
Division Director

ATTORNEY APPROVAL FORM FOR THE CITY OF AVONDALE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF AVONDALE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

_____ _____

City Attorney Date

EXHIBIT A

IGA 20-0007817I
Cost Estimate

T0267 01D/01X

The federal funds will be used for the Project Development Administration (PDA) and procurement costs of the Project. The estimated Project costs are as follows:

T0267 01D (ADOT (PDA) Cost, non-federal aid):

PDA costs*	$ 30,000.00
Subtotal – PDA*	**$ 30,000.00**

T0267 01X (procurement):

Federal-aid funds @ 94.3%	$ 383,080.00
City's match @ 5.7%	$ 23,155.00
City's contribution @ 100%	$ 5,000.00
Subtotal – Procurement	**$ 411,235.00**
Estimated TOTAL Project Cost	**$ 441,235.00**
Total Estimated City Funds	**$ 58,155.00**
Total Federal Funds	**$ 383,080.00**

* (Included in the City's Estimated Funds)

Item Number: 4.e.

CITY COUNCIL REPORT

SUBJECT: Resolution 1066-1020 - Memorandum of Agreement for EPA Brownfields Assessment Grant

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Director of Development and Engineering Services, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

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

PURPOSE:

City Council will consider a request to adopt Resolution 1066-1020 approving a Memorandum of Agreement with the City of Phoenix, City of Tempe, and Arizona State University to execute an EPA Brownfields Assessment Coalition Grant in the amount of $600,000 for the three-year term of the agreement and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Rio Reimagined Project is a vision to revitalize the Salt River (Rio Salado) corridor, including the Gila and Agua Fria Rivers, by transforming over 55 miles of the river stretching from the City of Buckeye to the Salt River Pima Maricopa Indian Community east of Mesa. The project aspires to reconnect the community with the river, establish a unified vision, catalyze economic growth, and build a unique regional destination.

Current and historical uses along urban river corridors have led to the creation of “brownfields”, which are underutilized, potentially contaminated properties. Identifying and assessing brownfield sites is an important component of river restoration and supports economic development through adaptive reuse. A coalition of the cities of Phoenix, Tempe, and Avondale along with support from Arizona State University jointly applied for and were awarded a Brownfields Assessment Coalition Grant through the Environmental Protection Agency (EPA) in the amount of $600,000 for a three-year term. The City of Phoenix is serving as the lead agency and is responsible for overall grant administration. Staff is presenting a Memorandum of Agreement developed by the four Coalition Members.

DISCUSSION:

The EPA Brownfields Assessment Grant supports the long-term community vision to revitalize our neighborhoods and improve access to natural resources by encouraging reinvestment and adaptive reuse of properties in significant urban river corridors. Grant funding will allow Avondale to complete an inventory of brownfield sites near the Salt, Gila, and Agua Fria Rivers, conduct environmental assessment(s) of selected site(s), and develop a plan for cleanup and reuse of a chosen property. Grant monies will also be used for community outreach efforts and materials. The grant does not allow funds to be used for the cleanup of

brownfield sites; however, Avondale and the other Coalition Members may seek funding for these activities through separate EPA brownfield programs.

The grant term is three years, beginning October 1, 2020 and concluding September 30, 2023. The total award amount is $600,000, to be shared between the cities of Avondale, Tempe and Phoenix. The cities of Tempe and Phoenix will leverage the funds for the same activities as Avondale, with the exception that the City of Phoenix will not be completing a brownfields inventory. Arizona State University is serving as an Academic Coalition Member to provide support, in-kind resources, and academic engagement for the Municipal Coalition Members and is not receiving any portion of the grant funding.

This grant opportunity was discussed with and supported by the City's Energy, Environment, and Natural Resources Commission on November 6, 2019.

BUDGET IMPACT:

No matching funds are required for this grant, and the General Fund will not be impacted. The City of Phoenix, as lead agency, is responsible for fiscal management and funds distribution.

RECOMMENDATION:

Staff recommends approval of the Memorandum of Agreement with the City of Phoenix, City of Tempe, and Arizona State University to execute an EPA Brownfields Assessment Coalition Grant in the amount of $600,000 for the three-year term of the agreement and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

RESOLUTION NO. 1066-1020

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AGREEMENT AMONG THE CITY OF AVONDALE, THE CITY OF PHOENIX, THE CITY OF TEMPE AND ARIZONA STATE UNIVERSITY FOR THE RIO REIMAGINED BROWNFIELDS ASSESSMENT COALITION GRANT.

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

SECTION 1. The Memorandum of Agreement among the City of Avondale, the City of Phoenix, the City of Tempe, and Arizona State University for the Rio Reimagined Brownfields Assessment Coalition Grant (the "Agreement") is hereby approved substantially in the form and substance attached hereto as Exhibit A.

SECTION 2. 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 carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1066-1020

[Agreement]

See following pages.

RIO REIMAGINED BROWNFIELDS ASSESSMENT COALITION
MEMORANDUM OF AGREEMENT
BETWEEN PHOENIX OF PHOENIX, CITY OF AVONDALE,
CITY OF TEMPE, AND ARIZONA STATE UNIVERSITY

This Memorandum of Agreement ("Agreement") is entered into by and between the City of Phoenix, a municipal corporation of the State of Arizona (hereinafter referred to as "Phoenix") and the City of Avondale ("Municipal Coalition Member"), the City of Tempe ("Municipal Coalition Member"), and the Arizona Board of Regents, a body corporate, for and on behalf of Arizona State University ("ASU or Academic Coalition Member") (collectively the "Parties") to set forth the objectives, understandings, and agreements between the Parties with regard to the Environmental Protection Agency ("EPA") Cooperative Agreement No. BF-98T09301-0 ("Cooperative Agreement") for the Rio Reimagined Brownfields Assessment Coalition (the Coalition) grant. Phoenix, Avondale, Tempe and ASU are hereinafter referenced collectively as the Rio Reimagined Brownfields Assessment Coalition or the Coalition.

RECITALS

A. On August 14, 2020, the EPA awarded the Cooperative Agreement to Phoenix, the Lead Coalition Member, Grantee, and Fiscal Agent. Phoenix is responsible to the EPA for management of the Cooperative Agreement and compliance with the statutes, regulations, and terms and conditions of the award.

B. The intent of this Agreement is to document the Parties' roles and responsibilities to facilitate the reuse or redevelopment of contaminated sites by identifying, inventorying, assessing, and conducting cleanup and reuse planning for eligible pubic or privately-held properties in accordance with the Rio Reimagined Work Plan as approved by EPA and the Coalition. The funding source for this Agreement is the EPA Brownfields Assessment Coalition Grant award.

Contact information for Phoenix is as follows:

City of Phoenix
Rosanne Albright (Project Director)
Environmental Programs Coordinator
200 W. Washington, 14th Floor
Phoenix, Arizona 85003
(602) 256-3452
rosanne.albright@phoenix.gov

City of Phoenix
Elizabeth Zima (Technical Manager)
Environmental Quality Specialist
200 W. Washington, 14th Floor
Phoenix, Arizona 85003
(602) 256-3447
elizabeth.zima@phoenix.gov

The contact information and designee for the other Coalition Members is as follows:

City of Avondale
Danae Presler
Sustainability Officer
11465 W. Civic Center Dr. #110
Avondale, AZ 85323
(623) 333-4021
dpresler@avondaleaz.gov

City of Tempe
Gregg Kent
Principal Civil Engineer
City Hall
31 E. 5th Street – Garden Level
Tempe, AZ 85281
(480) 350-2738
Gregg_kent@tempe.gov

City of Tempe
Bonnie Richardson
Principal Planner
Transportation Center
200 E. 5th Street
Tempe, AZ 85281
(480) 350-8628
bonnie_richardson@tempe.gov

Arizona State University
Melissa McCann
Director
University City Exchange
Fulton Center, 30 E. University Dr., Suite 235
Tempe, Az 85286
(415) 218-4618
melissa.a.mccann@asu.edu

NOW, THEREFORE, IN CONSIDERATON OF THE MUTUAL PROMISES CONTAINED IN THIS AGREEMENT, THE PARTIES AGREE AS FOLLOWS:

1. TERM OF AGREEMENT

This Agreement shall become effective on October 1, 2020 and shall terminate on September 30, 2023. This Agreement may be terminated by reaching the end of the term as set forth herein, or upon earlier termination pursuant to the provisions in this Agreement.

2. SCOPE OF WORK

All work under this Agreement shall be conducted in accordance with the following documents, which are attached hereto as exhibits and incorporated by this reference:

- Exhibit A, Cooperative Agreement No. BF-98T9301-0
- Exhibit B, Rio Reimagined Coalition Work Plan

3. COALITION ORGANIZATON AND RESPONSIBILITIES

The Coalition will be administered by Phoenix and at least one representative from each Municipal and Academic Coalition Member. Each Municipal and Academic Coalition Member has authorized their designee In the Recitals to this Agreement. A Coalition Member may change its designee by notifying the other Coalition Members in writing. The primary responsibilities of each Coalition Member are set forth in this section.

3.1 Phoenix Roles and Responsibilities

a. Phoenix is the Lead Cooperative Agreement Recipient and is responsible for overall grant administration, fiscal management, and compliance with the Cooperative Agreement, including reporting requirements, and execution of the Coalition Work Plan.

b. Phoenix shall provide timely information to the other Coalition Members regarding the management of the Cooperative Agreement and any changes that may be made to the Cooperative Agreement over the period of performance.

b. Phoenix will identify sites within its jurisdiction for completion of Phase I/II environmental site assessment, and/or identify areas for completion of brownfields inventories, and/or identify areas/sites for reuse and/or cleanup planning.

3.2 Municipal Coalition Member Roles and Responsibilities

a. The Municipal Coalition Members will designate an individual or individuals to serve as the Municipal Coalition Member's representatives and shall be the local governmental entity liaison for the Coalition.

b. The Municipal Coalition Members are responsible for ensuring the consistency of the Coalition with their respective local plans and planning priorities and for ensuring local agency review of activities and documents.

c. The Municipal Coalition Members will identify sites within their jurisdictions for completion of Phase I/II environmental site assessment, and/or identify areas for completion of brownfields inventories, and/or identify areas/sites for reuse and/or cleanup planning.

d. The Municipal Coalition Members will complete work in accordance with Exhibit B, Rio Reimagined Coalition Work Plan. Any revisions to or deviations from the Work Plan shall be brought to the attention of Phoenix and the Municipal and Academic Coalition Members and upon agreement to the revisions/deviations by the Municipal and Academic Coalition Members, Phoenix shall request changes to EPA for approval.

3.2 Academic Coalition Member Roles and Responsibilities

a. ASU will designate an individual or individuals to serve as the Academic Coalition Member's representative(s) and shall be the liaison for the Coalition.

b. The Academic Coalition Member's role is to provide support, in-kind resources, and academic engagement, as requested by Phoenix and the Municipal Coalition Members. Such support may include, but not be limited to: promotion of Coalition programs, facilitation for community engagement, assistance with design of marketing or outreach materials, providing public meeting space for Coalition activities, and providing existing research data for use in Coalition activities. The Academic Coalition Member does not intend to request funds from the grant that supports the Coalition and will not submit any ASU-owned land for environmental assessment, inventory, or cleanup or land use planning.

3.3 Phoenix and Municipal and Academic Coalition Member Joint Roles and Responsibilities

a. All Parties shall contribute to the establishment of the Rio Reimagined Brownfields Advisory Council, including, development of Council's mission, roles, and responsibilities, and membership profile.

b. All Parties shall contribute to the development of equitable community engagement practices as outlined in Exhibit B, Rio Reimagined Coalition Work Plan

3.4 Phoenix & Municipal & Academic Coalition Member Procedures

a. Meetings. Meetings of the Coalition shall be convened by Phoenix at least four (4) times per year. Additional meetings shall be convened at the request of Phoenix or the Municipal or Academic Coalition Members on an as-needed basis. No meeting shall be held unless all Coalition Member representatives are given notice at least 10 days in advance, except when the participants agree to conduct a meeting and waive the meeting notice requirements.

b. Convener. Phoenix shall, in consultation with the Municipal and Academic Coalition Members, prepare agendas and facilitate meetings. Phoenix may designate another Coalition Member to assume the duties of Convener in its absence.

c. Quorum for the Coalition. A quorum for the Coalition shall consist of 3 members. A Municipal or Academic Coalition Member representative must be present either in person, phone, or through a virtual medium to be counted in the quorum. In the event of a Municipal or Academic Coalition Member's absence, that Member may send a substitute who is authorized, by written proxy, to participate and vote.

d. Decision-making. It is the intent of the Coalition that decisions affecting more than one Municipal Coalition Member be made with Member consensus, whenever

possible. If consensus cannot be reached a simple majority vote of the Coalition Members will decide the issue.

e. Record of Decisions. The Coalition decisions and the rationale for approval or denial of any funding shall be recorded in writing and maintained in adherence with grant recordkeeping requirements. Minutes of meetings may be recorded.

f. Public Meetings. The Coalition may hold public informational meetings as needed.

4. REPORTING REQUIREMENTS

4.1 Progress Reports

Each Municipal Coalition Member shall provide quarterly programmatic reports to Phoenix within ten (10) working days of the last day of the quarter in which services are provided. The report shall contain such information necessary and in accordance with EPA's Quarterly Report Template. If the scope of the project has been fully completed and implemented, and there will be no further updates, then the quarterly programmatic report for the quarter in which the project was completed will be sufficient as the final report. The report should be marked as final and should be inclusive of all necessary and pertinent information regarding the project as deemed necessary by Phoenix. Quarterly programmatic reports shall be submitted to Phoenix until the entire scope of the project is completed. Notwithstanding anything to the contrary in this Section 4, Phoenix shall not request, and Municipal and Academic Coalition Members shall not be required to provide, any of Municipal and Academic Coalition Member's confidential or proprietary information in reports provided to Phoenix, including, without limitation, any information regarding research collaborators, research plans, or any data, results or other information resulting from Municipal or Academic Coalition Member's performance of research or any other activities relating thereto.

4.2 Financial Reimbursements.

Phoenix shall request reimbursement from EPA on a quarterly basis, in the month following the reporting period. The Municipal Coalition Members, as necessary, shall provide as frequently as monthly, but not less than quarterly, requests for reimbursement. Reimbursements shall be submitted with the Reimbursement Form provided by Phoenix. The Municipal Coalition Members shall submit a final reimbursement for expenses received and invoiced prior to the termination of this Agreement and no more than forty-five (45) days after the termination of this Agreement. Requests for reimbursement received later than forty-five (45) days after the termination of this Agreement will not be paid. Final reimbursement request as submitted shall be marked "FINAL." All reports shall be submitted to the Phoenix contact persons identified in the Recitals.

5. FUNDING

Phoenix and the Municipal and Academic Coalition Members acknowledge that all funds to be provided pursuant to this Agreement will be provided from the federal EPA brownfields assessment coalition grant award described in the Cooperative Agreement, and agree to comply with guidelines for applicable federal funding sources as identified herein or as federal guidance may be issued during the course of this Agreement.

5.1 Eligible Uses of Funds

Activities funded through the Cooperative Agreement may include, but are not limited to, inventory preparation, site selection criteria development, Phase I/II Environmental Site Assessments, planning (including cleanup and reuse planning) relating to brownfield sites, outreach materials and implementation, Municipal Coalition Member grant oversight and reporting, including review of environmental activities, and other eligible activities. Phoenix, as Lead Coalition Member will use a portion of the grant funds not to exceed $15,300.00 for grant oversight and contract management.

5.2 Distribution of Funds

Funds will be distributed among Phoenix and the Municipal Coalition Members in accordance with the Exhibit B, Rio Reimagined Coalition Work Plan, including those sites identified for Phase I and II Environmental Site Assessments ("ESAs"), and for activities associated with completing brownfields inventories. Phoenix and the Municipal Coalition members will use the funds allocated for this purpose, to a maximum amount of $250,000.00. Remaining funds, not already allocated for community engagement or grant management, will be distributed through receipt of an application for funding describing the project, necessary tasks, estimated costs, and other pertinent information from Phoenix or the Municipal Coalition Member to the Coalition. Funding allocation will then be allocated as agreed upon through consensus. If consensus cannot be reached a simple majority vote of the Coalition Members will decide the issue.

5.3 Procurement of environmental services

Coalition Members will use Phoenix' existing on-call environmental consulting contract, (in compliance with 40 CFR 31.36 requirements), to procure services for this grant. Municipal Coalition Members will submit a request for services to Phoenix, review proposal(s) received and inform Phoenix of the selection. Phoenix will then contract with the selected proposer. The scope of work will be managed directly by the Municipal Coalition Member. It will be the responsibility of the Municipal Coalition Member to obtain all required permits, easements, and/or access agreements, as may be necessary, to undertake assessments at the selected site. Phoenix will receive invoices and provide to the Coalition Member for review and approval. Upon receipt of invoice approval, Phoenix will make payment to the contractor.

If services required by Phoenix or a Municipal Coalition Member are not available through Phoenix' on-call environmental consulting contract, then the Coalition will determine the method of procurement. Options include, and are not limited to, issuing a Request for Proposal and utilizing existing applicable contracts from Phoenix or the Municipal Coalition Members, or from the Arizona Department of Environmental Quality.

5.4 Disbursements to Municipal Coalition Member.

Per Section 5.3 above, should services be required outside of Phoenix' on-call environmental consulting contract, and the Coalition agrees that another Municipal Coalition Member will procure services, then Phoenix will disburse funds to the Municipal Coalition Member on a reimbursement basis only, conditioned upon receipt of proof of payment and applicable, accurate, and complete reimbursement documents, as deemed necessary by the terms and conditions of the Cooperative Agreement, to be submitted by the Municipal Coalition Member. Payments will be contingent upon receipt of all reporting requirements of the Municipal Coalition Member under this Agreement.

Any modification to quantity or scope of work must be approved in writing by the Municipal Coalition Member and Phoenix. If any expenditure by the Municipal Coalition Member under this Agreement is disallowed by an audit exemption or by Phoenix or the EPA, the Municipal Coalition Member shall reimburse funds for the disallowed expenditure directly to Phoenix immediately upon demand by Phoenix. The Coalition Member shall also abide by the General Provisions in the Cooperative Agreement, attached as Exhibit A. The Municpal and Academic Coalition Members are required to comply with all provisions of Exhibit A and shall be accountable to Phoenix for the use of federal funds provided under this Agreement.

6. FINANCIAL AUDIT

During the term of this Agreement, a Municipal Coalition Member must have an annual audit conducted in accordance with OMB Circular A-133 ("Audits of States, Local Governments, and Non-profit Organizations"), if the Municipal Coalition Member expends more than five hundred thousand dollars ($500,000) from Federal awards, in compliance with the Federal Single Audit Act (31 U.S.C. par. 7501-7507), as amended by the Single Audit Act Amendments of 1996 (P.L. 104 to 156). If the Municipal Coalition Member has expended more than five hundred thousand dollars ($500,000) in Federal funds, a copy of the Municipal Coalition Member's audit report for the previous fiscal year must be submitted to Phoenix for review within thirty (30) days of signing this Agreement.

During the term of this Agreement, each Municipal Coalition Member shall be monitored periodically by Phoenix, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria, are being met. Monitoring will be accomplished through a combination of office-based reviews, onsite monitoring visits, conference calls, and virtual meetings. Monitoring can involve aspects of the work involved under this Agreement including but not limited to the review and analysis of the financial, programmatic,

performance, and administrative issues relative to each program, and will identify areas where technical assistance and other support may be needed. All on-site monitoring shall take place during normal business hours, upon advance written notice, on dates and at times as mutually agreed upon by Phoenix and the Municipal Coalition Member.

7. **ASSIGNMENT AND DELEGATION**

The Municipal Coalition Members may not assign any rights under this Agreement without the express, prior written consent of Phoenix.

8. **AMENDMENTS**

Any change in this Agreement including but not limited to the Description of Services and budget, whether by modification or supplementation, must be accomplished by a formal written Agreement amendment signed and approved by the duly authorized representatives of the Municipal and Academic Coalition Member and Phoenix. Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of aCoalition Member's compensation, if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding sentence. The Municipal and Academic Coalition Members understands and agree that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.

9. **AGREEMENT RENEWAL**

This Agreement shall not bind nor purport to bind Phoenix for any contractual commitment in excess of the original Agreement period.

10. **RIGHT TO ASSURANCE**

If Phoenix in good faith has reason to believe that a Municipal Coalition Member does not intend to or is unable to perform or continue performing under this Agreement, Phoenix may demand in writing that the Municipal Coalition Member give a written assurance of intent to perform. If the Municipal Coalition Member fails to provide written assurance within the number of days specified in the demand, Phoenix, at its option, may terminate this Agreement with that Municipal Coalition Member upon notification to the EPA Cooperative Agreement and grant representative.

11. **CANCELLATION FOR CONFLICT OF INTEREST**

Pursuant to A.R.S. § 38-511, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of Phoenix is an employee or agent of the other party in any capacity or a consultant to the other party to the Agreement with respect to the subject matter of the Agreement, this Agreement may be canceled for conflict of interest.

12. **AVAILABILITY OF FUNDS**

Every payment obligation of Phoenix under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If the funds are not allocated and available for the continuance of this Agreement, Phoenix may terminate this Agreement at the end of the period for which funds are available. Phoenix will provide thirty (30) days written notice and shall pay the Municipal Coalition Member for termination costs as allowable under Cost Principles (OMB Circular A-122).

13. **FORCE MAJEURE**

If any party hereto is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.

14. **GOVERNING LAW**

This Agreement shall be governed and interpreted in accordance with the laws of the State of Arizona.

15. **DISPUTE RESOLUTION**

If a dispute arises out of or relates to this Agreement, the Parties agree to seek resolution through a process that includes: Step 1 is to seek guidance and resolution from the EPA Regional Grant Project Officer. If no resolution occurs, then move to Step 2 and seek guidance and resolution from the Brownfields Advisory Council. If no resolution occurs, then the Parties agree first to try in good faith to resolve the dispute by mediation before resorting to litigation or some other dispute resolution procedure. Mediation shall be self-administered and conducted in Phoenix, Arizona, under the CPR Mediation Procedures established by the CPR Institute for Dispute Resolution, 366 Madison Avenue, New York, NY 10017, (212) 949-6490, www.cpradr.org, unless other procedures are agreed upon by the parties. The parties shall select one or more trained mediators acceptable to all parties. Each party agrees to bear its own costs in mediation. The parties will not be obligated to mediate if an indispensable party is unwilling to join the mediation. This Agreement does not constitute a waiver of the parties' right to initiate legal action if a dispute is not resolved through good faith negotiation or mediation, or if provisional relief is required under the Arizona or Federal Rules of Civil Procedure.

16. **TERMINATION**

Either party reserves the right to terminate the Agreement in whole or in part due to the failure of the other party to comply with any term or condition of the Agreement, to acquire and maintain all required insurance policies, bonds, licenses and permits, or to make satisfactory progress in performing the Agreement. The staff of either party shall provide a written thirty (30) day advance notice of the termination and the reasons for it.

If the Municipal Coalition Member chooses to terminate the Agreement before the grant purposes have been met, then Phoenix reserves the right to collect all reimbursements distributed to the Municipal Coalition Member that have not been spent, and the Municipal Coalition Member is not contractually obligated to pay to any third party as of the date Municipal Coalition Member receives notice of said termination.

The Municipal Coalition Member shall continue to perform, in accordance with the requirements of the Agreement, up to the date of termination, as directed in the termination notice.

If Phoenix chooses to terminate the Agreement before the grant purposes have been met, then the Agreement and grant would be closed as the EPA is prohibited from transferring the grant to another party.

17. **PARTIAL INVALIDITY**

Any term or provision of this Agreement that may be declared contrary to any current or future law, order, regulation, or rule, or which is otherwise invalid, shall be deemed stricken from this Agreement without impairing the validity of the remainder of this Agreement.

18.**NON-WAIVER**

No party's failure to insist on strict performance of any term or condition of this Agreement shall be deemed a waiver of that term or condition, even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object.

19. **ADVERTISING AND PROMOTION OF AGREEMENT**

The Coalition Member shall not advertise or publish information for commercial benefit concerning this Agreement without the prior written approval of Phoenix.

20. **OWNERSHIP OF INFORMATION, PRINTED AND PUBLISHED MATERIAL**

The Funding Agency, U.S. Environmental Protection Agency, and Phoenix shall have full and complete rights to reproduce, duplicate, disclose, perform, and otherwise use all reports provided to Phoenix under this Agreement in accordance with Section 14 above.

21. **PARAGRAPH HEADINGS**

The paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the scope, construction, or interpretation of this Agreement or any of its provisions.

22. **ENTIRE AGREEMENT**

This Agreement is intended by the Parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms in this document. This Agreement and its Exhibits constitute the entire agreement between the parties and may not be changed or added to except in writing signed by the parties, provided, however, that Phoenix shall have the right to immediately amend this Agreement so that it complies with any new legislation, laws, ordinances, or rules affecting this Agreement. The Coalition Member agrees to execute any such amendment within ten (10) business days of its receipt.

23. **ASU-REQUIRED PROVISIONS**

To the extent any provisions of the foregoing contract with the Arizona Board of Regents, a body corporate, for and on behalf of Arizona State University conflict with anything in this Section 23, the provisions of this Section 23 will control.

23.1 Nondiscrimination

The parties will comply with all applicable laws, rules, regulations, and executive orders governing equal employment opportunity, immigration, and nondiscrimination including the Americans with Disabilities Act.

23.2 Conflict of Interest

If within 3 years after the execution of this Agreement, the non-ASU party(ies) to this Agreement (jointly and severally, "Entity") hires as an employee or agent any ASU representative who was significantly involved in negotiating, securing, drafting, or creating this Agreement, then ASU may cancel this Agreement as provided in Arizona Revised Statutes ("ARS") § 38 511. State law requires in all contracts.

23.3 Arbitration

The parties agree to arbitrate disputes filed in Arizona Superior Court that are subject to mandatory arbitration pursuant to ARS § 12 133. ARS § 12 1518 requires this provision in all ASU contracts.

23.4 Dispute Resolution

If a dispute arises under this Agreement, the parties will exhaust all applicable administrative remedies under Arizona Board of Regents Policy 3-809.

23.5 Records

To the extent required by ARS § 35-214, Entity will retain all records relating to this Agreement. Entity will make those records available at all reasonable times for inspection and audit by ASU or the Auditor General of the State of Arizona during the term of this Agreement and for 5 years after the completion of this Agreement. The records will be provided at ASU in Tempe, Arizona, or another location designated by ASU on reasonable notice to Entity.

23.6 Indemnification and Liability Limitations

Because ASU is a public institution, any indemnification, liability limitation, releases, or hold harmless provisions are limited as required by Arizona law, including Article 9, Sections 5 and 7 of the Arizona Constitution and ARS §§ 35-154 and 41-621. ASU's liability under any claim for indemnification is limited to claims for property damage, personal injury, or death to the extent caused by acts or omissions of ASU.

IN WITNESS WHEREOF, the parties herein have caused this Agreement to be executed.

CITY OF PHOENIX, a municipal corporation
Ed Zuercher, City Manager

_____
NANCY ALLEN
OFFICE OF ENVIRONMENTAL PROGRAMS
LEAD COALITION MEMBER

ATTEST:

_____
Deputy City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: _____
Assistant Chief Counsel

_____ _____
CITY OF AVONDALE Date
Municipal Coalition Member

_____ _____
CITY OF TEMPE Date
Municipal Coalition Member

_____ _____
ARIZONA STATE UNIVERSITY Date
Academic Coalition Member

EXHIBIT A – COOPERATIVE AGREEMENT NO. BF-98T09301-0

U.S. ENVIRONMENTAL PROTECTION AGENCY

Cooperative Agreement

GRANT NUMBER (FAIN): 98T09301	
MODIFICATION NUMBER: 0	**DATE OF AWARD** 08/14/2020
PROGRAM CODE: BF	
TYPE OF ACTION New	**MAILING DATE** 08/21/2020
PAYMENT METHOD: ASAP	**ACH#** 90499

RECIPIENT TYPE:
Municipal

Send Payment Request to:
US EPA
RTP-Finance Center
Email: rtpfc-grants@epa.gov

RECIPIENT:	**PAYEE:**
City of Phoenix 200 W. Washington, 6th Floor Phoenix, AZ 85003 **EIN:** 86-6000256	City of Phoenix 200 W. Washington, 6th Floor Phoenix, AZ 85003

PROJECT MANAGER	**EPA PROJECT OFFICER**	**EPA GRANT SPECIALIST**
Nancy Allen 200 W. Washington, 6th Floor Phoenix, AZ 85003 **E-Mail:** nancy.allen@phoenix.gov **Phone:** 602-256-5654	Jose Garcia 75 Hawthorne Street, LND-1 San Francisco, CA 94105 **E-Mail:** garcia.jose@epa.gov **Phone:** 213-244-1811	Darlene Fernandez Grants Branch, MSD-6 **E-Mail:** fernandez.darlene@epa.gov **Phone:** 415-972-3664

PROJECT TITLE AND DESCRIPTION
Brownfields Assessment Cooperative Agreement

This agreement will provide funding for the City of Phoenix to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for brownfield sites in the the cities of Avondale, Tempe, and Phoenix, AZ. This brownfields grant will be a key to realizing the Rio Reimagined vision of a community connected to the river with economic growth, environmental stewardship, and access for all. The target area for assessments and other work for this grant is within 1.0 mile of the Rio Salado (Salt River), Agua Fria and Gila Rivers within the cities of Tempe, Phoenix and Avondale, Arizona.

This agreement provides full federal funding in the amount of $600,000.

BUDGET PERIOD	**PROJECT PERIOD**	**TOTAL BUDGET PERIOD COST**	**TOTAL PROJECT PERIOD COST**
10/01/2020 - 10/31/2023	10/01/2020 - 10/31/2023	$600,000.00	$600,000.00

NOTICE OF AWARD

Based on your Application dated 12/03/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards $600,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of $600,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	**AWARD APPROVAL OFFICE**
ORGANIZATION / ADDRESS	**ORGANIZATION / ADDRESS**
U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105	U.S. EPA, Region 9 Land, Chemicals and Redevelopment Division, LND-1 75 Hawthorne Street San Francisco, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer	**DATE** 08/14/2020

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	$	$ 600,000	$ 600,000
EPA In-Kind Amount	$	$	$ 0
Unexpended Prior Year Balance	$	$	$ 0
Other Federal Funds	$	$	$ 0
Recipient Contribution	$	$	$ 0
State Contribution	$	$	$ 0
Local Contribution	$	$	$ 0
Other Contribution	$	$	$ 0
Allowable Project Cost	$ 0	$ 600,000	$ 600,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Multipurpose Assessment Revolving Loan Fund and Cleanup Cooperative Agreements	CERCLA: Sec. 104(k)(2)	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal

Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2009QE0145	20	E4	09Q1AG7	000D79	4114	-	-	600,000
									600,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	$15,300
2. Fringe Benefits	$0
3. Travel	$4,000
4. Equipment	$0
5. Supplies	$5,000
6. Contractual	$575,700
7. Construction	$0
8. Other	$0
9. Total Direct Charges	$600,000
10. Indirect Costs: % Base	$0
11. Total (Share: Recipient 0.00 **% Federal** 100.00 **%.)**	$600,000
12. Total Approved Assistance Amount	$600,000
13. Program Income	$0
14. Total EPA Amount Awarded This Action	$600,000
15. Total EPA Amount Awarded To Date	$600,000

Administrative Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2019-or-later
These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: https://www.epa.gov/grants/grant-terms-and-conditions.

A. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **September 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **December 30** of the same calendar year.

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance 2 CFR Part 200.323 the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.

C. Six Good Faith Efforts 40 CFR § 33, Subpart C /Contract Provisions /Bidders List

Pursuant to 40 CFR § 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR § 33.302
The recipient agrees to comply with the contract administration provisions of 40 CFR § 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR § 33.501(b) and (c)
The recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. The recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR § 33.501 (b) and (c) for specific requirements and exemptions.

D. Disadvantaged Business Enterprise (DBEs) - UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33
The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B
A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205 through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR §1500.3(b).

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D
A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR §1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

E. MBE/WBE Reporting

General Compliance, 40 CFR Part 33, Subpart E – Reporting Condition
This award meets the conditions below and, henceforth, is subject to Disadvantaged Business Enterprise (DBE) Program reporting requirements based on EPA's review of the planned budget. Conversely, the recipient must submit to the GrantsRegion9@epa.gov a justification and budget detail within 21 days of the award date demonstrating that this award is not subject to the DBE reporting requirements.

MBE/WBE reports from grantees are required annually for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category, that exceed the Simplified Acquisition Threshold as defined by the Federal Acquisition Regulation (currently set at $250,000), including amendments and/or modifications.

The recipient agrees to complete and submit a "MBE/WBE Utilization under Federal Grants, Cooperative agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions that are reportable, not just that portion which exceeds the Simplified Acquisition Threshold.

When completing the annual report, recipients are instructed to check the box titled "annual:" in section 1B of the form. For the final report, recipients must check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place

during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to GrantsRegion9@epa.gov and assigned EPA Grants Specialist. The current EPA Form 5700-52A is located at https://www.epa.gov/grants/epa-form-5700-52a-united-states-environmental-protection-agency-minority-business.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

F. Indirect Costs

The Cost Principles under 2 CFR Part 200, Subpart E apply to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

Programmatic Conditions

Refer to the **ATTACHMENT** for applicable Programmatic terms and conditions.

END OF DOCUMENT

EXHIBIT B – RIO REIMAGINED COALITION WORK PLAN

U.S. ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS ASSESSMENT PROGRAM

WORK PLAN

Cooperative Agreement #: BF-98T09301-0

FOR

Rio Reimagined Coalition – Reconnecting the Community to the River
Avondale, Tempe, Phoenix, AZ and Arizona State University

June 16, 2020

Submitted by
Rosanne Albright
200 West Washington Street, 14th Floor
Phoenix, AZ 85003
602-256-3452
Rosanne.albright@phoenix.gov

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Brownfields Assessment Grant
Rio Reimagined Coalition

A. Recipient Title

City of Phoenix, Office of Environmental Programs, lead applicant, for Rio Reimagined Coalition – Reconnecting the Community to the River: Avondale, Tempe, Phoenix, AZ and Arizona State University

B. Background

The **Rio Reimagined Project** is a vision to revitalize the Rio Salado (Salt River), Aqua Fria and Gila Rivers, and the region by transforming over 45 miles of the river stretching from the Salt River Pima Maricopa Indian Community at the eastern most boundary to the City of Buckeye to the west and encompassing more than 78,000 acres. **The project aspires to reconnect the community with the river, to establish a unified vision, to be a catalyst for economic growth and inclusion, and to build a unique regional destination.** Leaders of eight river communities demonstrated their commitment to moving Rio Reimagined forward by signing a Statement of Intent in 2018. With Arizona State University (ASU) as community convener contributing financial, intellectual and organizational resources, and the eight communities directing the vision, the journey has begun.

A greater knowledge of the environmental conditions for the project area is needed as a first step towards understanding the barriers and opportunities for revitalization of the river itself and the area beyond the banks. The Rio Reimagine Brownfields Assessment Coalition (Coalition) includes the cities of Avondale, Tempe, and Phoenix and ASU. The City of Phoenix, as the lead applicant, is excited to partner with the other cities and with ASU to pave the way for development of the river corridor. This brownfields grant will be a key to realizing the Rio Reimagined vision of a community connected to the river with economic growth, environmental stewardship, and access for all.

The target area for this grant is within 1.0 mile of the Rio Salado (Salt River), Agua Fria and Gila Rivers within the **cities of Tempe, Phoenix and Avondale**, Arizona. Although there is enormous potential for future development, according ***to the Arizona Dept of Environmental Quality (ADEQ) and EPA at least 1,189 properties in this area have environmental records and are potential brownfields.*** These properties create slum and blight, discourage investment and represent potential exposure to toxic contaminants that damage the health of residents.

C. Goals and Objectives

a. EPA Strategic Plan

This project supports EPA's Strategic Plan and GPRA Goal 1: Objective 1.3 Revitalize Land and Prevent Contamination - Provide better leadership and management to properly clean up contaminated sites to revitalize and return the land back to communities.

b. Project Goals

Project Goals:
Each of the coalition members have one or more priority brownfield properties in the Rio Reimagined target area, as follows:

City of Phoenix Rio Reimagined project area is the largest geographical area within the project boundaries and there are several identified priority brownfields that are targeted for redevelopment. Two priority sites are:

- **Former Cemex sand and gravel mining site,** 7th Avenue to Central Avenue, south of Rio Salado; **The 120-acre CEMEX site** is adjacent to the Rio Salado Habitat Restoration Project and is within the boundaries of the Del Rio Area Brownfields Plan (Del Rio AWP), a community driven land use plan developed through grant funds received from U.S. EPA's initial area-wide planning initiative. The site has the potential for petroleum soil contamination due to closed underground storage tanks and potential hazardous substances from other historical industrial operations.
- **The 130-acre Vulcan site,** 16th to 24th Street, south of Rio Salado. is also located adjacent to the Rio Salado Habitat Restoration Project area and is within the Rio Salado Beyond the Banks Land Use Plan which calls for a mix of residential and commercial uses. Since 2018, an interdepartmental team has been coordinating with the owner and prospective developer to assist in the evaluation of various development challenges, including, grading, drainage, stormwater retention, and environmental conditions. Completion of environmental assessments would aid in completing the overall site conditions and provide the ability to continue to move forward with development.

City of Tempe Rio Reimagined area has two priority brownfield sites:

- **West Hardy site, a 24.5-acre property** located on Rio Salado Parkway between the Priest Yard and the IDEA campus. Completion of an environmental assessment in this area would increase economic development in Tempe's Lake District Innovation Hub. This site is vacant and adjacent to an existing public works yard, the Tempe Center for the Arts, and the future IDEA technology campus, totaling 1 million square feet when completed. The IDEA campus is expected to have a significant impact on the City's future as an employment center for high technology jobs. The entire area is being redeveloped save this vacant lot in the middle. Tempe's *Character Area 3 Design Guidelines + Placemaking Principles* designates future land use area and capital projects to support redevelopment in and around the West Hardy property.
- **The Rio Salado Parks site** include a series of linear open space areas and regional recreational amenities along 6.5 miles of shoreline; this includes the Tempe Center for the Arts, Tempe Beach Park, and the marina. The parks provide open space for the adjacent urban uses including downtown Tempe, ASU, and high-density residential neighborhoods. The City adopted the *2018 Rio Salado and Beach Park Masterplan Vision* to fill park gaps and identify future capital projects that will support further redevelopment. The type of development and infrastructure is identified in the Master Plan and includes a focus on accessibility for diverse populations from downtown, neighborhoods and adjacent park land. A variety of conservation and nature organizations have expressed interest in developing path signage and sites that provide good opportunities for viewing birds that are thriving in the dense foliage in the river bottom.

City of Avondale Rio Reimagined project area has identified one site:

- **The Cashion Tank Farm** has been used for tank sales, storage, and as a drop site for more than forty years. The tanks on site have held unknown materials and have been collected from unknown sites. The City believes some of the tanks held petroleum-based liquids at one time and have been left to the elements. Heavy equipment used in loading, delivery, and maneuvering the steel tanks have been used on the tank farm site for many years; these pieces of machinery could have deposited petroleum-based fuels and lubricants on the site. This property is within an important transportation corridor in Avondale and is at a significant development opportunity intersection at Buckeye Road and the Agua Fria River. Avondale envisions important pathway connections adjacent to this land. This area is identified as future high-density residential that will complement the high traffic use of Buckeye Road while also providing future residents an excellent view and access to nearby amenities.

Outputs:
Project outputs will include:

- 2 Brownfields inventories (Tempe and Avondale)
- 3 Prioritization & site selection tech memos
- 20 Eligibility Determination (ED) Forms
- 14 Phase I ESAs
- 8 Phase II ESAs
- 8 SAPs
- 6 Asbestos & Lead Surveys
- Community outreach materials, including, but not limited to, project website, media announcements, news releases, social media posts, flyers, advertisements, door hangars, mailers (Spanish documents as appropriate)
- Redevelopment planning documents
- Information entered into EPA ACRES.

Outcomes:
The primary benefits of property redevelopment to be performed with grant funding are economic development, workforce development, job creation and increased tax revenue, creation of new recreational opportunities, and a unified vision for the entire Rio Reimagined Project. In addition, most of the **Rio Reimagined Project area is within designated Opportunity Zones (OZs) and the identified priority brownfields site are in OZs,** which will result in added investment incentives to spur economic growth.

If all priority sites are redeveloped, the resulting outcomes are:

- Approximately 425 acres redeveloped
- Approximately 12,993 new jobs.

Additional funding that may be leveraged by the coalition members includes

- Up to $6.8 million for TOD planning, preliminary design for light rail construction, and U.S. Army Corps of Engineers (COE) funds allocated for the Tres Rios Project in Phoenix
- $10.7 million in CDBG, HUD and COE funds obtained by Tempe
- $340,023 in HOME funds obtained from the Maricopa County Consortium as a consortium member in Tempe

- $1.1 million in CDBG and HOME funds in Avondale.

D. Tasks

Task 1 - Project Management and Planning

a. Task Description

Project Oversight and Travel
City of Phoenix will manage all aspects of the project, including coordination with the EPA, Coalition Members, Qualified Environmental Professionals ("QEP" or "Consultant"), and other key stakeholders. The City of Phoenix Grant Project Director and Technical Manager will provide direct personnel costs associated with programmatic management of the grant on Phase I/II ESAs primarily as in-kind contributions. However, the City of Phoenix Streets Department contract management staff is budgeted in the grant for administration of the on-call environmental consultants. Travel to brownfields conferences is budgeted to the grant. Oversight and management by the Phoenix Grant Project Director and Technical Manager includes, and is not limited to, conducting and/or assisting with the following: 1) outreach events, 2) Phase I/II ESAs; 3) brownfield inventory; 4) redevelopment planning, 5) regular Coalition meetings, and 6) attendance at two brownfields conferences.

Contractor/Consultant Selection
The City of Phoenix will procure services of environmental contractors for the Coalition for the work described in tasks below (inventory, Phase I/II ESAs, redevelopment planning, etc.) through an existing City of Phoenix competitively bid environmental on-call contract that meets EPA contracting requirements. Coalition members have agreed to use the pool of 10 contractors on the Phoenix list. Phoenix will submit a request for information to the 10 contractors to determine their level of expertise in Brownfields related projects. Based on the information provided, a short list of approximately 4-5 preferred contractors will be selected to perform the work for the grant activities.

Contractor/Consultant Project Management & Reporting
Coalition members may use contractor services to assist with project management activities, including review of Phase I and II environmental site assessments, etc. The contractor providing contract management will also come from the pool of 10 contractors on the list.

b. Task Budget

Cost: Brownfields Grant $33,000
Personnel - $4,000
Travel - $4,000
Contractual (Project Management) – $25,000

c. Schedule

Task Start Date: October 2020 Task Completion Date: September 2023

d. Deliverables

The deliverables will include:

- Quarterly Progress Reports (QPRs)
- Property Profiles/ACRES Updates
- Annual/Final Disadvantaged Business Enterprise (DBE) and Federal Financial Reports (FFRs)
- Final Performance Report
- List of preferred contractors from City of Phoenix pool of 10 contractors.

Task 2 - Community Engagement

a. Task Description

Community Engagement/Outreach Activities

The Coalition understands the importance of tailoring outreach methods to each community/target area and ensuring equal access to project information for sensitive and underserved populations. Methods of equitable community engagement will be employed for this project to include those people most impacted by disparity within the Rio Reimagined project. By using techniques that value the wisdom offered by impacted populations combined with prioritizing the process of trust-building and cultivating space for visioning and imagination are keys to equitable outcomes.

Looking outside the normal avenues of communication and creating opportunities for people at the margins to participate in this project, such as convening a "Community of Practice" comprised of people whose voices are often unheard or ignored will be considered as part of outreach activities and will be used as is feasible by Phoenix and the Coalition. Phoenix has used these methods of engagement on other projects and has had success in empowering impacted populations to participate and be heard. The Coalition anticipates hosting three community outreach events during the first year and two events per year thereafter, in addition to sharing project information at other ongoing outreach events.

The public will be informed throughout the project, through website and social media postings, City Council reports, fact sheets, press releases, newsletters and community meetings in targeted areas regarding the planned grant activities. Phoenix, Avondale, and Tempe staff will be available at various events (stakeholder meetings, community events) throughout the life of the grant to discuss the grant project. It is anticipated that outreach activities will take place on a quarterly basis, more often as may be required by the site-specific project work.

A Brownfields Advisory Committee (BAC) will be established in the 3rd quarter, April-June 2021, comprised of stakeholders as agreed upon by the Coalition members. The BAC will be an ad hoc, voluntary committee and will meet on a quarterly basis for the life of the grant. The purpose of the BAC will be to assist the Coalition with community engagement, site selection and prioritization, cleanup planning, and redevelopment planning.

In recognition of the community in the Rio Reimagined area, every effort will be made to provide Spanish translation services for all public meetings and events, including potential Brownfields Community of Practice meetings. Outreach materials, including fact sheets, brochures, presentations, meeting announcements/notices, and meeting notes will be made available in Spanish.

b. Task Budget

Cost: Brownfields Grant $58,500
Personnel Costs - $8,300 ($50/hour)
Supplies (community outreach) - $2,500 ($250/meeting)
Contractual (community outreach) - $47,700

c. Schedule – Community Outreach

Task Start Date: October 2020 Task Completion Date: September 2023

d. Deliverables

- Fact Sheets, presentations, outreach materials
- Meeting announcements/notices
- Outreach meeting notes
- Website link(s)
- Social Media Posts
- Brownfields Advisory Committee member list and meeting notes
- Brownfields Community of Practice member list and meeting notes
- Prioritization & site selection tech memos.

Task 3 - Quality Assurance

a. Task Description

Sampling and Analysis Plans (SAPs)
Due to the complexity and variety of sites that will be assessed under this grant, the Coalition decided not to develop a master QAPP and rather focus resources on individual SAPs for each site. Completion of SAPs, and Health and Safety Plans for the proposed 8 Phase II ESAs for review and approval prior to the start of field sampling. The SAP will be prepared in adherence

with the SAP template provided by EPA, including compliance with the National Historic Preservation Act.

b. Task Budget

Cost: Brownfields Grant $40,000
Contractual - $40,000

c. Schedule

Task Start Date: July 2021 Task Completion Date: September 2023

d. Deliverables

- Draft SAPs
- Final SAPs.

Task 4 – Brownfields Inventory & Environmental Site Assessment

a. Task Description

Site Selection
Selection of sites outside of the identified priority sites will be informed by the brownfields inventories completed for Avondale and Tempe, the Brownfields Advisory Committee, community input, feasibility of redevelopment, and interest from prospective private or nonprofit development organizations.

Brownfields Inventory
The cities of Tempe and Avondale, using the selected environmental consultants, will conduct an inventory of brownfield sites within a one-mile buffer from the Agua Fria River, Gila River and Salt River in each city. The inventory may consist of review of regulatory databases and readily available information, on-site visual reviews or drive-by reconnaissance, with results provided in a spreadsheet or listing. (GIS or web-based mapping is not included as part of the inventory.)

Preliminary Assessment (Phase I):
Phase I Environmental Site Assessments (ESAs) will be completed in accordance with EPA's All Appropriate Inquiries (AAI) Final Rule (American Society of Testing and Materials (ASTM) ASTM E1527-13). Approximately 14 Phase I ESAs are anticipated to be conducted during the grant period. Phase I ESAs will be conducted for the identified priority sites and others selected from the Brownfields inventories or as identified as described above.

Site Investigations (Phase II):
Phase II ESAs will be completed in accordance with ASTM E1903-19. Approximately 8 Phase II ESAs are anticipated to be conducted during the grant period. The priority sites are anticipated to require Phase II ESAs, pending the results of the Phase I ESAs will likely be selected for

further investigation. Other sites may be identified from Phase I ESAs conducted and may also be selected for further investigation.

b. Task Budget

Cost: Brownfields Grant $354,000
Contractual (Phase I and II ESAs) - $328,800
Contractual (inventory) - $25,200

c. Schedule

Task Start Date: January 2021 Task Completion Date: July 2023

d. Deliverables:

- Site eligibility determination forms
- Two Brownfields inventories (Avondale and Tempe)
- 14 Phase I ESA draft and final reports
- 8 Phase II ESA draft and final reports.

Task 5 - Cleanup and Reuse Planning

a. Task Description

For those sites that are identified as high priority for redevelopment, remediation cleanup plans, including options and costs estimates will be prepared. If any site needs remediation an Analysis of Brownfield Cleanup Alternatives (ABCA) will be developed. In addition, two area wide brownfields land use studies will be completed for brownfield-impacted areas prioritized based on the results of the inventories, input and interest from each City, and BAC input.

b. Task Budget

Cost: Brownfields Grant $114,500
Personnel - $3,000
Supplies - $2,500
Contractual (ABCAs/Site Specific Reuse Plans/Area-wide studies) – $109,000

c. Schedule

Task Start Date: July 2022 Task Completion Date: September 2023

d. Deliverables

- Cleanup plans
- Site Specific Reuse Plans
- Area-wide brownfields land use studies.

Task 6 - Reporting

a. Task Description

The City of Phoenix will comply with reporting requirements in the grant conditions and will also consult with the EPA Project Officers on project specific reporting needs. Phoenix will provide regular reports to EPA including Quarterly Progress Reports, Minority Business Enterprise/Women-Owned Business Enterprise (MBE/WBE) Reports, and annual Federal Financial Reports.

Quarterly Reports will include the following elements, which are included in the Quarterly Report template provided by your Project Officer and as follows:

1. Summary of Successes/Challenges over the past quarter.
2. Assistance Needed from EPA.
3. Narrative Update by Task that follows the format of the approved work plan.
4. Financial Status by Task. The narrative update for each task should include a budget table, by project task and budget category, of expenses that will be invoiced and/or have been invoiced during the reporting period.
5. Cumulative Expenditures to Date. Include a cumulative budget table of expenditures to date by project task and budget category. The quarterly budget summaries should include information on recipient's cost share.
6. Spreadsheet of Assessed Sites (for Community-Wide Assessment Grants) based on the template provided by our Project Officer.
7. Photos of sites assessed and redeveloped.

ACRES Reporting: Phoenix will be responsible for ensuring that site assessment data is entered into the USEPA Assessment, Cleanup & Redevelopment Exchange System (ACRES) database and will provide mentoring to Avondale and Tempe to become familiar with ACRES as well. An oversight environmental consultant may be used by Avondale and Tempe to assist with quarterly and ACRES reporting.

Final Report: Phoenix will prepare, with coordination from Coalition members, a final summary report describing the initial goals and objectives of the brownfields grant, accomplishment of the goals and objectives, and any changes implemented. The report will highlight lessons learned and clearly describe future tasks which will be necessary to complete the cleanup and development of the site(s). The report will describe resources leveraged during the project (other than the EPA grant), how they were used, and any resources leveraged to continue the project after the expiration of the brownfields grant. The report will include any supporting assessment documents or summaries not previously provided.

Final Report Outline

1. Overall Project Goals: Provide a summary of the project's overall assessment and redevelopment goals.
2. Successes: In one to two paragraphs, provide a narrative summary description of the

project successes. Provide information on sites that are ready for reuse or have moved to redevelopment and planning or policy documents completed under the grant. For site specific successes, provide information on the former use of the site, number of acres, future reuse of the site, and why the site is a priority or catalyst site. Include site photos or schematic images of future reuse plans.

3. Lessons Learned/Best Practices: Identify lessons learned and best practices/materials transferable to other communities; opportunities for sharing information, including how the grantee, EPA, and others can share that information across multiple media types (meetings, conferences, changes to local policy, social media, etc.)
4. Partnering/Leveraging: Identify significant partnering with other organizations and/or leveraging of resources, as well as any resources leveraged to continue the project after the expiration of the brownfields grant.
5. Work Plan Accomplishments: Provide a summary of accomplishments for each of the grant Work Plan tasks and/or any tasks that were not completed and why.
6. EPA Acknowledgement: Include information on how EPA has been acknowledged as a funding partner in the project.
7. ACRES/Community Wide Assessment Spreadsheet: For Community Wide Assessment grants, include a final site assessment spreadsheet following the template provided. Ensure all the site entries are up to date in ACRES.
8. Budget: Provide a budget table that compares total budgeted amounts and total amounts spent; identify whether any funds will be returned to EPA.

Presentation Slides – Phoenix will develop, in coordination with Coalition members, presentation slides summarizing our project successes and lessons learned. The Coalition would welcome an opportunity to share our story on a webinar.

Project Closeout

Phoenix, in coordination with the Coalition members, will comply with annual administrative reporting and closeout requirements in the Terms and Conditions of the Cooperative Agreement. Specifically:

Administrative Closeout

1. **Submit Payment Requests** – Submit payment request for all approved grant activities completed before the grant closing date.
2. **Final Financial Federal Report** –Submit final Financial Federal Report.
3. **MBE/WBE Form** – Submit completed form to GrantsRegion9@epa.gov and your Project Officer.

b. Task Budget

Cost: Brownfields Grant $0.00 (provided in-kind by City of Phoenix)

c. Schedule

Project Start Date: October 2020 Project Completion Date: September 2023

d. Deliverables

- Quarterly progress reports
- Spreadsheet of Assessed Properties
- Quarterly ACRES updates
- Redevelopment analyses and reports
- Final Summary Report
- Presentation Slides.

Administrative deliverables due to the Grant Specialist include:

- Interim Federal Financial Reports (FFR, SF-425) – due December 31st, annually
- Final FFR
- MBE/WBE Utilization Reports – due October 30st, annually.

E. Schedule of Milestones & Deliverables

Fiscal Year	Quarter	Quarterly Report Due	Milestones and Deliverables Due with Quarterly Report	Status
2020	1st Oct-Dec. 2020	Jan 30th	• Identify preferred contractors to be used by Coalition from Phoenix on-call list. • Identify initial sites for assessment • Identify contractor for project oversight and reporting from Phoenix on-call list.	
	2nd Jan-Mar 2021	April 30th	• Initiate Brownfields Inventory (Avondale and Tempe) • Develop Community Outreach Plan	• Brownfields inventory
	3rd Apr-June 2021	July 30th	• Establish Brownfields Advisory Committee (BAC) • Conduct outreach to community • Begin Phase I ESAs of priority sites	• Outreach Materials • Notes from BAC and community meetings • Draft Phase I's
	4th July-Sept.	Oct. 30th	• Continue completion of Phase I ESAs • Continue outreach to	• Draft/Final Phase Is • Outreach materials • Draft SAPs and

Fiscal Year	Quarter	Quarterly Report Due	Milestones and Deliverables Due with Quarterly Report	Status
	2021		community • Begin preparation of SAPs and Phase II ESAs • Complete Brownfields Inventories	Phase II's • Brownfields Inventory Listings for Avondale & Tempe • Prioritization & site selection tech memos
2021	1st Oct-Dec 2021	Jan 30th	• Continue completion of Phase I & II ESAs and SAPs	• Draft/Final Phase Is • Draft/Final SAPs and Phase II's
	2nd Jan-Mar 2022	April 30th	• Continue completion of Phase I & II ESAs and SAPs	• Draft/Final Phase I's • Draft/Final SAPs and Phase IIs
	3rd Apr-Jun 2022	July 30th	• Continue completion of Phase I & II ESAs and SAPs	• Draft/Final Phase Is • Draft/Final SAPs & Phase II's
	4th Jul-Sept 2022	Oct. 30th	• Continue completion of Phase I & II ESAs and SAPs • Conduct cleanup planning activities • Initiate Area-wide Brownfields Land Use Studies	• Draft/Final Phase I's • Draft/Final SAPs & Phase II's
2022	1st Oct-Dec 2022	Jan. 30	• Continue completion of Phase I & II ESAs and SAPs • Conduct cleanup planning activities	• Draft/Final Phase I's • Draft/Final SAPs & Phase II's • Draft Brownfields Area-wide Land Use Studies
	2nd Jan-Mar 2023	April 30th	• Continue completion of Phase II ESAs and SAPs • Conduct cleanup planning activities • Complete Area-Wide Brownfields Land Use Studies	• Final Phase I's • Draft/Final SAPs &Phase II's • Final Brownfields Area-wide Land Use Studies
	3rd Apr-Jun 2023	July 30th	• Conduct cleanup planning activities	• Cleanup plan

Fiscal Year	Quarter	Quarterly Report Due	Milestones and Deliverables Due with Quarterly Report	Status
	4th Jul-Sept 2023	Oct. 30th	• Conduct cleanup planning activities • Grant closeout reporting	• Cleanup plan • Final summary report, slides, etc.
Ongoing	--	--	• BAC meetings • Community outreach/involvement activities (minimum quarterly) • Reporting	• Outreach materials • Notes from BAC and community meetings • Quarterly reporting, ACRES updates, etc.

F. Budget Summary

	Task 1 Project Management	**Task 2** Community Engagement	**Task 3** Quality Assurance	**Task 4** Environmental Site Assessment	**Task 5** Cleanup and Reuse Planning	**Task 6** Reporting	**Total**
Personnel	$4,000	$8,300	0	0	$3,000	0	$15,300
Fringe	0	0	0	0	0	0	0
Travel	$4,000	0	0	0	0	0	$4,000
Supplies	0	$2,500	0	0	$2,500	0	$5,000
Equipment*	0	0	0	0	0	0	0
Contractual	$25,000	$47,700	$40,000	$354,000	$109,000	0	$575,700
Construction*	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Indirect	0	0	0	0	0	0	0
Grant Total	**$33,000**	**$58,500**	**$40,000**	**$354,000**	**$114,500**	**0**	**$600,000**

G. Greening Grants

Phoenix will incorporate the following green practices into this grant:

1. Environmentally preferable purchasing (EPP). The City has a Sustainable Purchasing Policy (SPP) in place which will be followed for purchasing supplies for this project.

2. Recycling. Recycling and composting are available within City Hall offices with recycling bins provided to each employee. Recycling is provided at city facilities where community meetings may be conducted. Every effort will be made to choose meeting facilities where recycling is available.

3. Green meetings. We will strive for zero-waste meetings with recycling, use of

recyclable or compostable materials, and meeting materials will be made available electronically; however, based on our prior experience, it is necessary to provide community members meeting materials on paper as well.

In addition, virtual meetings are expected during the continued COVID-19 pandemic and we anticipate that use of virtual meetings can continue beyond the pandemic. This green method reduces vehicle emissions.

Phoenix will encourage Coalition members to incorporate the above practices, wherever possible.

Item Number: 4.f.

CITY COUNCIL REPORT

SUBJECT: Resolution 1067-1020 – Amended Intergovernmental Agreement between the State of Arizona Department of Child Safety and the partnering agencies with the Southwest Family Advocacy Center

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Dale Nannenga, Chief of Police 623-333-7207

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Council will consider a request to adopt Resolution 1067-1020 authorizing the first amendment of an Intergovernmental Agreement (IGA) between the State of Arizona Department of Child Safety (DCS) and the partnering agencies of the Southwest Family Advocacy Center (SWFAC), which include the City of Avondale, the City of Buckeye, the City of Goodyear, and the Maricopa County Sheriff's Office to extend the shared use of the SWFAC facility and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Since October of 2018, the partnering agencies of the SWFAC have been entered in an IGA with DCS that permitted shared use of the Centers facilities that assist with the services for victims of child physical and sexual abuse. This collaboration between the partnering agencies and DCS provides a multidisciplinary team approach to issues affecting child abuse victims of the southwest valley.

DISCUSSION:

This first amendment extends the IGA (original contract 19-087C) agreement for the continued use of the SWFAC, located at 2333 N. Pebble Creek Parkway, Suite A-200, Goodyear, AZ 85395 until June 30, 2023. DCS will continue to occupy one office space and six modular workstations. DCS will provide their computers and office equipment. The partnering agencies agree to provide access to the internet for use by DCS, subject to the Avondale Information Technology Department's requirements.

One DCS Supervisor and an investigative unit will be co-located at the SWFAC and will participate in the multidisciplinary team monthly case reviews at the SWFAC. DCS provides on-site agency collaboration using the multi-disciplinary team approach to prevention, investigation, assessment, protection, referral for prosecution and treatment of child abuse cases. The term for this IGA extension shall remain in full force and effect until June 30, 2023, unless it is terminated as otherwise provided according to the agreement's terms and conditions.

BUDGET IMPACT:

Funding for DCS staff, office equipment, furniture and supplies is provided through the Arizona Department of Child Safety. Financial obligations of the partnering agencies are included in the current operations budget and includes shared access to the telephone system and internet and work space at SWFAC for DCS workers.

RECOMMENDATION:

Staff recommends the City Council adopt a resolution authorizing an extension to the Intergovernmental Agreement between the Department of Child Safety and the partnering agencies of the Southwest Family Advocacy Center.

RESOLUTION NO. 1067-1020

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF AVONDALE, THE CITY OF BUCKEYE, THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA AND THE STATE OF ARIZONA RELATING TO THE DEPARTMENT OF CHILD SAFETY'S USE OF THE SOUTHWEST FAMILY ADVOCACY CENTER.

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

SECTION 1. The First Amendment to the Intergovernmental Agreement among the City of Avondale, the City of Buckeye, the City of Goodyear, Maricopa County, Arizona and the State of Arizona, Department of Child Safety ("DCS") relating to DCS's use of the Southwest Family Advocacy Center to provide integrated services to children and families (the "Amendment") is hereby approved in substantially the form and substance attached hereto as Exhibit A.

SECTION 2. 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 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, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1067-1020

[Amendment]

See following pages.

FIRST AMENDMENT
TO
AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
AMONG
CITY OF AVONDALE, CITY OF BUCKEYE,
CITY OF GOODYEAR, MARICOPA COUNTY
AND
ARIZONA DEPARTMENT OF CHILD SAFETY
TO
PROVIDE INTEGRATED SERVICES TO CHILDREN AND FAMILIES

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (this "First Amendment") is entered into as of the last signature date below, between the City of Avondale, an Arizona municipal corporation (the "City"), the City of Buckeye, an Arizona municipal corporation ("Buckeye"), the City of Goodyear, an Arizona municipal corporation ("Goodyear"), Maricopa County, Arizona, an Arizona municipal corporation, acting by and through the Maricopa County Sheriff's Office ("Maricopa") and the State of Arizona, Department of Child Safety ("DCS") to provide integrated services to children and families at the Southwest Family Advocacy Center located at 2333 N. Pebble Creek Parkway, Suite A-200, Goodyear, Arizona 85395 (the "Center"). Avondale, Buckeye, Goodyear and Maricopa are collectively referred to herein as the "Partnering Agencies." DCS and the Partnering Agencies are collectively referred to herein as the "Parties."

RECITALS

A. The Parties entered into that certain Intergovernmental Agreement, Contract No. 19-087C, dated October 8, 2018, for the Partnering Agencies to participate in the shared use of the Center with DCS for the provision of services for victims of child physical and sexual abuse (the "Agreement"). All capitalized terms not otherwise defined in this First Amendment have the same meanings as set forth in the Agreement.

B. The Parties desire to enter into this First Amendment to extend the term of the Agreement for the shared use of the Center.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Term of Agreement. The term of the Agreement is hereby extended and shall remain in full force and effect until June 30, 2023 unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.

2. Effect of Amendment. The Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

3. Non-Default. By executing this First Amendment, the Parties affirmatively assert that (i) neither party is currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this First Amendment are forever waived.

4. Conflict of Interest. This First Amendment and the Agreement may be canceled by either party pursuant to ARIZ. REV. STAT. § 38-511.

5. Counterparts. This First Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument and each of said counterparts shall be deemed original hereof.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

"**AVONDALE**"

CITY OF AVONDALE,
an Arizona municipal corporation

_____ Date:_____
Charles A. Montoya, City Manager

ATTEST:

_____
Marcella Carrillo, City Clerk

CERTIFICATION BY LEGAL COUNSEL

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned Attorney acknowledges that (i) he has reviewed the above agreement on behalf of his client and (ii) as to his client only, has determined that the Agreement is in proper form and is within thepowers and authority granted under the laws of the State of Arizona.

_____
Nicholle Harris, City Attorney

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

"**Buckeye**"

CITY OF BUCKEYE,
an Arizona municipal corporation

_____ Date:_____
Roger Klinger, City Manager

ATTEST:

_____
Lucinda J. Aja, City Clerk

CERTIFICATION BY LEGAL COUNSEL

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned Attorney acknowledges that (i) he has reviewed the above agreement on behalf of his client and (ii) as to his client only, has determined that the Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____
Sheila Schmidt, City Attorney

[SIGNATURES CONTINUE OF FOLLOWING PAGES]

"**Goodyear**"

CITY OF GOODYEAR,
an Arizona municipal corporation

_____ Date:_____
Julie Arendall, City Manager

ATTEST:

_____
Darcie McCracken, City Clerk

CERTIFICATION BY LEGAL COUNSEL

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned Attorney acknowledges that (i) he has reviewed the above agreement on behalf of his client and (ii) as to his client only, has determined that the Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____
Roric Massey, City Attorney

[SIGNATURES CONTINUE OF FOLLOWING PAGES]

"**County**"

COUNTY OF MARICOPA, ARIZONA,
an Arizona municipal corporation

_____ Date:_____
Clint Hickman, Chairman, Board of Supervisors

ATTEST:

_____
Fran McCarroll, Clerk of the Board

CERTIFICATION BY LEGAL COUNSEL

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned Attorney acknowledges that (i) he has reviewed the above agreement on behalf of his client and (ii) as to his client only, has determined that the Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____
County Attorney

[SIGNATURES CONTINUE OF FOLLOWING PAGE]

"**DCS**"

STATE OF ARIZONA, DEPARTMENT OF CHILD SAFETY,
an Arizona municipal corporation

By:_____ Date:_____

Name:_____

Title:_____

CERTIFICATION BY LEGAL COUNSEL

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned Attorney acknowledges that (i) he has reviewed the above agreement on behalf of his client and (ii) as to his client only, has determined that the Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____
Assistant Attorney General

Item Number: 4.g.

CITY COUNCIL REPORT

SUBJECT: Final Plat for Park 10 Phase 3 - Application PL-20-0078

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will consider a request by Mr. Jeff D. Behrana, Optimus Design Group, for approval of a Final Plat for Park 10 Phase 3. The proposed Final Plat divides 28.54 acres of undeveloped land into five (5) lots, dedicates right-of-way at the intersection of McDowell Road and Harbor Shores Boulevard to accommodate construction of a new traffic signal, and dedicates public water and sidewalk easements to accommodate the development of Park 10 Phase 3 (Barrio Queen, Mountainside Fitness, and Shops C multi-tenant retail building) in accordance with City requirements. The subject property, located at the southeast corner of McDowell Road and 107th Avenue, includes 21.02 acres of unsubdivided land and Lot 3 of Park 10 Phase 2, an existing 7.52-acre platted parcel which will be re-platted as part of this Final Plat. The Council will take appropriate action.

BACKGROUND:

The 28.54-acre subject property (Exhibits A and B), annexed in 1986, is located at the southeast corner of McDowell Road and 107th Avenue. The property is zoned Park 10 Planned Area Development (PAD), initially approved in February 2006 and amended by City Council action in March 2018. The PAD, as amended, allows for a range of retail, restaurant, hospitality, entertainment, service, and office uses on the site. The property is designated as Freeway Commercial by the General Plan 2030 Land Use Map (Exhibit C).

Development of Park 10 Phases 1 and 2, east of the subject property, is complete. These previously developed phases include Main Event family entertainment center, Jack in the Box drive-through restaurant, Portillo's drive-through restaurant, and two multi-tenant buildings occupied by a variety of restaurant tenants including Starbucks, Jersey Mike's, Ahipoki Bowl, Rubio's Coastal Grill, and Popeye's (under construction).

A Site Plan for Park 10 Phase 3 was administratively approved in May 2020. The approved Site Plan allows for development of a Mountainside Fitness health and fitness center, a Barrio Queen full-service restaurant, and an additional multi-tenant restaurant/retail building (Shops C) and reserves a 2.90-acre parcel for potential development of a future hotel immediately west of Main Event. The approved Site Plan does not cover the westernmost 18.10 acres of the Park 10 site which will be planned and developed in a future phase. The requested Final Plat is needed in order to create separate parcels for each of the new buildings to be constructed in Park 10 Phase 3.

Surrounding zoning and uses include:

East: A variety of commercial uses within the existing phases of the Park 10 development, including an indoor bowling/entertainment center (Main Event), two drive-thru restaurants (Portillo's, Jack in the Box), and two (2) multi-tenant commercial buildings both containing end cap drive-through facilities.

West of 107th Avenue: From north (McDowell Road) to south (I-10):

- A 6.4-acre vacant, undeveloped parcel currently used for farming. The parcel is zoned AG (Agricultural) and is designated by the General Plan for future Freeway Commercial development.

- Colter Substation, an SRP electrical facility.

South of Interstate 10: The Avondale Automall, a series of new car dealerships that stretches from 99th Avenue to 107th Avenue. The Automall is zoned PAD.

North of McDowell Road: From east (103rd Avenue) to west (107th Avenue):

- Aventura Apartments, a three-story, 418 unit apartment complex on 18.4 acres, completed in 2003. That property is zoned PAD.

- American Mini Storage, a self-storage facility located on 3.9 acres zoned PAD.

- A medical office building located on 1.4 acres zoned PAD.

- Copper Springs Hospital, a 72-bed behavioral health hospital located on 6.0 acres zoned PAD.

- A vacant, undeveloped 1.9-acre lot zoned PAD, allowing for C-2 (Community Commercial) uses.

SUMMARY OF REQUEST:
The applicant is requesting approval of a Final Plat for Park 10 Phase 3 (Exhibit E). The proposed Final Plat divides the 28.54-acre subject property into five (5) individual lots, as follows:

- **Park 10 Phase 3, Lot 1**: An 18.1-acre parcel that will be developed in a future phase in accordance with the uses and development standards of the Park 10 PAD.

- **Park 10 Phase 3, Lot 2:** A 2.40-acre parcel to be developed with a multi-tenant restaurant/retail building ("Shops C") and a large pedestrian plaza that is expected to include a decorative water fountain and shaded public seating. Unlike the existing Shops A and Shops B buildings within Park 10, both of which include endcap drive-through spaces, Shops C will not feature a drive-through. Identities of future restaurant and/or retail tenants are not known at this time.

- **Park 10 Phase 3, Lot 3:** A 1.51-acre parcel to be developed with Barrio Queen, a full-service restaurant specializing in Mexican cuisine.

- **Park 10 Phase 3, Lot 4:** A 3.57-acre parcel to be developed with Mountainside Fitness, a health and fitness center.

- **Park 10 Phase 3, Lot 5:** A 2.90-acre parcel reserved for future development of a hotel (brand to be determined). In the event that the owner/developer is unable to attract a hotel to the site, development of this parcel in accordance with any commercial or office uses permitted within the Park 10 PAD

would also be permitted.

In addition, the Final Plat dedicates a small portion of right-of-way at the intersection of McDowell Road and Harbor Shores Drive to accommodate construction of a new traffic signal at this intersection and dedicates public water and sidewalk easements to accommodate the development of Park 10 Phase 3 (Barrio Queen, Mountainside Fitness, and Shops C multi-tenant retail building) in accordance with City requirements.

PUBLIC PARTICIPATION:
Public notification is not required for Final Plat applications.

PLANNING COMMISSION ACTION:
The Planning Commission does not review Final Plat applications.

ANALYSIS:

- The proposed Final Plat has been reviewed by the City's contracted Registered Land Surveyor and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.

- The proposed Final Plat is in conformance with the City of Avondale Zoning Ordinance, Subdivision Regulations, and Park 10 Planned Area Development (PAD) Development Plan.

- The proposed Final Plat is in conformance with the approved Site Plan for Park 10 Phase 3.

- The proposed Final Plat dedicates right-of-way to accommodate a new traffic signal at the intersection of McDowell Road and Harbor Shores Drive. The new signal will improve access to properties on both the north and south sides of McDowell Road and is expected to allow the corridor to function in a safer and more efficient manner.

- Approval of the Final Plat is required before the City will issue Certificates of Occupancy for any building within Phase 3 (Barrio Queen, Mountainside Fitness, Shops C).

DISCUSSION:

1. The proposed Final Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.

2. The proposed Final Plat is in conformance with the Park 10 PAD Development Plan, including conditions of approval.

3. The proposed Final Plat is in conformance with the approved Site Plan for Park 10 Phase 3.

4. The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

STRATEGIC PLAN:
INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Locate three (3) new companies each year that expand quality employment opportunities and support revenue growth.

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 **APPROVE** Application PL-20-0078 Park 10 Phase 3, a request for approval of a Final Plat for Park 10 Phase 3, subject to the following one (1) recommended condition of approval:

1. The recorded plat shall be in conformance with the Final Plat for Park 10 Phase 3 submitted on July 21, 2020.

PROPOSED MOTION:
I move that City Council **APPROVE** application PL-20-0078, a request for approval of a Final Plat for Park 10 Phase 3, subject to one (1) recommended condition of approval as listed in the staff report.

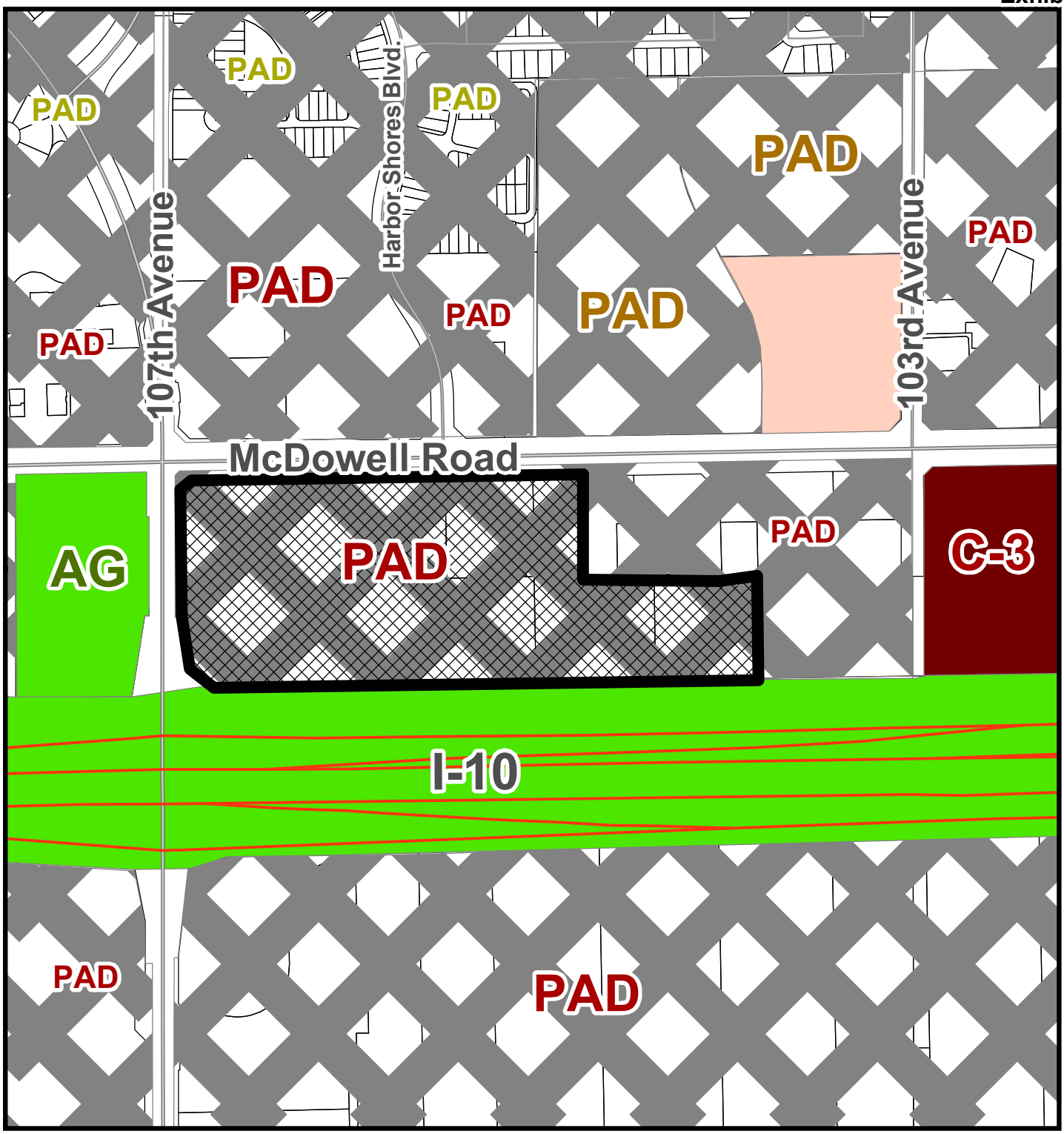
Exhibit A

Aerial Photograph

Avondale

Subject Property

Exhibit B

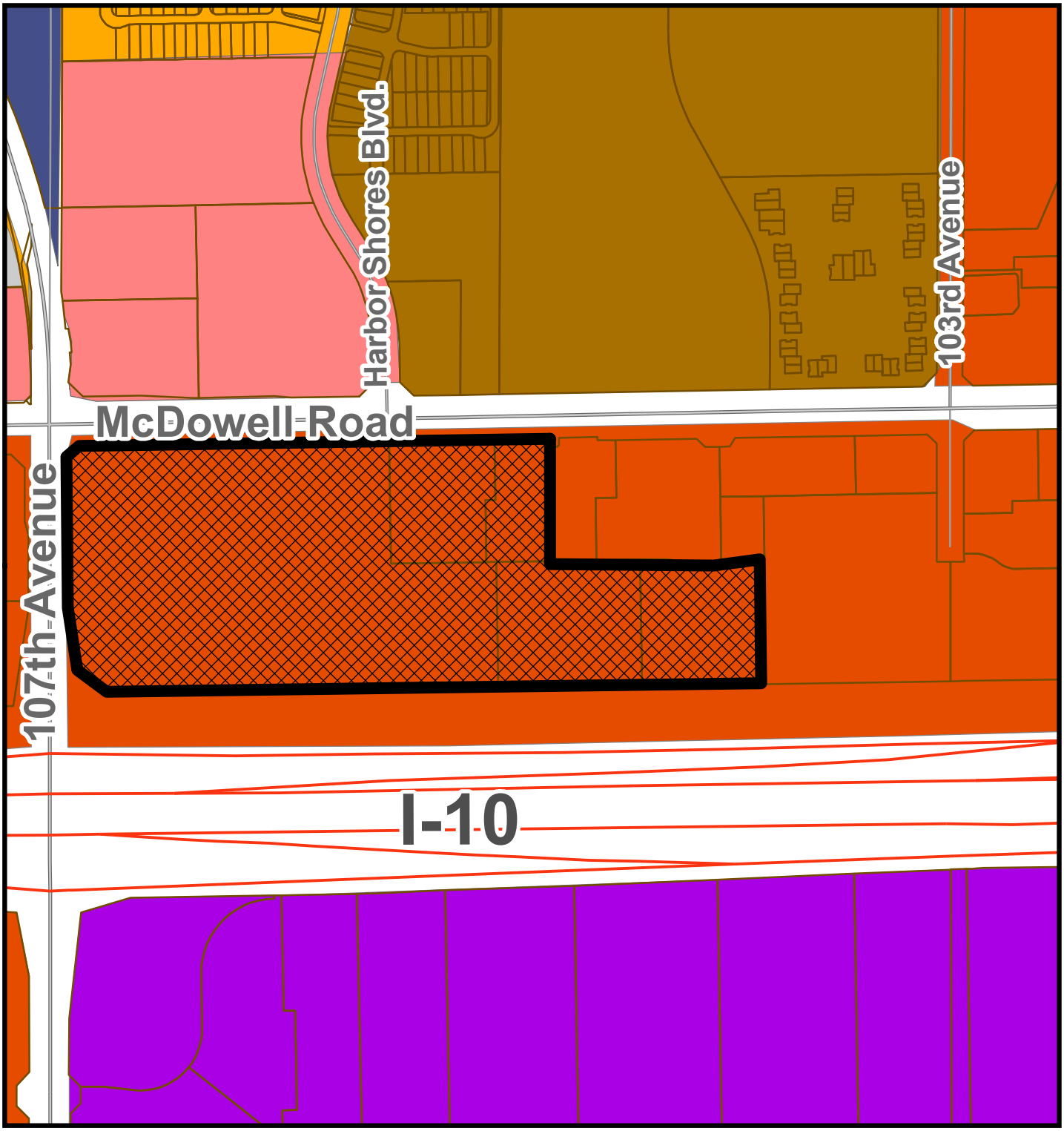


Zoning Vicinity Map

Avondale

Subject Property

Exhibit C



General Plan Land Use Map

- Freeway Commercial
- Business Park
- Local Commercial
- High Density Residential
- Medium Density Residential
- Public/Civic
- Subject Property

Avondale

SUMMARY OF RELATED FACTS
APPLICATION PL-20-0078

THE PROPERTY	
PROPERTY SIZE	Approximately 28.54 acres
LOCATION	Southeast corner of 107th Avenue and McDowell Road
PHYSICAL CHARACTERISTICS	The subject property is undeveloped. A Site Plan/Design Review application to allow for development of a portion of the undeveloped property with a Mountainside Fitness health and fitness center, a Barrio Queen restaurant, and an additional multi-tenant retail building has been approved with construction anticipated to being in Fall 2020.
GENERAL PLAN LAND USE DESIGNATION	Freeway Commercial
EXISTING ZONING	Park 10 Planned Area Development (PAD)
ZONING HISTORY	The property was annexed into the City of Avondale on March 17, 1986 and zoned R-1 (One Family Residence). Upon adoption of the City's new zoning map in 1990, the property was zoned AG (Agricultural). It was rezoned to Planned Area Development (PAD), part of the West-10 PAD, on February 21, 2006. A Major PAD Amendment, revising permitted uses on the property and changing the name of the development to Park 10, was approved by the Council in March 2018.

SURROUNDING ZONING AND LAND USE	
NORTH OF MCDOWELL ROAD	From east to west: • Aventura Apartments, a three-story, 418-unit apartment complex on 18.4 acres, completed in 2003. That property is zoned PAD. • American Mini Storage, a self-storage facility located on 3.9 acres zoned PAD. • A medical office building located on 1.4 acres zoned PAD. • Copper Springs Hospital, a 72-bed behavioral health hospital located on 6.0 acres zoned PAD. • A vacant, undeveloped 1.9 acre lot zoned PAD, allowing for C-2 (Community Commercial) uses.
EAST	A variety of commercial uses within the existing phases of the Park 10 development, including an indoor bowling/entertainment center (Main Event), two drive-thru restaurants (Portillo's, Jack in the Box), and two (2) multi-tenant commercial buildings both containing end cap drive-through facilities.
SOUTH OF I-10	The Avondale Automall, a series of new car dealerships that stretches from 99th Avenue to 107th Avenue. The Automall is zoned PAD.
WEST OF 107TH AVENUE	From north (McDowell Road) to south (I-10): • A 6.4 acre vacant, undeveloped parcel currently used for farming. The parcel is zoned AG (Agricultural) and is

	designated by the General Plan for future Freeway Commercial development. • Colter Substation, an SRP electrical facility.

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Pendergast Elementary School District Tolleson Union High School District
ELEMENTARY SCHOOL	Desert Mirage K-8
HIGH SCHOOL	Tolleson Union High School

STREETS	
107th Avenue	
Classification	Minor Arterial
Existing half street right-of-way	45 feet
Standard half street right-of-way	55 feet with additional ROW width at turn/deceleration lane locations
Existing half street improvements	Two (2) paved travel lanes, half (½) center turn lane, curb, gutter, sidewalk, street lights, landscaping, and a bus shelter.
Standard half street improvements	Two (2) paved travel lanes, landscaped center median with left turn lanes, curb, gutter, sidewalk, street lights, landscaping.
McDowell Road	
Classification	Arterial
Existing half street right-of-way	65 feet with additional ROW width at turn/deceleration lane locations
Standard half street right-of-way	65 feet with additional ROW width at turn/deceleration lane locations
Existing half street improvements	Three (3) paved travel lanes, landscaped center median with left turn lanes (partial length), curb, gutter, sidewalk, street lights, landscaping, and one bus shelter.
Standard half street improvements	Three (3) paved travel lanes, landscaped center median with left turn lanes (full length), curb, gutter, sidewalk, street lights, landscaping, and two bus shelters.

UTILITIES
The development site has access to an existing 16-inch water line in 107th Avenue, an existing 12-inch water line in McDowell Road, an existing 12-inch water line in 103rd Avenue, and an existing 15-inch sewer line in McDowell Road. No new public lines will be required to serve this development.

Exhibit E

Proposed Re-Plat

Park 10, Phase 3

FINAL PLAT
PARK 10, PHASE 3

A REPLAT OF LOT 3, PARK 10, PHASE 2, ACCORDING TO BOOK 1478 OF MAPS, PAGE 1 MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN 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.

DEDICATION

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT GUNBO, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER OF LOT 3, PARK 10, PHASE 2, ACCORDING TO BOOK 1478 OF MAPS, PAGE 1 AND DEED NUMBER 2017-0668977, MARICOPA COUNTY RECORDS, ARIZONA, HAS SUBDIVIDED UNDER THE NAME "PARK 10, PHASE 3", A REPLAT OF LOT 3, PARK 10, PHASE 2, ACCORDING TO BOOK 1478 OF MAPS, PAGE 1, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN 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, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "PARK 10, PHASE 3" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

THE OWNER HEREBY DEDICATES IN FEE ALL RIGHT TITLE AND INTEREST TO THE CITY FOR USE AS SUCH, THE STREET RIGHT OF WAYS AS SHOWN ON SAID MAP AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE HEREBY DEDICATED TO THE CITY FOR THE PURPOSES SHOWN HEREON.

IN WITNESS WHEREOF: GUNBO, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 2020

BY: _____

ITS: MANAGER

IN WITNESS WHEREOF: PARK 10 SHOPS C, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 2020

BY: _____

ITS: MANAGER

IN WITNESS WHEREOF: PARK 10 BQ, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 2020

BY: _____

ITS: MANAGER

IN WITNESS WHEREOF: PARK 10 MSF, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 2020

BY: _____

ITS: MANAGER

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

ON _____, 2020, BEFORE ME PERSONALLY APPEARED SEJIN KIM THE MANAGER OF GUNBO, LLC, AN ARIZONA, LLC ON BEHALF OF THE LLC, 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 LLC.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

ON _____, 2020, BEFORE ME PERSONALLY APPEARED SEJIN KIM THE MANAGER OF PARK 10 SHOPS C, LLC, AN ARIZONA LLC ON BEHALF OF THE LLC, 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 LLC.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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_____
NOTARY PUBLIC

NOTES

1. ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE COMMON OPERATION AND RECIPROCAL EASEMENT AGREEMENT (CORE A), RECORDED IN DOCUMENT NUMBER 2015-0135307, MARICOPA COUNTY RECORDS, ARIZONA, EXCLUDING MEDIANS ON ARTERIAL STREETS.

2. ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.

3. ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.

4. NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.

5. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE.

6. NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.

7. ALL STORM DRAIN PIPES FROM THE CATCH BASINS TO THE RETENTION BASINS SHALL BE MAINTAINED BY THE OWNER.

BASIS OF BEARING

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 5, AS SHOWN IN BOOK 1224, PAGE 38, MARICOPA COUNTY RECORDS. SAID LINE BEARS NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST.

FLOOD ZONE

ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C2160 L, DATED OCTOBER 16, 2013, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

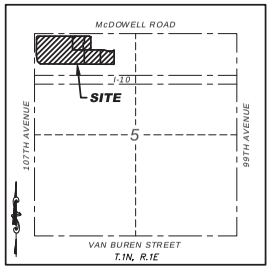
100-YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES.

REFERENCE DOCUMENTS

FINAL PLAT FOR PARK 10, PHASE 1, BOOK 1224 OF MAPS. PAGE 38, MARICOPA COUNTY RECORDS, ARIZONA
FINAL PLAT FOR PARK 10, PHASE 2, BOOK 1478 OF MAPS. PAGE 1, MARICOPA COUNTY RECORDS, ARIZONA

Submitted
Electronically
July 21, 2020



VICINITY MAP

N.T.S.

OWNER - LOTS 1 & 5

GUNBO LLC
4650 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85040
PHONE: 602.286.9300
CONTACT: JEFF BEHRANA

OWNER - LOT 2

PARK 10 SHOPS C, LLC
4650 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85040
PHONE: 602.286.9300
CONTACT: SEJIN KIM

OWNER - LOT 3

PARK 10 BQ, LLC
4650 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85040
PHONE: 602.286.9300
CONTACT: SEJIN KIM

OWNER - LOT 4

PARK 10 MSF, LLC
4650 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85040
PHONE: 602.286.9300
CONTACT: SEJIN KIM

SURVEYOR

SURVEY INNOVATION GROUP, INC.
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 480.922.0780
CONTACT: ANTHONY SLATER, RLS

CIVIL ENGINEER

OPTIMUS CIVIL DESIGN GROUP LLC
4650 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85040
PHONE: 602.286.9300
CONTACT: JEFF BEHRANA

LOT AREA TABLE

LOT #	AREA (SF)	AREA (AC)
1	788,541	18.102
2	104,616	2.402
3	65,912	1.513
4	155,687	3.574
5	126,462	2.903
R/W	2,403	0.055
TOTAL	1,243,621	28.549

CERTIFICATION

I, ANTHONY SLATER, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT THE SURVEY SHOWN HEREON WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF SEPTEMBER, 2018, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE MONUMENTS SHOWN ACTUALLY EXIST.

ANTHONY SLATER
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 480-922-0780
TONYS@SIGSURVEYAZ.COM

REGISTERED LAND SURVEYOR
60370
A.L. SLATER
6/1/20
Date Signed
ARIZONA U.S.A.

APPROVALS AND ACCEPTANCE OF DEDICATION

PLAT APPROVED AND DEDICATED RIGHT-OF-WAY AND EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA

THIS _____ DAY OF _____, 2020

_____ _____
MAYOR DATE

_____ _____
ATTEST: CITY CLERK DATE

_____ _____
CITY ENGINEER DATE

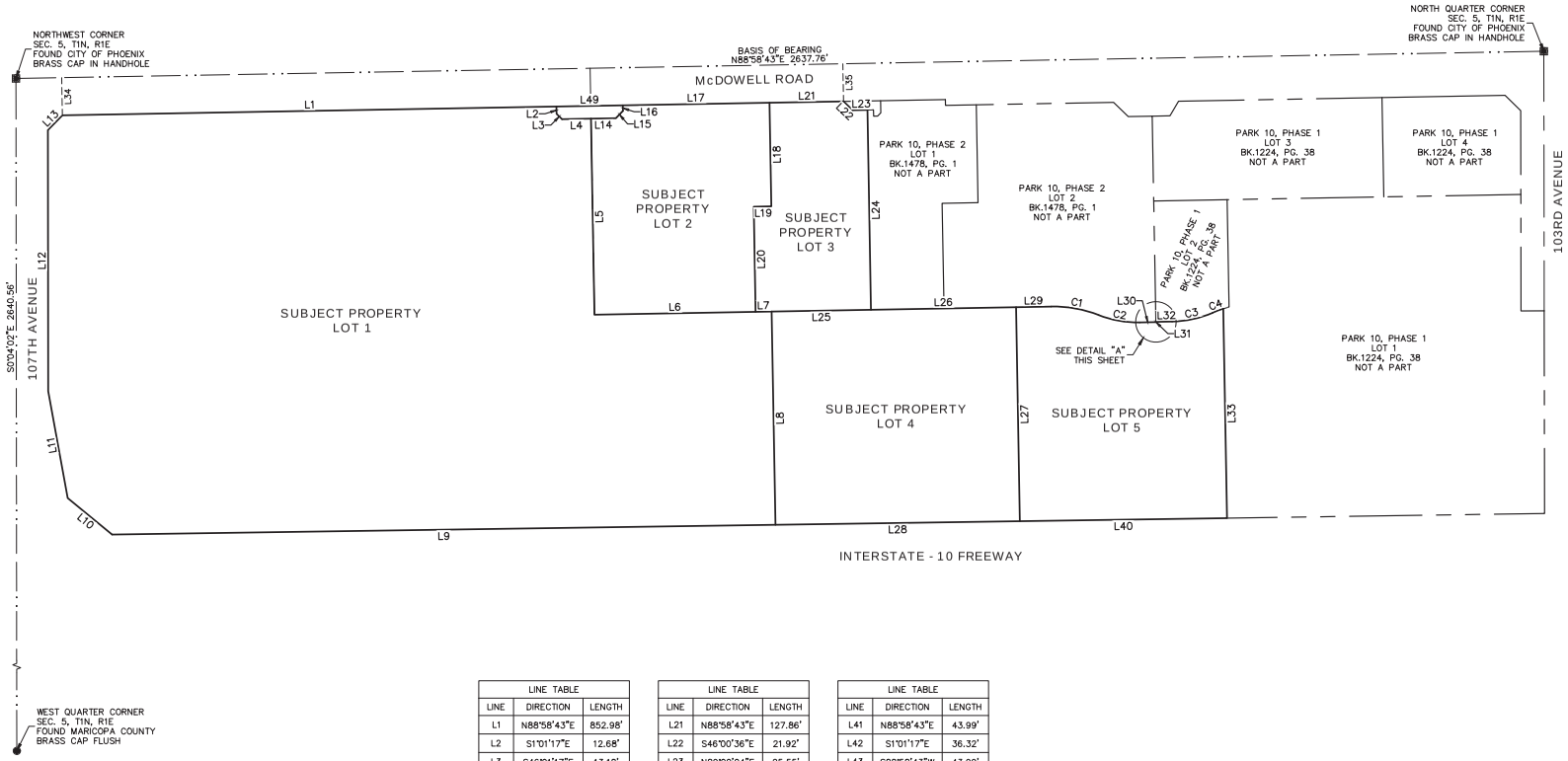
SIG
SURVEY INNOVATION GROUP, INC
Land Surveying Services
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PH (480) 922-0780 FX (480) 922-0781
WWW.SIGSURVEYAZ.COM

OPTIMUS
CIVIL DESIGN GROUP
4650 E. COTTON CENTER BLVD.
PHOENIX, AZ 85040
PH: (602) 286-9300 FAX: (602) 286-9400

FINAL PLAT
PARK 10, PHASE 3
AVONDALE, ARIZONA

REVISIONS:
1
2
3

DRAWING NAME: PH3 PLAT
JOB NO. 2018-214
DRAWN: TS
CHECKED: JAS
DATE: 06/01/2020
SCALE: N.T.S.
SHEET: 1 OF 4



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N88°58'43"E	852.98'
L2	S1°01'17"E	12.68'
L3	S46°01'17"E	13.18'
L4	N88°58'43"E	50.00'
L5	S1°00'58"E	338.68'
L6	N88°58'43"E	278.11'
L7	N88°58'43"E	27.70'
L8	S1°01'17"E	368.26'
L9	S89°09'29"W	1145.18'
L10	N50°34'45"W	99.20'
L11	N10°19'34"W	187.67'
L12	N0°04'02"W	450.87'
L13	N44°27'19"E	35.66'
L14	N88°58'43"E	43.00'
L15	N43°58'43"E	17.42'
L16	N1°01'17"W	9.68'
L17	N88°58'43"E	253.22'
L18	S1°00'58"E	179.06'
L19	S88°59'02"W	30.43'
L20	S1°00'58"E	181.62'

LINE TABLE		
LINE	DIRECTION	LENGTH
L21	N88°58'43"E	127.86'
L22	S46°00'36"E	21.92'
L23	N89°00'04"E	25.55'
L24	S0°59'37"E	345.17'
L25	S88°58'43"W	171.51'
L26	N88°58'43"E	250.49'
L27	S1°01'17"E	369.59'
L28	S89°09'29"W	422.00'
L29	N88°58'43"E	60.57'
L30	N88°58'43"E	28.14'
L31	N1°01'17"W	0.46'
L32	N88°58'43"E	28.04'
L33	S1°01'17"E	361.62'
L34	S1°01'17"E	65.00'
L35	S1°01'17"E	65.00'
L36	N88°58'43"E	65.20'
L37	S48°58'43"W	5.45'
L38	S88°58'43"W	27.70'
L39	N85°01'38"W	33.52'
L40	S89°09'29"W	357.56'

LINE TABLE		
LINE	DIRECTION	LENGTH
L41	N88°58'43"E	43.99'
L42	S1°01'17"E	36.32'
L43	S88°58'43"W	43.99'
L44	N1°01'17"W	36.32'
L45	N88°58'43"E	8.25'
L46	N43°58'43"E	7.07'
L47	S88°58'43"W	131.49'
L48	N86°01'15"W	149.14'
L49	N88°58'43"E	114.64'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	22°21'19"	215.00'	83.89'	S79°50'38"E 83.36'
C2	22°21'19"	185.00'	72.18'	S79°50'38"E 71.73'
C3	22°22'12"	184.50'	72.03'	N77°47'37"E 71.58'
C4	5°12'52"	215.50'	19.61'	N69°12'57"E 19.61'

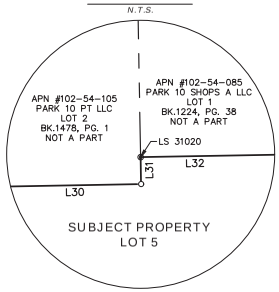
100 0 100 200
SCALE FEET

LEGEND

- FOUND BRASS CAP IN HANDHOLE
- FOUND 'PK' NAIL
- FOUND 1/2" REBAR
- SET 1/2" REBAR W/CAP LS 35833
- LS — LAND SURVEYOR
- BK./PG. — BOOK/PAGE
- M.C.R. — MARICOPA COUNTY RECORDER
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- ADJACENT BOUNDARY LINE

DETAIL "A"

N.T.S.



SIG
SURVEY INNOVATION GROUP, INC
Land Surveying Services
22425 N. 56TH STREET, SUITE 1
PHOENIX, ARIZONA 85054
PH (480) 922-0788 FX (480) 922-0791
WWW.SURVEYSIG.COM

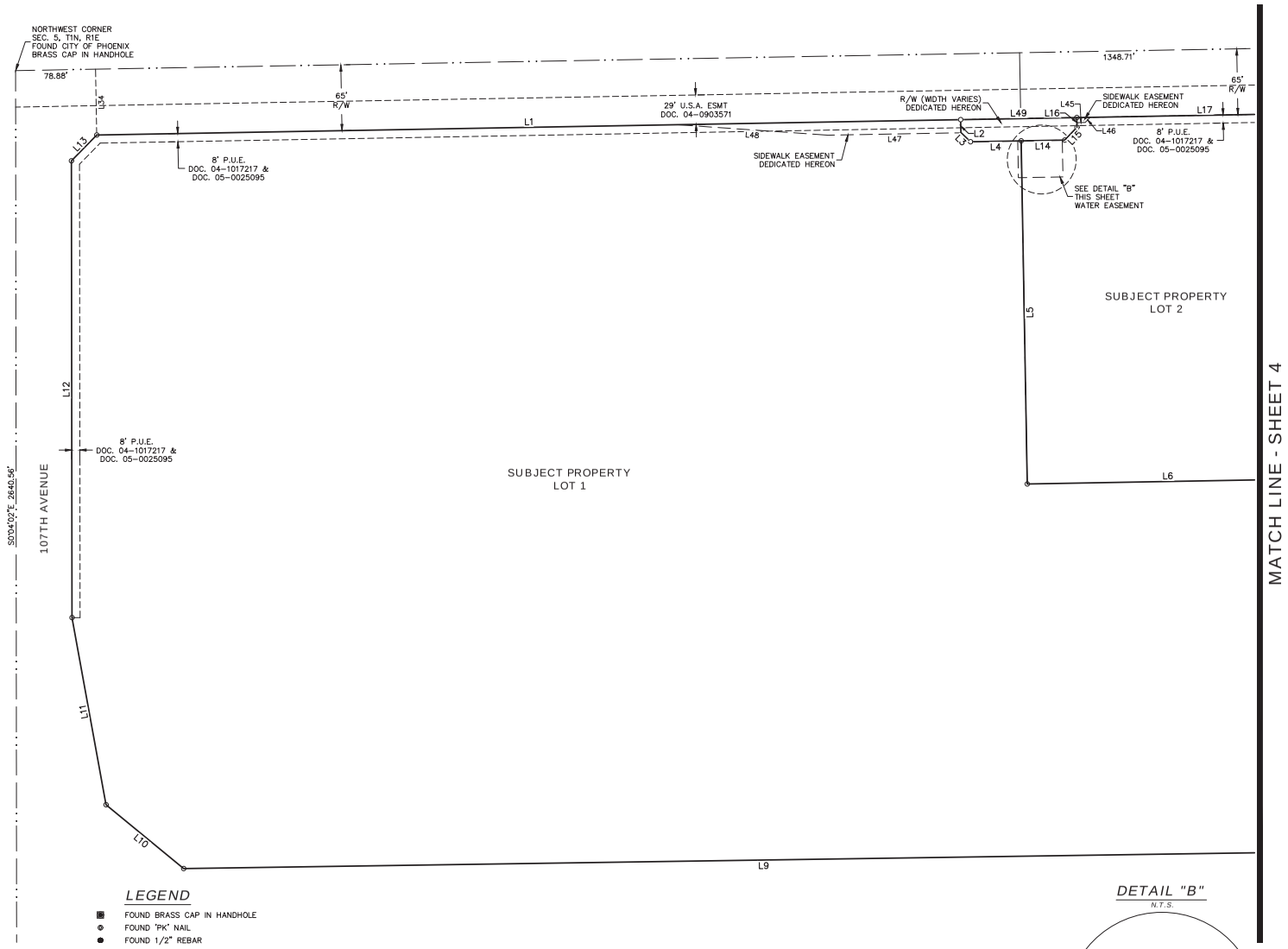
OPTIMUS
CIVIL DESIGN GROUP
4050 E. COTTON CENTER BLVD.
BUILDING 5, SUITE 55
PHOENIX, AZ 85040
PH: (602) 354-3000 FAX: (602) 354-3001

FINAL PLAT
PARK 10, PHASE 3
AVONDALE, ARIZONA

REGISTERED LAND SURVEYOR
60370
A.L. SLATER
6/1/20
Expires
ARIZONA U.S.A.

REVISIONS:
1.
2.
3.

DRAWING NAME: PH3 PLAT
JOB NO. 2018-214
DRAWN: TS
CHECKED: JAS
DATE: 06/01/2020
SCALE: 1"=100'
SHEET: 2 OF 4



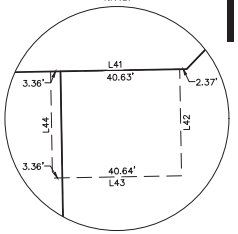
LEGEND

■	FOUND BRASS CAP IN HANDHOLE
⊙	FOUND "PK" NAIL
●	FOUND 1/2" REBAR
○	SET 1/2" REBAR W/CAP LS 35833
LS	LAND SURVEYOR
BK./PG.	BOOK/PAGE
DOC.	DOCUMENT NUMBER
P.U.E.	PUBLIC UTILITY EASEMENT
V.N.A.E.	VEHICULAR NON-ACCESS EASEMENT
M.C.R.	MARICOPA COUNTY RECORDER
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	ADJACENT BOUNDARY LINE

50 0 50 100
SCALE FEET

DETAIL "B"

N.T.S.



SIG
SURVEY INNOVATION GROUP, INC
Land Surveying Services
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PH (480) 922-0780 FX (480) 922-0781
WWW.SURVEYSIG.COM

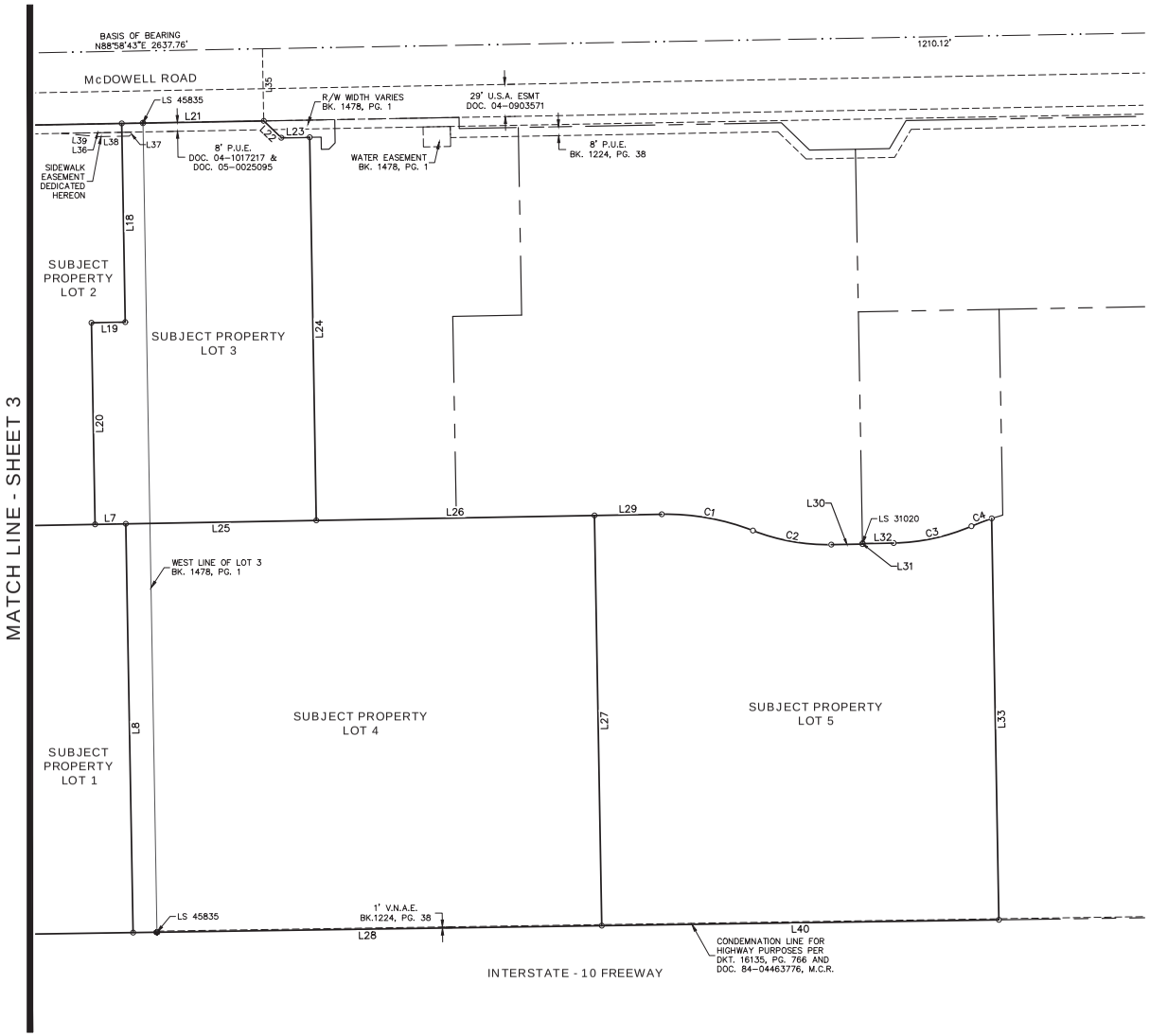
OPTIMUS
CIVIL DESIGN GROUP
4050 E. COTTON CENTER BLVD.
SUITE 115
PHOENIX, AZ 85040
PH: (602) 304-3030 FAX: (602) 306-6030

FINAL PLAT
PARK 10, PHASE 3
AVONDALE, ARIZONA

REGISTERED LAND SURVEYOR
60370
A.L. SLATER
6/1/20
Expires
ARIZONA U.S.A.

REVISIONS:
1
2
3
4

DRAWING NAME: PH3 PLAT
JOB NO. 2018-214
DRAWN: TS
CHECKED: JAS
DATE: 06/01/2020
SCALE: 1"=50'
SHEET: 3 OF 4



LEGEND

▣	FOUND BRASS CAP IN HANDHOLE
⊕	FOUND "PK" NAIL
●	FOUND 1/2" REBAR
○	SET 1/2" REBAR W/CAP LS 35833
LS	LAND SURVEYOR
BK./PG.	BOOK/PAGE
DOC.	DOCUMENT NUMBER
P.U.E.	PUBLIC UTILITY EASEMENT
V.N.A.E.	VEHICULAR NON-ACCESS EASEMENT
M.C.R.	MARICOPA COUNTY RECORDER
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	ADJACENT BOUNDARY LINE

50 0 50 100
SCALE FEET

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FINAL PLAT
PARK 10, PHASE 3
AVONDALE, ARIZONA

REGISTERED LAND SURVEYOR
60370
A.L. SLATER
6/1/20
Expires
ARIZONA U.S.A.

REVISIONS:
1
2
3
4

DRAWING NAME: PH3 PLAT
JOB NO. 2018-214
DRAWN: TS
CHECKED: JAS
DATE: 06/01/2020
SCALE: 1"=50'
SHEET: 4 OF 4

Item Number: 5.a.

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Resolution 1068-1020 - Minor General Plan Land Use Map Amendment for Hancock Communities at McDowell 117 – Application PL-20-0054

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Resolution 1068-1020 approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Avondale Townhomes on Dysart, a proposed 217 unit multi-family residential development located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue. The proposed Minor General Plan Amendment, if approved, will amend the land use designation of approximately 32.30 acres of land inclusive of 19.07 acres of privately owned property, 9.53 acres of adjacent Interstate 10 (I-10) right-of-way and a 3.70 acre undeveloped portion of Friendship Park, from High Density Residential (HDR) to Medium/High Density Residential (MHDR).

BACKGROUND:

The 32.30-acre subject property (Exhibits A and B) is located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue, directly north of Interstate 10 (I-10).

The subject site includes approximately 19.07 acres of privately owned property upon which the Hancock Communities at 117 development is proposed, an adjacent 9.53-acre segment of Arizona Department of Transportation (ADOT) owned I-10 right-of-way, and an adjacent 3.70-acre undeveloped portion of Friendship Park owned by the City of Avondale. The portions of ADOT and City of Avondale property are included in this request for administerial purposes and will not be developed as part of the Hancock Communities at McDowell 117 project.

The property is bisected by a high voltage powerline corridor that runs north to south, dividing the eastern and western (approximate) halves of the property. Additionally, a sound attenuation wall that mitigates freeway noise to existing residential developments north of I-10 is located within the adjoining ADOT right-of-way and runs the full width of the site, restricting visibility into the property.

The eastern portion of the site, currently used for crop farming, was annexed into the City of Avondale in March 1999 and rezoned from Agricultural (AG) to Crystal Springs Planned Area Development (PAD) by City Council in May of that same year. The approximate 90-acre Crystal Springs PAD is bounded by Avondale Boulevard on the east, McDowell Road on the north, 119th Avenue on the west, and I-10 on the south; the

approved PAD allows for commercial uses in accordance with the Community Commercial (C-2) zoning district east of 117th Avenue and multi-family residential uses in accordance with the Multi-Family Residential (R-4) zoning district west of 117th Avenue. The subject property, being west of 117th Avenue, is allowed to develop with multi-family residential uses subject to R-4 development standards.

The western portion of the site, undeveloped and not used for agricultural production, was annexed into the City of Avondale in October 1983 and has been zoned Manufactured Home Park (MH) since annexation. The MH district, which until 2009 had been named the R-5 district, allows for development of manufactured home parks and small lot single-family subdivisions.

The entirety of the subject property is designated by the General Plan 2030 Land Use Map as High Density Residential (HDR). The HDR designation allows for multi-family residential uses including patio homes, apartments, condominiums, and townhomes with a density range of twelve (12.0) to thirty (30.0) dwelling units per acre (12 du/acre target density). The eastern half of the site, zoned PAD with allowances for multi-family residential per the City's R-4 district, conforms to the HDR General Plan designation. The western half of the site, zoned MH, is not in conformance with the HDR designation.

Approval of the applicant's request for a Minor General Plan Amendment will change the land use designation of the property to Medium/High Density Residential (MHDR), allowing the property to be developed at a lower density than supported with the current HDR designation. The MHDR designation allows for a variety of single-family and multi-family residential types in a density range of four (4.0) to twelve (12.0) dwelling units per acre (4.0 du/acre target density). A map showing both the existing and proposed General Plan Land Use designations on the property is included as Exhibit C.

The property is also located within the boundaries of the Freeway Corridor Specific Plan (FCSP), which places a priority on the City's appearance from the I-10 by establishing supplemental design requirements for sites that are visible from the freeway.

An application to rezone the privately-owned 19.07-acre portion of the property to Planned Area Development (PAD) to accommodate development of a 217 unit multi-family residential community will be considered by the Council separately at this same meeting. Because the density of the proposed Hancock Communities at McDowell 117 development (11.3 units per acre) falls below the HDR designation's minimum twelve (12) units per acre threshold, Council approval of the proposed General Plan Amendment is required before the companion rezoning request can be approved.

The existing uses and zoning of surrounding properties include:

NORTH: Multiple uses are occurring along the northern boundary of the site. From east to west, these uses include:

- Crystal Springs Apartments, a fully developed 26-acre, 390 unit multi-family residential development. The Crystal Springs Apartments property is zoned Crystal Springs Planned Area Development (PAD) which allows for multi-family uses on that site.

- Country Hills Mobile Home Park, a manufactured home park containing 115 manufactured homes that also provides additional spaces for seasonal parking of recreational vehicles for habitation. The park was developed between 1969 and 1976 while in Maricopa County; the property is zoned Manufactured Home Park (MH).

EAST: An 8.22-acre property upon which a public charter elementary school, Sun Valley Academy, recently completed construction. The property is zoned Crystal Springs PAD. By Arizona statute, charter schools are not required to comply with City zoning regulations.

SOUTH: Interstate 10 (I-10), a major federal highway zoned AG (Agricultural). The width of I-10 right-of-way adjacent to the subject property ranges from 600 to 660 feet and is developed with a ten lane median separated highway and a large drainage channel north of the westbound lanes. An existing sound attenuation wall that runs the full width of the subject site is located between the channel and highway.

WEST: An undeveloped portion of Friendship Park, zoned Agricultural (AG). It is anticipated this land, owned by the City of Avondale, will be developed with park amenities at a later date.

SUMMARY OF REQUEST:
The applicant is seeking to develop the 19.07-acre privately owned portion of the site with Hancock Communities at McDowell 117, a proposed 217 unit single-story apartment community at a density of 11.3 units per acre.

As previously noted, the property currently features a General Plan 2030 Land Use designation of High Density Residential (HDR), which allows for multi-family residential uses including patio homes, apartments, condominiums, and townhomes with a density range of 12.0 to 30.0 dwelling units per acre (12 du/acre target density). To accommodate the proposed density under 12.0 units per acre, the applicant is requesting approval of a Minor General Plan Amendment (GPA) to change the General Plan 2030 Land Use designation of the property to Medium/High Density Residential (Exhibit E). The requested Medium/High Density Residential (MHDR) designation allows for a variety of single-family and multi-family residential types with a density of between 4.0 and 12.0 dwelling units per acre (4.0 du/acre target density). Though the target density is four (4) units per acre, zoning that allows up to twelve (12) units per acre may be approved in the MHDR designation if a proposed development provides for enhanced walkability, design, open space, and amenities.

In addition to the 19.07-acre development site, the proposed GPA also includes 9.53 acres of adjoining I-10 right-of-way and an adjacent 3.70-acre undeveloped portion of Friendship Park. These public properties are currently designated by the Land Use Map as HDR and are included in this request to avoid creating a remnant island of HDR south and west of the Hancock Communities at McDowell 117 site. These public properties will not be developed with the Hancock Communities at McDowell 117 project.

This proposed GPA is the first step in the development process for the site. As indicated in the preceding section, a separate application to rezone the privately-owned 19.07-acre property to Planned Area Development (PAD) has been filed and will be heard on the same City Council meeting as this proposed General Plan Amendment. Additional details on the proposed Hancock Communities at McDowell 117 development can be found within the staff report for the companion rezoning.

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 students living in the future Hancock Communities at McDowell 117 complex will have an opportunity to choose which school they will attend within the LESD system. Canyon Breeze Elementary, located at the southwest corner of Encanto Boulevard and 116th Lane, is the school that is presently closest to the Hancock Communities at McDowell 117 site (approximately 0.7 miles away).

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 Hancock Communities at McDowell 117; however, the developer is working with LESD on a donation agreement that will assist in meeting the district’s needs.

High school aged students will attend the new West Point High School located at the northwest corner of Encanto Boulevard and Avondale Boulevard, approximately 1.2 miles from the planned development.

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 to accommodate the anticipated enrollment from the proposed development.

PUBLIC PARTICIPATION:
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held at 6:00 P.M. on Tuesday, June 23rd. Due to the ongoing Covid-19 pandemic, the meeting was held virtually via Zoom. 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 in at least fifteen days prior to the meeting as required. In addition to City Staff and the applicant's team, Vice Mayor Pat Dennis attended the virtual meeting (Exhibit F). Discussion was primarily related to the following topics:

- ***Comparison of the density of what is currently allowed on the site versus what would be allowed under the proposed General Plan Amendment and Rezoning***. The applicant noted that under the site's current mixed PAD and MH zoning up to 284 dwelling units could be developed on the property, a density of 14.8 units per acre. The proposal requests a total of 216 units, reducing the density by 3.5 units per acre to 11.3.

- ***Will a connection from the development directly into Friendship Park be provided?*** Staff and the applicant indicated that a gated pedestrian connection would be provided along the site's western boundary and that the developer will install a temporary stabilized decomposed granite pathway from the new gate to connect to the existing sidewalk/trail system within the park. The temporary path is a better option than a permanent concrete sidewalk because the portion of Friendship Park adjacent to the site is not currently developed and the path will likely need to be relocated and realigned when that park phase is completed. For the same reasons, lighting is not provided along the temporary path, though it should also be noted that lighting is not provided along any existing permanent paths within Friendship Park either.

- ***How will traffic to the site be safely accommodated?*** The applicant noted that both 117th Avenue and 119th Avenue will offer residents access to the site. The 117th Avenue entrance is the project's front door (featuring the clubhouse and other amenities); however, it is believed more residents will use the 119th Avenue entrance since that will be signalized. The Vice Mayor noted that the Sun Valley Academy charter school under construction may make 117th Avenue difficult to use by residents during peak hours and recommended examining if the McDowell Road/117th Avenue intersection could be limited to a three-quarter access with northbound to westbound left turns onto McDowell Road restricted. A stipulation prohibiting northbound traffic on 117th Avenue from turning left onto westbound McDowell Road is included in Staff's recommendation for the proposed rezoning, Application PL-20-0055.

One comment pertaining to the proposal was posted on the City's aVOICE/Polco digital forum, as follows, "*Build it as soon as you can. Increase the population of Avondale and let any adjacent retail/commercial follow the residential rooftop increase. At some point the farmland has to go away for the community to grow.*" No additional public comments have been received to date.

All required notifications for the 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, July 29, 2020, edition of the Arizona Republic, and a public hearing notice sign identifying meeting dates, times, and locations were installed on the property. All notifications included language asking interested parties to contact Staff prior to scheduled meetings to receive Zoom meeting links. No members of the public spoke during the public hearing for the proposal at the August 19, 2020 Planning Commission meeting.

PLANNING COMMISSION ACTION:
On August 19, 2020, Planning Commission conducted a public hearing and voted 4-0 to recommend approval of the proposed Minor General Plan Amendment. Commission had the following questions or comments:

- Chair Iwanski asked Staff to confirm that the property located immediately west of the Hancock Communities at McDowell 117 site is part of the City's Friendship Park. Staff confirmed that the property was indeed part of the Friendship Park site but noted that it was currently unimproved and would be developed with park amenities by the City in a future phase of park development.

ANALYSIS:
City Council must determine that the proposed amendment meets four findings prior to recommending approval. Staff's analysis of each of the required findings is presented below.

1. The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use or change proposed in the amendment.

- All similarly sized undeveloped sites with a Medium/High Density Residential designation are located outside of a two-mile radius from the subject property. It is important that all residential land use designations are geographically dispersed throughout the City to ensure that residents can find a suitable home in the portion of Avondale they seek to live in. Approval of this GPA will help to address the present inadequacy with the geographical distribution of the MHDR designation.

- The proposed change from High Density Residential to Medium/High Density Residential does not represent a drastic shift in the vision for the development of the site. Under the property's current High Density designation, multi-family residential development could occur at a density of twelve (12) units per acre. The proposed Hancock Communities at McDowell 117 development will feature a density of 11.3 units per acre, less than one (1) unit per acre below the minimum threshold (twelve (12) units per acre) of the property's current High Density Residential designation.

2. The amendment constitutes an overall improvement in the 2030 Plan and is not solely for the good or benefit of a particular landowner or owners.

- Development of the site with the proposed Hancock Communities at McDowell 117 will bring 217 households to the area, helping to sustain existing businesses and support development of new businesses within the McDowell Road corridor.

- The proposed single-story multi-family product, with each unit having a private walled yard, will be the first project of its kind in the City of Avondale. The proposed amendment will diversify Avondale's housing stock with a new type of product that may attract residents that otherwise would not consider living in Avondale.

- The proposed reduction in density will generate less traffic than if the site were to be developed under the current High Density Residential designation. Impacts of new traffic on the existing residents of the adjacent Crystal Springs Apartments and Country Hills Mobile Home Park will be lessened from the existing development allowances.

- Despite the site's adjacency to I-10, the existing sound attenuation wall limits visibility into the site, reducing its viability for commercial development. Furthermore, two (2) to four (4) story multi-family development that would generally occur within the High Density Residential designation would exceed the height of the sound attenuation wall, subjecting future residents to severe freeway noise impacts. The proposed single-story multi-family development, fully protected by the existing sound attenuation wall, is the ideal use for this site.

- The City will benefit, both directly and indirectly, from development of a site that has remained vacant and undeveloped for 37 years following annexation of the western half (21 years following annexation of the eastern half).

3. The amendment will not adversely impact the community as a whole and/or a portion of the community by: (1) significantly altering acceptable land use patterns; (2) requiring large and more expensive public infrastructure improvements including, but not limited to roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land use.

- The proposed GPA does not represent a significant alteration to the current land use pattern. As previously noted, under the existing High Density Residential designation, the site could develop at a density of twelve (12) units per acre. With approval of this Minor General Plan Amendment and concurrent rezoning request, the site will be able to develop with 217 units, twelve (12) units fewer than the 229 that could be requested under the existing High Density Residential land use.

- Relative to what could be developed under the property's existing High Density Residential designation, approval of the amendment will result in a reduction in traffic and lowered demand for water, wastewater, public safety, and other City services.

- The proposed amendment positively impacts adjacent residential uses by reducing density for development on the site, lowering traffic impacts on 119th Avenue and 117th Avenue from what potentially could be built under the site's High Density Residential designation.

4. The amendment is consistent with the overall intent of the General Plan 2030 and other adopted plans, codes, and ordinances.

The proposed amendment furthers several goals of the General Plan 2030 and Freeway Corridor Specific Plan, including, but not limited to:

- General Plan Land Use Element Goal #1, Policy C: "*Diversify Avondale's housing stock by providing for varied residential types….*" The proposed Hancock Communities at McDowell 117 is a residential concept that will be the first of its kind in the City of Avondale, combining the convenience of apartment living with benefits typically reserved for single-family homes, such as private rear yards.

- General Plan Land Use Element Goal #1, Policy D: "*Enhance the attractiveness of infill parcels as an option for new development throughout Avondale*." The subject property has remained vacant since it was annexed in segments in 1983 and 1999. The proposed Amendment will facilitate development of this long vacant site.

- Freeway Corridor Specific Plan Objective #1: "*Prioritize the City's appearance from the I-10 and Loop 101 freeways, limiting heavy industrial uses and establishing strict design requirements where necessary*." An existing sound attenuation wall limits visibility into the site, particularly for a one-story development such as the proposed Hancock Communities at McDowell 117 project. Despite the

limited visibility, the companion Planned Area Development includes rigorous design measures that will result in excellent architectural variety throughout the site.

- Freeway Corridor Specific Plan Objective #5: "*Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.*" The project is designed to be pedestrian/bicyclist friendly, with a network of internal sidewalks connecting residences to on-site amenity areas. Additionally, a pedestrian gate is provided to allow direct access from the site into Friendship Park. The developer will provide a temporary trail connection from the gate to existing Friendship Park sidewalks until a permanent path system is completed with development of the adjacent portion of the park.

DISCUSSION:

The requested MHDR designation allows for a variety of single-family and multi-family residential types with a density range of four (4.0) to twelve (12.0) dwelling units per acre (4.0 du/acre target density). The adjoining 9.53 acres of I-10 right-of-way and the 3.70-acre portion of Friendship Park are included in this request solely for administerial purposes and will not be developed as part of the Hancock Communities at McDowell 117 project.

Staff finds this request meets the four required findings and recommends approval of the proposed Minor General Plan Amendment.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

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.

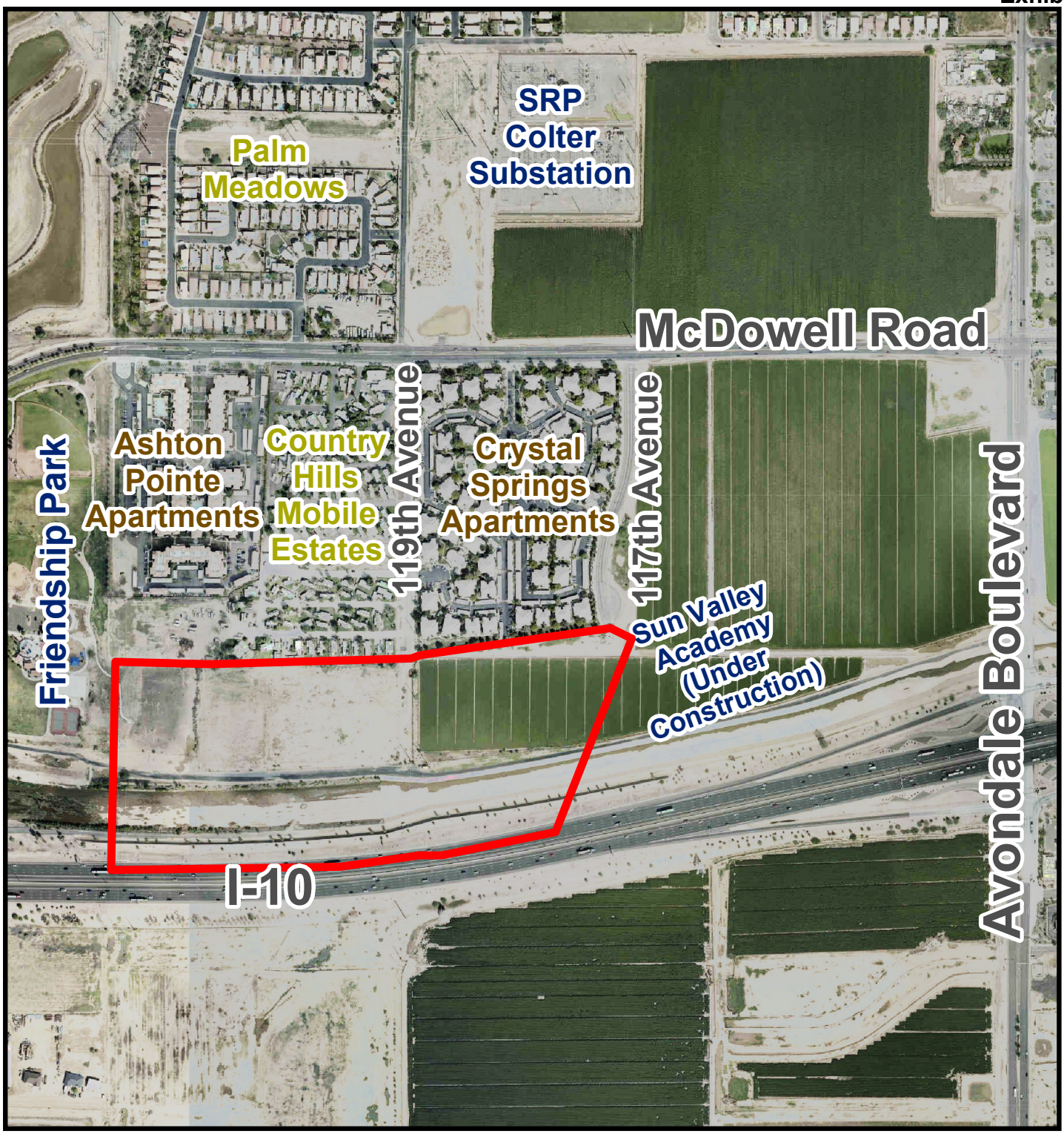
RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** the Resolution approving Application PL-20-0054 Hancock Communities at McDowell 117, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of 32.30 acres from High Density Residential to Medium/High Density Residential.

PROPOSED MOTION:

I move that City Council **ADOPT** the Resolution approving Application PL-20-0054 Hancock Communities at McDowell 117, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of 32.30 acres from High Density Residential to Medium/High Density Residential.

Exhibit A

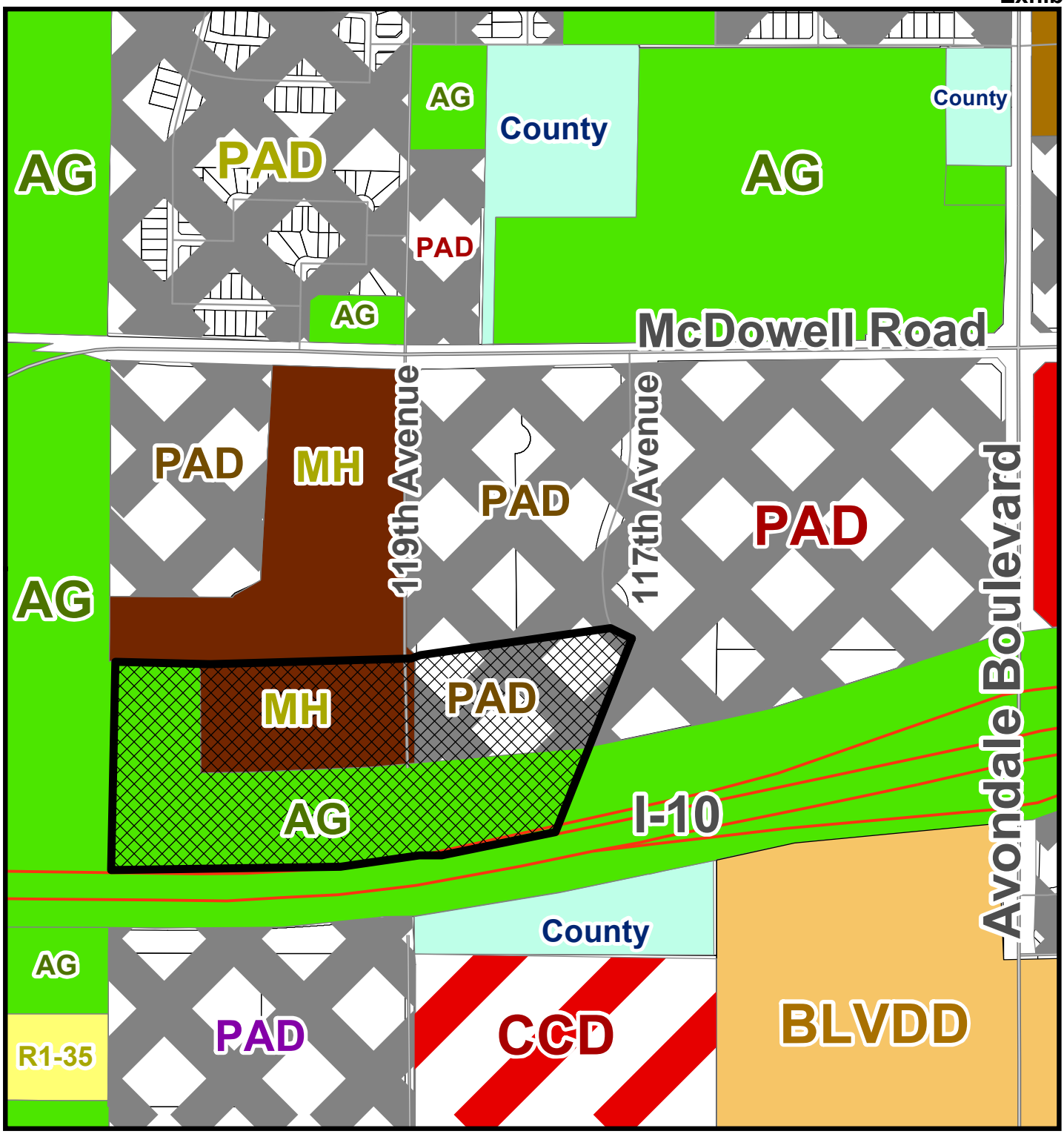


Aerial Photograph

Avondale

Subject Property

Exhibit B

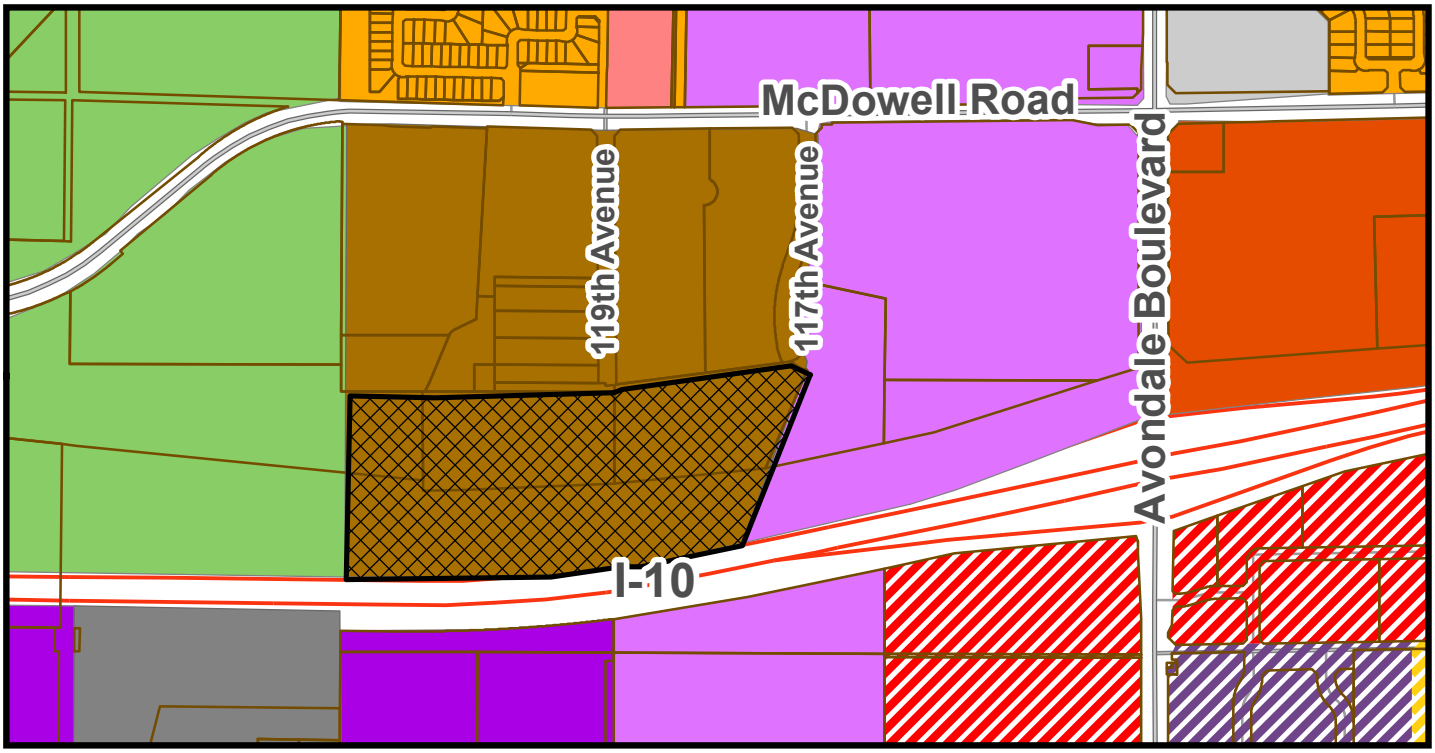


Zoning Vicinity Map

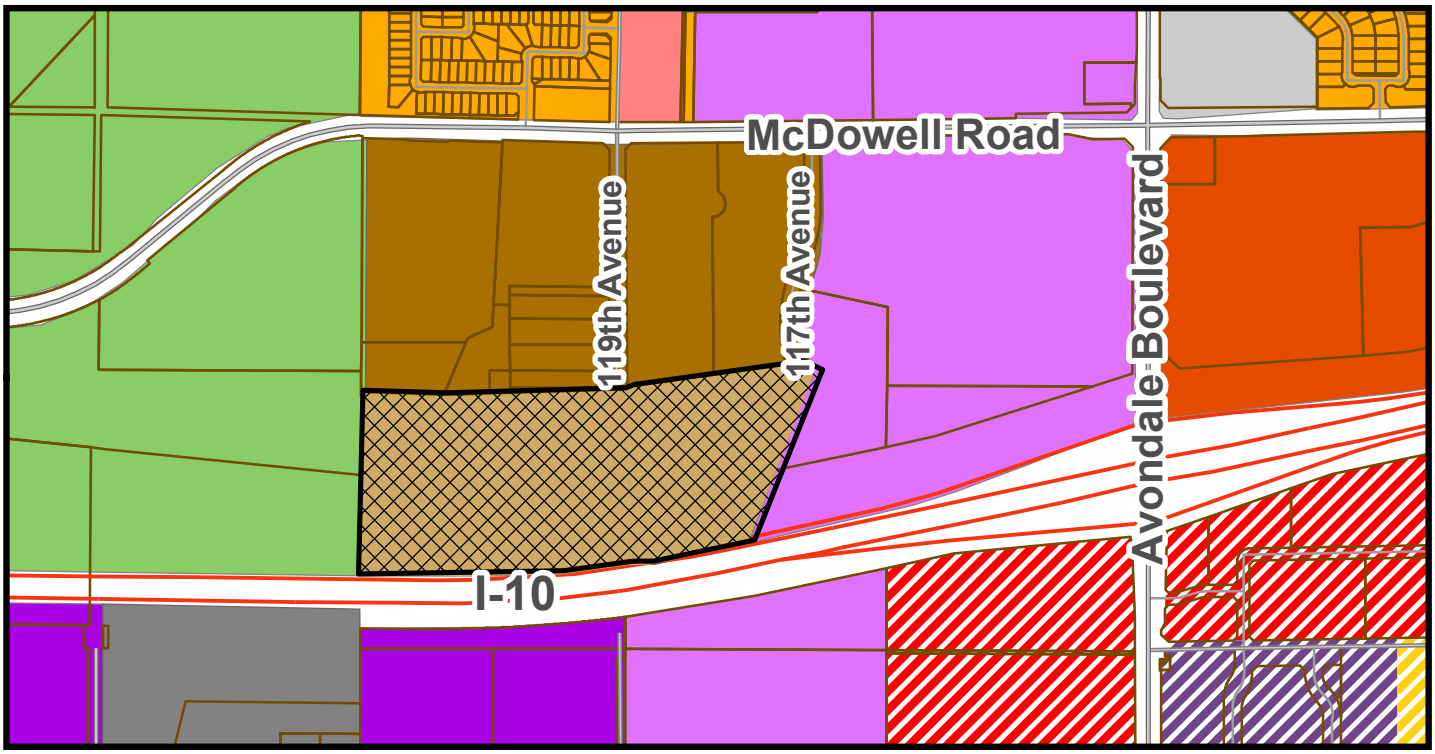
Avondale

Subject Property

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Open Space and Parks
- Business Park
- Mixed Use
- High Intensity Office
- Local Commercial
- Freeway Commercial
- Office/Professional
- The BLVD Gateway District
- The BLVD Park Avenue District

Avondale

Subject Property

SUMMARY OF RELATED FACTS

APPLICATIONS PL-20-0054 & PL-20-0055

THE PROPERTY	
SIZE	**Rezoning:** 19.07 acres **General Plan Amendment**: 32.30 acres inclusive of the property being rezoned plus 9.53 acres of adjacent Arizona Department of Transportation (ADOT) right-of-way and a 3.70-acre undeveloped portion of Friendship Park that are presently designated High Density Residential by the General Plan 2030 Land Use Map.
LOCATION	Approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue
PHYSICAL CHARACTERISTICS	The irregular rectangular site is bisected by a high voltage powerline corridor that runs north/south, dividing the eastern and western (approximate) halves of the property. The site directly abuts I-10 right-of-way owned by the Arizona Department of Transportation (ADOT) to the south; an existing sound attenuation wall located just south of the property limits visibility into the site from the perspective of I-10.
EXISTING LAND USE	The eastern 9.83 acres are used for crop farming and this portion of the site is currently in agricultural production. The western 9.24 acres not currently in use.
EXISTING ZONING	The eastern 9.83 acres are zoned Crystal Springs Planned Area Development (PAD), which allows for development of the property in accordance with the City's R-4 (Multi-Family Residential) zoning district. The western 9.24 acres are zoned Manufactured Home Park (MH).
ZONING HISTORY	The eastern 9.83 acres were annexed in March 1999 and rezoned from Agricultural (AG) to Crystal Springs Planned Area Development (PAD) in May 1999. The approximate 90 acre Crystal Springs PAD, which is bounded by Avondale Boulevard on the east, McDowell Road on the north, 119th Avenue on the west, and I-10 on the south, permits multi-family residential uses in accordance with the R-4 zoning district on the subject site. The western 9.24 acres were annexed in October 1983 and have been zoned Manufactured Home Park (MH) since annexation. Prior to 2009, the MH district was named R-5.

SURROUNDING ZONING AND LAND USE	
NORTH	Multiple uses are occurring along the northern boundary of the property, from east to west: • Crystal Springs Apartments, a fully developed 26-acre, 390-unit multi-family residential development. The Crystal Springs Apartments property is zoned Crystal Springs Planned Area Development (PAD) which allows for multi-family uses on that property.

	• Country Hills Mobile Home Park, a manufactured home park containing 115 manufactured homes that also provides additional spaces for seasonal parking of recreational vehicles for habitation. The park was developed between 1969 and 1976 while in Maricopa County; the property is zoned Manufactured Home Park (MH).
EAST	An 8.22-acre property upon which a charter elementary school, Sun Valley Academy, is currently under construction. The property is zoned Crystal Springs PAD. By Arizona statute, charter schools are not required to comply with City zoning regulations.
SOUTH	Interstate 10 (I-10), a major federal highway zoned AG (Agricultural). The width of I-10 right-of-way adjacent to the subject property ranges from 600 to 660 feet and is developed with a ten-lane median separated highway and a large drainage channel north of the westbound lanes. An existing sound attenuation wall that runs the full width of the subject site is located between the channel and highway.
WEST	An undeveloped portion of Friendship Park, zoned Agricultural (AG). It is anticipated this land, owned by the City of Avondale, will be developed with park amenities at a later, undetermined date.

GENERAL PLAN
The property is presently designated by the General Plan 2030 Land Use Map as High Density Residential (HDR). The HDR designation allows for development of multi-family residential including patio homes, apartments, condominiums, and townhomes with a density of twelve (12) to thirty (30) dwelling units per acre (Target Density = 12). The applicant is requesting a Minor General Plan Amendment to change the Land Use designation of the property to Medium/High Density Residential (MHDR), allowing the property to be developed at a lower density than currently supported. The MHDR designation allows for development of a variety of single-family and multi-family residential types with a density of four (4) to twelve (12) dwelling units per acre (Target Density = 4).

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 Canyon Breeze Elementary School located at the southwest corner of Encanto Boulevard and 116th Lane.
high school	West Point High School located at the northwest corner of Avondale Boulevard and Encanto Boulevard.

ADJACENT STREETS	
117th Avenue	
Classification	Minor Collector
Existing half-street ROW	40 feet
Standard half-street ROW	40 feet
Existing half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, street lights

Standard half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, street lights
119th Avenue	
Classification	Minor Collector
Existing full-street ROW	40 feet
Standard full-street ROW	40 feet
Existing full-street improvements	Two through lanes, detached sidewalk (east side only), curb (east side only), gutter (east side only), landscaping (east side only), street lights (east side only)
Standard full-street improvements	Two through lanes, center turn lane, bike lanes, detached sidewalks, curbs, gutters, landscaping, street lights

UTILITIES
Future development on the site will access existing twelve-inch water lines in 117th Avenue and 119th Avenue. Sewer service to the site will be accommodated by an existing 30-inch main line in 119th Avenue. Salt River Project (SRP) provides electrical service in this portion of the City.

Exhibit E

General Plan Amendment Narrative

Hancock Communities at McDowell 117

HANCOCK COMMUNITIES

McDowell 117

Minor General Plan Amendment Narrative

Received April 29, 2020

Case # PL-20-0054

Submitted: March 5, 2020

Revised: April 28, 2020

Submitted By/Applicant:
Beus Gilbert McGroder PLLC
Paul Gilbert & Andy Jochums
701 N 44th Street
Phoenix, AZ 85008
480-429-3000

Property Owner:
Virtua Avondale Crest East LLC and
Virtua Avondale Crest West LLC
17470 N Pacesetter Way
Scottsdale, AZ 85255

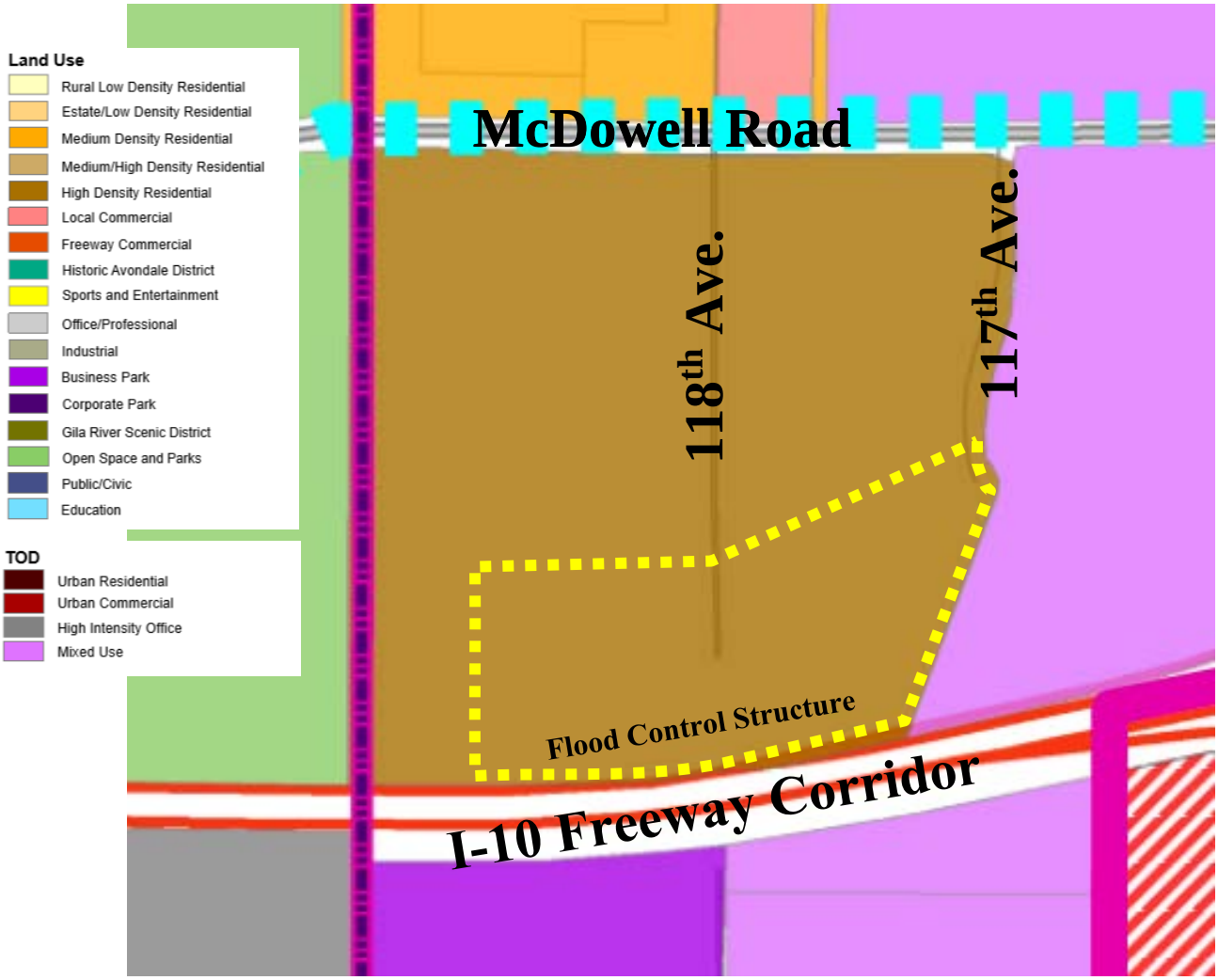
Introduction and Request

On behalf of the property owner, as well as Hancock Communities, we are requesting approval of a Minor Amendment to the Avondale General Plan 2030 to allow for a change in the land use designation of approximately 32.30 acres located generally at the south of the southwest corner of McDowell Road and 117th Avenue. This GPA is the companion case to a rezoning request (PL-20-0055).

Property Location/Site Context

The vacant land is located between the I-10 corridor on the south and existing apartments and mobile homes on the north. To the west is an undeveloped portion of Friendship Park and to the east is a charter school under construction.

Existing General Plan Land Use Map

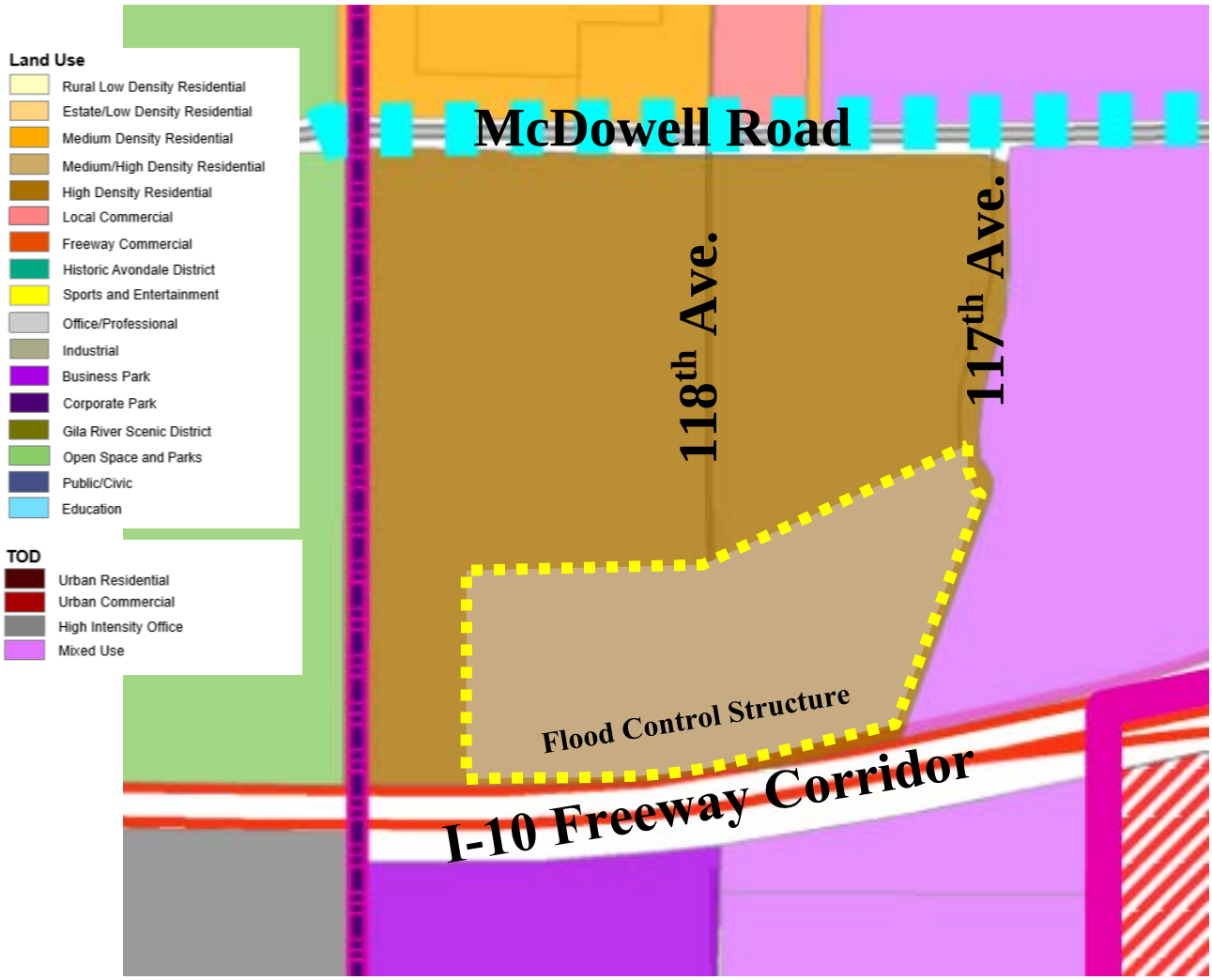


Request

The subject property currently has a designation of High Density Residential within the Avondale 2030 General Plan ("Plan" or "GP2030"). Pursuant to the Plan, this land use designation is for various types of multi-family with a range of 12 to 35 units per acre with a target density of 12 units per acre.

As detailed in the companion PAD rezoning case, the subject property will still be developed with multi-family, but due to the product type and property constraints and development standards, the density will be about 11 units per acre. Because this development falls just outside for the range for the High Density Residential land use designation, the requested change to a Medium-High Density Residential designation is required.

Proposed General Plan Land Use Map



Analysis

Pursuant to the GP2030, the following questions are to be answered in this application:

a) Availability of current and future water supplies;

This Minor General Plan Amendment, and its companion zoning case will have the net effect of lowering the residential multi-family density already approved on the property. It is presumed that the City has water to supply the current approved residential units and this demand would be reduced if this request approved.

b) Impact on and potential to support the City's transportation system;

The subject property is located at the southern terminus of both 117th and 119th Avenues south of McDowell Road. Vehicular trips would be split between these two roadways, limiting the impact to both intersections in the long term future. McDowell Road is an arterial road with a large carrying capacity and has direct access to I-10 at Avondale Blvd. just over ¼ miles to the east.

c) Impact on the natural environment, including but not limited to, hillsides, riparian areas, and floodways;

The subject property has been farmed in the recent past and is generally flat with no known environmentally sensitive or riparian areas. There is an existing flood channel on the south that alleviates any flooding concerns

d) Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ration, and (iii) multi-family housing ratio of GP2030; and

As noted previously, the requested Minor General Plan Amendment seeks to change the designation on the property from High Density Residential with a target density of 12 units per acre, to Medium-High Density Residential with a target density of 8 units per acre. The actual density requested in the companion rezoning case is 11 units per acre which still encourages a similar population density in support of Avondale jobs. The existing and proposed Land Use designations are both multi-family.

e) Impact on City services and facilities including, but not limited to police, fire, water and wastewater.

This Minor General Plan Amendment, and its companion zoning case will have the net effect of lowering the residential multi-family density already approved on the property. It is presumed then that any impacts on City services and facilities will also be reduced.

Findings

The following findings must be found for approval of any changes to the Land Use Plan, such as that proposed:

- *The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.*

  Currently the Land Use Plan designates the subject property as High Density Residential which supports residential zoning with a density of 12 to 35 units per acre and a target density of 12 units per acre.

  As detailed in the companion PAD rezoning case, the subject property will still be developed with multi-family, but due to the product type and property constraints and development standards, the density will be about 11 units per acre. Because this development falls just outside for the range for the High Density Residential land use designation, the requested change to a Medium-High Density Residential designation is required.

  According to Avondale Planning staff, the GP2030 Land Use Map designates 614 acres for Medium-High Density Residential use; however, existing conditions indicate that 843 acres have already been developed at this density. This would suggest that there is little to no supply of undeveloped Medium-High Density designated land in the City and that optional sites that would support this proposed development without need for a General Plan Amendment are essentially non-existent.

- *The amendment constitutes an overall improvement to the GP2030 and is not solely for the good or benefit of a particular landowner or owners.*

  The requested amendment is minor in nature and while it would largely benefit the property owner, it supports the City of Avondale as a whole by allowing for the development of the subject property with multi-family housing.

  The subject property already has a Land Use Map designation for multi-family residential and is already zoned for multi-family as well. The request is minor in that is continues to support multi-family, but as a lower density and total unit count than the current High Density Residential designation. The property is setback from McDowell road with limited access and visibility. The reduced density will commensurately reduce the potential traffic impacts at the intersections of McDowell Road with 117th and 119th Avenues while still adding residential units in the I-10 freeway corridor for planned employment.

- *The amendment will not adversely impact the community as a whole and/or a portion of the community by:*

1. *Significantly altering the acceptable land use patterns;*

   The requested amendment does not change the designation away from multi-family residential, just reduces the allowed density.

2. *Requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change; or*

   The requested amendment will not put undue stress on the existing infrastructure. Developer will be responsible for adjacent utility services and roadway improvements.

   Reduction in density will result in a reduction for demand from that which could be developed under the current High Density Residential designation.

3. *Adversely impacting the existing land uses.*

   The requested amendment does not change the designation away from multi-family residential, just reduces the allowed density which complements the surrounding land uses.

- *That the amendment is consistent with the overall intent of the GP2030 and other adopted plans, codes, and ordinances.*

  We believe that the requested amendment is consistent with the policies and objectives of the GP2030 and is supported by the Freeway Corridor Specific Plan as detailed below.

Plan Conformance

Avondale General Plan/GP2030

The requested Minor General Plan Amendment is supported by the following Goals and Policies of the Plan as detailed below:

Land Use Goal 1 Policy C: *"Diversify Avondale's housing stock by providing for varied residential types with an emphasis on large lot development in the southern core of the City."*

The proposal continues to support multi-family residential in the northern area of the City, which is predominantly single-family residential. The companion rezoning case with this will allow for a unique housing type, that to our knowledge is not currently available in Avondale. Hancock Communities include single-story

mostly detached rental homes with yards and high-end amenities that cater to affluent renters or those who would normally be purchasing condos.

Land Use Goal 1 Policy D: *"Enhance the attractiveness of infill parcels as an option for new development throughout Avondale."*

The proposed development will occur on a long vacant piece of land and take advantage of existing infrastructure.

Land Use Goal 3 Policy D: *"Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity."*

The adjacent land use designation to the north is High Density residential and this land developed with traditional multi-story multi-family and a mobile home park. To the east is a Mixed Use designation currently under development with a charter school and to the west is more High Density Residential, but with Avondale's Friendship Park. To the south is I-10. This amendment still supports multi-family residential on the property, just at a slightly reduced density. The companion rezoning case provides standards that allow for transitions and buffering when necessary.

Economic Element Goal 3 Policy D: *"Support new development that accommodates business attraction opportunities."*

This amendment will facilitate the development of a long vacant piece of land at the gateway to Avondale and will help spur additional development in the area.

Housing Element Goal 2: *"Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels."*

Hancock Communities, the high-density residential component of this development offers a unique housing type that to our knowledge is not currently available in Avondale.

Avondale Strategic Five Year Plan

This plan is built on five major initiatives that the City Council has identified as priorities. The initiatives and the strategic goals they suggest should guide the City of Avondale. Listed below are initiatives that are supported by this proposed General Plan Amendment and its companion rezoning case.

Foster Sustainable Community Development

Strategic Goal: Encourage Build-Out in Residential Housing Opportunities that Support Diverse Housing Options.

Action Item: Develop outreach plan to multifamily investors and developer to highlight opportunities in Avondale.

The subject property is currently designated with a Land Use designation which supports multi-family residential and the proposed amendment continues to support that land use.

Create & Support Diverse Recreation & Education Opportunities

Strategic Goal: Provide Multi-Generational Recreation Events and Programs.

Action Item: Complete renovations for Friendship Park and at least three neighborhood parks.

The subject property is directly adjacent to Friendship Park. While this Minor GPA and the development that will come from it will not directly support the completion of the park, it will provide residents that will frequent the park and benefit from Avondale's investment in the park.

Freeway Corridor Specific Plan

Adopted in 1991 and updated several times, the Freeway Corridor Specific Plan ("Specific Plan") applies to the area around the Loop 101 and I-10 freeways in order to effectuate the City's vision for those freeway corridors.

Objective #1: ***Prioritize the City's appearance from the I-10 and the Loop 101 freeways, limiting heavy industrial uses and establishing strict design requirements where necessary.***

The subject property is currently located behind an existing sound wall along the I-10 freeway (below). With a limited height in the companion zoning case, the project will have very limited visibility form the freeway, but pursuant to other applicable guidelines and regulations, it will only enhance the City's appearance.

<u>Objective #2:</u> Establish design requirements based on and specific to the General Plan designation of a developable property to ensure Freeway Corridor subareas achieve their intended purposes.

The development of subject property will comply with all Avondale's design criteria, including any specific standards within the Specific Plan.

<u>Objective #3:</u> Institute minimum site utilization thresholds for properties adjacent to the City's recommended HCT alignment and provide generous maximum building heights throughout to ensure the area develops at the intensity level and form that is needed to accomplish the City's goals, most notably attracting high capacity transit.

The proposed project is not located within an area that includes a minimum FAR.

<u>Objective #4:</u> The Freeway Corridor will be the southwest valley's premier job center.

The requested minor General Plan Amendment changes the multi-family designation from High Density to Medium-High Density. In keeping the designation for residential, the property will continue to support multi-family residential along the Freeway Corridor in support of employment opportunities.

The type of rental housing proposed in the companion rezoning case for Hancock Communities has been found to attract affluent renters which should support Avondale's employers.

<u>Objective #5:</u> Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.

The proposed project provides a new residential option and a design concept into Avondale. "Hancock Communities at McDowell 117" is a desirable product offering a housing type is a unique blend of urban and traditional single-family living that provides a new unique housing opportunity and style that encourages the diversity of housing options in the area. Internally, Hancock Communities at McDowell 117 will be a walkable community. Utilizing connecting sidewalks and bike lanes residents are offered opportunities for walkability and non-vehicular transportation outside the community including direct access to Friendship Park.

<u>Objective #6:</u> Further develop the Freeway Corridor's sense of place through street treatments, entry gateways, and other aesthetic treatments within the public realm.

The proposed General Plan Amendment does not alter the use of the property. It is and will remain multi-family, which is already separated from the I-10 corridor by a tall sound wall. With the proposed maximum height of one story, that wall will screen the project from the public realm.

Exhibit F

Neighborhood Meeting (6/23) Summary

Hancock Communities at McDowell 117

Outreach Meeting Summary

Hancock Communities at McDowell 117

Minor GPA – PL-20-0054

Rezoning – PL-20-0055

Neighborhood Meeting

Date: June 23, 2020

Location: Zoom Virtual Meeting hosted by the City

Attendees:

Property owners or other interested individuals - None

City of Avondale

- Vice Mayor Pat Dennis
- Ken Galica – Division Lead Planner

Applicant

- Paul Gilbert – Beus Gilbert McGroder PLLC - Attorney
- Andy Jochums – Beus Gilbert McGroder PLLC - Planning Consultant
- Bruce Larson – Bowman Consulting - Engineer
- Bobbi Johnson- Hancock Communities - Vice President
- Jeff LaFrance – WestStone Communities - Future Investor

After a presentation by the applicant's attorney on the proposed PAD Zoning Amendment and the companion Minor General Plan Amendment, the following were discussion topics and questions generated from the attendees:

- Density of existing entitlements
- Connection to Friendship Park
  - City plans for east portion of park are unknown
  - Path will be DG because it is temporary
  - Question about lighting of existing and planned temporary path
- 117th and 119th Avenue access with both having full access for residents
  - Traffic signal planned for 119th

    - Why not use 119th as main access
    - Need to look at traffic at 117th now that school is under construction
    - Possible ¾ access
- Overview of building architecture
    - Rear elevations with pop outs and with sufficient detail
- Wall with park needs to be enhanced and include stucco
- Access to park needs to have a nice gate
- Parking canopies do not match the style of the buildings
- Discussion on parking counts

Prepared from notes taken by:

[redacted]

Andy Jochums, Planning Consultant with Beus Gilbert McGroder PLLC

Exhibit G

Certificates of Adequate School Facilities

Littleton Elementary School District
Tolleson Union High School District

Avondale
Aspiring. Achieving. Accelerating.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for General Plan Amendment & Rezoning has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Hancock at McDowell 117
Project Manager: Andy Jochums, Beus Gilbert McGroder
Request: PAD Zoning - Multifamily
Acreage/Parcel Size: 19 AC
Current Density Allowed: MH & PAD
Density Proposed: 11 DU/AC
Total number of residential units proposed: 198
Allowed: 262

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.

Anticipated impact would be 2.5 teachers annually, and 2500 sf. of classroom space.

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:

No agreement on impact in place at this time - discussions are ongoing and an agreement is anticipated.

If additional writing space is needed, please attach pages to this form

Date Reviewed: 6-30-2020
School District: Littleton ESD #65
District Superintendent: Dr Roger Freeman
Phone #: (623) 478-5611
E-mail: freeman.roger@littletonaz.org

Signature: [redacted]

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

Avondale
Aspiring. Achieving. Accelerating.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for General Plan Amendment & Rezoning has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Hancock at McDowell 117 Project Manager: Andy Jochums, Beus Gilbert McGroder
Request: PAD Zoning - Multifamily Acreage/Parcel Size: 19 AC
Current Density Allowed: MH & PAD Density Proposed: 11 DU/AC
Total number of residential units proposed: 198
Allowed: 262

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: 4/6/20
School District: TOLLESON UNION HIGH SCHOOL DISTRICT #214
District Superintendent: NORA GUTIERREZ
Phone #: 623-478-4000
E-mail: nora.gutierrez

Signature [redacted]

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

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
VIRTUA AVONDALE CREST EAST, LLC, AND
VIRTUA AVONDALE CREST WEST, LLC

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made October 5, 2020, between Virtua Avondale Crest East, LLC, an Arizona limited liability company and Virtua Avondale Crest West, LLC, an Arizona limited liability company (collectively, the "Owner") and the City of Avondale, an Arizona municipal corporation (the "City"), regarding approximately 32.3 gross acres of real property generally located at the southwest corner of McDowell Road and 117th Avenue in Avondale, Arizona, as described and depicted on Exhibit A attached hereto and incorporated as if fully set forth herein (the "Rezoned Property") and as depicted on Exhibit B attached hereto and incorporated as if fully set forth herein (the "GPA Property"). The Rezoned Property and the GPA Property are collectively referred to herein as 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 Rezoned Property, Application No. PL-20-0055 (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 Rezoned Property from the Owner or other parties having an interest in the Rezoned Property. Owner agrees and consents to all the conditions imposed as part of the ordinance rezoning the Rezoned 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 Rezoned 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. Waiver of Claims Related to the General Plan Amendment. The Owner agrees and understands that the City is entering into this Waiver in conjunction with that certain approval for a general plan amendment of the GPA Property, Application No. PL-20-0054 (the "General Plan Amendment") in good faith and with the understanding that, if the City approves the General Plan Amendment, it will not be subject to a claim for diminished value of the GPA 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 resolution changing the general plan designation for the GPA Property (the "General Plan Resolution"), including all stipulations adopted by 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 General Plan Amendment. Owner acknowledges and agrees that any stipulations imposed by the City Council as part of the General Plan Resolution will not result in a reduction of the fair market value of the GPA Property as defined in ARIZ. REV. STAT. § 12-1136. Owner acknowledges that additional stipulations may be imposed by the City Council, in its sole discretion, prior to approval of the General Plan Amendment. 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 General Plan Resolution and all stipulations to the General Plan Resolution 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 General Plan Resolution; 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 General Plan Resolution, then the City may, after proper notice and hearing, rescind the General Plan Resolution, 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 General Plan Resolution. The foregoing waiver of claims shall be of no further force and effect with respect to the General Plan Amendment in the event the City Council disapproves the General Plan Resolution, except that it shall serve as a bar to a claim for diminished value based upon denial of the General Plan Resolution.

3. 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.

4. 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.

5. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

6. 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.

7. 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**"
VIRTUA AVONDALE CREST EAST, LLC,
an Arizona limited liability limited company

By: [redacted]

By: Jeremy Hall, Manager

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On SEPTEMBER 9, 2020, before me personally appeared JEREMY HALL the MANAGER of VIRTUA AVONDALE CREST EAST, LLC an Arizona limited liability limited 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 company.

OFFICIAL SEAL
ADRIAN BETTS
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires April 3, 2021

(affix notary seal here)

[redacted]
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

"**Owner**"
VIRTUA AVONDALE CREST WEST, LLC,
an Arizona limited liability limited company

By: [redacted]

By: _____
Jeremy Hall Manager

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On SEPTEMBER 9, 2020, before me personally appeared JEREMY HALL, the MANAGER of VIRTUA AVONDALE CREST WEST, LLC an Arizona limited liability limited 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 company.

OFFICIAL SEAL
ADRIAN BETTS
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires April 3, 2021

(affix notary seal here)

[redacted]
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.

_____
Notary Public

(affix notary seal here)

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
VIRTUA AVONDALE CREST EAST, LLC, AND
VIRTUA AVONDALE CREST WEST, LLC

[Legal Description and Map of the Rezoned Property]

See following pages.

Bowman
CONSULTING

April 8, 2020
Project # 050744-01-001

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 89°09'26" EAST (BASIS OF BEARINGS), A DISTANCE OF 2654.37 FEET;

THENCE SOUTH 00°37'47" EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1, A DISTANCE OF 1302.30 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID MIDSECTION LINE, NORTH 82°12'12" EAST, A DISTANCE OF 892.58 FEET TO THE CENTERLINE OF 117TH AVENUE, ACCORDING TO BOOK 592 OF MAPS, PAGE 11, MARICOPA COUNTY RECORDS, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 63°44'09" EAST, A RADIAL DISTANCE OF 326.00 FEET;

THENCE NORTHERLY ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°14'10", AN ARC DISTANCE OF 1.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 117TH AVENUE, ACCORDING TO BOOK 682 OF MAPS, PAGE 7, MARICOPA COUNTY RECORDS;

THENCE NORTH 67°29'37" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 33.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 41°22'21" WEST, A RADIAL DISTANCE OF 115.50 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°23'00", AN ARC DISTANCE OF 6.82 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 13°37'43" EAST, A DISTANCE OF 36.24 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, CONCAVE WESTERLY AND HAVING A RADIUS OF 155.58 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°16'08", AN ARC DISTANCE OF 36.03 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00°21'35" EAST, A DISTANCE OF 63.44 FEET;

THENCE SOUTH 22°48'09" WEST, A DISTANCE OF 436.17 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10;

THENCE SOUTH 84°00'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 762.54 FEET TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE SOUTH 87°20'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 726.27 FEET;

THENCE SOUTH 89°09'51" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 173.07 FEET;

THENCE NORTH 00°15'35" WEST, A DISTANCE OF 470.89 FEET;

THENCE NORTH 89°36'58" EAST, A DISTANCE OF 25.82 FEET;

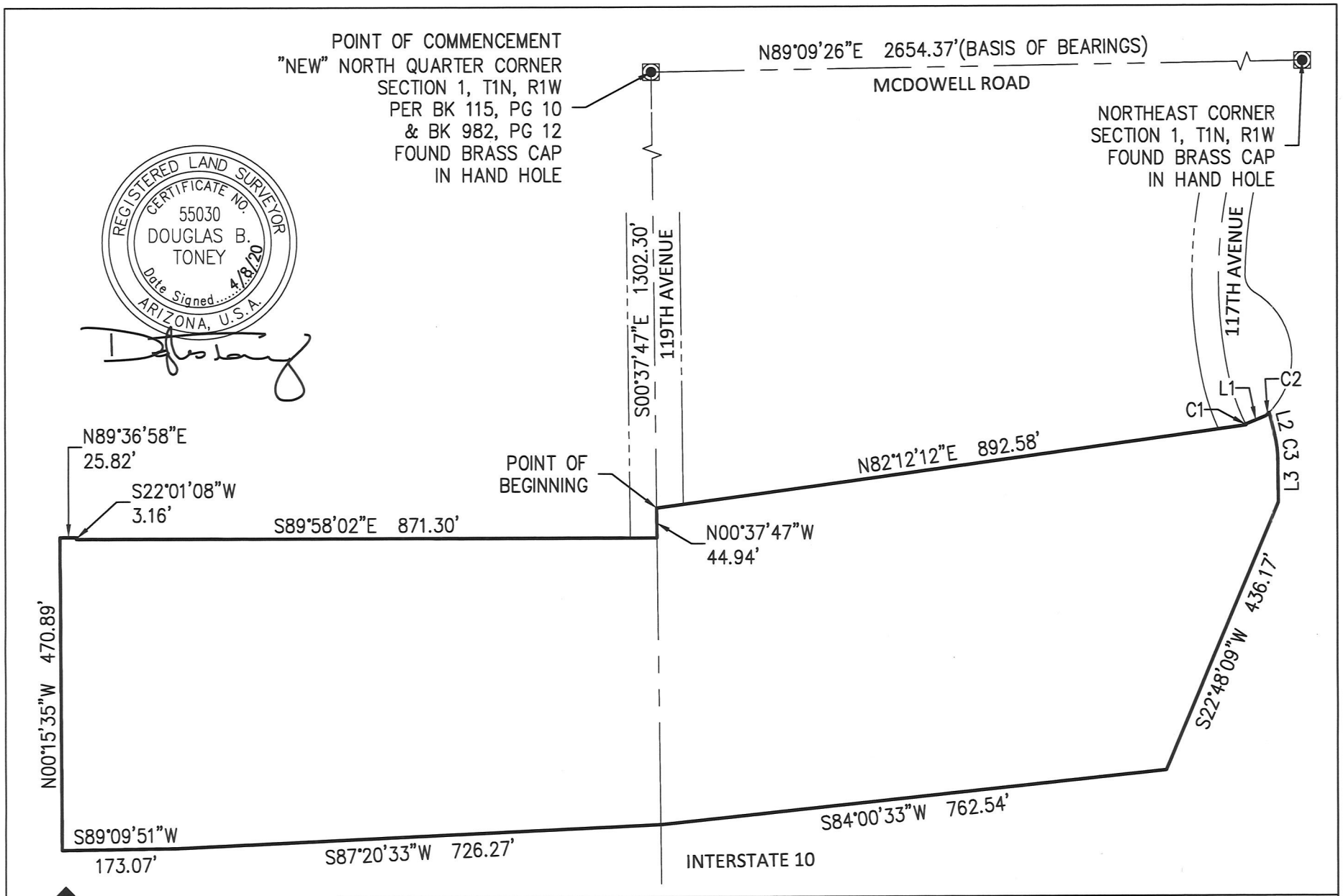
THENCE SOUTH 22°01'08" WEST, A DISTANCE OF 3.16 FEET;

THENCE SOUTH 89°58'02" EAST, A DISTANCE OF 871.30 FEET
TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE NORTH 00°37'47" WEST, ALONG SAID MIDSECTION LINE,
A DISTANCE OF 44.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 830,676 SQ.FT. OR 19.0697 ACRES, MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 4/8/20
ARIZONA, U.S.A.



SHEET 1 OF 2	DATE: 4/8/20	EXHIBIT MCDOWELL 117	
		BY: DT	CHK: QC:
		BCG PROJECT NO: 050744-01 TASK: 001 CLIENT REF NO:	

Bowman CONSULTING
1295 W Washington St, #108
Tempe, AZ 85281
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 4/8/20
ARIZONA, U.S.A.

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	33.14'	N67°29'37"E
L2	36.24'	S13°37'43"E
L3	63.44'	S00°21'35"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	1.34'	326.00'	000°14'10"
C2	6.82'	115.50'	003°23'00"
C3	36.03'	155.58'	013°16'08"

SHEET 2 OF 2

DATE: 4/8/20

EXHIBIT
MCDOWELL 117

BY: DT | CHK: | QC:

BCG PROJECT NO: 050744-01 TASK: 001
CLIENT REF NO:

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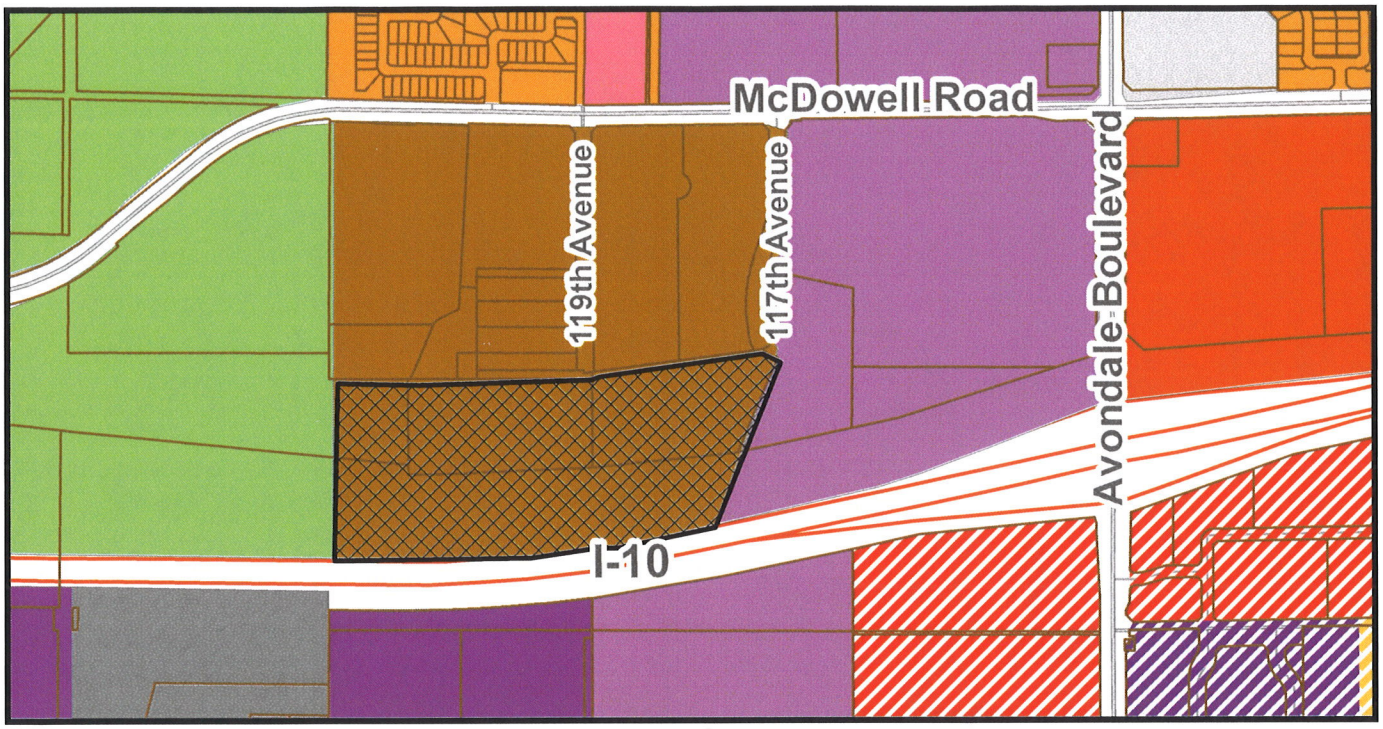
EXHIBIT B
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
VIRTUA AVONDALE CREST EAST, LLC, AND
VIRTUA AVONDALE CREST WEST, LLC

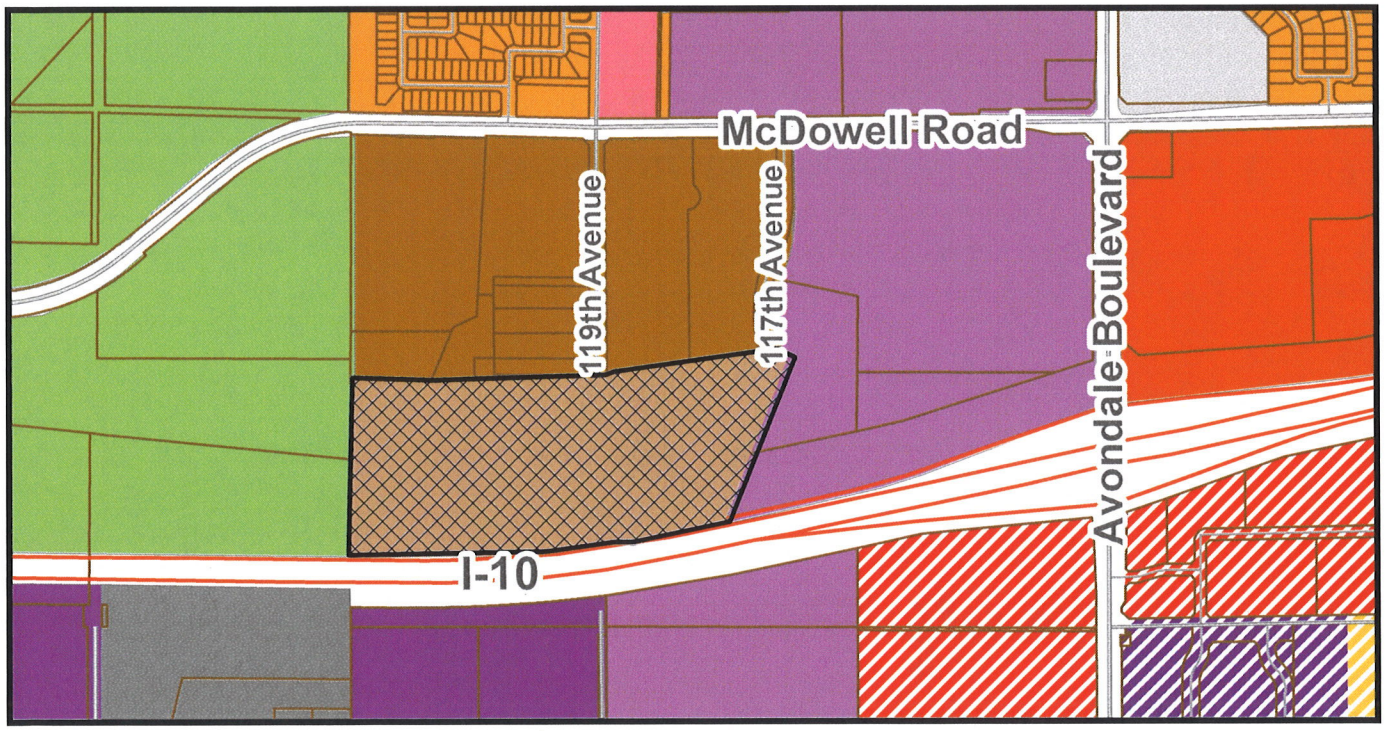
[Map of the GPA Property]

See following pages.

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Open Space and Parks
- Business Park
- Mixed Use
- High Intensity Office
- Local Commercial
- Freeway Commercial
- Office/Professional
- The BLVD Gateway District
- The BLVD Park Avenue District

Avondale

N

Subject Property

RESOLUTION NO. 1068-1020

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE GENERAL PLAN REGARDING THE LAND-USE DESIGNATION OF APPROXIMATELY 32 ACRES LOCATED SOUTH OF THE SOUTHWEST CORNER OF MCDOWELL ROAD AND 117TH AVENUE AS SHOWN IN APPLICATION PL-20-0054 FROM HIGH DENSITY RESIDENTIAL TO MEDIUM HIGH DENSITY RESIDENTIAL.

WHEREAS, the City of Avondale General Plan (the "General Plan") was adopted by the Mayor and Council of the City of Avondale (the "City Council") on April 2, 2012, and ratified by the qualified electors of the City of Avondale on August 28, 2012; and

WHEREAS, the City Council desires to amend the General Plan to change the land-use designation for approximately 32.3 acres located south of the southwest corner of McDowell Road and 117th Avenue from High Density Residential to Medium High Density Residential as shown in Application PL-20-0054 (the "General Plan Amendment"); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City of Avondale (the "City") has consulted with, advised and provided the opportunity for public comment on the General Plan Amendment; and

WHEREAS, all due and proper notices of the public hearings on the General Plan Amendment held before the City of Avondale Planning Commission (the "Commission") and the City Council were given in the time, form and substance required by ARIZ. REV. STAT. § 9-461.06; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Commission held a public hearing on the proposed General Plan Amendment in the City Council Chambers on August 19, 2020, after which the Commission recommended approval; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City Council held a public hearing on the proposed General Plan Amendment in the City Council Chambers on October 5, 2020.

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 General Plan is hereby amended to change the land-use designation for approximately 32.3 acres located south of the southwest corner of McDowell Road and 117th Avenue, as shown in Application PL-20-0054, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from High Density Residential to Medium High Density Residential.

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 carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

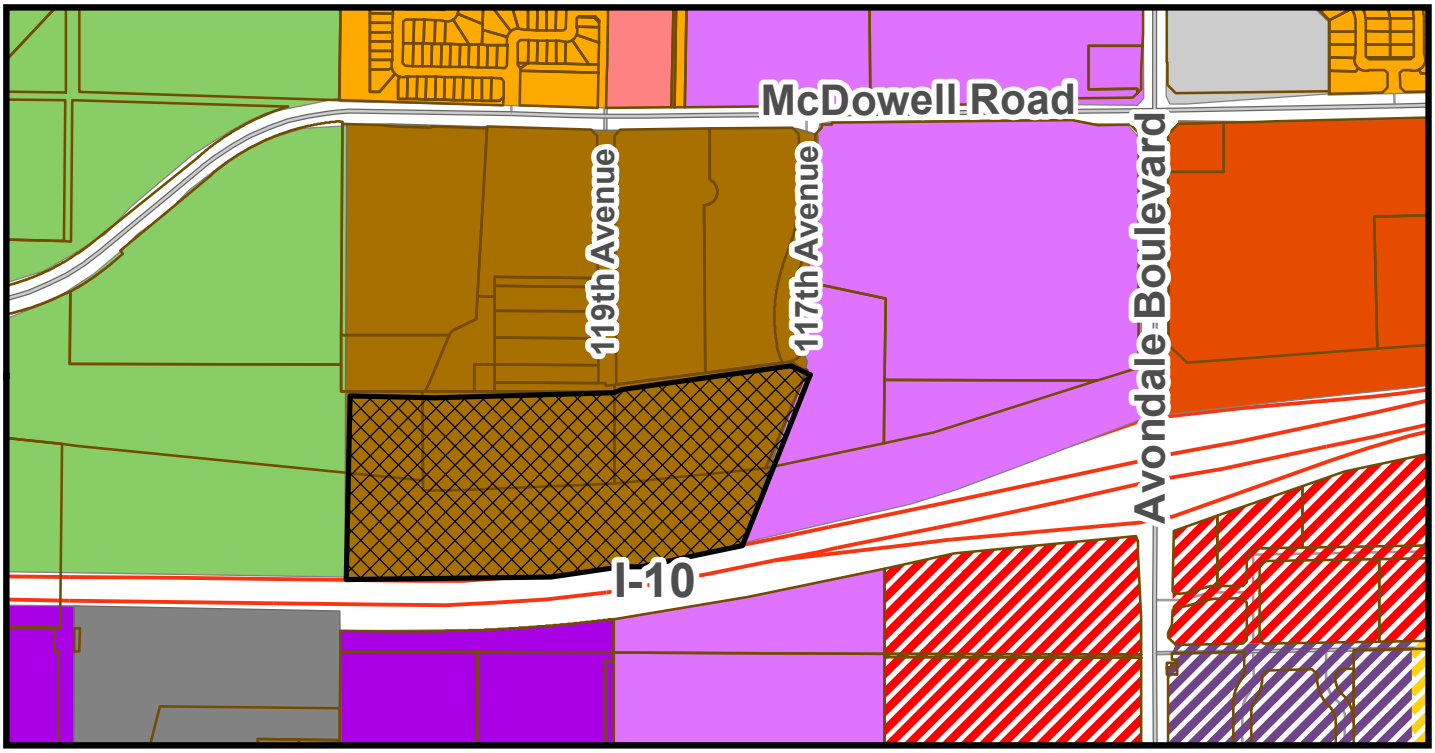
_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1068-1020

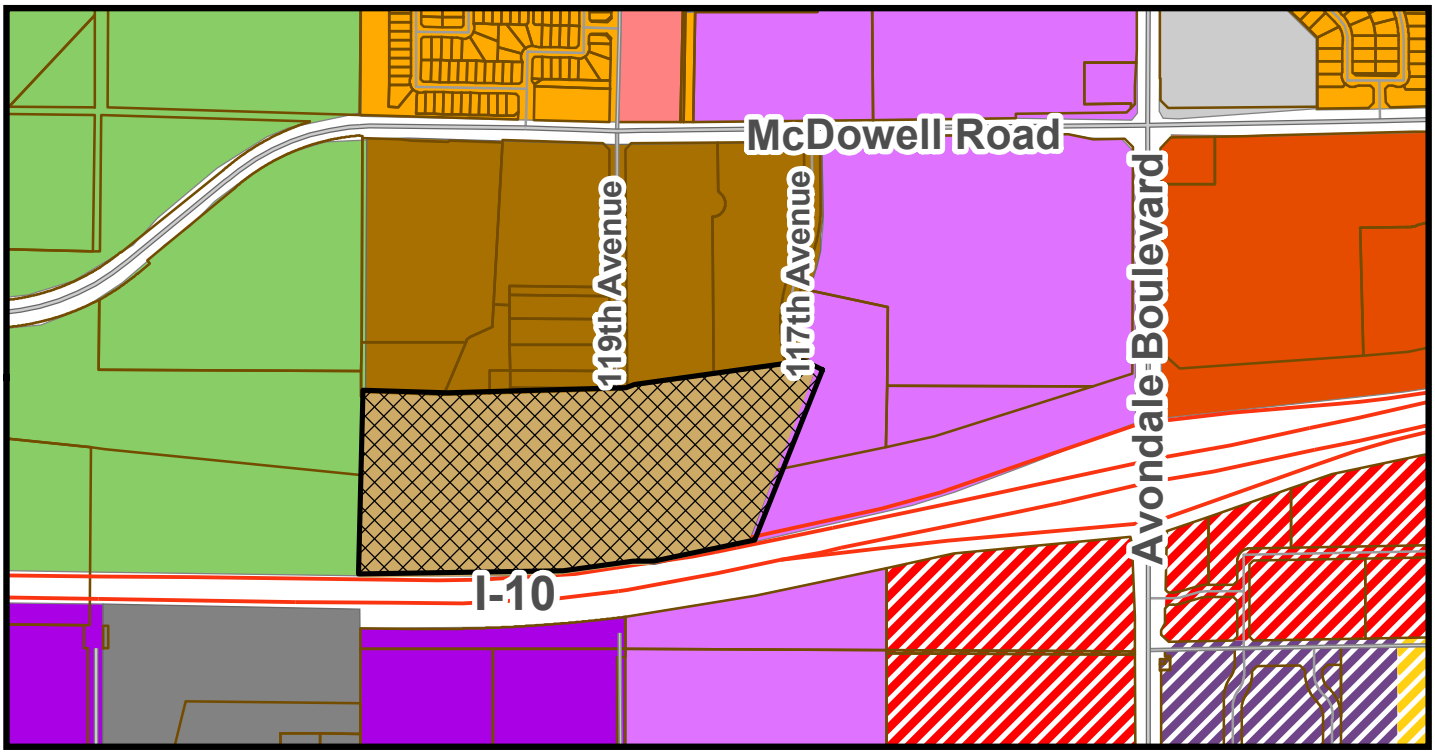
[General Plan Amendment Map]

See following pages.

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Open Space and Parks
- Business Park
- Mixed Use
- High Intensity Office
- Local Commercial
- Freeway Commercial
- Office/Professional
- The BLVD Gateway District
- The BLVD Park Avenue District

Avondale

Subject Property

Item Number: 5.b.

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2028-1020 - Rezoning from Planned Area Development and Manufactured Home Park to Planned Area Development for Hancock Communities at McDowell 117 – Application PL-20-0055

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2028-1020, approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to rezone 19.07 acres of land located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue from Planned Area Development (PAD) and Manufactured Home Park (MH) to PAD (Planned Area Development). The proposed Hancock Communities at McDowell 117 PAD will allow for a 217 unit, single-story multi-family residential development at a density of 11.3 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation will be considered separately.

BACKGROUND:

The 19.07-acre subject property (Exhibits A and B) is located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue, directly north of Interstate-10.

The property is bisected by a high voltage powerline corridor that runs north to south, dividing the eastern and western (approximate) halves of the property. Additionally, a sound attenuation wall that mitigates freeway noise to existing residential developments north of I-10 is located within the adjoining ADOT right-of-way and runs the full width of the site, restricting visibility into the property.

The eastern portion of the site, currently used for crop farming, was annexed into the City of Avondale in March 1999 and rezoned from Agricultural (AG) to Crystal Springs Planned Area Development (PAD) by action of the City Council in May of that same year. The approximate 90-acre Crystal Springs PAD is bounded by Avondale Boulevard on the east, McDowell Road on the north, 119th Avenue on the west, and I-10 on the south; the approved PAD allows for commercial uses in accordance with the Community Commercial (C-2) zoning district east of 117th Avenue and multi-family residential uses in accordance with the Multi-Family Residential (R-4) zoning district west of 117th Avenue. The subject property, being west of 117th Avenue, is allowed to develop with multi-family residential uses subject to R-4 development standards.

The western portion of the site, undeveloped and not used for agricultural production, was annexed into the City of Avondale in October 1983 and has been zoned Manufactured Home Park (MH) since annexation. The

MH district, which until 2009 had been named the R-5 district, allows for development of manufactured home parks and small lot single-family subdivisions.

The entirety of the subject property is designated by the General Plan 2030 Land Use Map as High Density Residential (HDR). The HDR designation allows for multi-family residential uses including patio homes, apartments, condominiums, and townhomes with a density range of 12.0 to 30.0 dwelling units per acre (12 du/acre target density). The eastern half of the site, zoned PAD with allowances for multi-family residential per the City's R-4 district, conforms to the HDR General Plan designation. The western half of the site, zoned MH, is not in conformance with the HDR designation.

A separate application for a Minor General Plan Amendment to change the land use designation of the property to Medium/High Density Residential (MHDR) is included on this same agenda. The requested MHDR designation allows for a variety of single-family and multi-family residential types in a density range of 4.0 to 12.0 dwelling units per acre (4.0 du/acre target density). A map showing both the existing and proposed General Plan Land Use designations on the property is included as Exhibit C. Approval of the applicant's General Plan Amendment request is required for the rezoning to be approved.

The property is also located within the boundaries of the Freeway Corridor Specific Plan (FCSP), which places a priority on the City's appearance from the I-10 by establishing supplemental design requirements for sites that are visible from the freeway.

The existing uses and zoning of surrounding properties include:

NORTH: Multiple uses are occurring along the northern boundary of the site. From east to west, these uses include:

- Crystal Springs Apartments, a fully developed 26-acre, 390 unit multi-family residential development. The Crystal Springs Apartments property is zoned Crystal Springs Planned Area Development (PAD) which allows for multi-family uses on that site.

- Country Hills Mobile Home Park, a manufactured home park containing 115 manufactured homes that also provides additional spaces for seasonal parking of recreational vehicles for habitation. The park was developed between 1969 and 1976 while in Maricopa County; the property is zoned Manufactured Home Park (MH).

EAST: An 8.22-acre property upon which a public charter elementary school, Sun Valley Academy, is currently under construction. The property is zoned Crystal Springs PAD. By Arizona Statute, charter schools are not required to comply with City zoning regulations.

SOUTH: Interstate 10 (I-10), a major federal highway zoned AG (Agricultural). The width of I-10 right-of-way adjacent to the subject property ranges from 600 to 660 feet and is developed with a ten lane median separated highway and a large drainage channel north of the westbound lanes. An existing sound attenuation wall that runs the full width of the subject site is located between the channel and highway.

WEST: An undeveloped portion of Friendship Park, zoned Agricultural (AG). It is anticipated this land, owned by the City of Avondale, will be developed with park amenities at a later, undetermined date.

SUMMARY OF REQUEST:
The applicant is requesting to rezone the subject property to Planned Area Development (PAD). The proposed Hancock Communities at McDowell 117 PAD Narrative, included as Exhibit E, details permitted uses, development standards, landscaping and design standards, and other requirements that will guide future development of the site.

In conformance with the accompanying General Plan Amendment application, the proposed PAD zoning will allow for development of the property with a 217 unit single-story multi-family residential community at a density of 11.3 dwelling units per acre (du/ac). Approval of the General Plan Amendment request, reducing the minimum density allowed on the property below twelve (12) units per acre, is required to consider approval of this rezoning request.

The community will be accessed by gated entrances at both 117th Avenue and 119th Avenue. Though the 117th Avenue entrance will feature the community's clubhouse and leasing office and essentially serve as the development's "front door" for visitors and new residents, it is anticipated that the 119th Avenue entrance will become the primary access for residents due to the planned traffic signal that will be constructed at the intersection of McDowell Road and 119th Avenue in the coming year. In addition, a gated pedestrian connection will be provided between the proposed development and Friendship Park to the west, allowing residents to easily access the City park directly from the Hancock Communities at McDowell 117 development. The developer will install a stabilized decomposed granite trail through the adjacent, undeveloped portion of Friendship Park, connecting to the existing paved sidewalk system within the park.

The community will feature 144 detached two-bedroom units and 37 single-story duplex buildings containing two (2) side-by-side one-bedroom units (for a total of 73 one-bedroom units – one (1) of the duplex units is converted to the property's leasing office), all featuring a small, private, walled backyard. The homes are clustered on both sides of a private ring road, a design that allows for open space corridors between units that connect to various amenities within the community. Open spaces are provided throughout the project as well, with the most prominent open space being the main amenity area on the east end of the property that includes a clubhouse, pool, fitness center, bocce and cornhole courts, a large turf area for open play, and other amenities for use by all residents.

A total of 435 parking spaces are provided on the site, exceeding City minimum requirements by over 50 spaces (383 required). Of the 435 spaces provided, 72 will be in the form of fully enclosed garages, 217 will be covered carport parking (one space per unit), 146 spaces will be uncovered.

Significant steps have been taken to ensure that the development incorporates a high quality, diverse mix of architectural styles that greatly exceed what has been provided on similar multi-family developments of this type built outside of Avondale. As previously noted, the development will consist of two (2) residential building types, duplex buildings containing two (2) one-bedroom apartments sharing a center wall (Unit Type 1) and detached single-unit two-bedroom buildings (Unit Type 2). Each of the two (2) building types will be provided in three (3) distinct but complementary architectural styles: Arizona Ranch, Cape Cod, and Prairie. Each of the three (3) styles incorporates different design elements such as use of roof dormers on Prairie style buildings, decorative brick wainscoting on the Arizona Ranch style buildings, and covered porches accentuated by stacked stone on Cape Code style buildings. Furthermore, detailing is different between all three (3) elevation styles, with each style building receiving unique exterior doors, window frames, and window mullions to create even more diversity within the project. Lastly, three (3) distinct color and material schemes, each utilizing different roof materials/colors and different stone or brick accent materials, are provided for each architectural style (nine (9) schemes in total), resulting in a total of eighteen (18) different building/elevation/color combinations used on the site. The desire for architectural variety not limited to the residential buildings, the project's garages will also be provided in multiple styles and schemes. An exhibit illustrating the planned architectural variety is included separate from the PAD document as Exhibit F.

The proposed PAD utilizes the City's Multi-Family Residential (R-3) zoning district as the basis for development standards within the community. However, because the proposed single-story product is quite different from the more typical two and three-story apartment complexes that the R-3 standards were intended to guide, some modifications to those R-3 standards are needed to support the proposed development. These

modifications include:

- The City's R-3 district allows for a maximum building height of 30 feet, which typically accommodates two-story apartment complexes. The PAD proposes to limit maximum building height for all residential and community buildings to 20 feet, allowing for only single-story units. A maximum height of 30 feet is proposed for the decorative entry portico to allow safe clearance for emergency vehicles such as fire trucks.

- The City's R-3 district requires a separation between buildings of 20 feet. The PAD proposes to reduce the separation between buildings to ten (10) feet, which is similar to what is provided in many compact single-family residential communities within Avondale.

- The City's R-3 district requires parking lot landscape islands be provided every eight (8) spaces at a minimum. The proposed PAD reduces the frequency of the landscape islands to every ten (10) spaces, but maintains the requirement that fifteen (15) percent of the parking lot area be landscaped. This modification will result in less frequent but larger landscape areas provided within parking areas.

Development of the property will occur in a single phase.

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 students living in the future Hancock Communities at McDowell 117 complex will have an opportunity to choose which school they will attend within the LESD system. Canyon Breeze Elementary, located at the southwest corner of Encanto Boulevard and 116th Lane, is the school that is presently closest to the Hancock Communities at McDowell 117 site (approximately 0.7 miles away).

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 Hancock Communities at McDowell 117, however, the developer is working with LESD on a donation agreement that will assist in meeting the district's needs.

High school students will attend the new West Point High School located at the northwest corner of Encanto Boulevard and Avondale Boulevard, approximately 1.2 miles from the planned development.

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 to accommodate the anticipated enrollment from the proposed development.

PUBLIC PARTICIPATION:
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held at 6:00 P.M. on Tuesday, June 23rd. Due to the ongoing Covid-19 pandemic, the meeting was held virtually via Zoom. 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 Southwest Valley Arizona Republic, were completed in at least fifteen days prior to the meeting as required. In addition to City staff and the applicant's team, Vice Mayor Pat Dennis attended the virtual meeting (Exhibit F). Discussion was primarily related to the following topics:

- ***Comparison of the density of what is currently allowed on the site versus what would be allowed under the proposed General Plan Amendment and Rezoning.*** The applicant noted that

under the site's current mixed PAD and MH zoning up to 284 dwelling units could be developed on the property, a density of 14.8 units per acre. The proposal requests a total of 216 units, reducing the density by 3.5 units per acre to 11.3.

- ***Will a connection from the development directly into Friendship Park be provided?*** Staff and the applicant indicated that a gated pedestrian connection would be provided along the site's western boundary and that the developer will install a temporary stabilized decomposed granite pathway from the new gate to connect to the existing sidewalk/trail system within the park. The temporary path is a better option than a permanent concrete sidewalk because the portion of Friendship Park adjacent to the site is not currently developed and the path will likely need to be relocated and realigned when that park phase is completed. For the same reasons, lighting is not provided along the temporary path, though it should also be noted that lighting is not provided along any existing permanent paths within Friendship Park either.

- ***How will traffic to the site be safely accommodated?*** The applicant noted that both 117th Avenue and 119th Avenue will offer residents access to the site. The 117th Avenue entrance is the project's front door (featuring the clubhouse and other amenities); however, it is believed more residents will use the 119th Avenue entrance since that will be signalized. The Vice Mayor noted that the Sun Valley Academy charter school under construction may make 117th Avenue difficult to use by residents during peak hours and recommended examining if the McDowell Road/117th Avenue intersection could be limited to a three-quarter access with northbound to westbound left turns onto McDowell Road restricted. A stipulation prohibiting northbound traffic on 117th Avenue from turning left onto westbound McDowell Road is included in Staff's recommendation for the proposed rezoning, Application PL-20-0055.

One comment pertaining to the proposal was posted on the City's aVOICE/Polco digital forum, as follows, "*Build it as soon as you can. Increase the population of Avondale and let any adjacent retail/commercial follow the residential rooftop increase. At some point the farmland has to go away for the community to grow.*" No additional public comments have been received to date.

All required notifications for the 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, July 29, 2020, edition of the Southwest Valley Arizona Republic, and a public hearing notice sign identifying meeting dates, times, and locations were installed on the property. All notifications included language asking interested parties to contact Staff prior to scheduled meetings to receive Zoom meeting links. No members of the public spoke during the public hearing for the proposal at the August 19, 2020 Planning Commission meeting.

PLANNING COMMISSION ACTION:
On August 19, 2020, Planning Commission conducted a public hearing and voted 4-0 to recommend approval of the proposed rezoning subject to six (6) recommended conditions. Commission had the following questions or comments:

- Chair Iwanski asked Staff to confirm that the property located immediately west of the Hancock Communities at McDowell 117 site is part of the City's Friendship Park. Staff confirmed that the property was indeed part of the Friendship Park site but noted that it was currently unimproved and would be developed with park amenities by the City in a future phase of park development.

ANALYSIS:
General Plan and Freeway Corridor Specific Plan
A General Plan Amendment request to change the land use designation of the site to Medium/High Density

Residential (MHDR) is being considered concurrently with this rezoning request. The proposed Hancock Communities at McDowell 117 PAD, with a proposed density of 11.3 units per acre, aligns with the requested MHDR land use designation.

Additionally, the proposed PAD furthers several goals of the General Plan, and advances multiple goals of the Freeway Corridor Specific Plan, most notably:

- General Plan Land Use Element Goal #1, Policy C: *"Diversify Avondale's housing stock by providing for varied residential types…."*The proposed Hancock Communities at McDowell 117 is a residential concept that will be the first of its kind in the City of Avondale, combining the convenience of apartment living with benefits typically reserved for single-family homes, such as private rear yards.
- General Plan Land Use Element Goal #1, Policy D: *"Enhance the attractiveness of infill parcels as an option for new development throughout Avondale."* The subject property has remained vacant since it was annexed in segments in 1983 and 1999.

- Freeway Corridor Specific Plan Objective #1: "*Prioritize the City's appearance from the I-10 and Loop 101 freeways, limiting heavy industrial uses and establishing strict design requirements where necessary.*" An existing sound attenuation wall limits visibility into the site, particularly for a one-story development such as the proposed Hancock Communities at McDowell 117 project. Despite the limited visibility, the Planned Area Development includes rigorous design measures that will result in excellent architectural variety throughout the site.

- Freeway Corridor Specific Plan Objective #5: *"Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community*." The project is designed to be pedestrian/bicyclist friendly, with a network of internal sidewalks connecting residences to on-site amenity areas. Additionally, a pedestrian gate is provided to allow direct access from the site into Friendship Park. The developer will provide a temporary trail connection from the gate to existing Friendship Park sidewalks until a permanent path system is completed with development of the adjacent portion of the park.

Access and Circulation
Sufficient vehicular access to the gated community will be provided via entrances from 117th Avenue and 119th Avenue. It is expected that residents will utilize 119th Avenue as their primary method of ingress and egress, as a new traffic signal will be constructed at the 119th Avenue and McDowell Road intersection within the next year. The 117th Avenue entrance will also provide access to the community and serves as the project's visual focal point, however, because the McDowell Road/117th Avenue intersection will not be signalized and the neighboring charter school will also utilize 117th Avenue for its access, it is anticipated that 117th Avenue will be function more as a secondary access to the community. A stipulation prohibiting northbound traffic on 117th Avenue from turning left onto McDowell Road, requiring that traffic to exit right onto eastbound McDowell Road, is recommended to ensure McDowell Road continues to operate in a safe and efficient manner.

In addition to pedestrian access at both the project's 117th Avenue and 119th Avenue entries, an additional gated pedestrian connection from the site directly into Friendship Park will be provided. This connection will allow residents of the Hancock Communities at McDowell 117 to directly access the park and its various amenities, greatly expanding the range of open spaces accessible to the future residents. Currently, the existing Friendship Park sidewalk system terminates approximately 320 feet west of the planned pedestrian gate from Hancock Communities at McDowell 117. The developer will provide a stabilized decomposed granite trail in Friendship Park connecting the gate to the existing sidewalk, a temporary solution until the portion of the park directly adjacent to the subject property is developed by the City with a more permanent pathway system.

Public street improvements required for this development are minimal, as the site sits at the terminus of both 117th Avenue and 119th Avenue. The developer will only need to construct driveway entrances and tie into the existing pavement on both of those streets. The developer may be required to construct or contribute to the construction of signage, striping, or other similar improvements to the McDowell Road and 117th Avenue intersection to prohibit northbound to westbound left turns at that location.

All streets internal to the development will be private. The property owner/manager will be responsible for all maintenance of these private streets and associated facilities. Internal circulation has been reviewed by the City's Fire Marshal and deemed satisfactory.

Permitted Uses
The uses proposed by the PAD are, by reference, the uses allowed in the City's R-3 zoning district. The uses allowed in the R-3 district are fully consistent with the proposed Medium/High Density Residential General Plan designation and are appropriate within a future multi-family residential community.

Development and Design Standards
The proposed residential concept is a hybrid between a multi-family residential apartment complex and a compact, single-family residential development. Because of the uniqueness of the concept, none of the City's zoning districts contain development standards perfectly suited to this type of proposal. As such, the applicant has proposed several modifications to the base R-3 standards. The applicant's justification for the proposed modifications can be found in Appendix A of the PAD Narrative (Exhibit E, Page 24). In all instances, Staff concurs with the applicant's justification and supports the modifications as proposed.

Site design, architecture, landscaping, and open space within the Hancock Communities at McDowell 117 development meets or exceeds the expectations set forth within the Zoning Ordinance and Multi-Family Residential Design Manual. The proposed residential floor plans (two (2) distinct building types), building elevations (three (3) distinct architectural styles per floor plan) and color/material schemes (three (3) unique schemes per elevation style) contained within the PAD provide for a significant amount of variety within the development, resulting in eighteen (18) different scheme combinations. This variety will ensure that the community presents an attractive appearance internal to the complex, from surrounding streets such as McDowell Road, 117th Avenue, 119th Avenue, and I-10 (despite limited visibility due to the existing sound attenuation wall), and also from adjacent developed properties including the Crystal Springs Apartments, Friendship Park, Country Hills Mobile Home Park, and the recently completed Sun Valley Academy. The proposed variety will also distinguish the community from other single-story multi-family developments in the region, which have been commonly built using a single architectural style and one (1) or two (2) homogeneous color and material schemes, resulting in a monotonous appearance.

DISCUSSION:
The proposed PAD meets the following findings:

1. The proposed Hancock Communities at McDowell 117 PAD is in direct conformance with the proposed General Plan Land Use Map designation of Medium/High Density Residential.

2. The proposed Hancock Communities at McDowell 117 PAD is in conformance with the Freeway Corridor Specific Plan and Multi-Family Residential Design Manual.

3. The proposed Hancock Communities at McDowell 117 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.

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: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

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-20-0055 Hancock Communities at McDowell 117, a request to rezone approximately 19.07 acres from Planned Area Development (PAD) and Manufactured Home Park (MH) to Planned Area Development (PAD), subject to the following six (6) conditions of approval:

1. Development shall conform to the Hancock Communities at McDowell 117 PAD Narrative date stamped June 9, 2020, except as modified by these conditions.

2. 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.

3. 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.

4. Approval and recordation of a Final Plat, consolidating the parcels and dedicating a twenty (20) foot water line easement for the City's existing water line west of the mid-section line, will be required prior to issuance of any permits for the project.

5. All off-site improvements, including construction of a stabilized decomposed granite (DG) path connecting the west edge of the subject property to an existing sidewalk in Friendship Park, shall be completed by the developer prior to issuance of the first Certificate of Occupancy. The exact location and specifications of the DG trail shall be subject to approval by the City of Avondale's Parks and Recreation Department Director. The DG trail shall be temporary until such time that the City further improves the section of Friendship Park nearest the subject property.

6. Vehicular turning movements from 117th Avenue onto McDowell Road shall be limited to right-out only, prohibiting northbound left-turn movements onto westbound McDowell Road. The developer shall work with Staff during the Site Plan/Design Review approval process to determine the ultimate design and/or signage configuration for this intersection.

PROPOSED MOTION:
I move that City Council accept the findings and **ADOPT** the Ordinance approving Application PL-20-0055 Hancock Communities at McDowell 117, a request to rezone approximately 19.07 acres from Planned Area

Development (PAD) and Manufactured Home Park (MH) to Planned Area Development (PAD), subject to six (6) recommended conditions of approval as listed in the Staff Report.

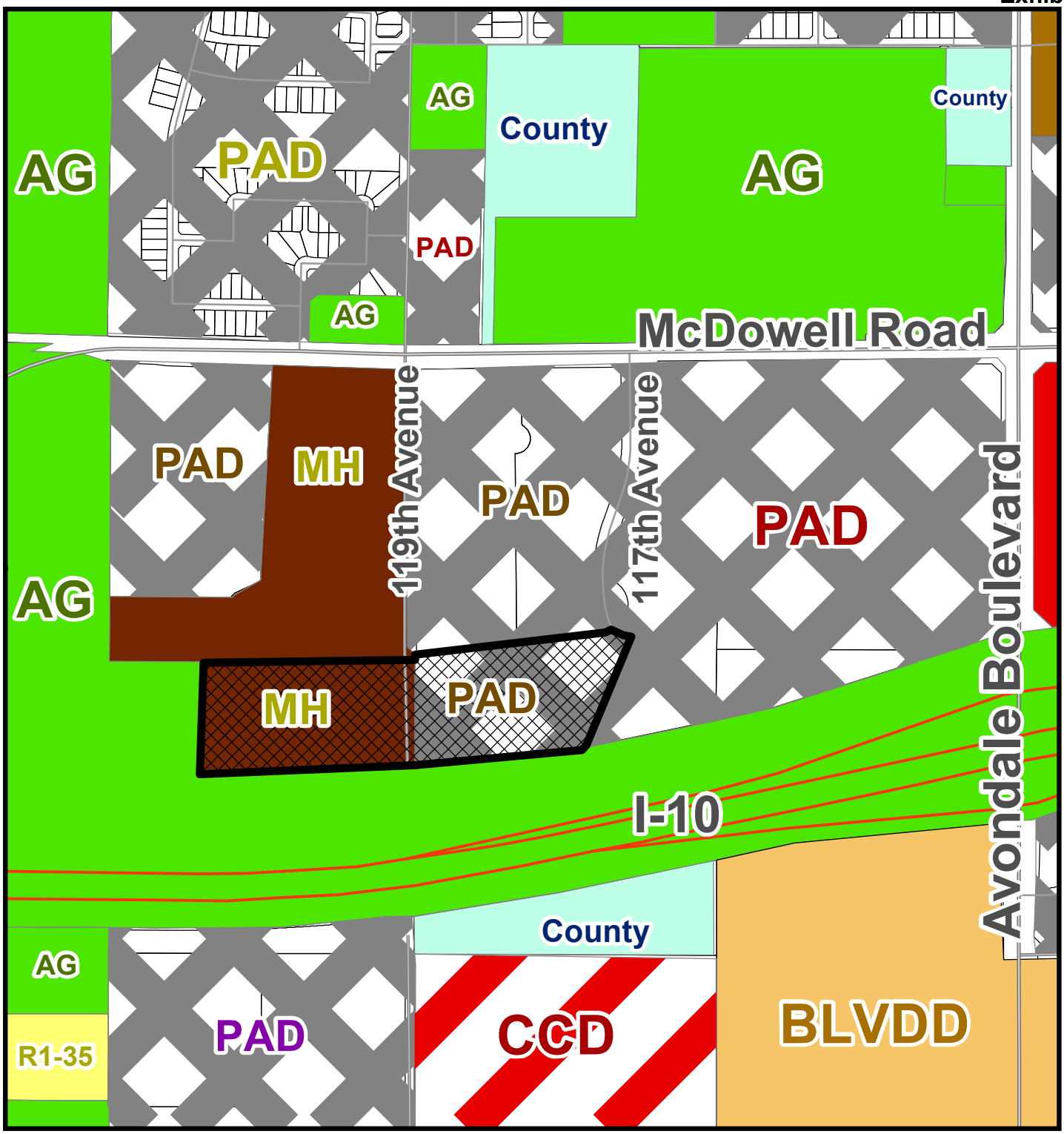
Exhibit A

Aerial Photograph

Avondale

Subject Property

Exhibit B

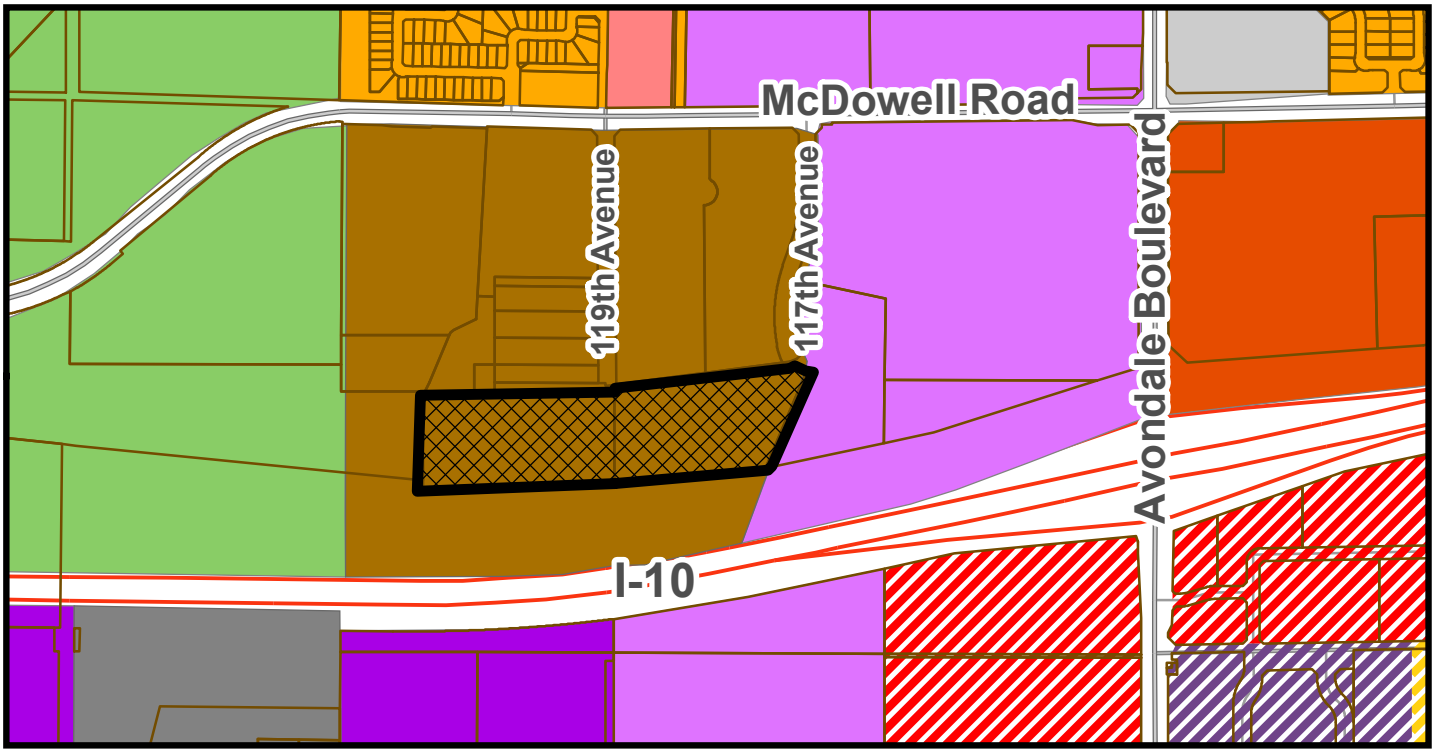


Zoning Vicinity Map

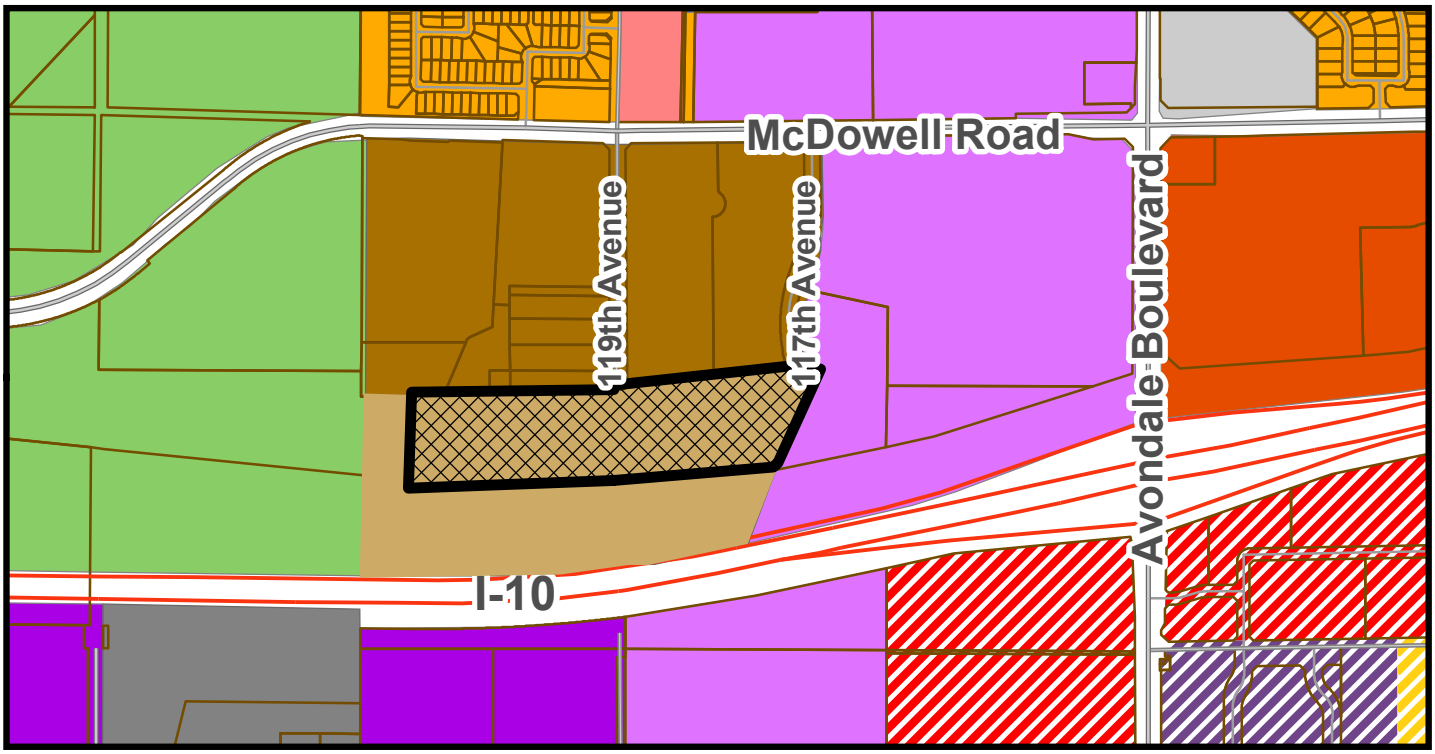
Avondale

Subject Property

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Open Space and Parks
- Business Park
- Mixed Use
- High Intensity Office
- Local Commercial
- Freeway Commercial
- Office/Professional
- The BLVD Gateway District
- The BLVD Park Avenue District

Avondale

Subject Property

SUMMARY OF RELATED FACTS

APPLICATIONS PL-20-0054 & PL-20-0055

THE PROPERTY	
SIZE	**Rezoning:** 19.07 acres **General Plan Amendment**: 32.30 acres inclusive of the property being rezoned plus 9.53 acres of adjacent Arizona Department of Transportation (ADOT) right-of-way and a 3.70-acre undeveloped portion of Friendship Park that are presently designated High Density Residential by the General Plan 2030 Land Use Map.
LOCATION	Approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue
PHYSICAL CHARACTERISTICS	The irregular rectangular site is bisected by a high voltage powerline corridor that runs north/south, dividing the eastern and western (approximate) halves of the property. The site directly abuts I-10 right-of-way owned by the Arizona Department of Transportation (ADOT) to the south; an existing sound attenuation wall located just south of the property limits visibility into the site from the perspective of I-10.
EXISTING LAND USE	The eastern 9.83 acres are used for crop farming and this portion of the site is currently in agricultural production. The western 9.24 acres not currently in use.
EXISTING ZONING	The eastern 9.83 acres are zoned Crystal Springs Planned Area Development (PAD), which allows for development of the property in accordance with the City's R-4 (Multi-Family Residential) zoning district. The western 9.24 acres are zoned Manufactured Home Park (MH).
ZONING HISTORY	The eastern 9.83 acres were annexed in March 1999 and rezoned from Agricultural (AG) to Crystal Springs Planned Area Development (PAD) in May 1999. The approximate 90 acre Crystal Springs PAD, which is bounded by Avondale Boulevard on the east, McDowell Road on the north, 119th Avenue on the west, and I-10 on the south, permits multi-family residential uses in accordance with the R-4 zoning district on the subject site. The western 9.24 acres were annexed in October 1983 and have been zoned Manufactured Home Park (MH) since annexation. Prior to 2009, the MH district was named R-5.

SURROUNDING ZONING AND LAND USE	
NORTH	Multiple uses are occurring along the northern boundary of the property, from east to west: • Crystal Springs Apartments, a fully developed 26-acre, 390-unit multi-family residential development. The Crystal Springs Apartments property is zoned Crystal Springs Planned Area Development (PAD) which allows for multi-family uses on that property.

	• Country Hills Mobile Home Park, a manufactured home park containing 115 manufactured homes that also provides additional spaces for seasonal parking of recreational vehicles for habitation. The park was developed between 1969 and 1976 while in Maricopa County; the property is zoned Manufactured Home Park (MH).
EAST	An 8.22-acre property upon which a charter elementary school, Sun Valley Academy, is currently under construction. The property is zoned Crystal Springs PAD. By Arizona statute, charter schools are not required to comply with City zoning regulations.
SOUTH	Interstate 10 (I-10), a major federal highway zoned AG (Agricultural). The width of I-10 right-of-way adjacent to the subject property ranges from 600 to 660 feet and is developed with a ten-lane median separated highway and a large drainage channel north of the westbound lanes. An existing sound attenuation wall that runs the full width of the subject site is located between the channel and highway.
WEST	An undeveloped portion of Friendship Park, zoned Agricultural (AG). It is anticipated this land, owned by the City of Avondale, will be developed with park amenities at a later, undetermined date.

GENERAL PLAN
The property is presently designated by the General Plan 2030 Land Use Map as High Density Residential (HDR). The HDR designation allows for development of multi-family residential including patio homes, apartments, condominiums, and townhomes with a density of twelve (12) to thirty (30) dwelling units per acre (Target Density = 12). The applicant is requesting a Minor General Plan Amendment to change the Land Use designation of the property to Medium/High Density Residential (MHDR), allowing the property to be developed at a lower density than currently supported. The MHDR designation allows for development of a variety of single-family and multi-family residential types with a density of four (4) to twelve (12) dwelling units per acre (Target Density = 4).

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 Canyon Breeze Elementary School located at the southwest corner of Encanto Boulevard and 116th Lane.
high school	West Point High School located at the northwest corner of Avondale Boulevard and Encanto Boulevard.

ADJACENT STREETS	
117th Avenue	
Classification	Minor Collector
Existing half-street ROW	40 feet
Standard half-street ROW	40 feet
Existing half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, street lights

Standard half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, street lights
119th Avenue	
Classification	Minor Collector
Existing full-street ROW	40 feet
Standard full-street ROW	40 feet
Existing full-street improvements	Two through lanes, detached sidewalk (east side only), curb (east side only), gutter (east side only), landscaping (east side only), street lights (east side only)
Standard full-street improvements	Two through lanes, center turn lane, bike lanes, detached sidewalks, curbs, gutters, landscaping, street lights

UTILITIES
Future development on the site will access existing twelve-inch water lines in 117th Avenue and 119th Avenue. Sewer service to the site will be accommodated by an existing 30-inch main line in 119th Avenue. Salt River Project (SRP) provides electrical service in this portion of the City.

Exhibit E

Proposed PAD Narrative

Hancock Communities at McDowell 117

HANCOCK COMMUNITIES

McDowell 117

PAD Narrative

Submitted June 9, 2020

Case # PL-20-0055

Submitted: March 5, 2020

Revised: April 28, 2020

Revised: June 09, 2020

TABLE OF CONTENTS

Introduction & Request 2
Property Location/Site Context 3
Plan Conformance
General Plan 5
Avondale Strategic Five Year Plan 6
Freeway Corridor Specific Plan 7
Land Use and Development Standards 9
Site Planning 12
Architectural Theming and Walls 14
Open Space, Landscaping and Amenities 19
Low Impact Development (LID) 21
Signage 22
Phasing 23
Appendix A – Justification for Modified Standards 24

EXHIBITS

1- Legal Description for Zoning
2- Aerial Context Plan
3- Existing Zoning Map
4- Proposed Zoning Map
5- Conceptual Site Plan
6- Conceptual Elevation and Paint Diversity Plan
7- Conceptual Building Elevations
8- Conceptual Landscape Plan
9- Conceptual Open Space Plan

Introduction and Request

On behalf of the property owner, as well as Hancock Communities, we are requesting approval of PAD zoning for the subject property to be known as Hancock Communities at McDowell 117 ("Hancock at McDowell 117").

This stand-alone PAD will replace the existing PAD zoning (Crystal Springs) on the eastern half of the property and the existing MH (Manufactured Home Park) zoning on the western half. The Hancock at McDowell 117 PAD will afford the City of Avondale zoning to allow for a unique medium-density multi-family community.

The requirements of the Zoning Ordinance, as amended, and the Avondale Subdivision Regulations, as amended, shall apply except where explicitly state otherwise herein by this PAD.

Property Location/Site Context

The subject property is approximately 19.07 net acres generally located south of McDowell Road between Avondale Boulevard and Friendship Park. The property is directly bounded on the south by a flood control structure along with the I-10 corridor and existing apartments and a mobile home park on the north. *(See Exhibit 1, Legal Description)*

Exhibit 2 – Aerial Context Map (See Exhibit Section for larger version)

The subject property currently has two separate existing zoning classifications. As illustrated on the Exiting Zoning Map (following page) the western 9 acres of the property is zoned for MH (Manufactured Home Park) which allows for manufactured homes to be placed on the property at up to 7 units per acre. The eastern 10 acres is zoned PAD as part of Crystal Springs. This PAD, approved in 1999, designates the property for multi-family under the City's R-4 district and allows up to 22 units per acre. Between the two zoning categories, the property could currently be developed with up to 284 total dwelling units.

Given the properties adjacency to I-10, this request was shared with ADOT for their comments. Provided the project doesn't request access to ADOT right-of-way and the existing wall is protected in place, ADOT expressed no concerns at this time with the rezoning of the property.

Property Location/Site Context

Exhibit 3 – Existing Zoning Map (See Exhibit Section for larger version)

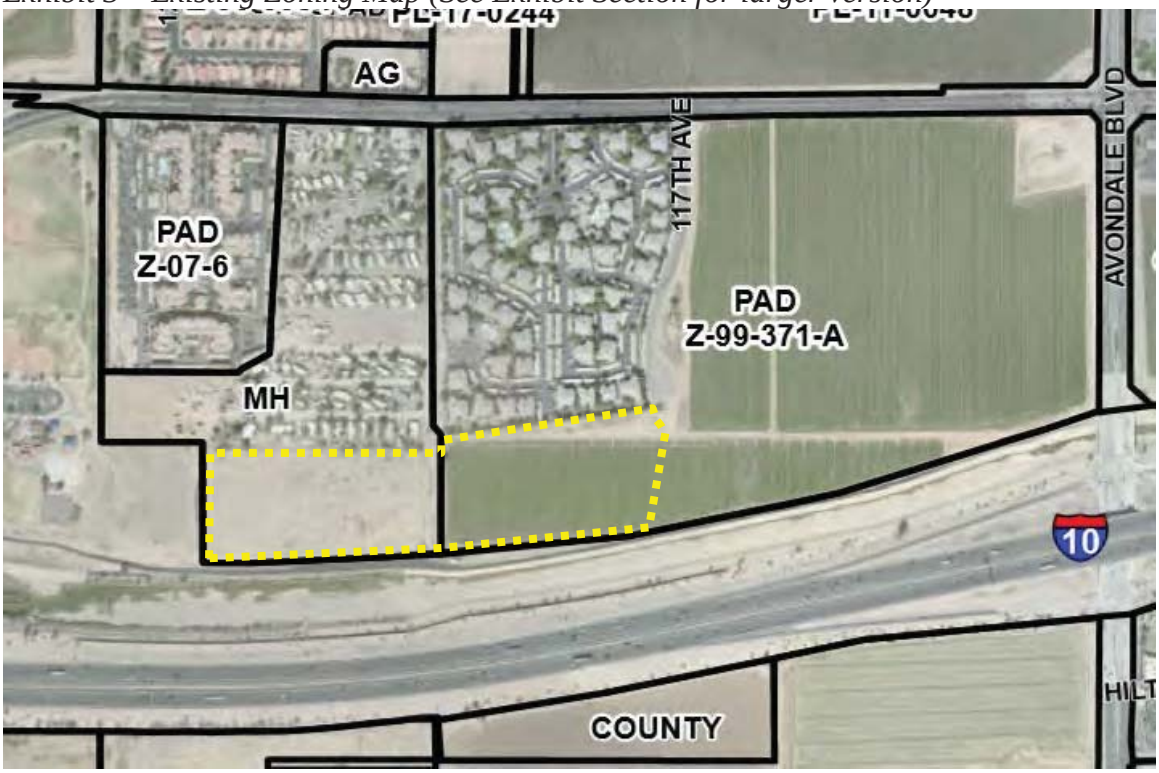


Exhibit 4 – Proposed Zoning Map (See Exhibit Section for larger version)

Plan Conformance

Avondale General Plan/GP2030

The subject property currently has a designation of High Density Residential within the Avondale 2030 General Plan ("Plan" or "GP2030"). Pursuant to the Plan, this land use designation is for multi-family residential with a density range of 12 to 35 units per acre with a target density of 12 units per acre. Because the proposed zoning contemplates a multi-family project with a maximum density less than 12 units per acre, we have filed a companion Minor General Plan Amendment (PL 20-0054) to replace the High Density Residential designation with one for Medium-High Density Residential.

The requested PAD will be in conformance with the General Plan Land Use Map if the companion Minor General Plan Amendment is approved and is in conformance with the Goals and Policies of the Plan as detailed below taken from the GPA narrative:

Land Use Goal 1 Policy C: *"Diversify Avondale's housing stock by providing for varied residential types with an emphasis on large lot development in the southern core of the City."*

The proposal continues to support multi-family residential in the northern area of the City, which is predominantly single-family residential. The companion rezoning case with this will allow for a unique housing type, that to our knowledge is not currently available in Avondale. Hancock Communities include single-story mostly detached rental homes with yards and high-end amenities that cater to affluent renters or those who would normally be purchasing condos.

Land Use Goal 1 Policy D: *"Enhance the attractiveness of infill parcels as an option for new development throughout Avondale."*

The proposed development will occur on a long vacant piece of land and take advantage of existing infrastructure.

Land Use Goal 3 Policy D: *"Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity."*

The adjacent land use designation to the north is High Density residential and this land developed with traditional multi-story multi-family and a mobile home park. To the east is a Mixed Use designation currently under development with a charter school and to the west is more High Density Residential, but with Avondale's Friendship Park. To the south is I-10. This amendment still supports

Plan Conformance

multi-family residential on the property, just at a slightly reduced density. The companion rezoning case provides standards that allow for transitions and buffering when necessary.

Economic Element Goal 3 Policy D: *"Support new development that accommodates business attraction opportunities."*

This amendment will facilitate the development of a long vacant piece of land at the gateway to Avondale and will help spur additional development in the area.

Housing Element Goal 2: *"Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels."*

Hancock Communities, the high-density residential component of this development offers a unique housing type that to our knowledge is not currently available in Avondale.

Avondale Strategic Five Year Plan

This plan is built on five major initiatives that the City Council has identified as priorities. The initiatives and the strategic goals they suggest should guide the City of Avondale. Listed below are initiatives that are supported by this proposed General Plan Amendment and its companion rezoning case.

Foster Sustainable Community Development

Strategic Goal: Encourage Build-Out in Residential Housing Opportunities that Support Diverse Housing Options.

Action Item: Develop outreach plan to multifamily investors and developer to highlight opportunities in Avondale.

The subject property is currently designated with a Land Use designation which supports multi-family residential and the proposed amendment continues to support that land use.

Create & Support Diverse Recreation & Education Opportunities

Strategic Goal: Provide Multi-Generational Recreation Events and Programs.

Action Item: Complete renovations for Friendship Park and at least three neighborhood parks.

The subject property is directly adjacent to Friendship Park. While this Minor GPA and the development that will come from it will not directly support the

Plan Conformance

completion of the park, it will provide residents that will frequent the park and benefit from Avondale's investment in the park.

Freeway Corridor Specific Plan

Adopted in 1991 and updated several times, the Freeway Corridor Specific Plan ("Specific Plan") applies to the area around the Loop 101 and I-10 freeways in order to effectuate the City's vision for those freeway corridors.

Objective #1: ***Prioritize the City's appearance from the I-10 and the Loop 101 freeways, limiting heavy industrial uses and establishing strict design requirements where necessary.***

The subject property is currently located behind an existing sound wall along the I-10 freeway (below). With a limited height in the companion zoning case, the project will have very limited visibility form the freeway, but pursuant to other applicable guidelines and regulations, it will only enhance the City's appearance.

Objective #2: ***Establish design requirements based on and specific to the General Plan designation of a developable property to ensure Freeway Corridor subareas achieve their intended purposes.***

The development of subject property will comply with all Avondale's design criteria, including any specific standards within the Specific Plan.

Objective #3: ***Institute minimum site utilization thresholds for properties adjacent to the City's recommended HCT alignment and provide generous maximum building heights throughout to ensure the area develops at the intensity level and form that is needed to accomplish the City's goals, most notably attracting high capacity transit.***

The proposed project is not located within an area that includes a minimum FAR.

Objective #4: ***The Freeway Corridor will be the southwest valley's premier job center.***

Plan Conformance

The requested minor General Plan Amendment changes the multi-family designation from High Density to Medium-High Density. In keeping the designation for residential, the property will continue to support multi-family residential along the Freeway Corridor in support of employment opportunities.

The type of rental housing proposed in the companion rezoning case for Hancock Communities has been found to attract affluent renters which should support Avondale's employers.

***Objective #5:* Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.**

The proposed project provides a new residential option and a design concept into Avondale. "Hancock Communities at McDowell 117" is a desirable product offering a housing type is a unique blend of urban and traditional single-family living that provides a new unique housing opportunity and style that encourages the diversity of housing options in the area. Internally, Hancock Communities at McDowell 117 will be a walkable community. Utilizing connecting sidewalks and bike lanes residents are offered opportunities for walkability and non-vehicular transportation outside the community including direct access to Friendship Park.

***Objective #6:* Further develop the Freeway Corridor's sense of place through street treatments, entry gateways, and other aesthetic treatments within the public realm.**

The proposed General Plan Amendment does not alter the use of the property. It is and will remain multi-family, which is already separated from the I-10 corridor by a tall sound wall. With the proposed maximum height of one story, that wall will screen the project from the public realm.

Land Use and Development Standards

While multi-family in zoning, with multiple dwelling units on a single parcel, Hancock Communities functions more like a grouping of attached and detached single-family buildings and are akin to a compact single family subdivision offering central amenities to the development. Unlike the typical vertical apartment complexes that are two or more stories, horizontal communities are single story and in the case of Hancock Communities at McDowell 117, are small homes that are for rent. Buildings are grouped to create intimate courtyards and paseo walkways to support healthy neighborhood interaction.

Some of the traditional requirements of the City of Avondale development standards for multi-family are not applicable to the unique residential product used in Hancock Communities. Traditional multi-family zoning expects large buildings consisting of multiple units, thereby creating a large building mass. Hancock Communities at McDowell 117 consists of one-story residential homes that are either fully detached (2 bedroom units) or duplex style (1 bedroom units). As such, this PAD proposes modifications to support this unique proposed multi-family.

Uses:
Shall be those uses (permitted outright, permitted with a conditional use permit, permitted with conditions, or permitted as an accessory use) within the City of Avondale's Multiple Family (R-3) Zoning District.

Density:
Maximum units allowed shall be pursuant to the City of Avondale's Multiple Family (R-3) Zoning District which is 1 unit for every 3,630 square feet of net site area, which is 12 units per acre.

Development and Design Standards:
Shall be those within the City of Avondale's Multiple Family (R-3) Zoning District with the modifications listed on the following table: *(Next Page)*

Land Use and Development Standards

Multi-Family Modified Standards		
Standard	Existing R-3 Requirement	Proposed Modification *
Maximum height	30 feet	20 ft./1 story(1)
Minimum Building Separation (one story buildings)	20 feet separation between principal entrance or exit and 15 feet separation all other places.	10 feet
Parking Lot Landscaping - Islands	Parking islands shall be installed at least every eight (8) consecutive parking spaces and located at the end of each row of parking spaces.	Parking islands shall be installed at least every ten (10) consecutive parking spaces and located at the end of each row of parking spaces.
Building Address Signs	The building(s) nearest the street must identify the street number of the building(s) with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) inch stroke width. All buildings shall identify the building number/letter with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) inch stroke width. Buildings are required to provide two (2) or more building identification signs per each one hundred (100) feet of the length of the building elevation. All buildings shall include apartment spread numbers (e.g. Units 201-210) identified with minimum seven (7) inch high contrasting numbers/letters with a one (1) inch stroke width. v. Each individual unit shall be	Building Address Signs shall be allowed in locations and of a size approved by the Fire Department.

Land Use and Development Standards

Multi-Family Modified Standards		
Standard	Existing R-3 Requirement	Proposed Modification *
	identified near the unit entryway using minimum four (4) inch high contrasting numbers/letters with a five-eighths (5/8) inch minimum stroke width.	

(1) An entry portico shall be allowed at a height up to 30 feet for adequate emergency vehicles ingress and egress as well as appropriate architectural rooflines to match the primary buildings.

** For justification of proposed modifications, see Appendix A*

Site Planning

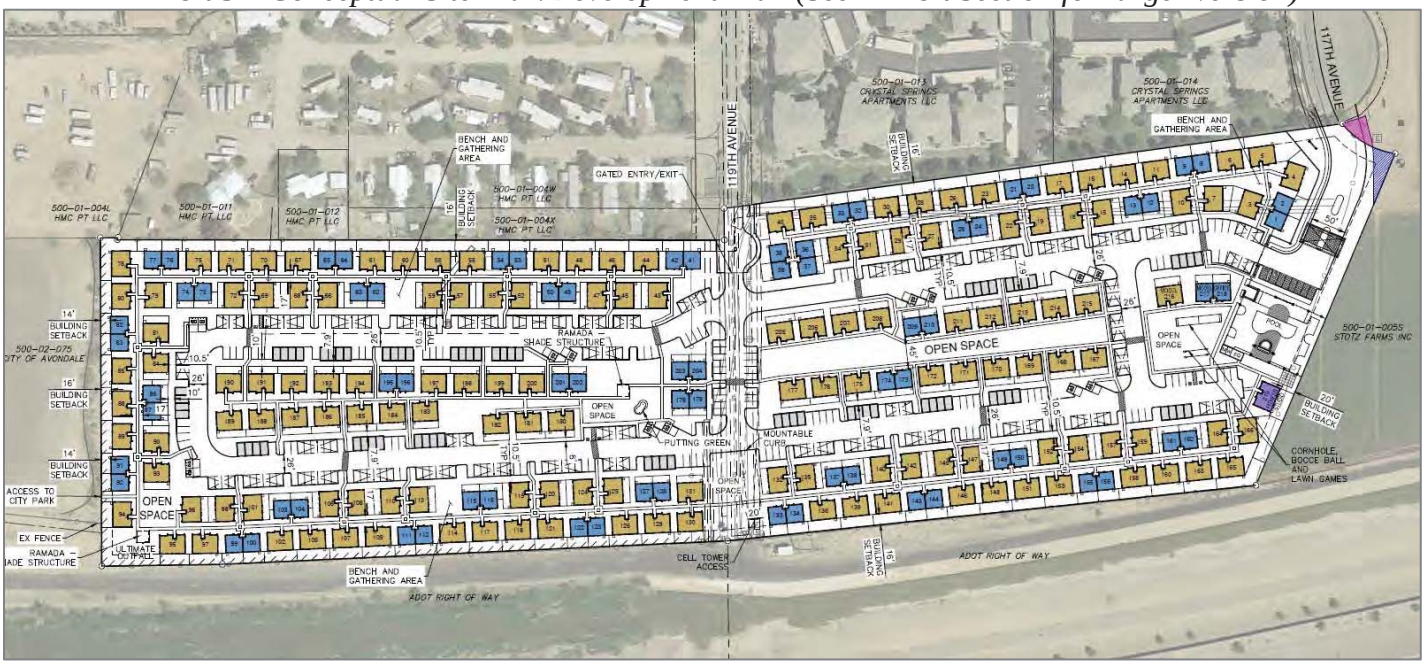
Site layout shall meet or exceed the guidelines set forth in the Multi-Family Residential Manual as well as the applicable requirements contained within the Freeway Corridor Specific Plan as determined by the City of Avondale at the time of formal site plan review.

The proposed Hancock Community is a gated community that consists of 217 rental homes, 144 of which are two bedroom and 73 are one bedroom. The two bedroom homes are fully detached wherein the one bedroom homes are "duplex" style and share a single common wall. (An office shares a duplex building with a one bedroom unit planned to serve as model and a separate fitness studio are also included but not counted as dwelling units.)

Hancock Communities do not provide 3 bedroom units. While other providers of horizontal rental projects include them in their plans, based on our experience and research, they can cause more problems and are not a highly desired unit size. Most renters seeking three bedrooms are either a family or group of individual roommates seeking to lower the average rent. Families are better suited to renting a single family detached home with more space and when a 3 bedroom unit is rented by three or more individuals, it taxes the community's amenities and parking.

Rental homes form clusters in a ring both on the outside and inside of a looping drive aisle bordered with parking (a mix of garages, covered and uncovered stalls). In the center of the community is a linear communal area for recreation with smaller activity areas located throughout the community.

Exhibit 5 – Conceptual Site Plan/Development Plan (See Exhibit Section for larger version)



Site Planning

While Valley Metro offers a bus route along McDowell Road it is expected that most residents will use private vehicles for transportation. While parking is provided in accordance with the Avondale Zoning Ordinance along the ring road that loop internally, those vehicular elements are not meant to define the experience as they would in typical single family community dominated by driveways and garages. Once a resident exits their vehicle within a Hancock Community, they are greeted by inviting paths encouraging pedestrian activity and interaction. These pathways also provide a direct connection to Friendship Park and out to the adjacent sidewalks along 117th and 119th Avenues as well as the bike lane along 117th Avenue, all of which connect to sidewalks and bike lanes along McDowell Road.

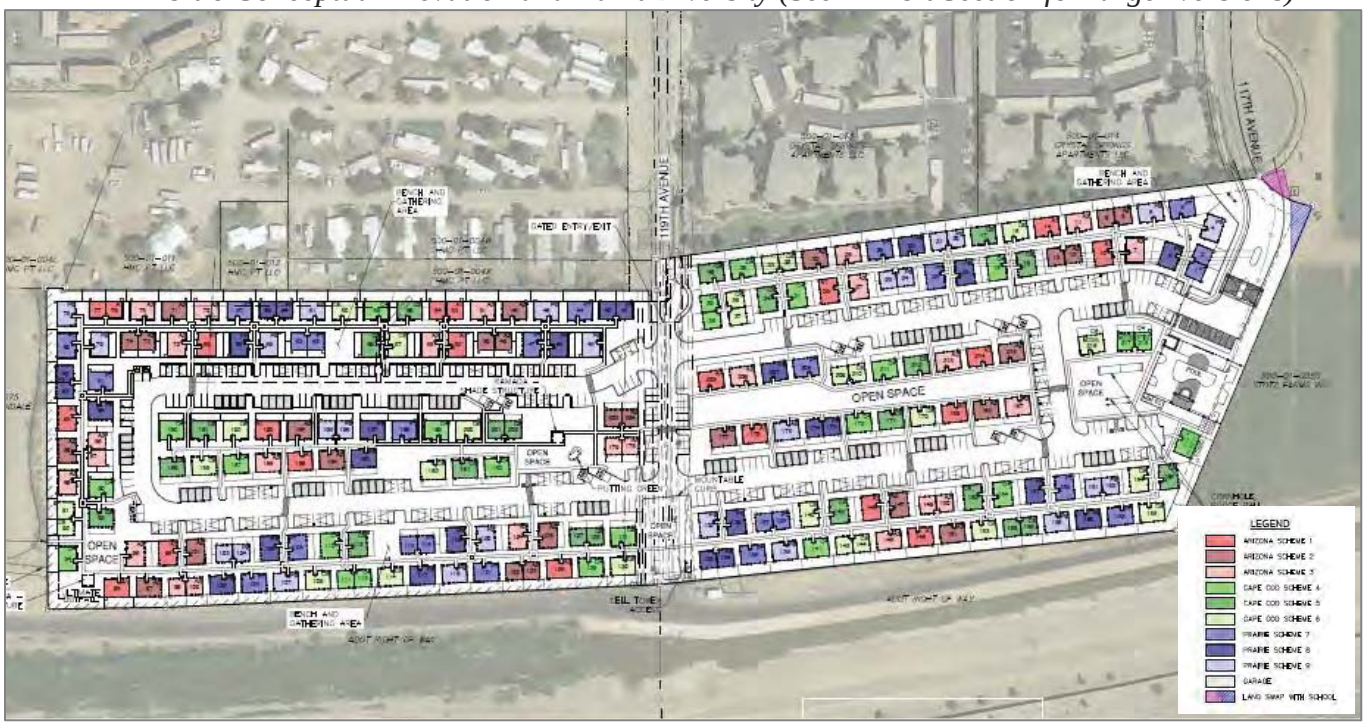
Architectural Theming and Walls

Architectural design theming and wall standards shall meet or exceed the guidelines set forth in the City's Multi-Family Residential Design Manual as well as the applicable requirements contained within the Freeway Corridor Specific Plan.

The design of all residential structures within proposed Hancock Communities at McDowell 117 will feature either a Prairie, Arizona Ranch, or Cape Cod architectural theme. Use of these three complementary themes allows more variety and visual interest within the project's built environment with each theme also including three distinct color schemes. Each structure will feature concrete tile covered hip or gable roofs and brick or stone wainscot accents along with details appropriate for the architectural style including columns, corbels, roof dormers, window sills/surrounds, window mullions, doors, and shutters.

As illustrated within the Conceptual Elevation and Paint Diversity plan the three elevation themes and color schemes will be alternated from home to home to produce additional visual variety.

Exhibit 6 Conceptual Elevation and Paint Diversity (See Exhibit Section for larger versions)



The Avondale Freeway Corridor Specific Plan ("FCSP") expands on the General Plan Urban Design Element Goal to "Maintain an upscale appearance from the I-10" by suggesting in a photo caption in the objectives section that "Development within the FCSP area must present a sophisticated appearance." The use of "sophisticated" has generally implied the need for contemporary architecture style. While a contemporary theme is quite appropriate for Avondale's visual environment for retail, employment and even institutional uses, in residential is should be limited to urban and mixed use settings. The architectural styles

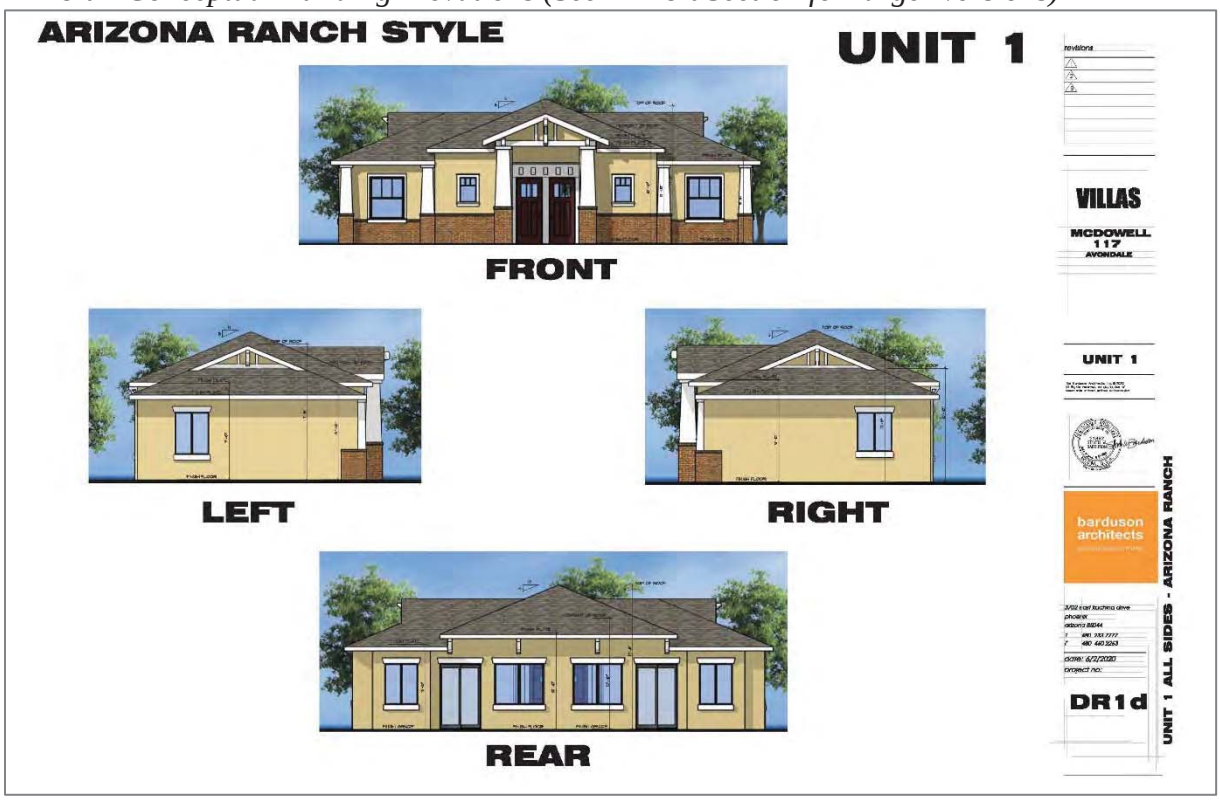
Architectural Theming and Walls

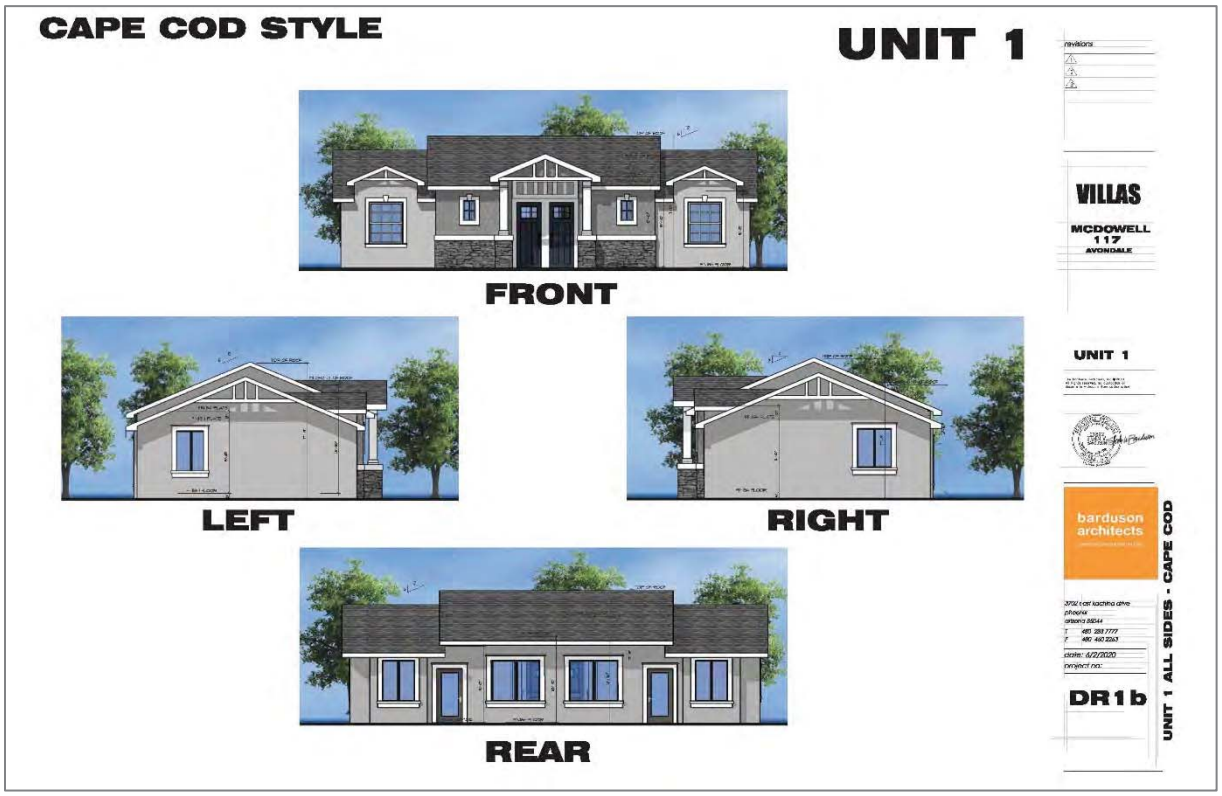
proposed are appropriate given their limited size and number of buildings and complement the existing adjacent multi-family. The mix of architectural themes each with distinctive pedestrian scaled elements, and the mix of color schemes is certainly sophisticated enough to warrant compliance with this implied requirement of the Avondale Freeway Corridor Specific Plan.

Perimeter walls, constructed of masonry, will be of a design complementing the existing walls in the surrounding area while using materials and colors that are consistent with the on-site architecture. Walls shall undulate or use pilasters to break up long linear expanses along street frontages. Internal walls, creating the private yards of the residential units will be made of white vinyl fence panels. This type of fencing provides a more timeless look matching the architectural themes and limits the harshness of additional masonry and/or stucco.

Architectural Theming and Walls

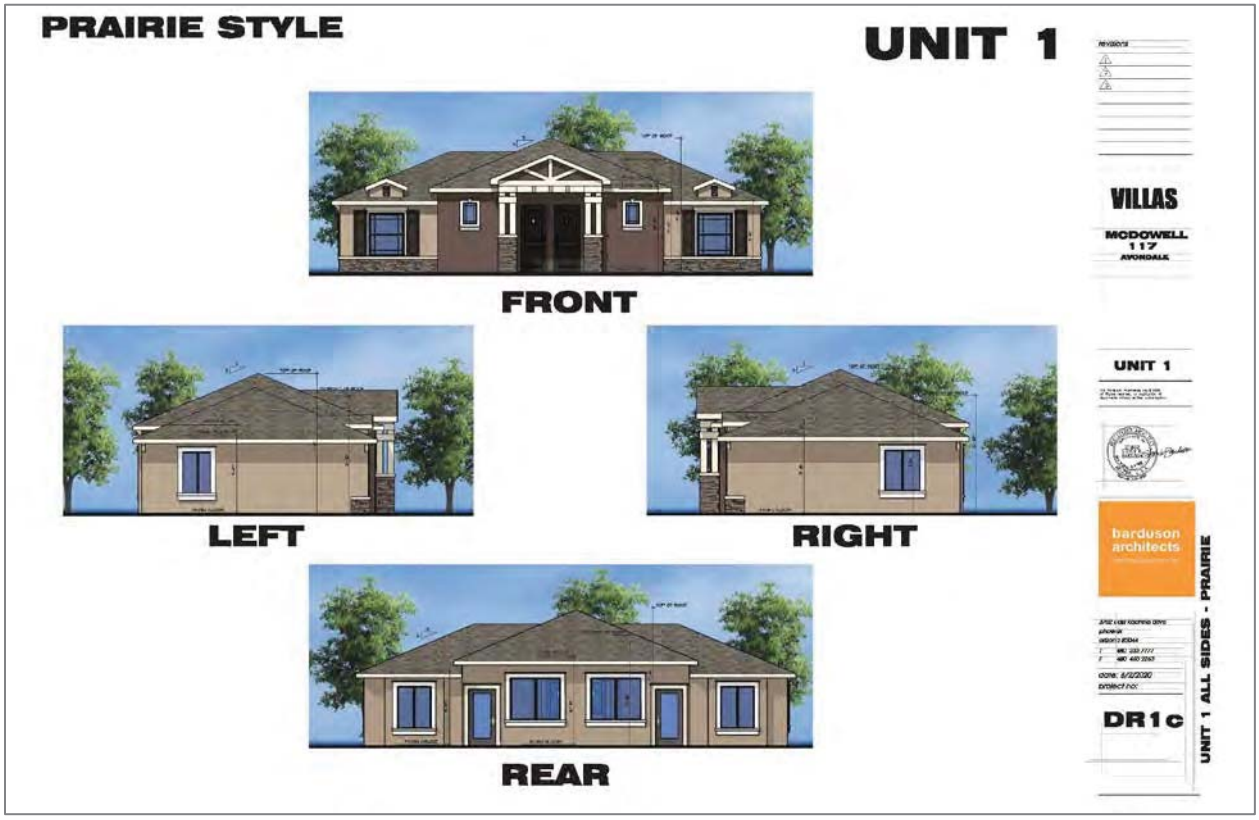
Exhibit 7 Conceptual Building Elevations (See Exhibit Section for larger versions)

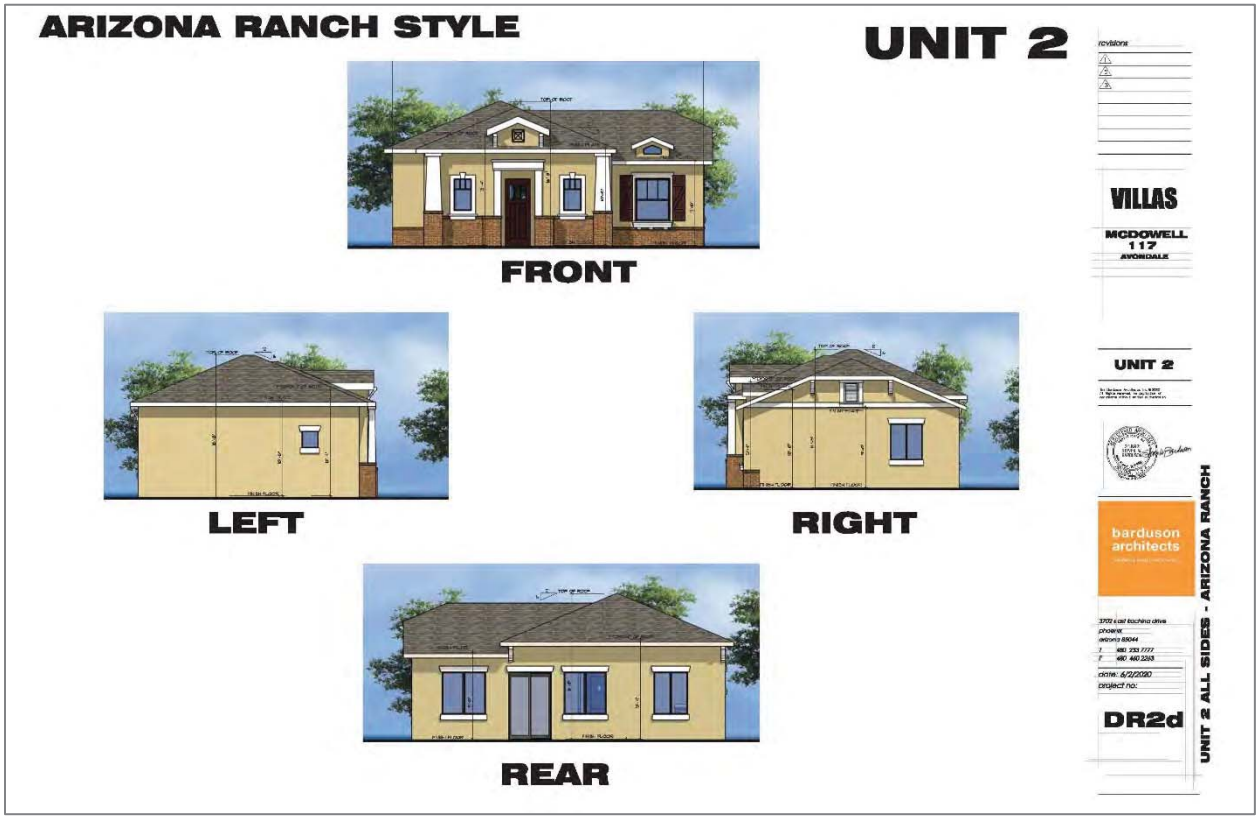




Architectural Theming and Walls

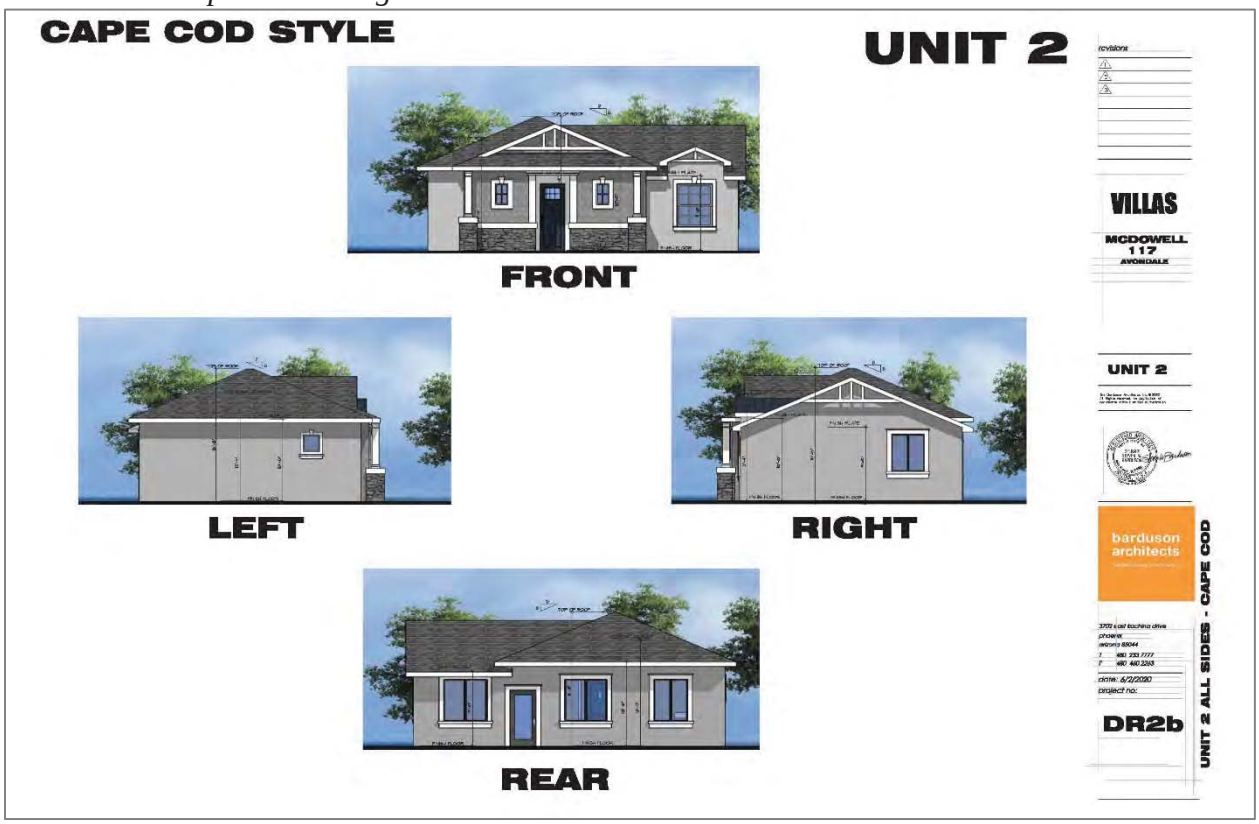
Exhibit 7 Conceptual Building Elevations -- Continued

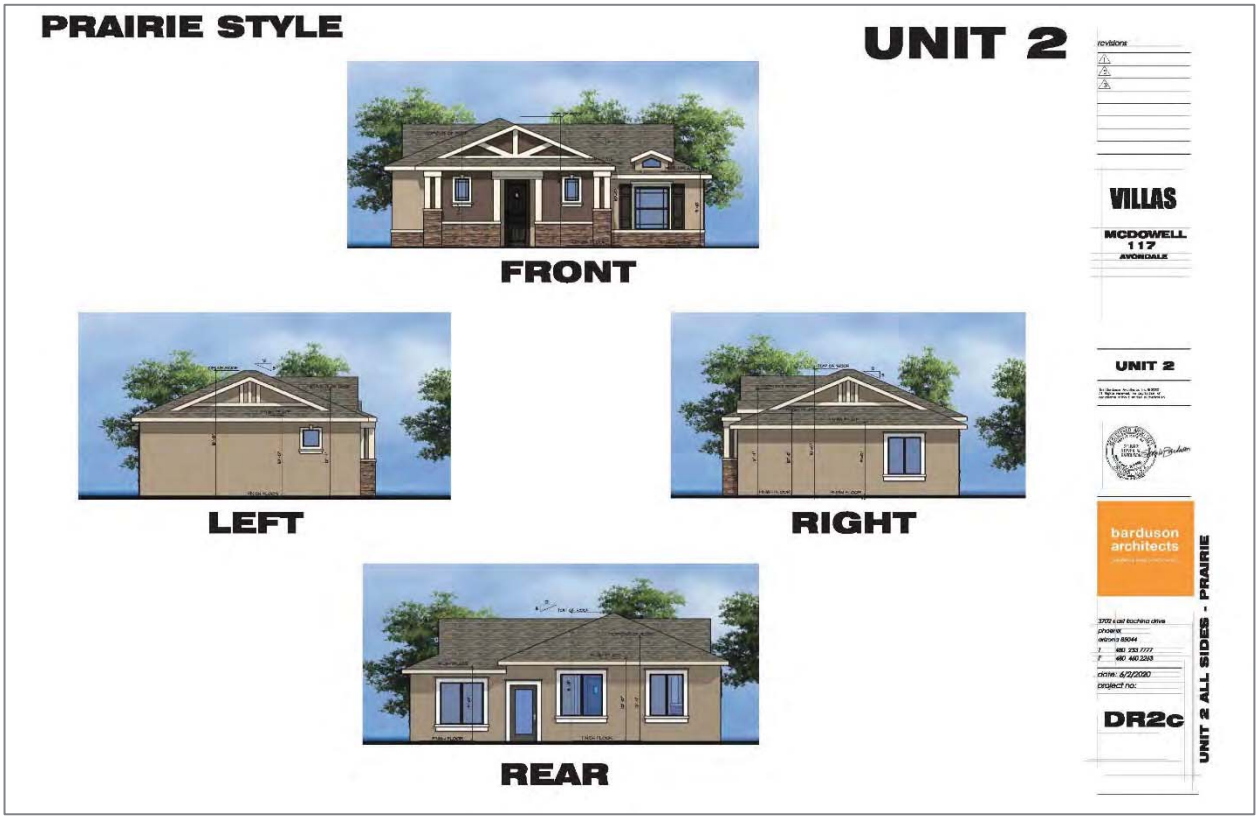




Architectural Theming and Walls

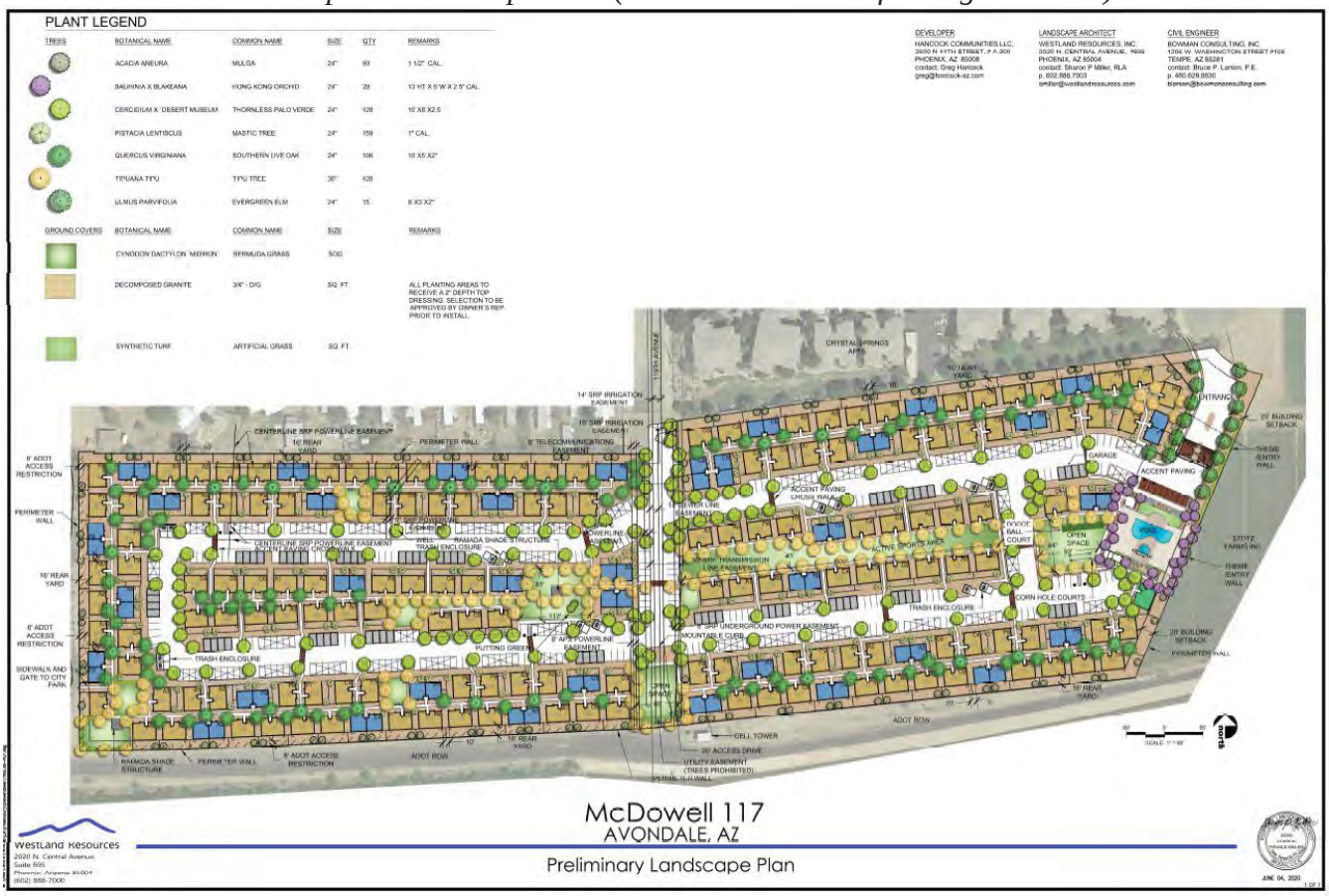
Exhibit 7 Conceptual Building Elevations -- Continued





Open Space, Landscaping and Amenities

Exhibit 8 – Conceptual Landscape Plan (See Exhibit Section for larger version)



Open Space, Landscaping and Amenity Standards shall be those within the City of Avondale's Multiple Family (R-3) Zoning District and shall meet or exceed the guidelines set forth in the City's Multi-Family Residential Design Manual as well as the applicable requirements contained within the Freeway Corridor Specific Plan, except as modified below:

> *If a multi-family project incorporates a private yard of 200 sq. ft. minimum for each unit (120 sq. ft. larger than the Zoning Ordinance requirement) then the Design Manual requirement of 20% net site area as usable open space shall be reduced to 15%. This open space shall take the form of usable, active open space area such as but not limited to parks, pools, indoor clubhouses, and walkways with enhanced shade and seating opportunities.*
>
> *Main community amenities, such as office, pool, and fitness facilities, need not be centrally located inside the project if the site is small enough that such amenities are still located within a short 5 to 7 minute walk (1/4 to 1/3 mile assuming 3 mph) for most of the residents.*

Open Space, Landscaping and Amenities

Within the proposed Hancock Communities at McDowell 117 project there is a main communal area for recreation consisting of a community swimming pool and spa, a covered ramada, a fitness studio with meditation garden and turf for active recreation with dedicated space for bocce ball and cornhole located nearby. This communal area is located at the easternmost side of the project to line up with the guest access at 117th Avenue, but is given the small size of the property, at the most it is a short walk (5 to 7 minutes maximum) from any residence. A secondary communal space is located central to the project and houses a community ramada and putting green along with turf for impromptu active recreation. Smaller open space areas for active and passive recreation are provided throughout the community including small respite areas with benches, all connected by a series of pathways. Trash receptacles will be places appropriate and all pedestrian areas will be illuminated as necessary for use and safety.

Each unit offers a small landscaped private backyard, similar to a single-family home. However, with Hancock Communities, these yards will be maintained by the property manager, not the individual resident. The minimum backyard illustrated in the Conceptual Site Plan is 10 foot in depth, accounting for 250 square feet for the one bedroom homes and 370 square feet for the two bedroom homes; however, most are much larger with an average of 514 square feet. In total, these back yards account for over 2.5 acres of outdoor recreation space to be utilized by the residents and would take the place of smaller pocket parks typically found in traditional multi-family projects.

Exhibit 9 – Conceptual Open Space Plan (See Exhibit Section for larger version)

Low Impact Development

Low Impact Development (LID) is an approach to land development that works with nature to manage stormwater as close to the its source as possible and is encouraged by the Multi-Family Residential Design Manual. LID looks at stormwater as a resource rather than a waste product and encourages strategies such as bioretention facilities, rain gardens, vegetate rooftops, rain barrels and permeable pavers to create functional and appealing site drainage.

Hancock Communities at McDowell 117, and its unique horizonal community design isn't well suited for most LID concepts. Buildings are small scale, so they are placed closer together than traditional multi-family structures. Rain gardens or bioretention are not well suited when placed in close proximity to buildings and can cause negative effects on the foundations and integrity of the soils surrounding the homes. Our layouts also focus on usable open space, therefore our retention is placed underground and not in above-ground basins.

Hancock Communities will utilize pavers in lieu of impervious concrete on backyard patios and also uses artificial turf in those yards to reduce potable water usage. All landscaping will incorporate as many native and ADEQ low-water use plants as possible.

Signage

Signage shall be that allowed within the City of Avondale's Multiple Family (R-3) Zoning District and shall meet or exceed the guidelines set forth in the City's Multi-Family Residential Design Manual as well as the applicable requirements contained within the Freeway Corridor Specific Plan, except as modified below:

> *The Address Signs standards from Section 912.13.c of the Avondale Zoning Ordinance shall be allowed to be modified, as approved by the Fire Department, to allow for alternative building identification sizes and locations.*

Phasing

Development of the property will occur in a single phase. Construction and occupancy of the rental units will be sequenced following completion of the common amenities.

Appendix A – Justification for Modified Standards

Reduction in Height

In support of the below requested reductions, Hancock at McDowell 117 is also proposing reductions in the allowed height for the property. The limitation of maximum 1 story buildings strengthens the justification for the proposed reduced development standards from that allowed in the R-3 Zoning District used as a base.

Reduction in Building Separation

Traditional multi-family zoning expects large buildings consisting of multiple units, thereby creating a large building mass. Hancock at McDowell 117 consists of one-story residential homes that are either fully detached (2 bedroom units consisting of 1,022 square feet under roof) or duplex style (1 bedroom units consisting of a total of 1,336 square feet under roof for the two unit building.) Wherein building separation is typically expected to maintain a 20' between building entrances and 15' between all other building faces, we are requesting a 10' minimum separation. (Doors are inset into the building face and there will actually be a greater separation as measured from door face to door face.) Given the small building mass, this reduced separation allows for a more pedestrian scale and provides an intimate experience in the walkways between the buildings.

Reduction in Parking Lot Landscape Islands

The requested increase in maximum spacing between parking lot landscaping islands is supported by the product type and the layout. Unlike a commercial or employment parking lot, or even a parking lot of a large apartment complex, within Hancock at McDowell 117 there is never any double rows of parking. While the spacing between islands has been increased, there will still be a minimum of 15% of the parking lot landscaped.

Address Signage

Avondale Zoning Ordinance requires typical address and building number signage found within a traditional multi-story apartment complex consisting of 18 inch tall numbers. Given that the proposed project features smaller single-story buildings and a unique layout we are asking for the ability to have the Fire Department approve an alternative. We are not proposing anything specific at this time so we can work with them to determine the best number size and location for wayfinding and emergency services response.

Exhibit 1
Legal Description

April 8, 2020
Project # 050744-01-001

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 89°09’26” EAST (BASIS OF BEARINGS), A DISTANCE OF 2654.37 FEET;

THENCE SOUTH 00°37’47” EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1, A DISTANCE OF 1302.30 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID MIDSECTION LINE, NORTH 82°12'12" EAST, A DISTANCE OF 892.58 FEET TO THE CENTERLINE OF 117TH AVENUE, ACCORDING TO BOOK 592 OF MAPS, PAGE 11, MARICOPA COUNTY RECORDS, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 63°44'09" EAST, A RADIAL DISTANCE OF 326.00 FEET;

THENCE NORTHERLY ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°14'10", AN ARC DISTANCE OF 1.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 117TH AVENUE, ACCORDING TO BOOK 682 OF MAPS, PAGE 7, MARICOPA COUNTY RECORDS;

THENCE NORTH 67°29’37” EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 33.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 41°22'21" WEST, A RADIAL DISTANCE OF 115.50 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°23'00", AN ARC DISTANCE OF 6.82 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 13°37’43” EAST, A DISTANCE OF 36.24 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, CONCAVE WESTERLY AND HAVING A RADIUS OF 155.58 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°16'08", AN ARC DISTANCE OF 36.03 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00°21’35” EAST, A DISTANCE OF 63.44 FEET;

THENCE SOUTH 22°48'09" WEST, A DISTANCE OF 436.17 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10;

THENCE SOUTH 84°00'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 762.54 FEET TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE SOUTH 87°20'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 726.27 FEET;

THENCE SOUTH 89°09'51" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 173.07 FEET;

THENCE NORTH 00°15'35" WEST, A DISTANCE OF 470.89 FEET;

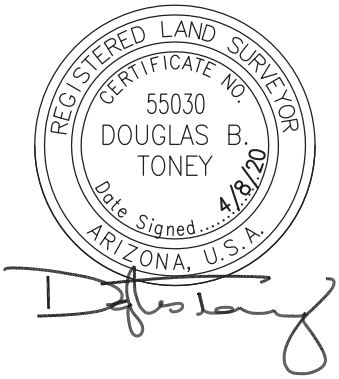
THENCE NORTH 89°36'58" EAST, A DISTANCE OF 25.82 FEET;

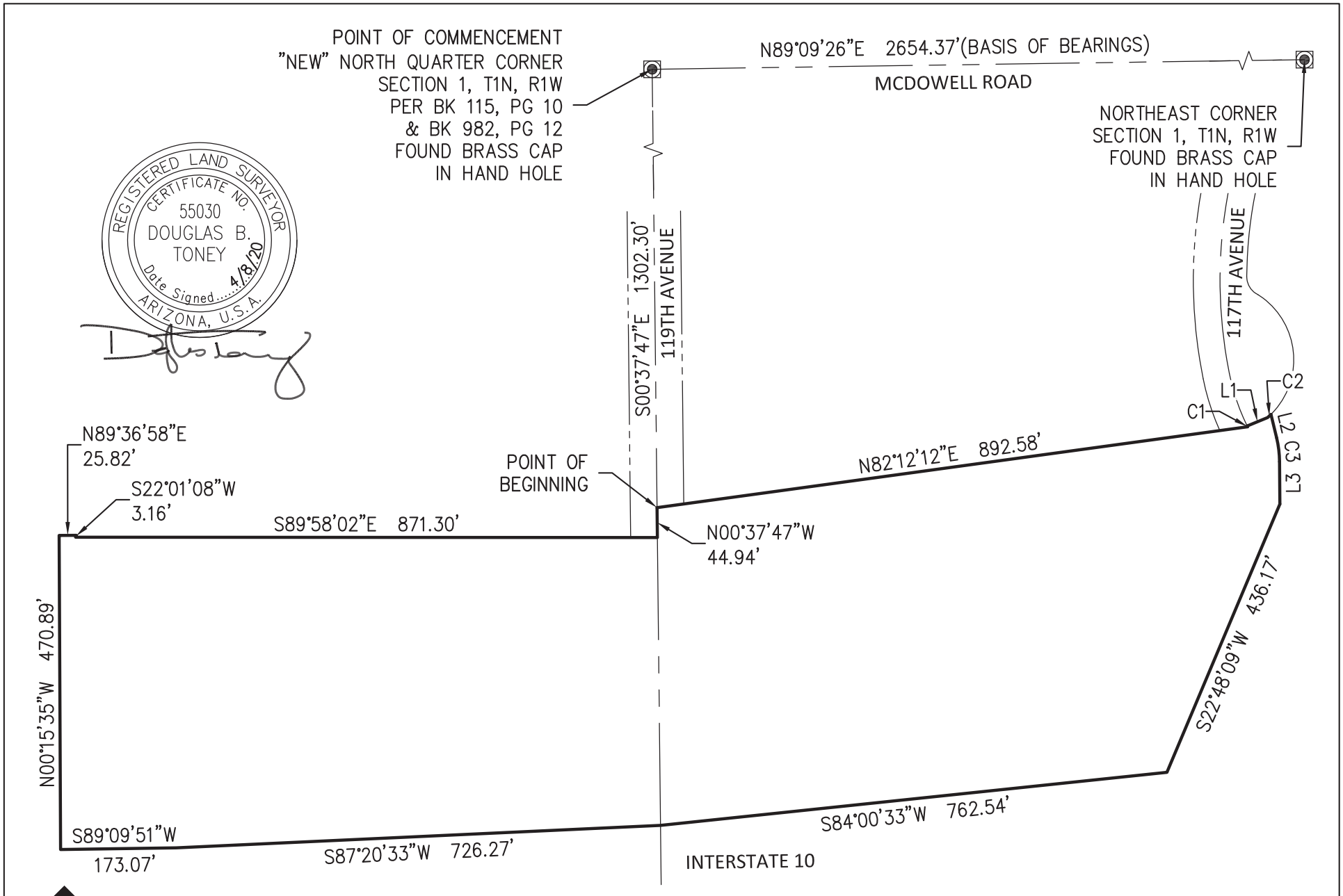
THENCE SOUTH 22°01'08" WEST, A DISTANCE OF 3.16 FEET;

THENCE SOUTH 89°58'02" EAST, A DISTANCE OF 871.30 FEET
TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE NORTH 00°37'47" WEST, ALONG SAID MIDSECTION LINE,
A DISTANCE OF 44.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 830,676 SQ.FT. OR 19.0697 ACRES, MORE OR LESS.





SHEET 1 OF 2	DATE: 4/8/20	EXHIBIT MCDOWELL 117	
		BY: DT	CHK: QC:
		BCG PROJECT NO: 050744-01 TASK: 001 CLIENT REF NO:	

Bowman CONSULTING
1295 W Washington St, #108
Tempe, AZ 85281
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 4/8/20
ARIZONA, U.S.A.

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	33.14'	N67°29'37"E
L2	36.24'	S13°37'43"E
L3	63.44'	S00°21'35"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	1.34'	326.00'	000°14'10"
C2	6.82'	115.50'	003°23'00"
C3	36.03'	155.58'	013°16'08"

SHEET 2 OF 2

DATE: 4/8/20

EXHIBIT
MCDOWELL 117

BY: DT | CHK: | QC:

BCG PROJECT NO: 050744-01 TASK: 001
CLIENT REF NO:

Bowman CONSULTING
1295 W Washington St, #108
Tempe, AZ 85281
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

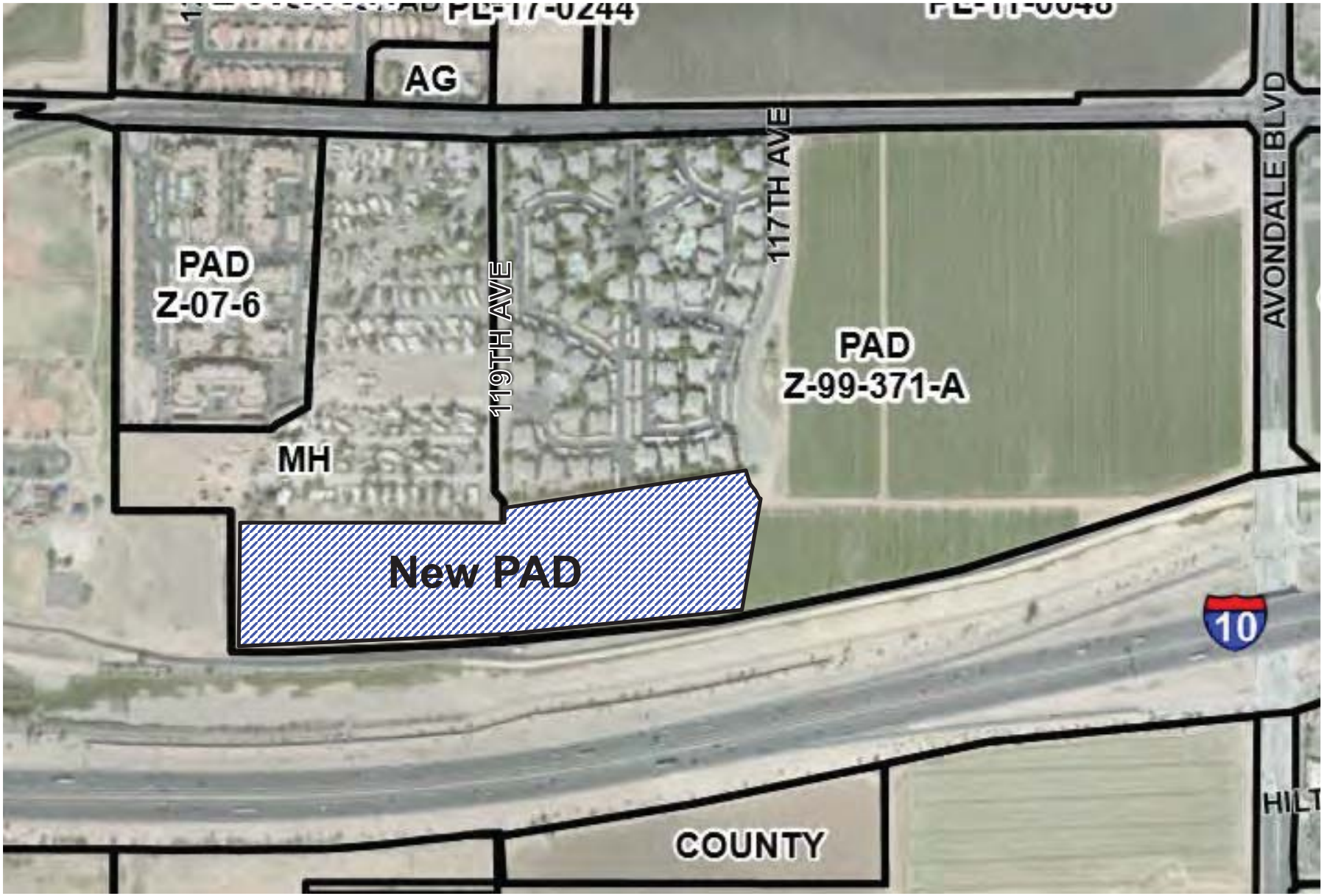
Exhibit 2
Aerial Context Plan

Aerial Vicinity Map

Exhibit 3
Existing Zoning Map

Existing Zoning

Exhibit 4
Proposed Zoning Map

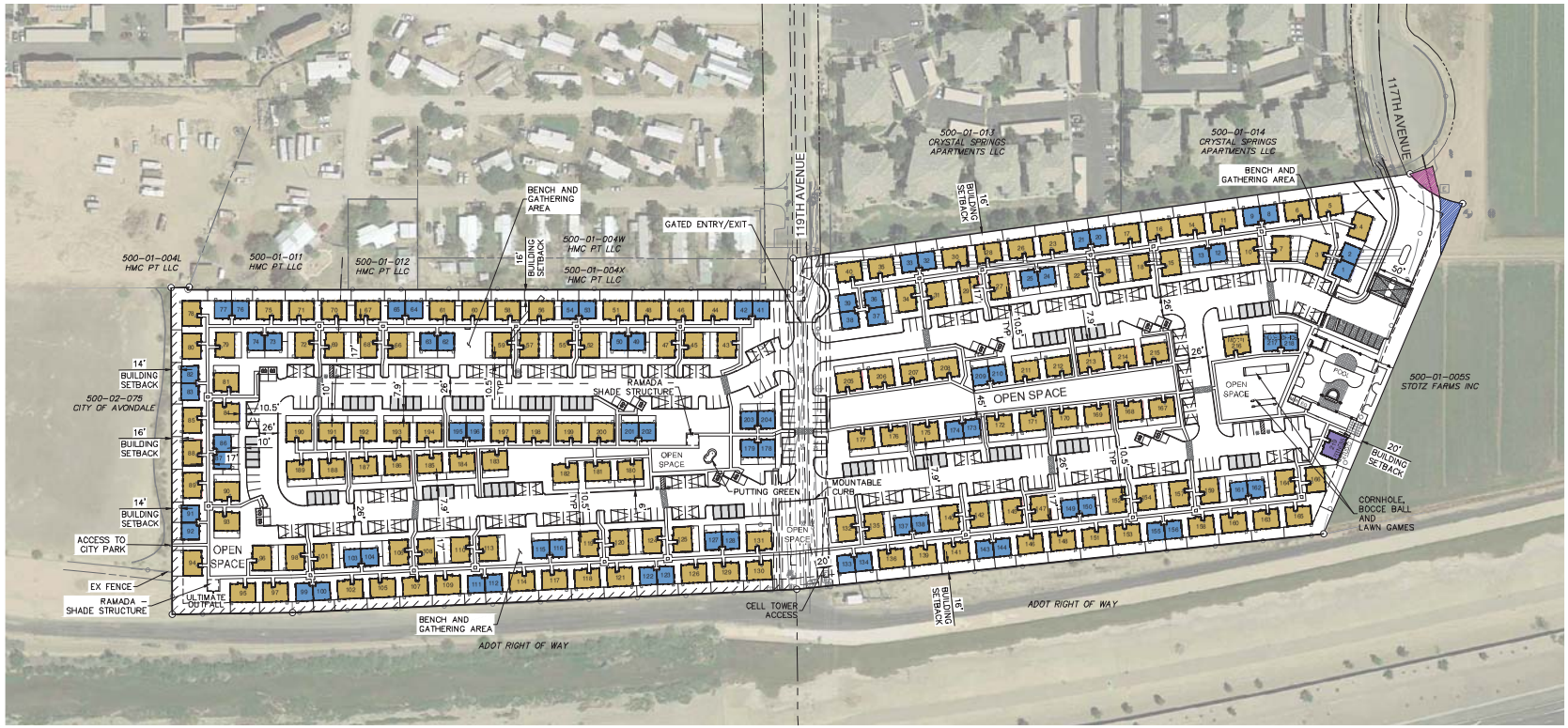


Proposed Zoning

Exhibit 5
Conceptual Site Plan

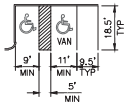
VICINITY MAP
NTS

GRAPHIC SCALE
1" = 80'



LEGEND

- HANDICAP PARKING
- ONE BEDROOM
- TWO BEDROOM
- FITNESS STUDIO
- GARAGES
- LAND SWAP WITH SCHOOL



TYPICAL PARKING DETAIL
NTS

HANCOCK COMMUNITIES

MULTI-FAMILY UNITS AND PARKING				
	NUMBER OF UNITS	MIX %	PARKING REQUIRED PER UNIT	TOTAL PARKING REQUIRED
1 BEDROOM *	73	34%	1.5	110
2 BEDROOM *	144	66%	1.75	252
TOTALS	217	100%		362
			GUEST PARKING (1/10)	22
			TOTAL PARKING REQUIRED	383
			PARKING PROVIDED	435

BUILDING HEIGHT: 1 5'6"
NOTE: 72 GARAGE BAYS PROVIDED (20% OF REQUIRED PARKING)
GARAGE BAYS INCLUDED IN PARKING PROVIDED CALCULATION
C/L LENGTH (LF): 4,068
* FITNESS STUDIO AND OFFICE ARE NOT INCLUDED IN THIS CALCULATION

SITE DATA	
GROSS ACRES	19.08
NET ACRES	19.08
GROSS DU/AC	11.38
NET DU/AC	11.38
PUBLIC OPEN SPACE	20.1%
PRIVATE OPEN SPACE (REAR YARDS)	13.3%
ACTIVE OPEN SPACE (% OF PUBLIC OPEN SPACE)	56.5%

Bowman CONSULTING

Bowman Consulting Group, Ltd.
1295 West Washington Ste 108
Tempe, Arizona 85281
Phone: (480) 629-8830
www.bowmanconsulting.com

CONCEPTUAL LAYOUT
McDOWELL 117
AVONDALE, AZ
MARICOPA COUNTY

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION

DAB	DAB	BPL
DESIGN	DRAWN	CHKD

SCALE H: V:
JOB No. 050744-01-001
DATE : 6/9/2020

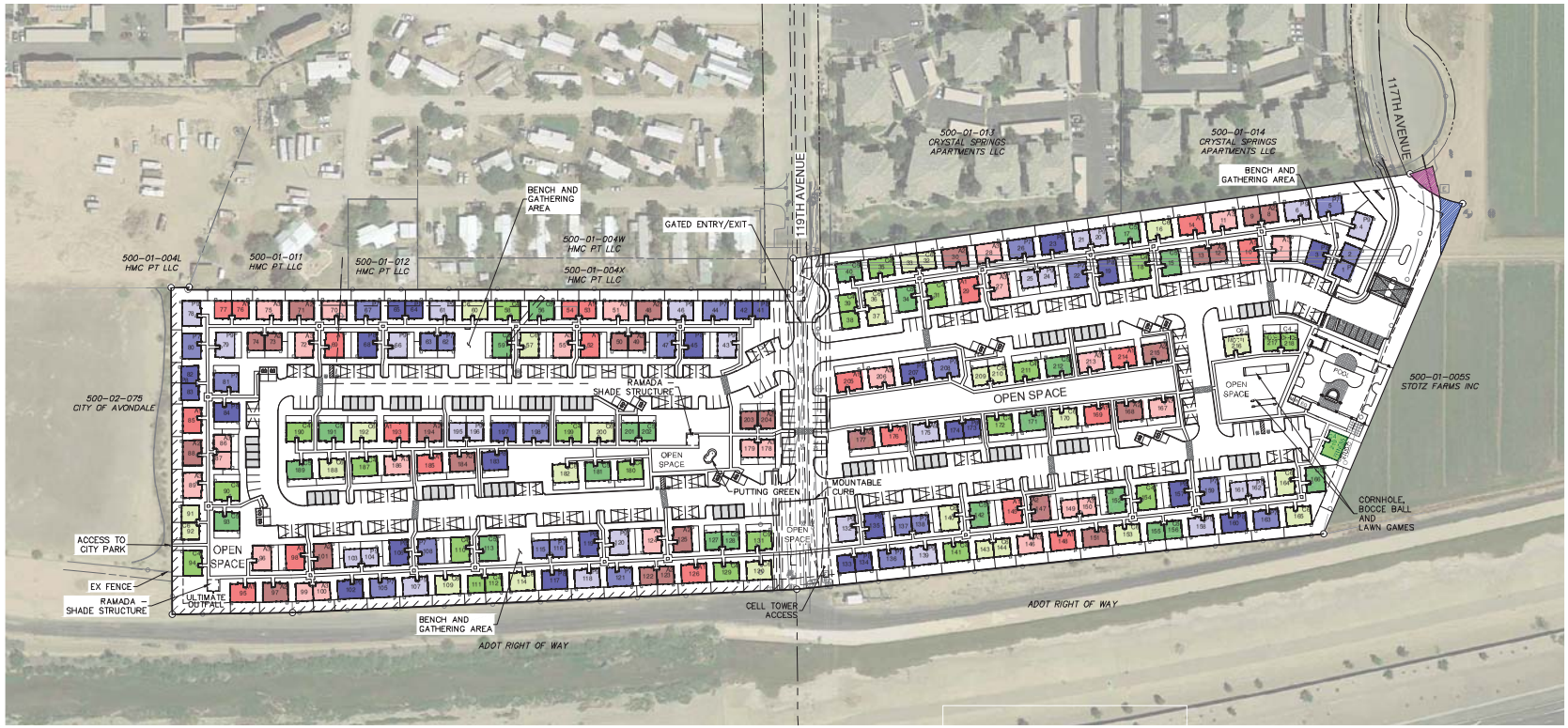
SHEET 1 OF 1

CAD FILE NAME: V:\050744 - McDowell 117\050744-01-001 (ENG)\Engineering\Work\050744-mcdowell 117-LL10.dwg 06/09/2020

Exhibit 6
Conceptual Elevation and Paint Diversity Plan

VICINITY MAP
NTS

GRAPHIC SCALE
1" = 80'



LEGEND

- ARIZONA SCHEME 1
- ARIZONA SCHEME 2
- ARIZONA SCHEME 3
- CAPE COD SCHEME 4
- CAPE COD SCHEME 5
- CAPE COD SCHEME 6
- PRAIRIE SCHEME 7
- PRAIRIE SCHEME 8
- PRAIRIE SCHEME 9
- GARAGE
- LAND SWAP WITH SCHOOL

MULTI-FAMILY UNITS AND PARKING

	NUMBER OF UNITS	MIX %	PARKING REQUIRED PER UNIT	TOTAL PARKING REQUIRED
1 BEDROOM *	73	34%	1.5	110
2 BEDROOM *	144	66%	1.75	252
TOTALS	217	100%		362
			GUEST PARKING (1/10)	22
			TOTAL PARKING REQUIRED	383
			PARKING PROVIDED	435

BUILDING HEIGHT: 15'6"
NOTE: 72 GARAGE BAYS PROVIDED (20% OF REQUIRED PARKING)
GARAGE BAYS INCLUDED IN PARKING PROVIDED CALCULATION
C/L LENGTH (LF): 4,068
* FITNESS STUDIO AND OFFICE ARE NOT INCLUDED IN THIS CALCULATION

SITE DATA

GROSS ACRES	19.08
NET ACRES	19.08
GROSS DU/AC	11.38
NET DU/AC	11.38
PUBLIC OPEN SPACE	20.1%
PRIVATE OPEN SPACE (REAR YARDS)	13.3%
ACTIVE OPEN SPACE (% OF PUBLIC OPEN SPACE)	56.5%

HANCOCK COMMUNITIES

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ELEVATION DIVERSITY EXHIBIT
McDOWELL 117
MARICOPA COUNTY
AVONDALE, AZ

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION

DAB DESIGN	DAB DRAWN	BPL CHKD

SCALE H: V:
JOB No. 050744-01-001
DATE : 6/9/2020

SHEET 1 OF 1

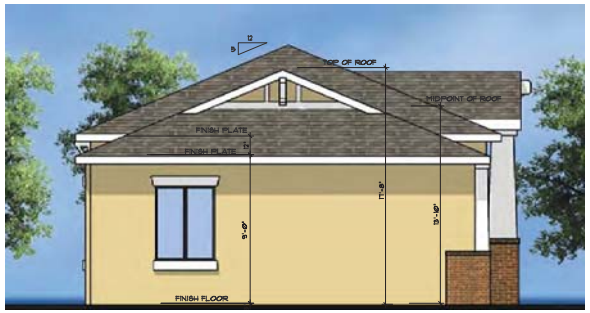
CAD FILE NAME: V:\050744 - McDowell 117\050744-01-001 (ENG)\Engineering\Work\050744-mcdowell 117-LL10.dwg 06/09/2020

Exhibit 7
Conceptual Building Elevations

ARIZONA RANCH STYLE

UNIT 1

FRONT



LEFT

RIGHT

REAR

revisions

1
2
3

VILLAS

MCDOWELL 117
AVONDALE

UNIT 1

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REGISTERED ARCHITECT
CERTIFICATE NO. 21892
STEVEN W. BARDUSON
Expires 3-31-2021
ARIZONA, U.S.A.

barduson architects
practicing design community

3702 east kachina drive
phoenix
arizona 85044
T 480 233 7777
F 480 460 2263

date: 6/2/2020
project no:

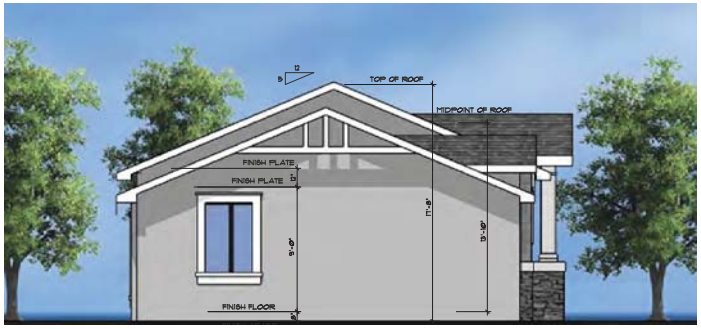
DR1d

UNIT 1 ALL SIDES - ARIZONA RANCH

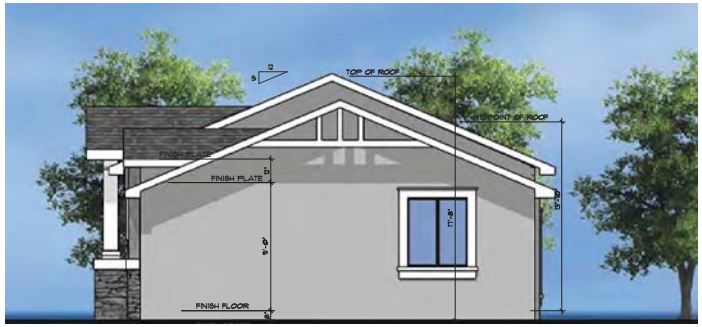
CAPE COD STYLE

UNIT 1

FRONT



LEFT



RIGHT

REAR

revisions

1
2
3

VILLAS

MCDOWELL 117
AVONDALE

UNIT 1

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REGISTERED ARCHITECT
CERTIFICATE NO. 21892
STEVEN W. BARDUSON
Expires 3-31-2020
ARIZONA, U.S.A.

barduson architects
practicing design community

3702 east kachina drive
phoenix
arizona 85044
T 480 233 7777
F 480 460 2263

date: 6/2/2020
project no:

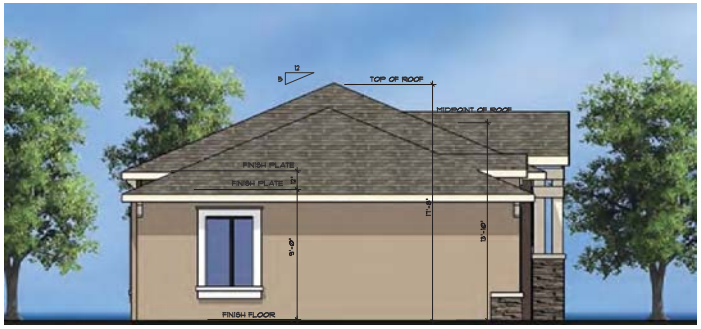
DR1b

UNIT 1 ALL SIDES - CAPE COD

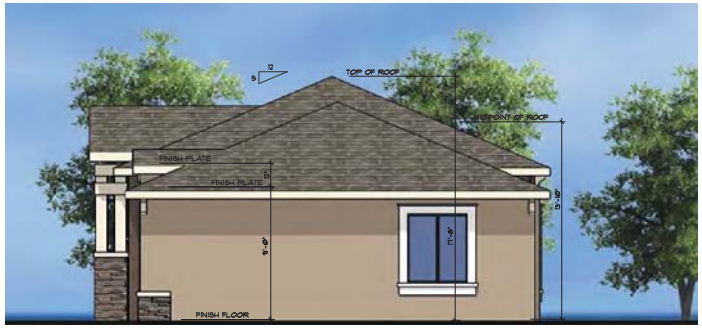
PRAIRIE STYLE

UNIT 1

FRONT



LEFT



RIGHT

REAR

revisions

1
2
3

VILLAS

MCDOWELL 117
AVONDALE

UNIT 1

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STEVEN W. BARDUSON
Expires 3-31-2021
ARIZONA, U.S.A.

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practicing design community

3702 east kachina drive
phoenix
arizona 85044
T 480 233 7777
F 480 460 2263

date: 6/2/2020
project no:

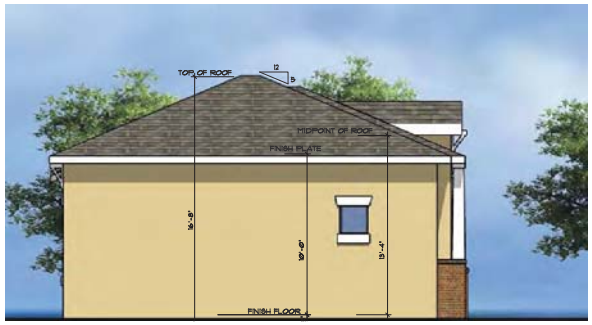
DR1c

UNIT 1 ALL SIDES - PRAIRIE

ARIZONA RANCH STYLE

UNIT 2

FRONT



LEFT

RIGHT

REAR

revisions

1
2
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VILLAS

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UNIT 2

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date: 6/2/2020
project no:

DR2d

UNIT 2 ALL SIDES - ARIZONA RANCH

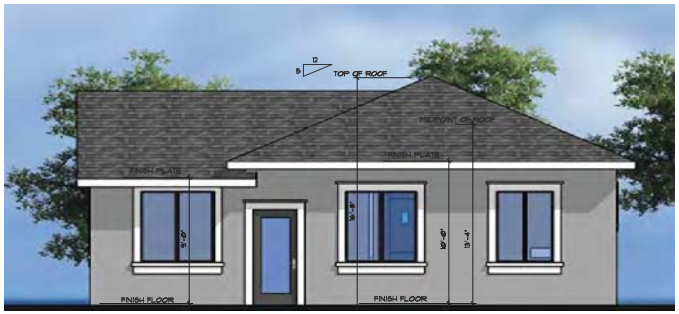
CAPE COD STYLE

UNIT 2

FRONT

LEFT

RIGHT



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UNIT 2

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DR2b

UNIT 2 ALL SIDES - CAPE COD

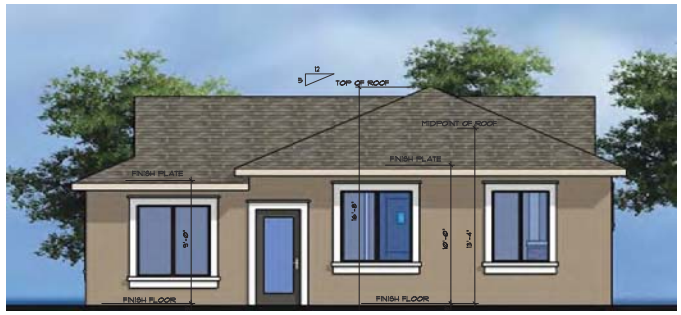
PRAIRIE STYLE

UNIT 2

FRONT

LEFT

RIGHT



REAR

revisions

1
2
3

VILLAS

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UNIT 2

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DR2c

UNIT 2 ALL SIDES - PRAIRIE

CAPE COD STYLE

GARAGE

FRONT

LEFT

RIGHT

REAR

revisions

1
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3

VILLAS

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GARAGE

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project no:

DR3b

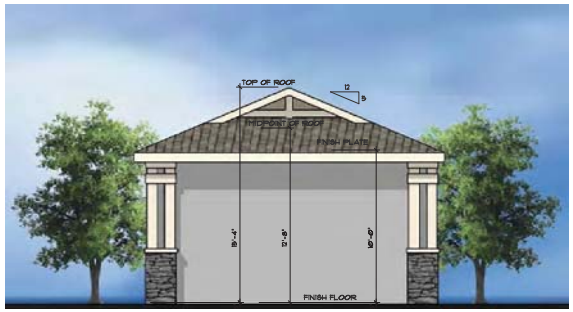
GARAGE ALL SIDES - CAPE COD

PRAIRIE STYLE

GARAGE

FRONT

LEFT



RIGHT

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revisions

1
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VILLAS

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AVONDALE

GARAGE

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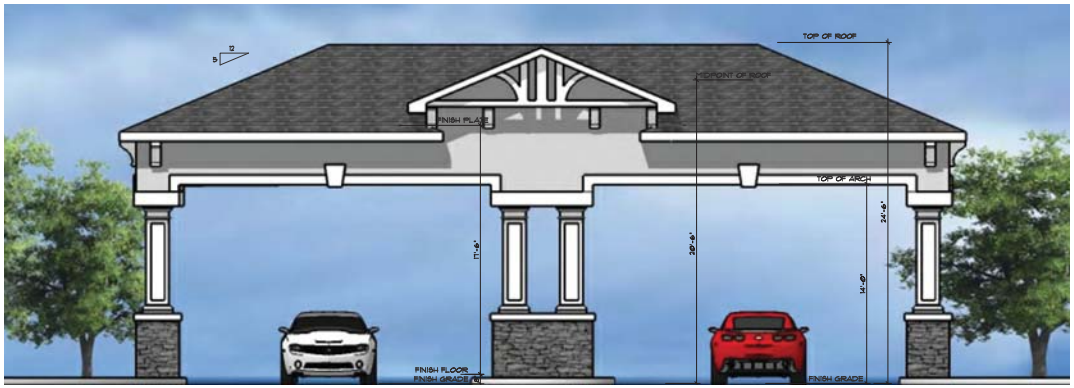
date: 4-20-2020
project no:

DR3c

GARAGE ALL SIDES - PRAIRIE

CAPE COD STYLE

PORTICO



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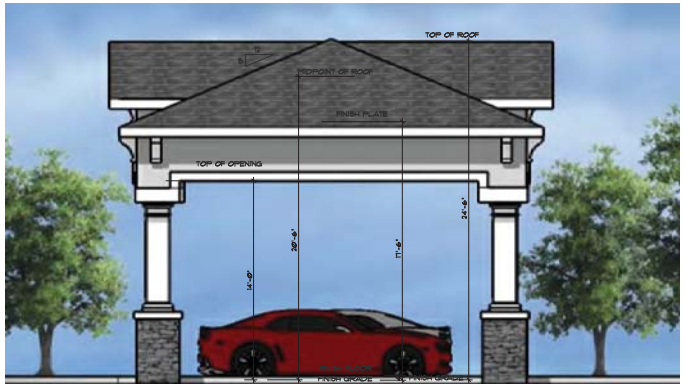

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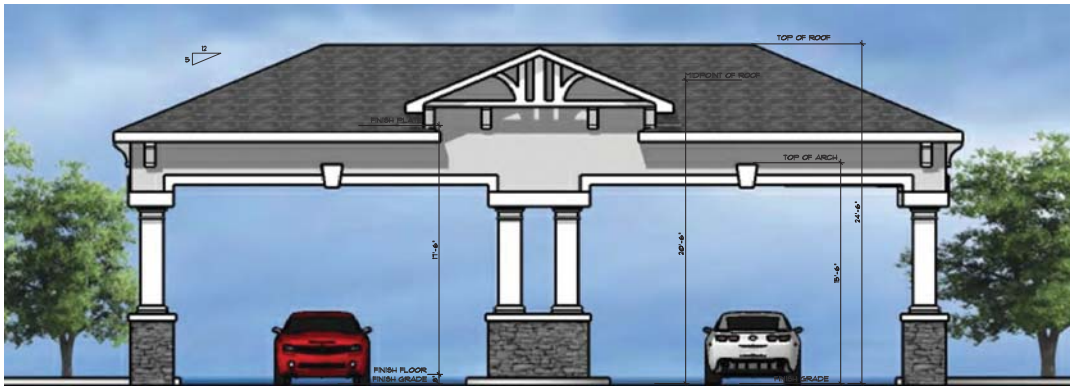

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revisions

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2
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VILLAS

MCDOWELL 117
AVONDALE

PORTICO

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F 480 460 2263

date: 4-20-2020
project no:

DR4c

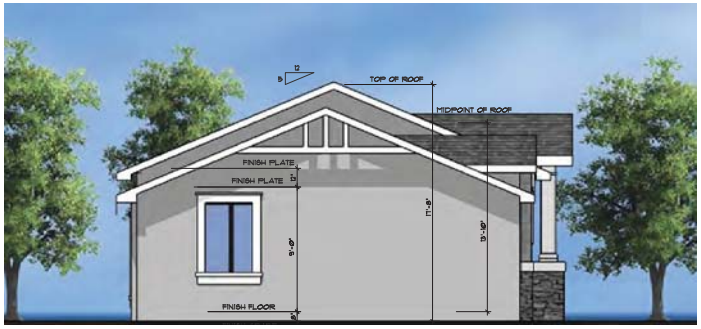
PORTICO ALL SIDES - CAPE COD

CAPE COD STYLE

OFFICE

NOTE:
OFFICE IS TYPICALLY THE RIGHT SIDE UNIT OF THE UNIT 1 DUPLEX

FRONT



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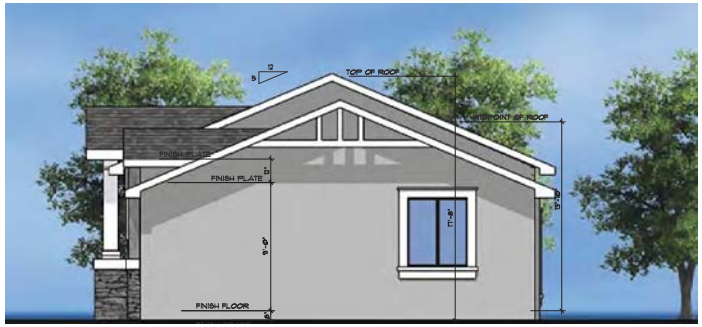

RIGHT

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1
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VILLAS

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OFFICE

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date: 6/2/2020
project no:

DR5b

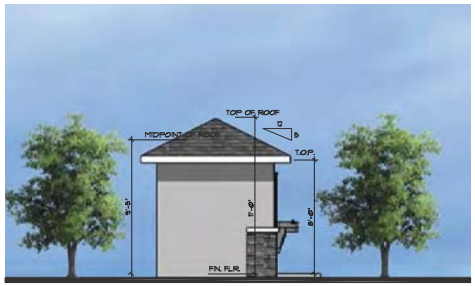
OFFICE ALL SIDES - CAPE COD

STANDARD

RESTROOM

FRONT

PERSPECTIVE VIEW



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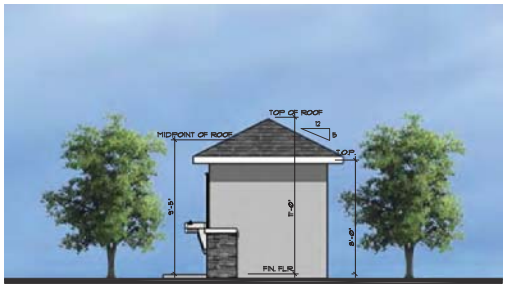

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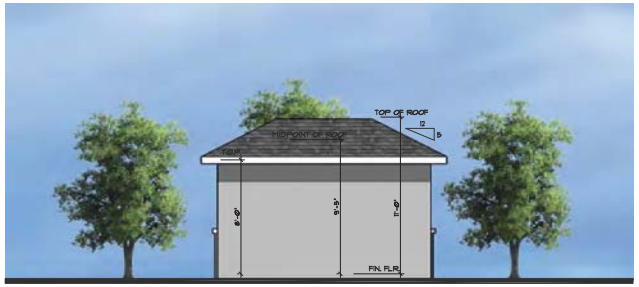

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RESTROOM

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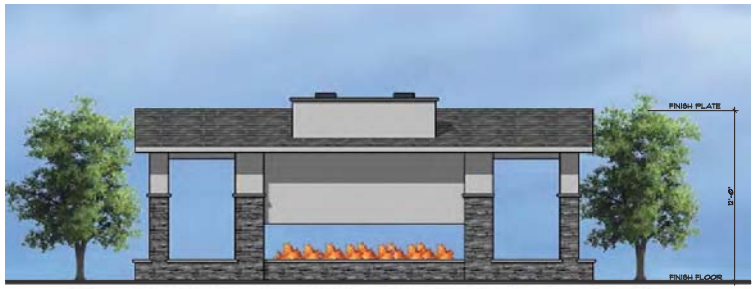
project no:

DR6a

RESTROOM ALL SIDES - STANDARD

STANDARD

RAMADA



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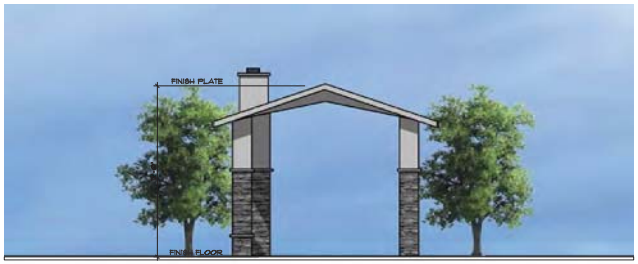

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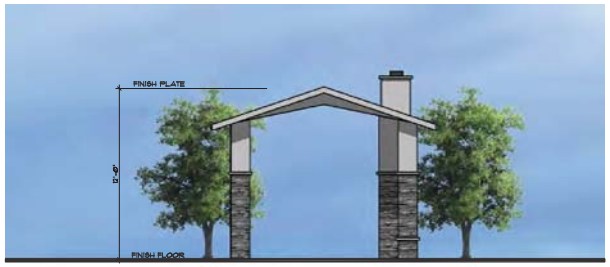

RIGHT

PERSPECTIVE VIEW

REAR

PERSPECTIVE VIEW

revisions

1
2
3

VILLAS

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RAMADA

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F 480 460 2263

date: 2-20-2019
project no:

DR7a

RAMADA ALL SIDES - STANDARD

ARIZONA RANCH

Scheme 1

Fascia, Trim at Stone: DEC756 Weathered Brown

Stucco: DE6129 Rustic Taupe

Accents, Popouts & Pillars:
DEW314 Desert Star

Door & Shutter:
DE6067
Wondering Road

Coronado Eastern Mountian Ledge,
Carmel Mountain

Scheme 2

Fascia & Trim at Stone: DET631 Cocoa Powder

Stucco: DEC795 Grey Pearl

Accents, Popouts & Pillars:
DEW382 Faded Grey

Door & Shutters:
DEA187
Black

Coronado Eastern Mountain Ledge,
Huron

Scheme 3

Fascia & Trim at Stone: DE6390 Chocolate Pudding

Stucco: DET690 Saddle Up

Accents, Popouts & Pillars:
DE6128 Sand Dune

Door & Shutters:
DE6035
Lynx

Coronado Eastern Mountain Ledge,
Chablis

CAPE COD STYLE

Scheme 4

Fascia, Popouts & Garage: DEW380 White

Stucco: DET625 Reclaimed Wood

Shingles: DE6111 Iron-ic

Door: DE6349
Edge of Black

Specail Used Brick, Wolf Grey

Scheme 5

Fascia, Popouts & Garage: DEW341 Swiss Coffee

Stucco: DE6143 Almond Latte

Shingles: DET626 Metal Fringe

Door: DEA157
Cellar Door

Special Used Brick, Eagle Buff

Scheme 6

Fascia, Popouts & Garage: DET617 Winter Morn

Stucco: DET618 Industrial Age

Shingles: DET619 Celluloid

Door: DET423
Red Craft

Specail Used Brick, Glacier

PRAIRIE

Scheme 7

Fascia: DET695 Grange Hall

Stucco: DEC764 Inside Passage

Popouts: DE6207
Egyptian Sand

Door & Shutters:
DET695
Grange Hall

Coronado Prairie Stone:
Latte

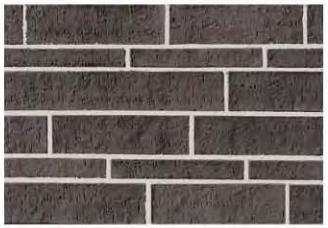
Scheme 8

Fascia: DE6384 Iron Fixture

Stucco: DEC786 Miners Dust

Popouts: DET626
Metal Fringe

Door & Shutters:
DE6384
Iron Fixture



Coronado Prairie Stone,
Smoke

Scheme 9

Fascia: DE6126 Smoke House

Stucco: DE6122 Dry Creek

Popouts: DEC759
Hickory

Door & Shutters:
DE6126
Smoke House

Coronado Prairie Stone,
Mocha Granite

Exhibit 8
Conceptual Landscape Plan

PLANT LEGEND

TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	ACACIA ANEURA	MULGA	24"	93	1 1/2" CAL.
	BAUHINIA X BLAKEANA	HONG KONG ORCHID	24"	28	13'HT X 6'W X 2.5" CAL.
	CERCIDIUM X 'DESERT MUSEUM'	THORNLESS PALO VERDE	24"	128	10'X8'X2.5'
	PISTACIA LENTISCUS	MASTIC TREE	24"	159	1" CAL.
	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	24"	106	10'X5'X2"
	TIPUANA TIPU	TIPU TREE	36"	128	
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	15	8'X3'X2"

GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
	CYNODON DACTYLON 'MIDIRON'	BERMUDA GRASS	SOD	
	DECOMPOSED GRANITE	3/4" - D/G	SQ. FT.	ALL PLANTING AREAS TO RECEIVE A 2" DEPTH TOP DRESSING. SELECTION TO BE APPROVED BY OWNER'S REP. PRIOR TO INSTALL.
	SYNTHETIC TURF	ARTIFICIAL GRASS	SQ. FT.	

DEVELOPER
HANCOCK COMMUNITIES LLC.
3600 N 44TH STREET, # A-200
PHOENIX, AZ 85008
contact: Greg Hancock
greg@hancock-az.com

LANDSCAPE ARCHITECT
WESTLAND RESOURCES, INC.
2020 N. CENTRAL AVENUE, #695
PHOENIX, AZ 85004
contact: Sharon P Miller, RLA
p. 602.888.7003
smiller@westlandresources.com

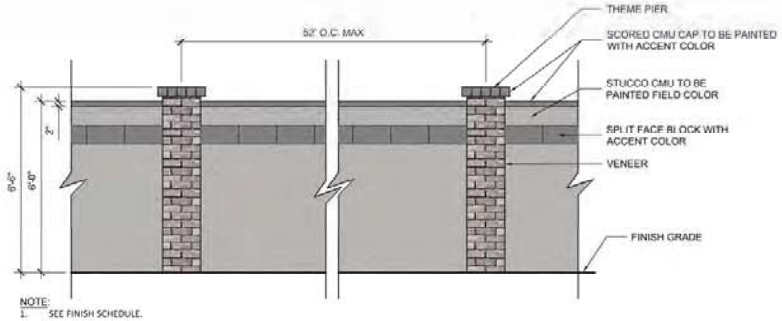
CIVIL ENGINEER
BOWMAN CONSULTING, INC.
1206 W. WASHINGTON STREET #108
TEMPE, AZ 85281
contact: Bruce P. Larson, P.E.
p. 480.629.8830
blarson@bowmanconsulting.com

McDowell 117
AVONDALE, AZ

Preliminary Landscape Plan

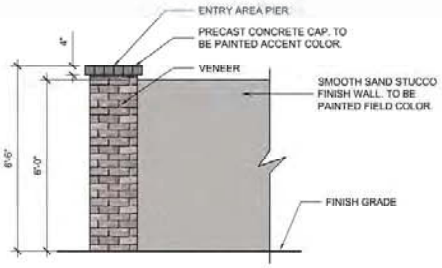
WestLand Resources
2020 N. Central Avenue
Suite 695
Phoenix, Arizona 85004
(602) 888-7000

JUNE 04, 2020



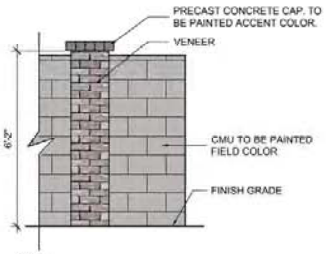
NOTE:
1. SEE FINISH SCHEDULE.
2. OWNER'S REPRESENTATIVE TO APPROVE ALL FINISHES PRIOR TO CONSTRUCTION.

1 ELEVATION: THEME WALL & THEME PIER
SCALE



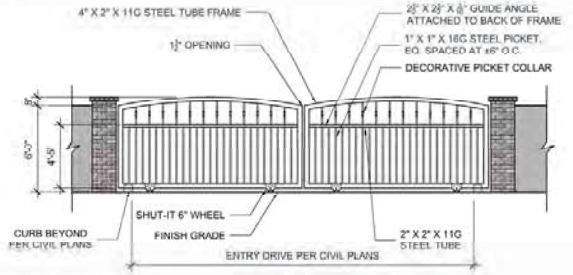
NOTES:
1. SEE FINISH SCHEDULE.
2. OWNER'S REPRESENTATIVE TO APPROVE ALL FINISHES PRIOR TO CONSTRUCTION.

2 ELEVATION: ENTRY AREA WALL & PIER
SCALE: 1/2" = 1'-0"

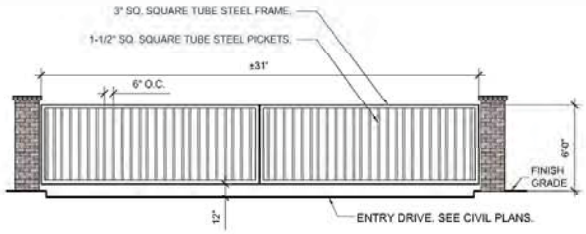


NOTE:
1. SEE FINISH SCHEDULE.
2. OWNER'S REPRESENTATIVE TO APPROVE ALL FINISHES PRIOR TO CONSTRUCTION.

3 ELEVATION: PERIMETER WALL 6' HIGH
SCALE: 1/2" = 1'-0"



4 ELEVATION: MAIN ENTRY GATE FROM 117th AVE.
SCALE: 1/4" = 1'-0"



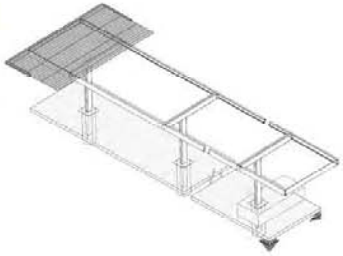
5 ELEVATION: SECONDARY GATE FROM 119th AVE.
SCALE: 1/4" = 1'-0"

FINISH SCHEDULE

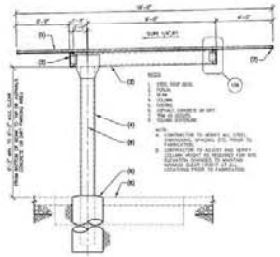
FIELD COLOR = DE6367 'COVERED IN PLATINUM'
ACCENT COLOR = DE6376 'LOOKING GLASS'
VENEER COLOR = SPECIAL USED BRICK WOLF GRAY
STEEL COLOR = GLOSSY BLACK

NOTE: ALL FINISH MATERIALS AND COLORS TO BE INSTALLED AS LISTED OR APPROVED EQUAL BY OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.

NOTE: CANOPY POLE AND TRIM TO BE PAINTED DE6111, Iron-ic



REPRESENTATIVE SEMI-CANT SHADE CANOPY ISOMETRIC



SECTION - SEMI CANT TILT UP
SCALE: 1/4" = 1'-0"

6 COMMUNITY PARKING CANOPY

McDowell 117
AVONDALE, AZ

Preliminary Details

WestLand Resources
2020 N. Central Avenue
Suite 695
Phoenix, Arizona 85004
(602) 888-7000

JUNE 03, 2020

Exhibit 9
Conceptual Open Space Plan

VICINITY MAP
NTS

80 40 0 80 160
GRAPHIC SCALE
1" = 80'

LEGEND

- NET BOUNDARY (830,958 SF)
- USABLE OPEN SPACE (166,682 SF) (20.1% OF NET)
- ACTIVE OPEN SPACE (95,080 SF) (57.0% OF USABLE)
- PRIVATE OPEN SPACE (111,649 SF) (13.4% OF NET)
- ROADWAY

Bowman CONSULTING

Bowman Consulting Group, Ltd.
1295 West Washington Ste 108
Tempe, Arizona 85281
Phone: (480) 626-9820
www.bowmanconsulting.com
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OPEN SPACE EXHIBIT
McDOWELL 117
MARICOPA COUNTY
AVONDALE, AZ

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION	
DAB DESIGN	DAB DRAWN	BPL CHKD
SCALE	H: V:	
JOB No. 050744-01-001		
DATE : 4/28/2020		

SHEET 1 OF 1

CAD FILE NAME: C:\Users\dburt\Desktop\Temp\McDowell 117\Exhibits\050744-Open Space-EXH.dwg 04/28/2020

Exhibit F

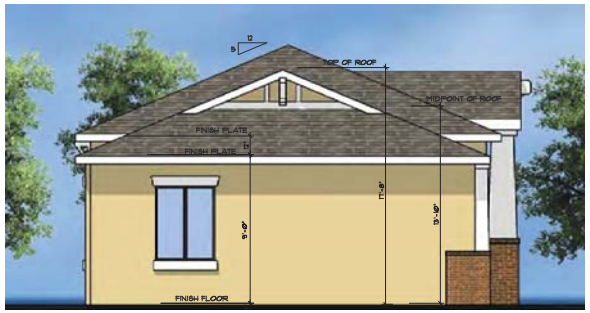
Architectural Variety Exhibit

Hancock Communities at McDowell 117

ARIZONA RANCH STYLE

UNIT 1

FRONT



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REAR

revisions

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VILLAS

MCDOWELL 117
AVONDALE

UNIT 1

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barduson architects
practicing design community

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phoenix
arizona 85044
T 480 233 7777
F 480 460 2263

date: 6/2/2020
project no:

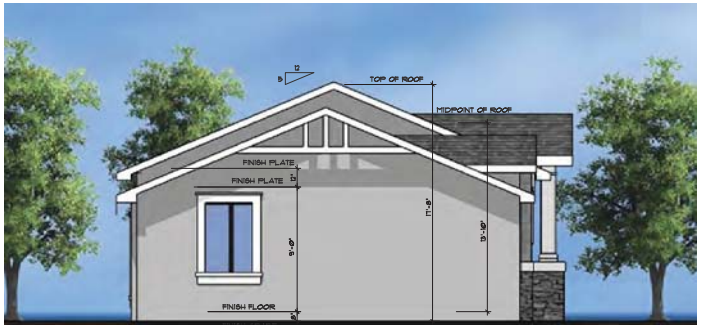
DR1d

UNIT 1 ALL SIDES - ARIZONA RANCH

CAPE COD STYLE

UNIT 1

FRONT



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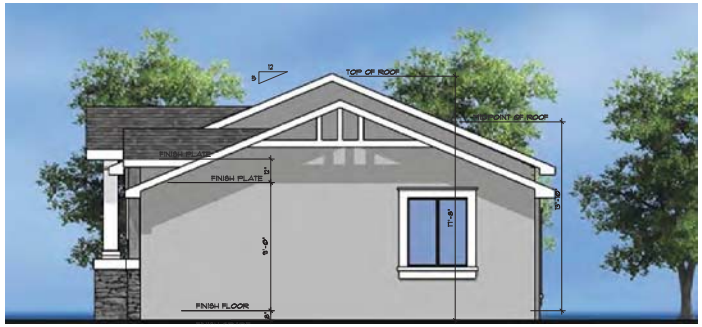

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project no:

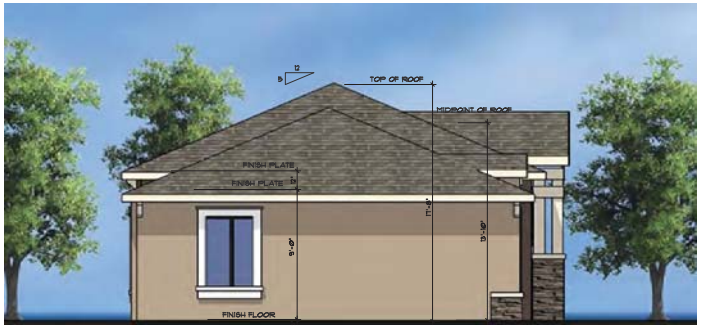
DR1b

UNIT 1 ALL SIDES - CAPE COD

PRAIRIE STYLE

UNIT 1

FRONT



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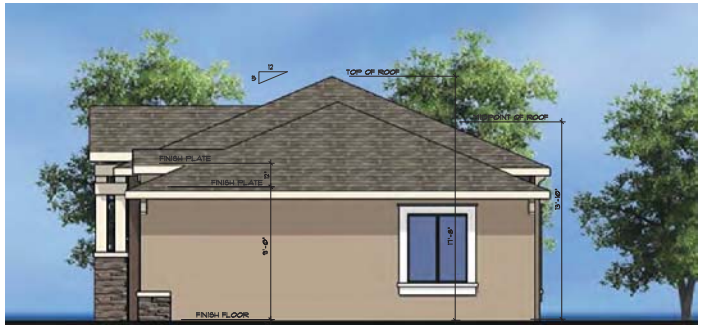

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VILLAS

MCDOWELL 117
AVONDALE

UNIT 1

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date: 6/2/2020
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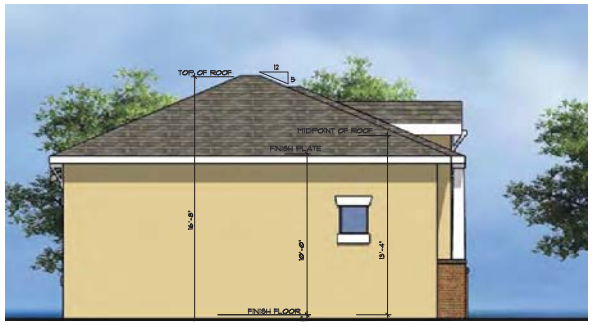
DR1c

UNIT 1 ALL SIDES - PRAIRIE

ARIZONA RANCH STYLE

UNIT 2

FRONT



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RIGHT

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VILLAS

MCDOWELL 117
AVONDALE

UNIT 2

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date: 6/2/2020
project no:

DR2d

UNIT 2 ALL SIDES - ARIZONA RANCH

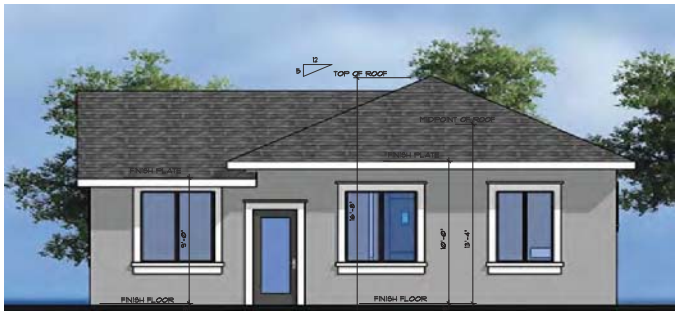
CAPE COD STYLE

UNIT 2

FRONT

LEFT

RIGHT



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VILLAS

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UNIT 2

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DR2b

UNIT 2 ALL SIDES - CAPE COD

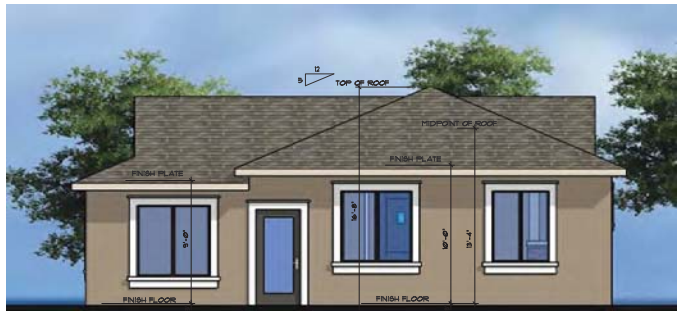
PRAIRIE STYLE

UNIT 2

FRONT

LEFT

RIGHT



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UNIT 2

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project no:

DR2c

UNIT 2 ALL SIDES - PRAIRIE

CAPE COD STYLE

GARAGE

FRONT

LEFT

RIGHT

REAR

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VILLAS

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AVONDALE

GARAGE

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date: 2-20-2019
project no:

DR3b

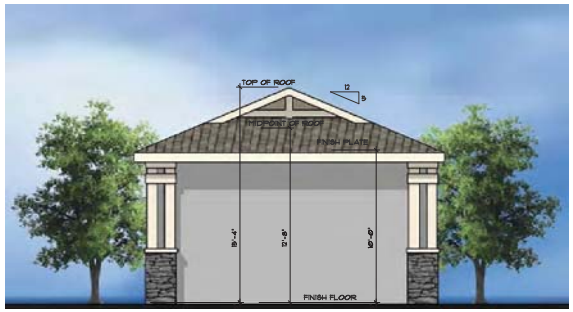
GARAGE ALL SIDES - CAPE COD

PRAIRIE STYLE

GARAGE

FRONT

LEFT



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VILLAS

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AVONDALE

GARAGE

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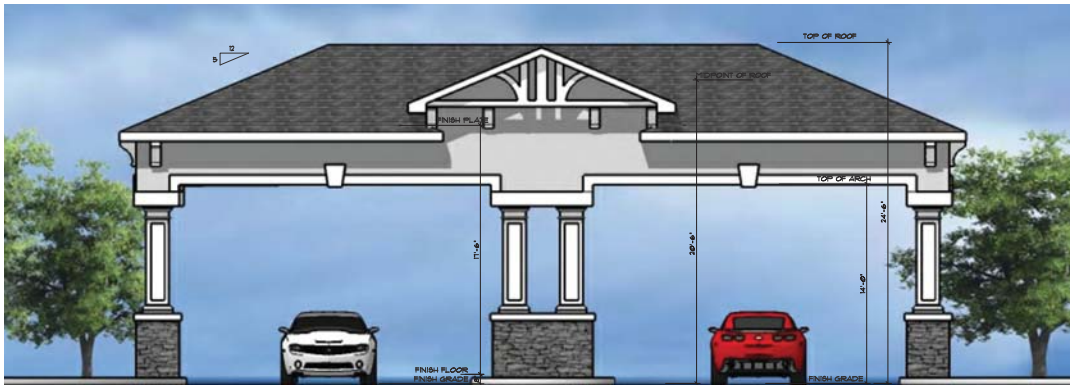
project no:

DR3c

GARAGE ALL SIDES - PRAIRIE

CAPE COD STYLE

PORTICO



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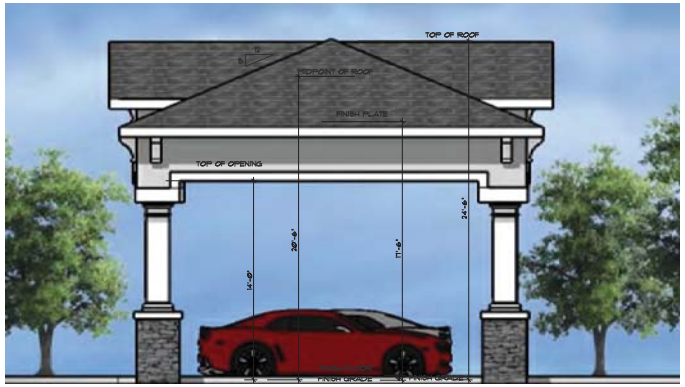

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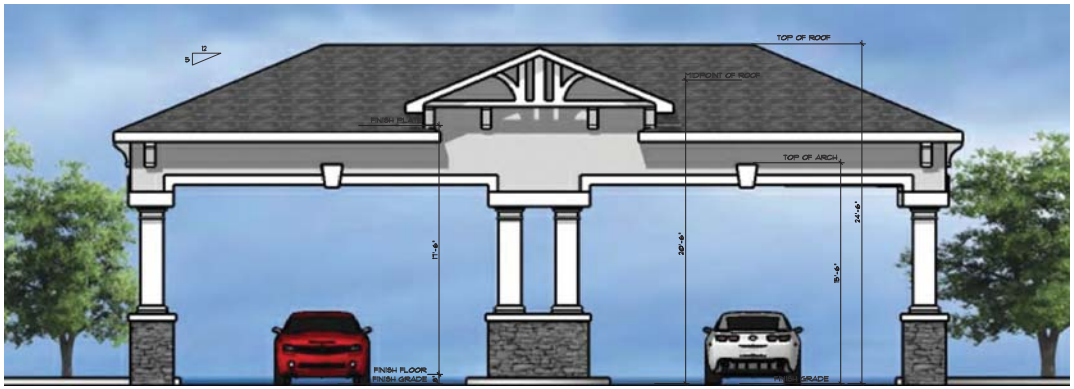

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VILLAS

MCDOWELL 117
AVONDALE

PORTICO

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date: 4-20-2020
project no:

DR4c

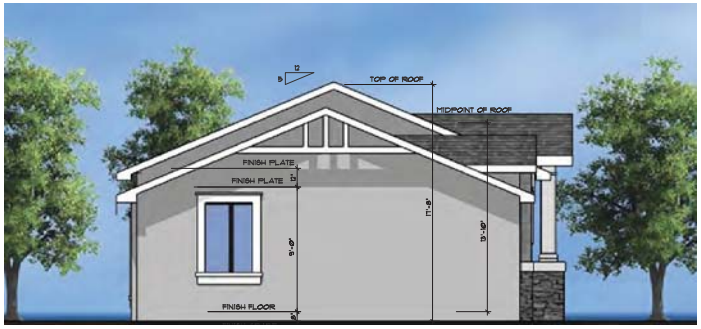
PORTICO ALL SIDES - CAPE COD

CAPE COD STYLE

OFFICE

NOTE:
OFFICE IS TYPICALLY THE RIGHT SIDE UNIT OF THE UNIT 1 DUPLEX

FRONT



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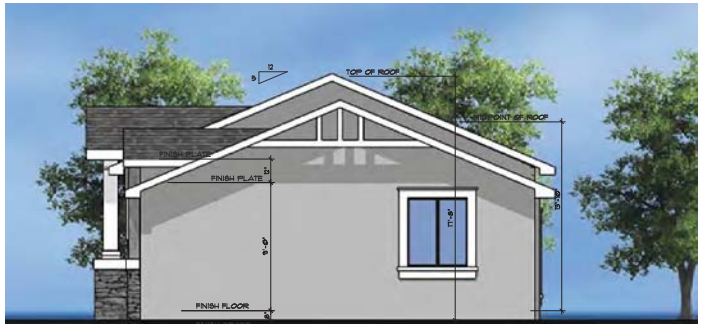

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VILLAS

MCDOWELL 117
AVONDALE

OFFICE

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date: 6/2/2020
project no:

DR5b

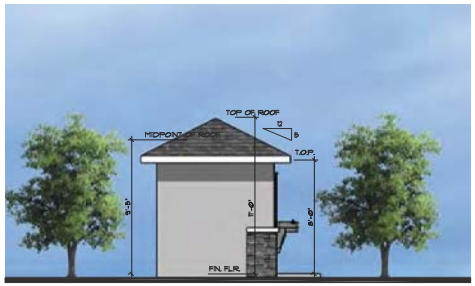
OFFICE ALL SIDES - CAPE COD

STANDARD

RESTROOM

FRONT

PERSPECTIVE VIEW



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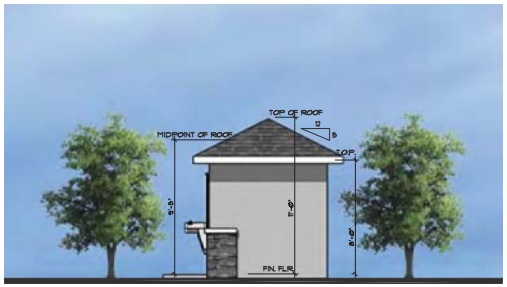

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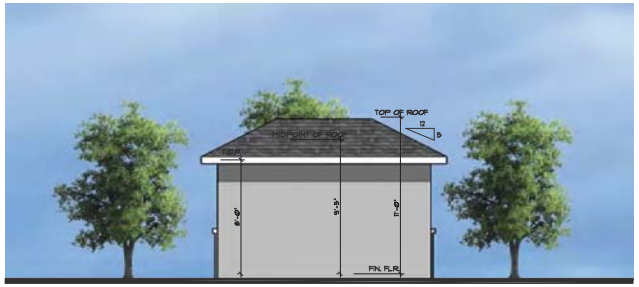

REAR

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VILLAS

MCDOWELL 117
AVONDALE

RESTROOM

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F 480 460 2263

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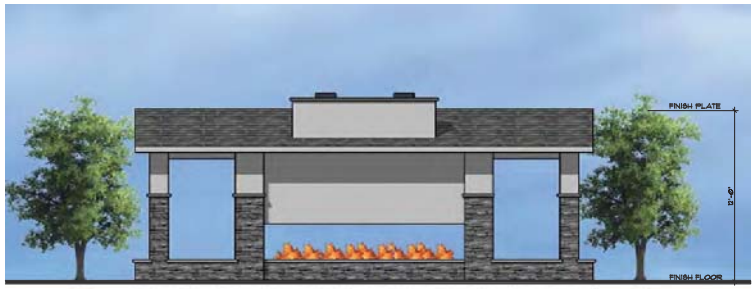
project no:

DR6a

RESTROOM ALL SIDES - STANDARD

STANDARD

RAMADA



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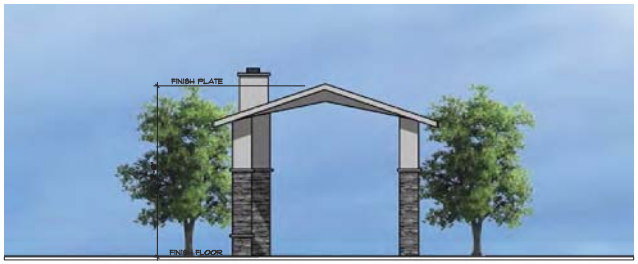

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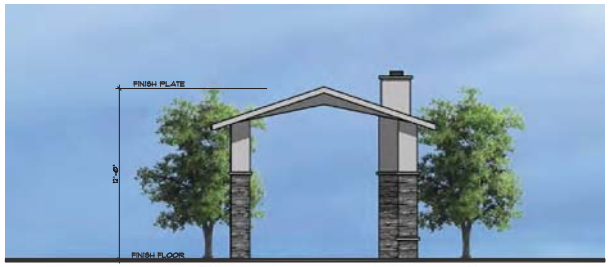

RIGHT

PERSPECTIVE VIEW

REAR

PERSPECTIVE VIEW

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VILLAS

MCDOWELL 117
AVONDALE

RAMADA

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arizona 85044
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F 480 460 2263

date: 2-20-2019
project no:

DR7a

RAMADA ALL SIDES - STANDARD

ARIZONA RANCH

Scheme 1

Fascia, Trim at Stone: DEC756 Weathered Brown

Stucco: DE6129 Rustic Taupe

Accents, Popouts & Pillars:
DEW314 Desert Star

Door & Shutter:
DE6067
Wondering Road

Coronado Eastern Mountian Ledge,
Carmel Mountain

Scheme 2

Fascia & Trim at Stone: DET631 Cocoa Powder

Stucco: DEC795 Grey Pearl

Accents, Popouts & Pillars:
DEW382 Faded Grey

Door & Shutters:
DEA187
Black

Coronado Eastern Mountain Ledge,
Huron

Scheme 3

Fascia & Trim at Stone: DE6390 Chocolate Pudding

Stucco: DET690 Saddle Up

Accents, Popouts & Pillars:
DE6128 Sand Dune

Door & Shutters:
DE6035
Lynx

Coronado Eastern Mountain Ledge,
Chablis

CAPE COD STYLE

Scheme 4

Fascia, Popouts & Garage: DEW380 White

Stucco: DET625 Reclaimed Wood

Shingles: DE6111 Iron-ic

Door: DE6349
Edge of Black

Specail Used Brick, Wolf Grey

Scheme 5

Fascia, Popouts & Garage: DEW341 Swiss Coffee

Stucco: DE6143 Almond Latte

Shingles: DET626 Metal Fringe

Door: DEA157
Cellar Door

Special Used Brick, Eagle Buff

Scheme 6

Fascia, Popouts & Garage: DET617 Winter Morn

Stucco: DET618 Industrial Age

Shingles: DET619 Celluloid

Door: DET423
Red Craft

Specail Used Brick, Glacier

PRAIRIE

Scheme 7

Fascia: DET695 Grange Hall

Stucco: DEC764 Inside Passage

Popouts: DE6207
Egyptian Sand

Door & Shutters:
DET695
Grange Hall

Coronado Prairie Stone:
Latte

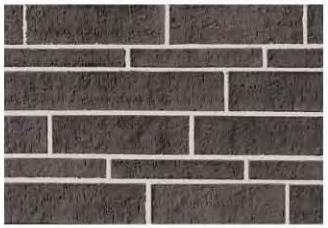
Scheme 8

Fascia: DE6384 Iron Fixture

Stucco: DEC786 Miners Dust

Popouts: DET626
Metal Fringe

Door & Shutters:
DE6384
Iron Fixture



Coronado Prairie Stone,
Smoke

Scheme 9

Fascia: DE6126 Smoke House

Stucco: DE6122 Dry Creek

Popouts: DEC759
Hickory

Door & Shutters:
DE6126
Smoke House

Coronado Prairie Stone,
Mocha Granite

McDowell 117
AVONDALE, AZ

ELEVATION VIEW - UNIT COLOR SCHEMES & STYLES

10' 0' 10'
SCALE: 1" = 10'-0"
north

WestLand Resources
2020 N. Central Avenue
Suite 695
Phoenix, Arizona 85004
(602) 888-7000

JULY 13, 2020

Exhibit G

Neighborhood Meeting (6/23) Summary

Hancock Communities at McDowell 117

Outreach Meeting Summary

Hancock Communities at McDowell 117

Minor GPA – PL-20-0054

Rezoning – PL-20-0055

Neighborhood Meeting

Date: June 23, 2020

Location: Zoom Virtual Meeting hosted by the City

Attendees:

Property owners or other interested individuals - None

City of Avondale

- Vice Mayor Pat Dennis
- Ken Galica – Division Lead Planner

Applicant

- Paul Gilbert – Beus Gilbert McGroder PLLC - Attorney
- Andy Jochums – Beus Gilbert McGroder PLLC - Planning Consultant
- Bruce Larson – Bowman Consulting - Engineer
- Bobbi Johnson- Hancock Communities - Vice President
- Jeff LaFrance – WestStone Communities - Future Investor

After a presentation by the applicant's attorney on the proposed PAD Zoning Amendment and the companion Minor General Plan Amendment, the following were discussion topics and questions generated from the attendees:

- Density of existing entitlements
- Connection to Friendship Park
  - City plans for east portion of park are unknown
  - Path will be DG because it is temporary
  - Question about lighting of existing and planned temporary path
- 117th and 119th Avenue access with both having full access for residents
  - Traffic signal planned for 119th

    - Why not use 119th as main access
    - Need to look at traffic at 117th now that school is under construction
    - Possible ¾ access
- Overview of building architecture
    - Rear elevations with pop outs and with sufficient detail
- Wall with park needs to be enhanced and include stucco
- Access to park needs to have a nice gate
- Parking canopies do not match the style of the buildings
- Discussion on parking counts

Prepared from notes taken by:

[redacted]

Andy Jochums, Planning Consultant with Beus Gilbert McGroder PLLC

Exhibit H

Certificates of Adequate School Facilities

Littleton Elementary School District
Tolleson Union High School District

Avondale
Aspiring. Achieving. Accelerating.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for General Plan Amendment & Rezoning has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Hancock at McDowell 117
Project Manager: Andy Jochums, Beus Gilbert McGroder
Request: PAD Zoning - Multifamily
Acreage/Parcel Size: 19 AC
Current Density Allowed: MH & PAD
Density Proposed: 11 DU/AC
Total number of residential units proposed: 198
Allowed: 262

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.

Anticipated impact would be 2.5 teachers annually, and 2500 sf. of classroom space.

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:

No agreement on impact in place at this time - discussions are ongoing and an agreement is anticipated.

If additional writing space is needed, please attach pages to this form

Date Reviewed: 6-30-2020
School District: Littleton ESD #65
District Superintendent: Dr Roger Freeman
Phone #: (623) 478-5611
E-mail: freeman.roger@littletonaz.org

Signature: [redacted]

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

Avondale
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CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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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: 4/6/20
School District: TOLLESON UNION HIGH SCHOOL DISTRICT #214
District Superintendent: NORA GUTIERREZ
Phone #: 623-478-4000
E-mail: nora.gutierrez

Signature [redacted]

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

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
VIRTUA AVONDALE CREST EAST, LLC, AND
VIRTUA AVONDALE CREST WEST, LLC

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made October 5, 2020, between Virtua Avondale Crest East, LLC, an Arizona limited liability company and Virtua Avondale Crest West, LLC, an Arizona limited liability company (collectively, the "Owner") and the City of Avondale, an Arizona municipal corporation (the "City"), regarding approximately 32.3 gross acres of real property generally located at the southwest corner of McDowell Road and 117th Avenue in Avondale, Arizona, as described and depicted on Exhibit A attached hereto and incorporated as if fully set forth herein (the "Rezoned Property") and as depicted on Exhibit B attached hereto and incorporated as if fully set forth herein (the "GPA Property"). The Rezoned Property and the GPA Property are collectively referred to herein as 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 Rezoned Property, Application No. PL-20-0055 (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 Rezoned Property from the Owner or other parties having an interest in the Rezoned Property. Owner agrees and consents to all the conditions imposed as part of the ordinance rezoning the Rezoned 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 Rezoned 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. Waiver of Claims Related to the General Plan Amendment. The Owner agrees and understands that the City is entering into this Waiver in conjunction with that certain approval for a general plan amendment of the GPA Property, Application No. PL-20-0054 (the "General Plan Amendment") in good faith and with the understanding that, if the City approves the General Plan Amendment, it will not be subject to a claim for diminished value of the GPA 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 resolution changing the general plan designation for the GPA Property (the "General Plan Resolution"), including all stipulations adopted by 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 General Plan Amendment. Owner acknowledges and agrees that any stipulations imposed by the City Council as part of the General Plan Resolution will not result in a reduction of the fair market value of the GPA Property as defined in ARIZ. REV. STAT. § 12-1136. Owner acknowledges that additional stipulations may be imposed by the City Council, in its sole discretion, prior to approval of the General Plan Amendment. 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 General Plan Resolution and all stipulations to the General Plan Resolution 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 General Plan Resolution; 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 General Plan Resolution, then the City may, after proper notice and hearing, rescind the General Plan Resolution, 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 General Plan Resolution. The foregoing waiver of claims shall be of no further force and effect with respect to the General Plan Amendment in the event the City Council disapproves the General Plan Resolution, except that it shall serve as a bar to a claim for diminished value based upon denial of the General Plan Resolution.

3. 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.

4. 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.

5. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

6. 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.

7. 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**"
VIRTUA AVONDALE CREST EAST, LLC,
an Arizona limited liability limited company

By: [redacted]

By: Jeremy Hall, Manager

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On SEPTEMBER 9, 2020, before me personally appeared JEREMY HALL the MANAGER of VIRTUA AVONDALE CREST EAST, LLC an Arizona limited liability limited 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 company.

OFFICIAL SEAL
ADRIAN BETTS
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires April 3, 2021

(affix notary seal here)

[redacted]
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

"**Owner**"
VIRTUA AVONDALE CREST WEST, LLC,
an Arizona limited liability limited company

By: [redacted]

By: _____
Jeremy Hall Manager

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On SEPTEMBER 9, 2020, before me personally appeared JEREMY HALL, the MANAGER of VIRTUA AVONDALE CREST WEST, LLC an Arizona limited liability limited 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 company.

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[redacted]
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.

_____
Notary Public

(affix notary seal here)

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
VIRTUA AVONDALE CREST EAST, LLC, AND
VIRTUA AVONDALE CREST WEST, LLC

[Legal Description and Map of the Rezoned Property]

See following pages.

Bowman
CONSULTING

April 8, 2020
Project # 050744-01-001

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 89°09'26" EAST (BASIS OF BEARINGS), A DISTANCE OF 2654.37 FEET;

THENCE SOUTH 00°37'47" EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1, A DISTANCE OF 1302.30 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID MIDSECTION LINE, NORTH 82°12'12" EAST, A DISTANCE OF 892.58 FEET TO THE CENTERLINE OF 117TH AVENUE, ACCORDING TO BOOK 592 OF MAPS, PAGE 11, MARICOPA COUNTY RECORDS, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 63°44'09" EAST, A RADIAL DISTANCE OF 326.00 FEET;

THENCE NORTHERLY ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°14'10", AN ARC DISTANCE OF 1.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 117TH AVENUE, ACCORDING TO BOOK 682 OF MAPS, PAGE 7, MARICOPA COUNTY RECORDS;

THENCE NORTH 67°29'37" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 33.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 41°22'21" WEST, A RADIAL DISTANCE OF 115.50 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°23'00", AN ARC DISTANCE OF 6.82 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 13°37'43" EAST, A DISTANCE OF 36.24 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, CONCAVE WESTERLY AND HAVING A RADIUS OF 155.58 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°16'08", AN ARC DISTANCE OF 36.03 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00°21'35" EAST, A DISTANCE OF 63.44 FEET;

THENCE SOUTH 22°48'09" WEST, A DISTANCE OF 436.17 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10;

THENCE SOUTH 84°00'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 762.54 FEET TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE SOUTH 87°20'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 726.27 FEET;

THENCE SOUTH 89°09'51" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 173.07 FEET;

THENCE NORTH 00°15'35" WEST, A DISTANCE OF 470.89 FEET;

THENCE NORTH 89°36'58" EAST, A DISTANCE OF 25.82 FEET;

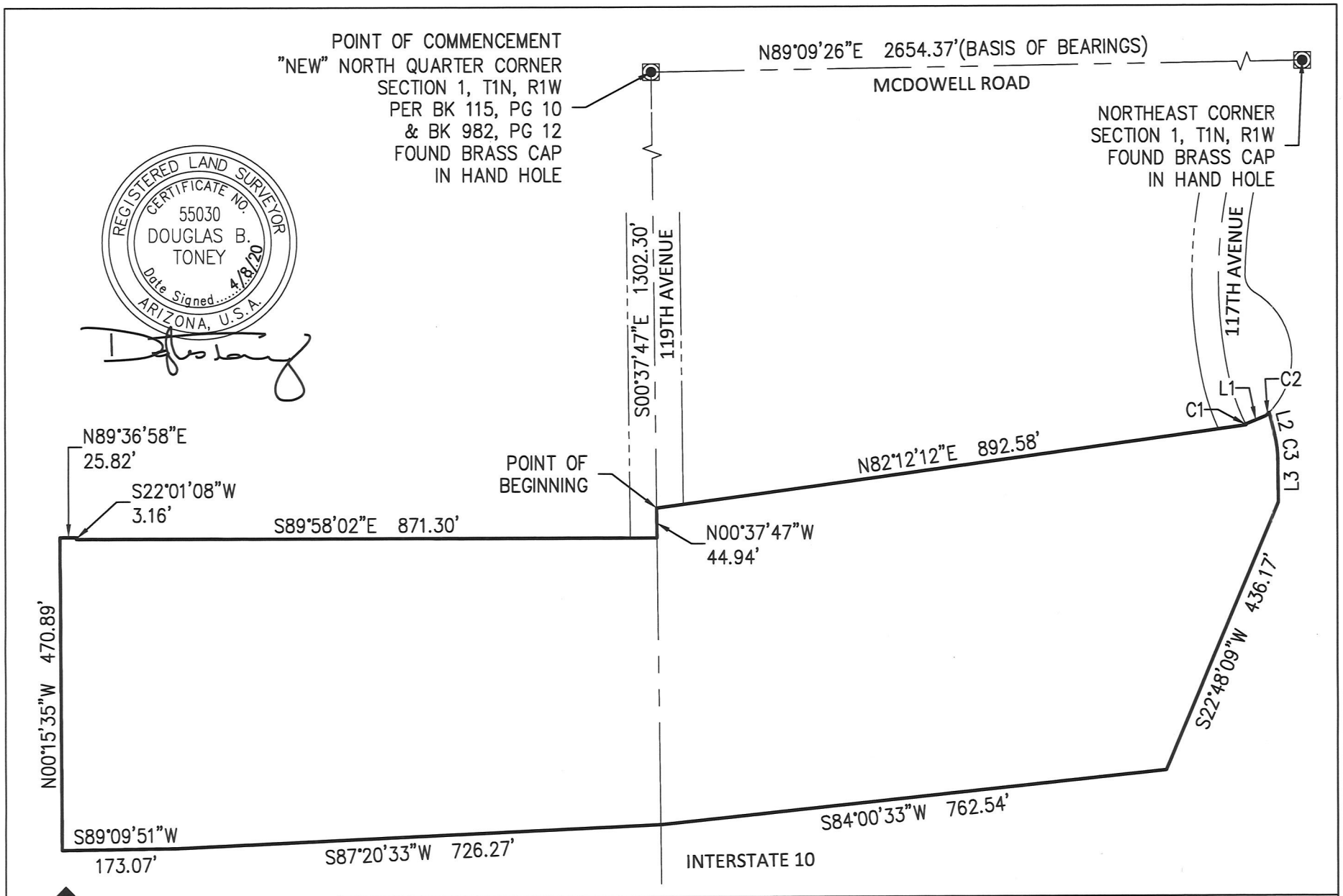
THENCE SOUTH 22°01'08" WEST, A DISTANCE OF 3.16 FEET;

THENCE SOUTH 89°58'02" EAST, A DISTANCE OF 871.30 FEET
TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE NORTH 00°37'47" WEST, ALONG SAID MIDSECTION LINE,
A DISTANCE OF 44.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 830,676 SQ.FT. OR 19.0697 ACRES, MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 4/8/20
ARIZONA, U.S.A.



SHEET 1 OF 2	DATE: 4/8/20	EXHIBIT MCDOWELL 117	
		BY: DT	CHK: QC:
		BCG PROJECT NO: 050744-01 TASK: 001 CLIENT REF NO:	

Bowman CONSULTING
1295 W Washington St, #108
Tempe, AZ 85281
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
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DOUGLAS B.
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LINE TABLE		
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L1	33.14'	N67°29'37"E
L2	36.24'	S13°37'43"E
L3	63.44'	S00°21'35"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	1.34'	326.00'	000°14'10"
C2	6.82'	115.50'	003°23'00"
C3	36.03'	155.58'	013°16'08"

SHEET 2 OF 2

DATE: 4/8/20

EXHIBIT
MCDOWELL 117

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EXHIBIT B
TO
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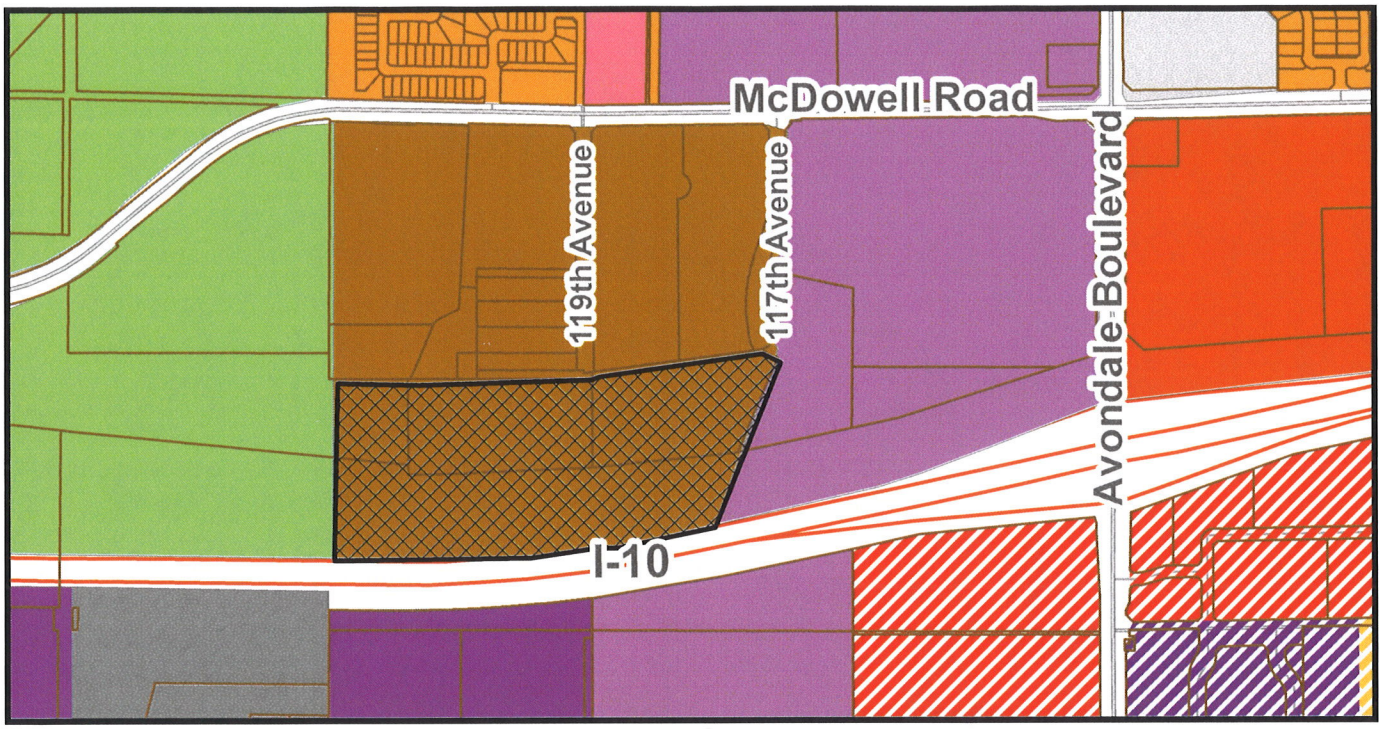
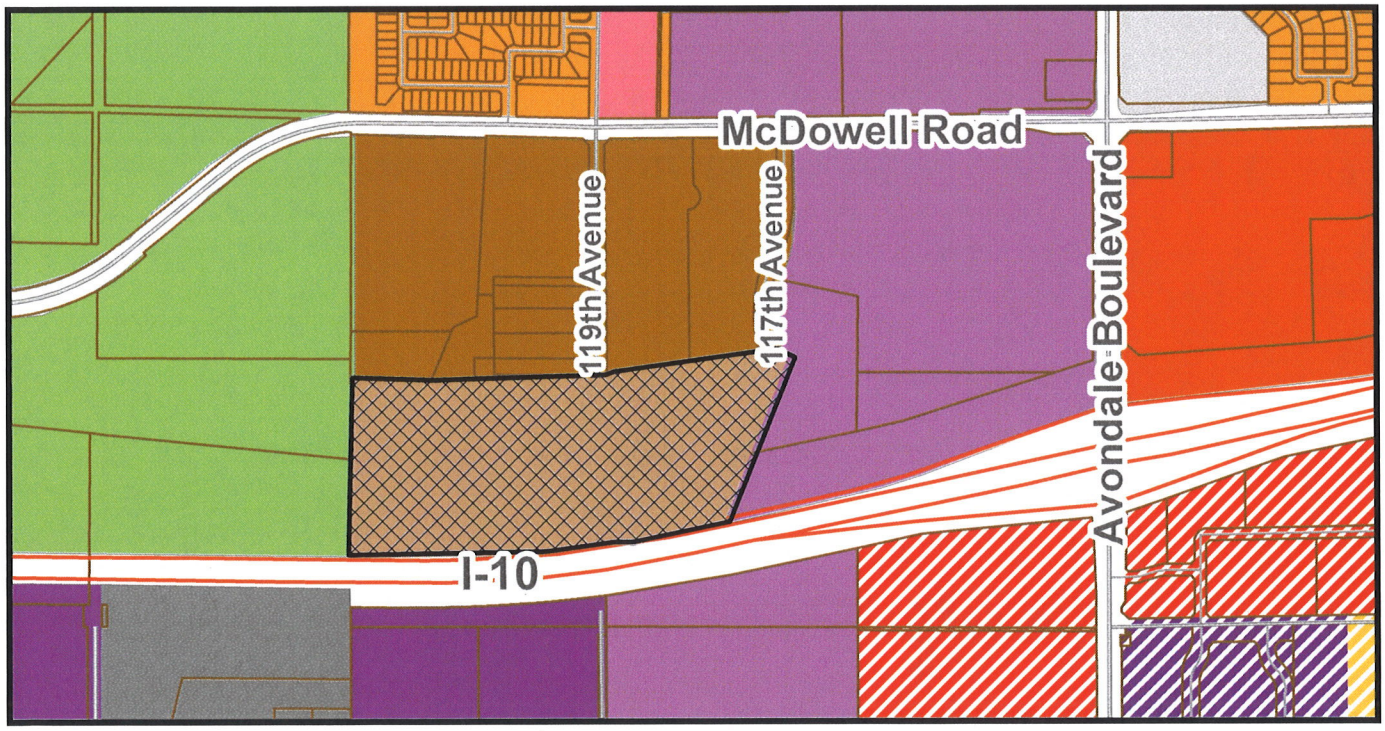
[Map of the GPA Property]

See following pages.

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Open Space and Parks
- Business Park
- Mixed Use
- High Intensity Office
- Local Commercial
- Freeway Commercial
- Office/Professional
- The BLVD Gateway District
- The BLVD Park Avenue District

Avondale

N

Subject Property

ORDINANCE NO. 2028-1020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 19 GROSS ACRES GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF MCDOWELL ROAD AND 117TH AVENUE, AS SHOWN IN APPLICATION PL-20-0055, FROM MANUFACTURED HOME PARK (MH) AND CRYSTAL SPRINGS PLANNED AREA DEVELOPMENT (PAD) TO A NEW PLANNED AREA DEVELOPMENT (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 ± 19.07 gross acres generally located south of the southwest corner of McDowell Road and 117th Avenue, as shown in application PL-20-0055, from Manufactured Home Park (MH) and Crystal Springs Planned Area Development (PAD) to a new Planned Area Development (the "New 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 provided by ARIZ. REV. STAT. § 9-462.04; and

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

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on October 5, 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 Zoning Atlas Amendment is hereby approved for ± 19.07 gross acres generally located south of the southwest corner of McDowell Road and 117th Avenue, as more

particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development shall conform to the Hancock Communities at McDowell 117 PAD Narrative date stamped June 9, 2020, except as modified by these conditions.

2. 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.

3. 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.

4. Approval and recordation of a Final Plat, consolidating the parcels and dedicating a twenty (20) foot water line easement for the City's existing water line west of the mid-section line, will be required prior to issuance of any permits for the project.

5. All off-site improvements, including construction of a stabilized decomposed granite (DG) path connecting the west edge of the subject property to an existing sidewalk in Friendship Park, shall be completed by the developer prior to issuance of the first Certificate of Occupancy. The exact location and specifications of the DG trail shall be subject to approval by the City of Avondale's Parks and Recreation Department Director. The DG trail shall be temporary until such time that the City further improves the section of Friendship Park nearest the subject property.

6. Vehicular turning movements from 117th Avenue onto McDowell Road shall be limited to right-out only, prohibiting northbound left-turn movements onto westbound McDowell Road. The developer shall work with City staff during the Site Plan/Design Review approval process to determine the ultimate design and/or signage configuration for this intersection.

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, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2028-1020

[Legal Description and Map]

See following pages.

April 8, 2020
Project # 050744-01-001

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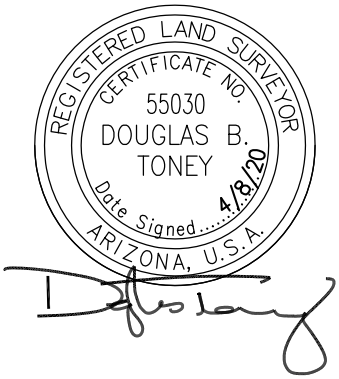

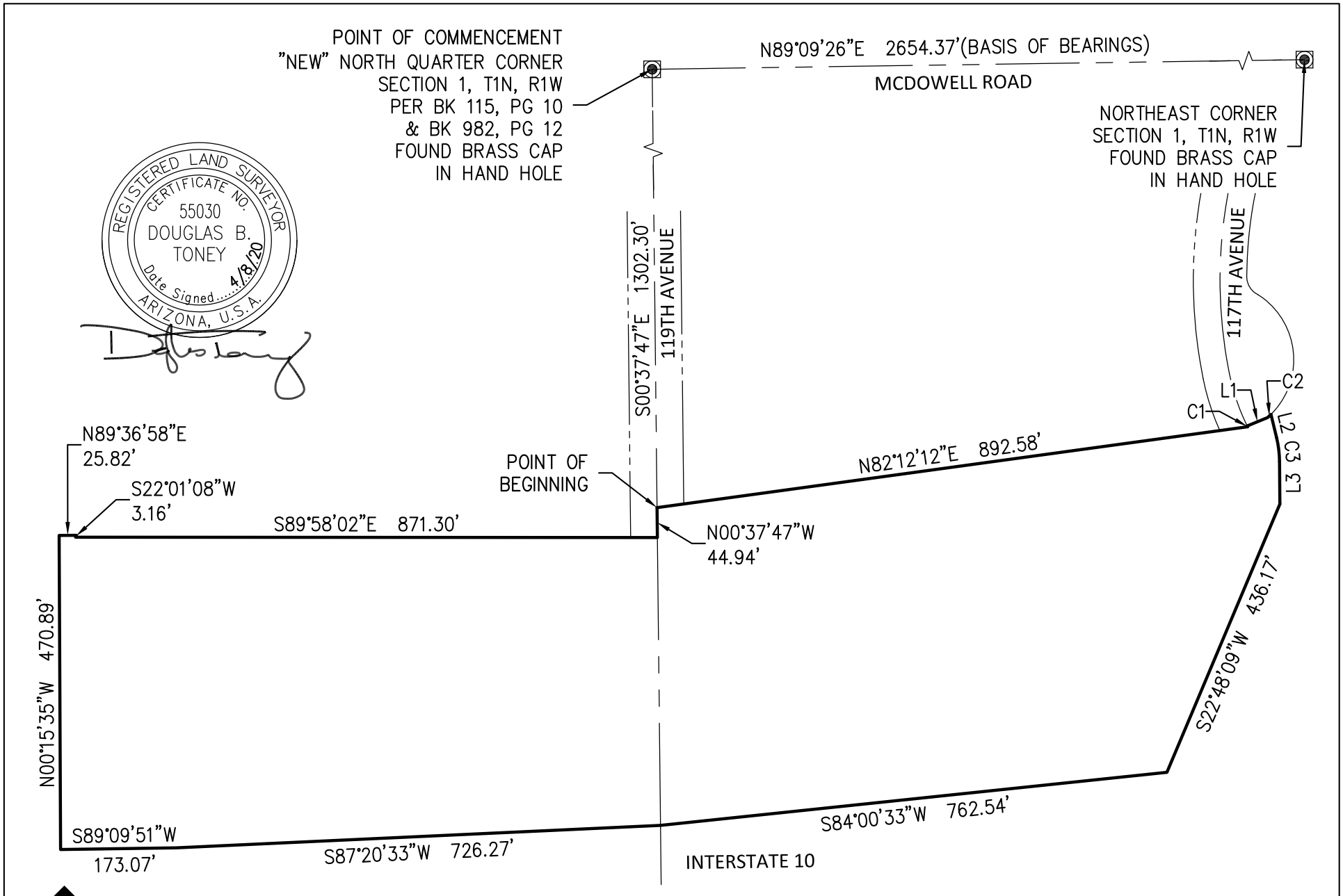

SHEET 1 OF 2	DATE: 4/8/20	EXHIBIT MCDOWELL 117	
		BY: DT	CHK: QC:
		BCG PROJECT NO: 050744-01 TASK: 001 CLIENT REF NO:	

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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 4/8/20
ARIZONA, U.S.A.

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EXHIBIT
MCDOWELL 117

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1295 W Washington St, #108
Tempe, AZ 85281
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

ORDINANCE NO. 2028-1020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 19 GROSS ACRES GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF MCDOWELL ROAD AND 117TH AVENUE, AS SHOWN IN APPLICATION PL-20-0055, FROM MANUFACTURED HOME PARK (MH) AND CRYSTAL SPRINGS PLANNED AREA DEVELOPMENT (PAD) TO A NEW PLANNED AREA DEVELOPMENT (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 ± 19.07 gross acres generally located south of the southwest corner of McDowell Road and 117th Avenue, as shown in application PL-20-0055, from Manufactured Home Park (MH) and Crystal Springs Planned Area Development (PAD) to a new Planned Area Development (the "New 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 provided by ARIZ. REV. STAT. § 9-462.04; and

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

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on October 5, 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 Zoning Atlas Amendment is hereby approved for ± 19.07 gross acres generally located south of the southwest corner of McDowell Road and 117th Avenue, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by

reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development shall conform to the Hancock Communities at McDowell 117 PAD Narrative date stamped June 9, 2020, except as modified by these conditions.

2. 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.

3. 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.

4. Approval and recordation of a Final Plat, consolidating the parcels and dedicating a twenty (20) foot water line easement for the City's existing water line west of the mid-section line, will be required prior to issuance of any permits for the project.

5. All off-site improvements, including construction of a stabilized decomposed granite (DG) path connecting the west edge of the subject property to an existing sidewalk in Friendship Park, shall be completed by the developer prior to issuance of the first Certificate of Occupancy. The exact location and specifications of the DG trail shall be subject to approval by the City of Avondale's Parks and Recreation Department Director. The DG trail shall be temporary until such time that the City further improves the section of Friendship Park nearest the subject property.

6. Vehicular turning movements from 117th Avenue onto McDowell Road shall be limited to right-out only, prohibiting northbound left-turn movements onto westbound McDowell Road. The developer shall work with City staff during the Site Plan/Design Review approval process to determine the ultimate design and/or signage configuration for this intersection.

7. Prior to issuance of any permits for the project, the developer shall make a contribution of twenty-one thousand dollars ($21,000.00) to be used by the City, at a later date, towards construction of a permanent trail connecting the Hancock Communities at McDowell 117 development to the existing permanent pathway network in Friendship Park.

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, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED:

_____
Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2028-1020

[Legal Description and Map]

See following pages.

April 8, 2020
Project # 050744-01-001

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 1, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 89°09’26” EAST (BASIS OF BEARINGS), A DISTANCE OF 2654.37 FEET;

THENCE SOUTH 00°37’47” EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1, A DISTANCE OF 1302.30 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID MIDSECTION LINE, NORTH 82°12'12" EAST, A DISTANCE OF 892.58 FEET TO THE CENTERLINE OF 117TH AVENUE, ACCORDING TO BOOK 592 OF MAPS, PAGE 11, MARICOPA COUNTY RECORDS, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 63°44'09" EAST, A RADIAL DISTANCE OF 326.00 FEET;

THENCE NORTHERLY ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°14'10", AN ARC DISTANCE OF 1.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 117TH AVENUE, ACCORDING TO BOOK 682 OF MAPS, PAGE 7, MARICOPA COUNTY RECORDS;

THENCE NORTH 67°29’37” EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 33.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 41°22'21" WEST, A RADIAL DISTANCE OF 115.50 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°23'00", AN ARC DISTANCE OF 6.82 FEET TO A POINT;

THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 13°37’43” EAST, A DISTANCE OF 36.24 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, CONCAVE WESTERLY AND HAVING A RADIUS OF 155.58 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°16'08", AN ARC DISTANCE OF 36.03 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00°21’35” EAST, A DISTANCE OF 63.44 FEET;

THENCE SOUTH 22°48'09" WEST, A DISTANCE OF 436.17 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 10;

THENCE SOUTH 84°00'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 762.54 FEET TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE SOUTH 87°20'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 726.27 FEET;

THENCE SOUTH 89°09'51" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 173.07 FEET;

THENCE NORTH 00°15'35" WEST, A DISTANCE OF 470.89 FEET;

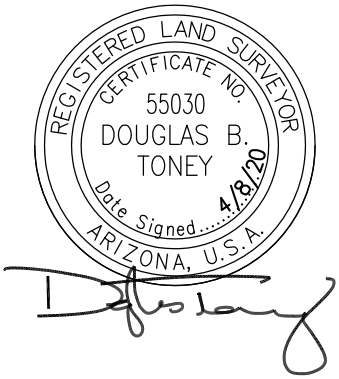
THENCE NORTH 89°36'58" EAST, A DISTANCE OF 25.82 FEET;

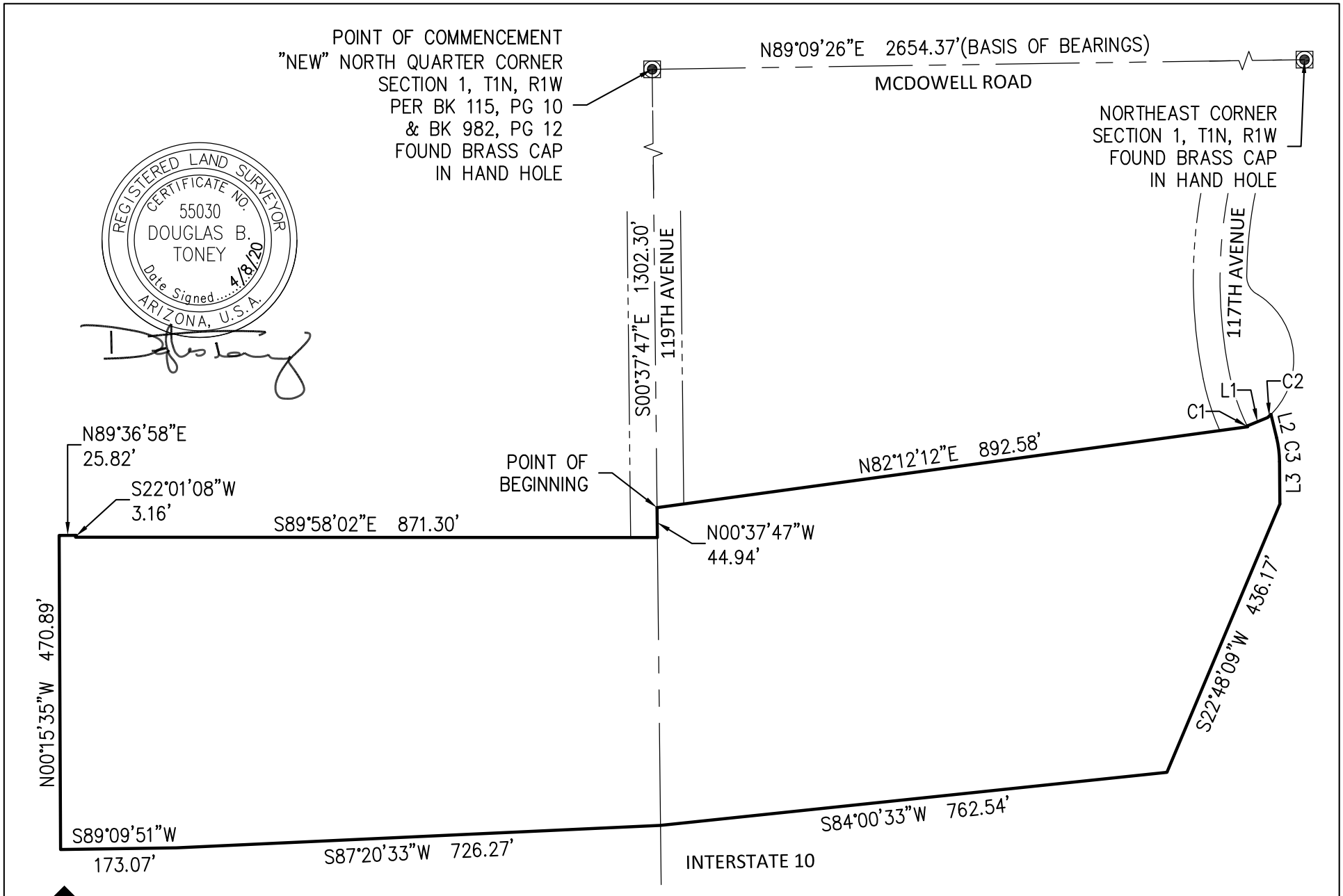
THENCE SOUTH 22°01'08" WEST, A DISTANCE OF 3.16 FEET;

THENCE SOUTH 89°58'02" EAST, A DISTANCE OF 871.30 FEET
TO THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 1;

THENCE NORTH 00°37'47" WEST, ALONG SAID MIDSECTION LINE,
A DISTANCE OF 44.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 830,676 SQ.FT. OR 19.0697 ACRES, MORE OR LESS.





SHEET 1 OF 2	DATE: 4/8/20	EXHIBIT MCDOWELL 117	
		BY: DT	CHK: QC:
		BCG PROJECT NO: 050744-01 TASK: 001 CLIENT REF NO:	

Bowman CONSULTING
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Tempe, AZ 85281
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www.bowmanconsulting.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 4/8/20
ARIZONA, U.S.A.

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	33.14'	N67°29'37"E
L2	36.24'	S13°37'43"E
L3	63.44'	S00°21'35"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	1.34'	326.00'	000°14'10"
C2	6.82'	115.50'	003°23'00"
C3	36.03'	155.58'	013°16'08"

SHEET 2 OF 2

DATE: 4/8/20

EXHIBIT
MCDOWELL 117

BY: DT | CHK: | QC:

BCG PROJECT NO: 050744-01 TASK: 001
CLIENT REF NO:

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Item Number: 5.c.

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Resolution 1069-1020 - Crystal Cove (Risi Homes) – Minor General Plan Amendment – Application PL-20-0076

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Resolution 1069-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Crystal Cove, a proposed 10.59 gross acre multi-family residential development located at the northeast corner of Central Avenue and La Canada Boulevard. The proposed Minor General Plan Amendment (GPA), if approved, will amend the General Plan 2030 Land Use Map designation from Local Commercial to High Density Residential. Approval of this request is needed in order to approve a concurrent rezone request within a separate agenda item.

BACKGROUND:

The 10.59 gross acre subject property (Exhibits A and B) is located at the northeast corner of Central Avenue and La Canada Boulevard. According to Maricopa County historical imagery, it appears the site was used for agricultural purposes from the 1940s to 1960s. Since agricultural operations concluded, the undeveloped property has remained vacant.

City records indicate that the property has been zoned Community Commercial (C-2) since its annexation into Avondale city limits in 1960. The site's C-2 zoning allows for a range of retail, restaurant, office, and service uses that serve a community-wide trade area.

The subject property is located within Historic Avondale and is designated as Local Commercial on the General Plan 2030 Land Use Map (Exhibit C). The designation is a land use category that is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers, which promotes a walkable community. The property's C-2 zoning is in conformance with the Local Commercial Land Use designation.

Approval of the applicant's request for a Minor General Plan Amendment (GPA) will change the land use designation on the property to High Density Residential. High Density Residential is a residential use that allows for densities up to 30 dwelling units per acre. These residences have limited private outdoor space and

rely on shared or common open space for recreation. Patio homes, apartments, condominiums, or townhomes are suitable for this land use. These residences may be part of a mixed-use development, master planned community, and have direct access to open space, transit, or other multi-modal amenities.

Surrounding uses and zoning include:

North: Multiple uses zoned C-2 from west to east including Bowlero, a bowling alley, and Bridgewater Assisted Living, an assisted living facility.

East: Two (2) office buildings zoned C-2; Arizona Department of Economic Security and Estrella Genesis Health Care.

South of La Canada Boulevard: First Southern Baptist Church of Arizona zoned C-2.

West of Central Avenue: Lattie Coor School and Avondale Middle School zoned Urban Residential (R1-6).

A concurrent application to rezone the subject property from Community Commercial (C-2) to Planned Area Development (PAD) for development of an apartment complex on the site will be considered by Council separately at this same meeting. Approval of the proposed Minor General Plan Amendment changing the property's land use designation to High Density Residential is required before the rezone can be approved.

SUMMARY OF REQUEST:
The applicant is requesting approval of a Minor General Plan Amendment (GPA) to the General Plan 2030 Land Use Map in order to facilitate development of a multi-family residential development called Crystal Cove on a property approximately 10.59 gross acres in size. The request is to change the General Plan Land Use Designation from Local Commercial to High Density Residential which allows for 12.0 to 30.0 dwelling units per acre (du/acre), target density 12.0 du/acre. The development has a proposed density of approximately 24.9 du/acre (238 units).

There is a separate request to rezone the 10.59 gross acre subject property from Community Commercial (C-2) to Planned Area Development (PAD). The proposed Crystal Cove (Risi Homes) Narrative (Exhibit E), details permitted uses, development standards, landscaping and design standards, and other requirements that will guide the future development of this site.

The Crystal Cove development is owned by Risi Homes, who is proposing a 16-building, 238 unit apartment complex. One (1), two (2), and three (3) bedroom units will be provided.

The development is designed with 21.7 percent open space. A variety of amenities are proposed including game courts, a pool with cabanas, grilling areas, and a walking trail that traverses the northern, eastern, and southern property lines. The site will also feature a park at the southeast corner of the site with stone benches.

Access to the site is provided by a gated driveway along Central Avenue as well as a secondary gated driveway off of La Canada Boulevard. The property will be screened to the north and to the east by an existing six (6) foot CMU wall on the perimeter of the property lines.

The development proposes 409 total parking spaces, in excess of the required 394 parking spaces, eight (8) of which are ADA accessible. This includes 147 covered parking spaces, 113 garages, and 149 uncovered parking spaces are proposed. Twenty-two guest parking spaces will be provided next to the 3,000 square foot clubhouse.

The proposed PAD is largely consistent with the R-4 (Multi-Family Residential) zoning district. Deviations from

the R-4 district standards and the Multi-Family Residential Design Manual include:

- A reduction in the front building setback along Central Avenue from 25 feet to eight (8) feet.
- The Multi-Family Residential Design Manual requires a 20-foot separation between buildings and the Zoning Ordinance requires a minimum fifteen (15) foot building separation. This project is proposing 17.6 feet between some balconies at the narrowest point between buildings interior to the site due to the angled layout. A 13.5-foot separation is proposed between two (2) sets of buildings along Central Avenue.

PUBLIC PARTICIPATION:
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held at 6:00 P.M. on Thursday, June 25th. Due to the ongoing Covid-19 pandemic, the meeting was held virtually via Zoom (Exhibit H). 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 Southwest Valley Arizona Republic, were completed in at least fifteen days prior to the meeting as required on June 9th and June 10th, 2020.

One (1) comment in support of the proposal have been posted on the City's aVOICE/Polco digital forum stating "fine with me".

All required notifications for the Planning Commission and City Council public hearings have been 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 meeting via postcards sent on July 9, 2020. Both meetings were advertised in the Wednesday, July 29, 2020 edition of the Southwest Valley Arizona Republic. The meeting notification sign installed on the property on July 7, 2020, includes the time, date, and location of these meetings.

PLANNING COMMISSION ACTION:
On August 19, 2020, Planning Commission conducted a public hearing and voted 5-0 to recommend approval of the proposed Minor General Plan Amendment. The Commission had no questions or comments.

ANALYSIS:
City Council must determine that the proposed amendment meets four (4) findings prior to recommending approval. Staff's analysis of each of the required findings is presented below.

1. The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use or change proposed in the amendment.

- The General Plan notes that as of 2010, only 1.47 percent of land uses in Avondale were developed as High Density Residential, most of which are developed. Only a few vacant parcels, totaling approximately five (5) acres, remain in the north portion of Historic Avondale, which is insufficient for the proposed project.

- The proposed amendment will allow the property to be rezoned to accommodate for a multi-family residential development which will further the goal of the General Plan to attract a diverse range of residential products.

2. The amendment constitutes an overall improvement in the 2030 Plan and is not solely for the good or benefit of a particular landowner or owners.

- It is in the best interest of all parties, including the City for the property to develop. The property has remained vacant since agricultural operations ceased after the 1960s. According to an economic study

of this parcel, as discussed in the applicant's narrative (Exhibit E), the property was marketed to a variety of commercial users since the 1980s and the surrounding developments are around 30 percent vacant. The fact that the parcel is not on an arterial road may have contributed to the parcel remaining vacant as well as the proximity to a school which limits certain uses. Additionally, there are nearby vacant sites on arterial roads available which may be more desirable for commercial development, creating a challenge for commercial viability on the site. Another market feasibility study conducted for this site showed that there is high demand for residential projects like Crystal Cove.

- The applicant also reviewed the General Plan to ensure that with the development of Crystal Cove, there would still be a good balance of residential and commercial land uses. The amount of commercial land available in the City would drop by only 1.5 percent.

3. The amendment will not adversely impact the community as a whole and/or a portion of the community by: (1) significantly altering acceptable land use patterns; (2) requiring large and more expensive public infrastructure improvements including, but not limited to roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land use.

- The property will not adversely impact the existing land uses in the area. The surrounding uses as previously mentioned are compatible with a multi-family residential development.

- The allowance of additional residential density at the intersection of collector streets provides residents direct access to arterial streets without contributing traffic to the local street network.

- The additional residents could potentially add to Avondale's workforce and provide a catalyst for development in the Historic Avondale area.

- The public infrastructure (roads, water, wastewater) exists in the surrounding rights-of-way for this development and will not be a significant burden on the existing City utility systems. New public safety facilities are not needed.

4. The amendment is consistent with the overall intent of the General Plan 2030 and other adopted plans, codes, and ordinances.

The proposed amendment furthers several goals of the General Plan 2030, including, but not limited to:

- Land Use Element, Goal 1: Establish an Avondale identity based on a healthy lifestyle that promotes land uses which foster an economically sustainable and socially dynamic community.

- Land Use Element, Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land.

- Housing Element, Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

- Housing Element, Goal 4: Require excellence and innovation in residential design and construction.

DISCUSSION:

Staff finds this request meets the four (4) required findings and recommends approval of the proposed Minor General Plan Amendment.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

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 resolution approving Application PL-20-0076 Crystal Cove, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of the subject property from Local Commercial to High Density Residential.

PROPOSED MOTION:
I move that City Council **ADOPT** the resolution approving Application PL-20- 0076 Crystal Cove, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of 10.59 acres from Local Commercial to High Density Residential.

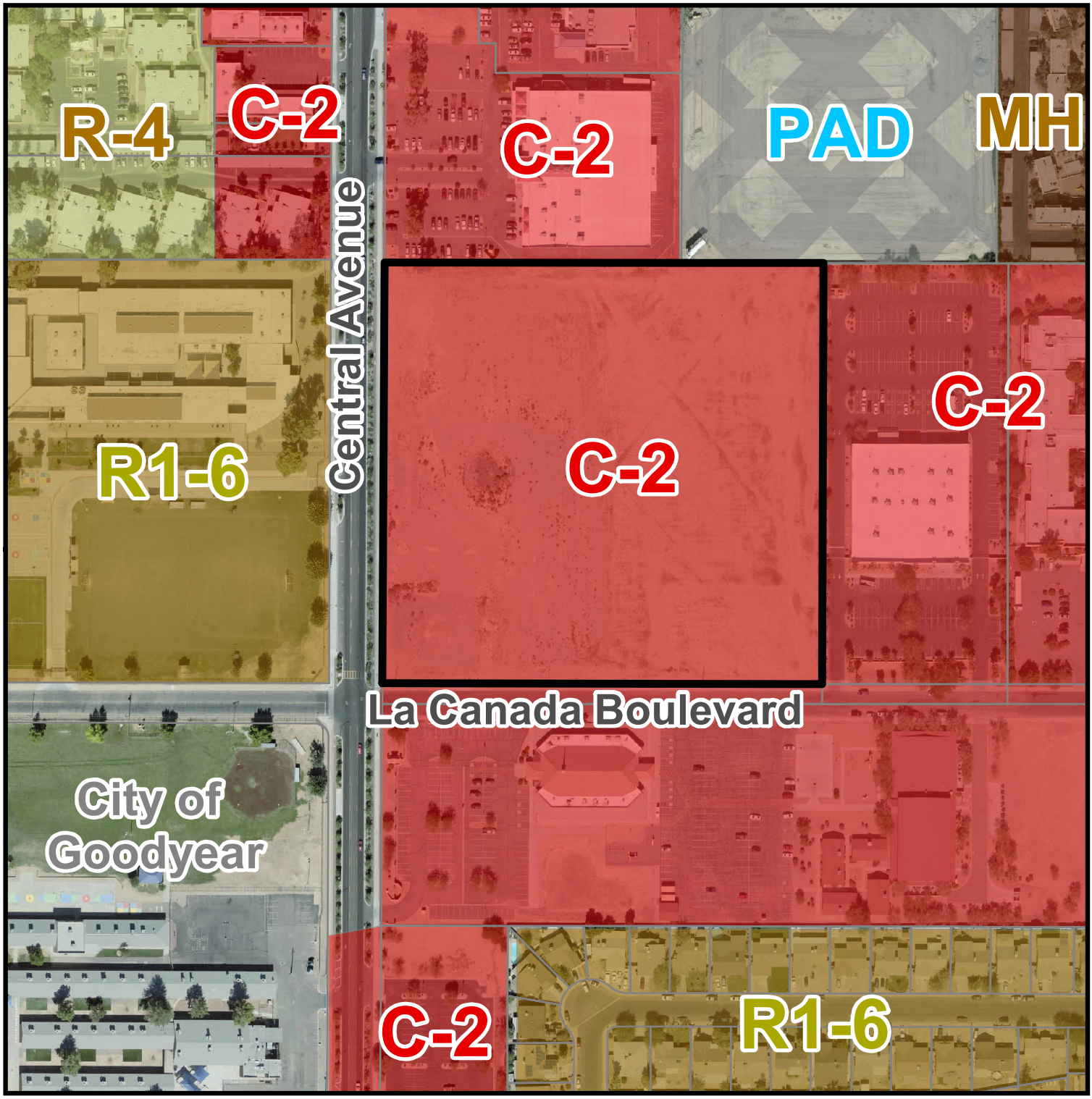
Exhibit A

Aerial Photograph

Avondale

Project Location

Exhibit B

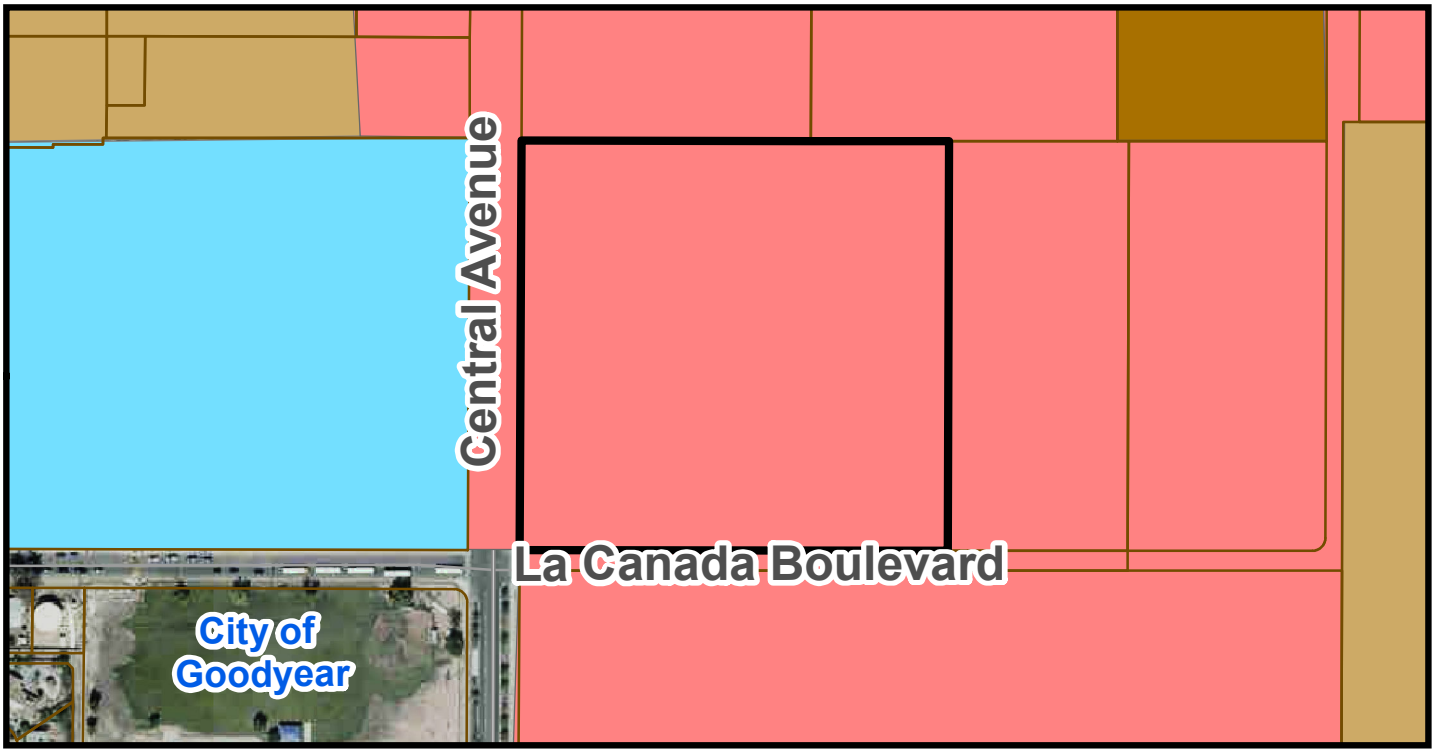


Zoning Vicinity Map

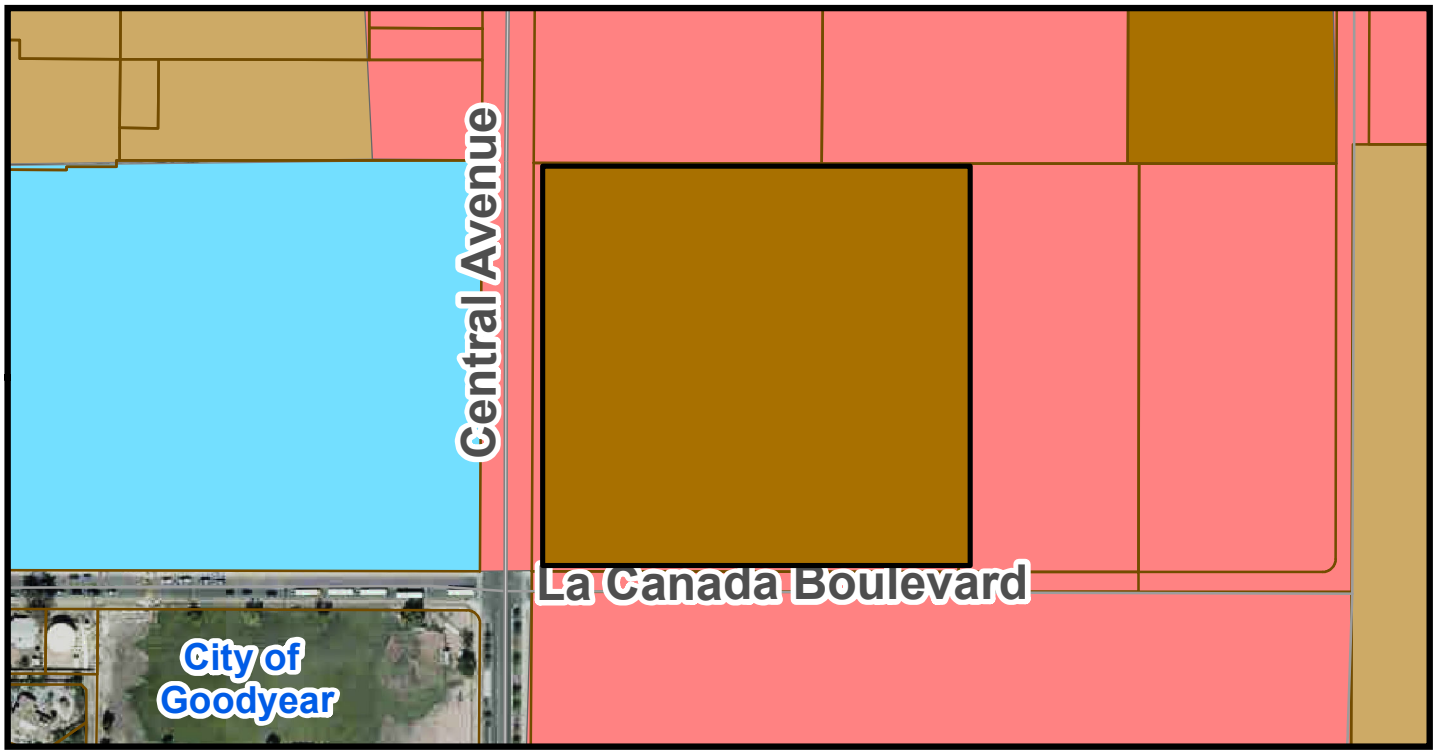
Avondale

Project Location

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

Local Commercial

High Density Residential

Medium/High Density Residential

Education

Subject Property

Avondale

SUMMARY OF RELATED FACTS
APPLICATION PL-20-0076

THE PROPERTY	
PROPERTY SIZE	10.59 gross acres
LOCATION	Northeast corner of Central Avenue and La Canada Boulevard
PHYSICAL CHARACTERISTICS	Undeveloped, relatively flat
GENERAL PLAN LAND USE DESIGNATION	Local Commercial
EXISTING ZONING	Community Commercial (C-2)
ZONING HISTORY	Zoned C-2 upon annexation in 1960.

SURROUNDING ZONING AND LAND USE	
NORTH	Multiple uses zoned C-2: Bowlero, a bowling alley Bridgewater Assisted Living, an assisted living facility
EAST	Two (2) office buildings zoned C-2: Arizona Department of Economic Security Estrella Genesis Health Care
SOUTH OF LA CANADA BOULEVARD	First Southern Baptist Church of Arizona zoned C-2
WEST OF CENTRAL AVENUE	Lattie Coor School and Avondale Middle School zoned R1-6

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Avondale Elementary School District Agua Fria Union High School District
ELEMENTARY SCHOOL	Lattie Coor School (K-8)
HIGH SCHOOL	Agua Fria High School

STREETS	
Central Avenue	
Classification	Minor Collector
Existing half-street ROW	40 feet
Standard half-street ROW	40 feet
Existing half-street improvements	1.5 lanes, sidewalk, buffered bike lane, streetlights
Standard half-street improvements	1.5 lanes, sidewalk, streetlights
La Canada Boulevard	
Classification	Local
Existing half-street ROW	30 feet

Standard half-street ROW	25 feet
Existing half-street improvements	1 lane, sidewalk, streetlights
Standard half-street improvements	1 lane, sidewalk, streetlights

UTILITIES
APS provides electrical service in this portion of the City. There is a 10-inch water line and 8-inch sewer line in Central Avenue. There is an 8-inch water line and 6-inch water line in La Canada Boulevard.

Exhibit E

Minor General Plan Amendment Narrative

Submitted
July 9, 2020

CRYSTAL
COVE

City of Avondale
Minor General Plan Amendment
Application # PL-20-0076 Narrative
July 2020

Developer: Risi Companies, LLC
Applicant: Shaine T. Alleman, Tiffany & Bosco
2525 E. Camelback Rd., Phoenix, AZ 85016

RISICOMPANIES for the art of building

TIFFANY & BOSCO P.A.

Table of Contents

I.	Project Profile	2
II.	Executive Summary	3
III.	Property Description	5
IV.	Infrastructure	8
V.	Project Description	10
VI.	Conformance with Avondale Plans	12
VII.	General Plan Findings Analysis	21
VIII.	Conclusion	23

Table of Exhibits

Exhibit A – Regional Aerial Context Map
Exhibit B – Aerial Context Map
Exhibit C – Current Avondale General Plan Map
Exhibit D – Current Avondale Zoning Map
Exhibit E – Proposed Avondale General Plan Map

I. PROJECT PROFILE

Project Name	Crystal Cove
Property Owner	Robert Delcourt & Dianna Costa
Assessor Parcel Numbers	500-10-110
Project Location	290 W. La Canada Boulevard, Avondale, AZ 85323 Generally located at the northeast corner of N. Central Ave and E. La Canada Blvd
Project Area	10.59 acres (Gross) / 9.63 acres (Net)
Current Zoning **Proposed Zoning**	Commercial (C-2) Planned Area Development (PAD)
Current G.P. Land Use **Proposed G.P. Land Use**	Local Commercial High Density Residential (12-30 du/ac)
Development Team	<u>Property Developer</u> Risi Companies, LLC Joe Risi 6040 N. 7th Street, Suite 300 Phoenix, Arizona 85014 <u>Legal Counsel</u> Tiffany & Bosco, P.A. Shaine T. Alleman Seventh Floor, Camelback Esplanade II 2525 East Camelback Road Phoenix, Arizona 85016 <u>Architectural</u> Palmer Architects, Ltd. Jerry Palmer 4222 E. Camelback Road, Suite H-210 Phoenix, Arizona 85018 <u>Engineering</u> EEC, Inc. James M. Griffin 7740 N. 16th Street Phoenix, Arizona 85020

II. EXECUTIVE SUMMARY

This proposed Minor General Plan Map Amendment is for the approximately 10.59 (gross) acres located at 290 W. La Canada Boulevard, Avondale, AZ 85323, generally located at the northeast corner of N. Central Ave. and E. La Canada Blvd., and identified by the Maricopa County Assessor as parcel number 500-10-110 (the "Property"). The proposal seeks to amend the General Plan Map from Commercial to High Density Residential (12-30 du/ac, Target Density 12 du/ac).

There is also a concurrent request to rezone the Property from Commercial (C-2) to Planned Area Development (PAD) to allow the development of a unique high density residential development with a proposed density of approximately 24.71 dwelling units per acre (238 total units).

The Crystal Cove GPA & PAD will allow the development of a high quality, high-density multifamily community that will bring an urban living experience in Historic Avondale and the nearby Van Buren corridor. It is designed to be complementary to other high density developments and employment areas in the area. It is anticipated that this development will be a catalyst for other urban developments and result in economic revitalization throughout the area.

The development will provide one (1) to three (3) bedroom multifamily housing units that will be oriented towards enhanced pedestrian amenities and open space experiences within the development. Additionally, ample open space and diverse units will be part of the development to provide varied urban housing options to the area. With its modern design, Crystal Cove will provide high quality multifamily units that create a unique urban experience not currently available within the City of Avondale, but demanded by millennials, professionals, and empty nesters throughout the Valley.

With its close proximity to the promising location of Historic Avondale, Crystal Cove will complement and draw residents to this soon to be vibrant area. During a recent City Council Work Session on December 9, 2019, the City discussed a recently City-commissioned market analysis completed by Elliot D. Pollack & Company to review Avondale neighborhoods, including the Historic Avondale area. One of the outcomes of the Pollack Study was that in order for this area to be successful there needed to be an increase of higher density residential projects to help induce additional retailers and restaurateurs. With the Property being situated within 1 mile of the proposed main street of the Historic Avondale area, it is perfectly poised to provide additional higher density residential that is needed in the area.

Additionally, Avondale exports 90% of its employment to surrounding municipalities. This development's ideal location, near numerous employment opportunities, will address the exportation issue by attracting those who want to live, work, and play in the City of

Avondale. Crystal Cove is poised to become a destination that Avondale citizens can call home and the City can be proud of.

The proposed site plan, land use and development standards, and architectural standards create the framework for a marketable parcel to future developers. The unique location of the Property provides the opportunity to develop a site near the Historic Avondale corridor that is compatible with existing development, supports housing opportunities for the Historic Avondale area, and synergizes with adjacent employment areas.

III. PROPERTY DESCRIPTION

Site Description

The Property is approximately 10.59 gross acres located at 290 W. La Cañada Blvd., Avondale, Arizona 85353, generally located at the northeast corner of Central Avenue and La Cañada Boulevard and identified by the Maricopa County Assessor as parcel number 500-10-110 (the "Property") (See *EXHIBIT A–Regional Aerial Context Map*) The Property is vacant. The topography of the site is relatively flat.

As illustrated in *EXHIBIT B – Aerial Context Map*, the Property is roughly six hundred (600) feet south of Van Buren Street. Multiple properties zoned C-2 commercial are adjacent to the Property. Crystal Cove will provide these properties an uptick in commercial activity due to the influx of residents. Moreover, Lattie Coor School and Avondale Junior High School are located near the Property. These existing schools will entice young families to locate to Crystal Cove which will encourage a community focused development.

The Property is designated Local Commercial per the Avondale General Plan and is currently zoned C-2 Commercial. (See *EXHIBIT C – Current Avondale General Plan Map*) The Property is vacant and has historically been used for agricultural purposes. (See *EXHIBIT D – Current Avondale Zoning Map*).

The PAD proposes 238 units with a density of approximately 24.71 dwelling units per acre over 9.63 net acres. The proposed 24.71 du/ac is above the target density of 12 du/ace, however, it is consistent with the Avondale General Plan proposed designation of High Density Residential (12-30 du/ac). (See *EXHIBIT E – Proposed Avondale General Plan Map*).

Property Owner

The Property is owned by Robert Delcourt and Dianna Costa and will be developed by Risi Companies, LLC ("Risi"). Risi is well known for a myriad of developments in Arizona, California, and Idaho. These developments include multifamily residential, single family residential, and commercial projects. Risi is committed to developing a quality product and maintaining its legacy of excellence and working closely with municipalities. The development team is primarily focused on adding meaningful value to the Property and bringing a variety of housing types to the City of Avondale.

Relationship to Surrounding Properties

The Property is surrounded by a mixture of developed and vacant land uses.

NORTH:

- To the north of the Property are commercial use properties that include the Brunswick Bowling Alley, a vacant lot, Circle K, and a Christian Center. The Bridgewater Assisted Living center is located to the northeast of the Property.
- The surrounding area to the north is primarily zoned as C-2 Commercial,

- The General Plan land use designation is Local Commercial.

SOUTH:

- To the south of the Property is the First Southern Baptist Church of Avondale.
- The property is zoned C-2.
- The General Plan land use designation is Local Commercial and Medium Density Residential beyond the commercial area.

EAST:

- To the east of the Property is the Arizona Department of Economic Security Building and the Estrella Genesis Health Care Building.
- These properties are zoned C-2.
- The General Plan land use designations for these properties is Local Commercial.

WEST:

- To the west of the Property is the Lattie Coor School and the Avondale Junior High School.
- The schools are zoned R1-6
- The General Plan land use designations for these properties is Education.
- The City of Goodyear has jurisdiction over the properties located to the southwest of the Property.

Existing Services

Water

An 8″ DIP waterline exists within Central Avenue. The 8″ line is located approximately 12′ west of the monument line of Central Avenue. The water continues north within Central Avenue. Based on the map, there is one domestic meter service stubbed (meter #1203) to the proposed site along Central Avenue. It is assumed the 8″ waterline has capacity to serve the proposed development.

A 6″ ACP waterline exists within La Canada Boulevard. The 6″ line is located approximately 14′ south of the monument line of La Canada Boulevard. The water continues form east to west and is connected to the 8″ line located in Central Avenue.

There is an existing fire hydrant located at the northeast corner of the intersection of Central Avenue and La Canada Boulevard.

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to water services will be completed as approved during the Site Plan phase.

Sanitary Sewer

A 10" VCP sewer line exists within Central Avenue. The 10" line is located approximately 21' east of the monument line of Central Avenue. The sewer flows from north to south and continues south within Central Avenue. Based on the map, there are no sewer service taps stubbed to the proposed site along Central Avenue. It is assumed the 10" sewer line has capacity to serve the proposed development.

An 8" VCP sewer line exists within La Canada Boulevard. The 8" line is located approximately 9' south of the monument line of La Canada Boulevard. The sewer flows from east to west and is intercepted by the 10" line located in Central Avenue. Based on the map, there are no sewer service taps stubbed to the proposed site along La Canada Boulevard. It is assumed the 8" sewer line has capacity to serve the proposed development.

An 8" VCP sewer line exists just north of the north property line of the subject property. The 8" line is located approximately 6' north of the property line. The sewer flows from east to west and is intercepted by the 10" line located in Central Avenue. Based on the map, there are no sewer service taps stubbed to the proposed site along this north property line. The line appears to have been installed to provide service to the property located at the southwest corner of Van Buren Street and 4th Street (APN#S00-10-00ID).

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to sewer services will be completed as approved during the Site Plan phase.

Transportation Access

N. Central Ave serves as the western boundary of the Property. This roadway is currently a three-lane arterial roadway with a two-way center turn lane with. Half street improvements will be made by the developer on N. Central Ave and La Canada Blvd, as required.

IV. INFRASTRUCTURE

Road improvements, right-of-way, easements.

Surrounding Street Improvements

The half street improvement is already in place for N. Central Ave. As required, the Project will construct the adjacent half-street improvements for La Canada.

Additional right-of-way and improvements may be required for turn and deceleration lanes.

Utilities

Further information for the Property utilities are found in the Water and Wastewater Reports completed by Engineering and Environment Consultants, Inc. and provided with this Application submittal.

Water

The City is the water service provider for the Property. The proposed project will most likely make connections to the existing 8" waterline in Central Avenue at two locations to ensure adequate domestic water pressures are

provided for the proposed development. It is anticipated that two 2" meters and two 2" backflow devices will be installed at two separate locations to serve both the north half and the south half of the project. After the two 2" backflow devices, the domestic services will be connected via a manifold system to a larger 3" line that will serve its respective portion of the site. Each unit will have its own 3/4" domestic water service tap with a 3/4" sub-meter connected to the 3" main line. Onsite private domestic waterline shall be constructed on PVC and meet all current applicable codes.

The proposed project will most likely make connections to the existing 8" waterline in Central Avenue at two locations to ensure adequate fire flows are provided for the proposed development. The connections will be made with 8"x8" tapping sleeves and valves within Central Avenue and will have 8" backflow devices installed on the property for the onsite private fire lines. Onsite fire hydrants shall be installed at spacings of approximately 300' and shall be installed along the fire department access throughout the site. Each building shall include a fire riser room for distribution of the fire sprinkler service within each building. Onsite private fire lines shall be constructed on PVC and meet all current applicable codes.

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to water services will be completed as they relate to the specific phase that will be developed and will be explicitly determined during the Site Plan phase.

Sanitary Sewer

The City is the wastewater service provider for the Property. The proposed project will most likely make a connection tap into the existing 10" VCP sewer line located within Central Avenue at the approximate mid-point of the property. It is anticipated that a new manhole shall be installed within Central Avenue over the existing 10" sewer line with a new 811 sewer service tap to the east into the Crystal Cove site. Once onsite, the project will provide a private gravity sewer system to serve each unit. Each unit will have its own sewer service tap into the perimeter sewer system.

The location of each tap will be determined by the architect and mechanical engineer during the construction document plan preparation. All onsite private sewer lines will be 6" or 8" depending on the slopes. Manholes and cleanouts will be used at connection points and changes in horizontal or vertical direction. Onsite private sewer lines shall be constructed on PVC and meet all current applicable codes.

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to sewer services will be completed as they relate to the specific phase that will be developed and will be explicitly determined during the Site Plan phase.

Grading and Drainage

A Drainage Report completed by Engineering and Environment Consultants, Inc. is provided with this Application submittal.

The on-site retention requirements shall be per City of Avondale standards and will meet 100-year storm event retention requirements for on-site and adjacent off-site flows. Historic flows may safely pass through or be routed around the site.

V. PROJECT DESCRIPTION

As noted above, there is a concurrent request to rezone the Property from Commercial (C-2) to Crystal Cove Planned Area Development (PAD) to allow the development of a high quality multifamily development providing on-site amenities and open space for both the modern professional and those interested in a "lock and leave" lifestyle. The development's amenities and lifestyle will result in a vibrant community in the heart of Avondale. While adding to the existing housing in the area, Crystal Cove provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The development will feature a large 3,000 square foot clubhouse and ample pool space to attract citizens of all backgrounds.

This increase in density of the target density of 12 du/Ac can be supported by a multitude of factors that contribute to the unique urban living experience that will be provided by this development.

This high density residential use is compatible with the proposed surrounding land uses. Crystal Cove will provide higher density housing that will bring the residents and synergy needed to attract and support future retail and mixed-use development in Historic Avondale. Additionally, numerous employment areas surrounding the Property provide opportunities for Crystal Cove residents to work in Avondale without having to seek employment out of the City. Crystal Cove is proposing a shift in the General Plan land use from Local Commercial to High Density Residential to further the urban feel that is desired in this area.

If the land use designation is amended, the developer will be able to create a high density development that is not found elsewhere in Avondale. This will allow the Property to develop in a manner that is compatible with the intent of the General Plan.

Preliminary Site Plan Description

As the Crystal Cove PAD demonstrates, the development will consist of sixteen (16) buildings, each offering multiple residential options throughout. Future residents will have the luxury of choosing from any building regardless of their desired unit size. These residents can choose from one (1), two (2), and three (3) bedroom units. Additionally, garages will be provided underneath the residential units to enhance the focus on the pedestrian aspect of the community.

The buildings are designed and arranged so pedestrian foot traffic is funneled towards the clubhouse and pool area in the center of the development to foster a community atmosphere. Greater architectural variety will be placed on the outer portions of the buildings and ample landscape will be planted on the outskirts of the development. The design is meant to shield most of the parking areas from the recreation and walkable areas of the Property, thus creating an enhanced pedestrian environment.

The buildings vary from two (2) to three (3) stories in height. These residential buildings will focus on creating massing and architectural diversity that interacts with the surrounding properties These buildings will be arranged in a way that the parking areas are found on the outskirts of the La Canada, behind buildings on Central Ave, or underneath the individual buildings themselves. This requirement will promote a more pedestrian, urban feel to the Crystal Cove development by restricting pedestrian's views of cars when utilizing the development's amenities.

The building massing of the lots will be complemented by a centrally-located usable open space including community gathering areas and game courts. The central clubhouse and pool area is designed to cater to community gatherings and the promotion of interaction among neighbors. The residential buildings frame open space area where residents will gather and will contain a spacious and aesthetically pleasing environment with various amenities.

The clubhouse, pool area, cabana, game courts, and gathering areas will connect the Property from north to south centering on a main core of open space with amenities. Addition open space areas are located on each corner of the development. These open space areas will be easily accessible to all residents with each of these areas being connected throughout the development with connective pathways. The clubhouse will be strategically and centrally located and will provide an entry focal point at the end of the main entry drive aisle to create a sense of arrival for residents and visitors.

Additionally, the PAD has reserved a location on the southwest corner of the Property to include an art installation. The final art installation will determined with further discussion with the City and the Avondale Arts Committee. It is the hope of the Applicant that the art installation can capture some historical elements of the City that would be appropriate for the Historic Avondale area.

Two main access points are proposed for the Property. The main entrance is planned on N. Central Ave, which will include an ingress and egress driveway with a landscaped center median. The second Property access is on La Canada Blvd and is centrally located for ease of access to the Property. All access point will be gated and only accessible by key codes.

VI. CONFORMANCE WITH AVONDALE PLANS

The Property is designated as Local Commercial on the City's General Plan Map.

The Applicant is requesting to amend the map to the High Density Residential land use category that is intended to accommodate residential densities that range from 12 to 30 dwelling units per acre. This land use category states that units should include apartments, condominiums, or patio homes and should provide a level of intensity to promote a village environment with easy access to services, business and recreation.

The proposed PAD is consistent with this vision providing 24.71 dwelling units per acre with connections to surrounding commercial and employment use. The Crystal Cove PAD is also consistent with a number of elements within the City's General Plan 2030 as follows.

Existing Market and Land Use Analysis

The Applicant is aware of the City's desire to provide residential areas in existing commercial land use areas when certain conditions warrant it and the proper balance of commercial and residential can be maintained so as to provide a healthy and vibrant neighborhood. Under certain circumstances, it may be appropriate to change a commercial land use to residential.

In reviewing the past and existing conditions on and around the Property, the Property is ripe for providing an alternative to the existing commercial land use that has been vacant for years due to 1) the market realities of commercial uses in the area do not warrant commercial/retail on the Property, 2) a market feasibility study has shown that the proposed residential project is supported on the Property, and 3) the fact that a healthy balance of commercial and residential uses can be maintained in the area with this proposal. After analyzing this information, the Applicant is confident that the proposed multifamily residential use the opportunity to provide a catalyst for the future growth of this area.

<u>Commercial Market Realities</u>

In reviewing the market realities of the Property, the Applicant reviewed the historical market data. The Property has been marketed to a variety of commercial users since the 1980's. When Avondale originally developed the properties along Van Buren Street, the stretch between Dysart Road and Litchfield Road was the first area to develop. Within this stretch, there is currently a high concentration of retail and office properties. The current vacancies of these development are +/-30% with market projections maintaining these vacancy rates for an undetermined period of time.

The Property is located on a secondary street away from Van Buren Street, which already reduces the rent rate and attractiveness of the site because it is away from

a main thoroughfare. Also, with a school located across the street, there are many retail sales that are limited on the Property from a marketing standpoint.

Marketing data further shows that superior retail sites with frontage exist on Dysart Road, Van Buren Street and Litchfield Road, which will further create challenges on the Property for commercial viability. Thus, the past and existing establishment of land use on the Property, and in the surrounding area, have severely hindered the Property from developing with commercial-type uses.

Residential Market Opportunities

Additionally, Risi recently commissioned Belfiore Real Estate Consulting to undertake a market feasibility study analyzing the opportunities of multifamily housing on the Property. The study is available for City staff's review for the specific details.

Overall, the study showed that there is high demand for residential uses as proposed and that there are no comparable, actively-offered residential projects located within Avondale. The nearest comparable communities are located several miles away in Goodyear.

Additionally, the Property has been designated as an "Opportunity Zone" ("OZ"), which have been reserved for those properties that have historically been challenging to development. OZ properties bring the most benefit to property owners and the municipality when one entity is able to hold ownership of the property for over ten (10) years. This allows the property owner to realize certain tax benefits provided by the OZ regulations, which in turn bring greater economic vitality to the property that greatly benefits the municipality. These realities encourage the development the Property under a rental development scenario with one ownership entity on the Property.

General Plan Land Uses

The Applicant reviewed the General Plan land use map in the area to determine what the balance of land uses is and to specifically analyze the amount of commercial land uses that are available.

Overall, there is approximately 7,718,749 sf of Local Commercial, 237,489 sf of Freeway Commercial, and 1,651,877 sf of Historic Avondale District. These are areas considered to provide commercial/retail uses. These commercial/retail land uses equate to 33.54% of the analysis area. Also, there is approximately 1,577,743 sf High Density Residential land use in this area, which is 5.5% of the total area.

With the proposed development, the total Commercial areas would be reduced from 33.5% to 32% (-1.5% change) and the High Residential land use would increase from 5.5% to 7.1%. Overall, this is not a signification change to the balance

of Commercial land uses for the area. Additionally, the configuration of the Commercial land use areas would maintain a healthy presence throughout the area. For the proposed development, there would be approximately 4,740,625 sf of Local Commercial land use that would be maintained immediately adjacent to the Property.

In fact, allowing the Crystal Cove development represents a positive improvement to the area by introducing a better balance of land uses with a housing type that is not highly represented in the area. With the depressed economics of the area, the Applicant is confident that the proposed development would act as a catalyst for revitalizing the existing commercial land uses in the area.

Minor General Plan Amendment Review and Analysis

1) *Availability of current and future water supplies*

The City is the water service provider for the Property. The proposed project will most likely make connections to the existing 8" waterline in Central Avenue at two locations to ensure adequate domestic water pressures are provided for the proposed development. It is anticipated that two 2" meters and two 2" backflow devices will be installed at two separate locations to serve both the north half and the south half of the project. The water connections will follow the City of Avondale's supplement to MAG Specifications and Details, and American Water Works Association Standards. Since there are existing water mains fronting the property there is no need to construct a new waterline adjacent to the project.

The Crystal Cove PAD provides additional water supply information that demonstrates that the surrounding water infrastructure is able to support the Project in average day, max day, peak day, and max day plus fire flow demand scenarios.

2) *Impact on and potential support of the City's transportation system*

Access to the site will be from N Central Ave and La Canada Blvd. As demonstrated in the Traffic Analysis completed as part of the Crystal Cove PAD, there are no negative impacts to the City's transportation system by changing the Land Use designation from Commercial to High Density Residential.

The approval of a high density housing land use designation in this area would also be appropriate given that it is located near Van Buren to the north, a major arterial, its proximity to nearby employment areas, and proximity to the future Historic Avondale activity center.

The Applicant will also comply with the City's current engineering policies and standards and work to provide solutions that will enhance the City's transportation networks.

3) *Impact on the natural environment, including, but not limited to, hillsides, riparian areas, and floodways*

There are no hillsides, riparian areas, or floodways adjacent to the Property. The increase in dwelling units per acre will not have any effect on the surrounding natural environment. The concurrent rezoning is providing adequate open space on its conceptual site plan for trails connecting through the Property and to the multi-use regional trail nearby to the north on Van Buren Street, which encourages bicycling, jogging and walking.

4) *Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ratio, and (iii) multi-family housing ratio identified within this GP2030*

The proposed General Plan Amendment will not have an overall negative impact on the total City's current job-to-population ratio. The Crystal Cove project will provide employees for the surrounding employment areas.

The inclusion of any residential land use on this property will be in accordance with the City's goals and policies and will be aimed at furthering additional residential housing opportunities that do not exist in Avondale. It is anticipated that this Amendment will have no negative affects to the residential base compared to what is allowed on the Property today.

5) *Impact on City services and facilities including, but not limited to, police, fire, water, and wastewater*

The proposed General Plan Amendment will not have a negative impact on the City's services. Additionally, the proposed amendment will not burden the City with regards to needing additional extensions of utility infrastructure since there are existing water lines and sewer lines available in Center Ave and La Canada Blvd. Both of these utility lines have adequate capacity for the proposed development. Adequate connections to serve the project will be built at the developer's cost. These exact locations and the size of the infrastructure for the property will be determined during the Site Plan phase.

6) *Extent to which the goals of this GP2030 are accomplished*

The proposed Crystal Cove Minor General Plan Amendment complements most, if not all, of the goals and policies of the 2030 General Plan. The following summary provides information from the proposed development that demonstrates that it meets important goals of the Avondale 2030 General Plan:

AVONDALE GENERAL PLAN 2030

Land Use Element, Goal 1: Establish an Avondale identity based on a healthy lifestyle that promotes land uses which foster an economically sustainable and socially dynamic community.

Land Use Element, Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land.

These goals can be obtained by providing an alternative residential development to the typical homogenous single-family residential units that exists in Avondale. Crystal Cove will provide a high density, quality community that will be compatible with the existing surrounding employment, commercial, and residential uses. Furthermore, the development will provide an added catalyst needed for the Historic Avondale area. The type of residents and lifestyle that the Crystal Cove development will attract will be centered on professionals, millennials, and those wanting to live in an urban "lock and leave" lifestyle. Accordingly, the development will provide a well-balanced development which encourages social interaction by creating a larger sense of community amongst residents.

Housing Element, Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

Crystal Cove will be an urban living community that is unique within the City of Avondale. The high quality multifamily units will be designed in a way that creates a cohesive, connected community. Residents of the Crystal Cove PAD will include professionals, small families, and empty nesters who are looking for a vibrant community within Avondale. The Property design will create more of a sense of place within the area and will encourage heightened social and community interaction.

Housing Element, Goal 4: Require excellence and innovation in residential design and construction.

Policy B: Support creatively designed subdivision layouts, particularly layouts in which open space and recreation areas containing amenities are thoughtfully integrated throughout.
Policy C: Utilize the City's Design Manuals to promote quality development and attractive residential communities, updating these documents when necessary to reflect changing preferences and styles.
Policy D: Encourage subdivision design that promotes non-vehicular access to trails and transit routes/centers as a component of a healthy lifestyle.
Policy E: Endorse the use of Crime Prevention through Environmental design (CPTED) principles when designing residential communities.

Crystal Cove PAD incorporates these policies within Goal 4 by focusing on the City's Design Manuals and creating a layout with high-quality open space and recreation areas centrally located on the Property which provide easy access to all residents. Buildings are oriented to maximum use of the open areas while maintaining a sense of privacy and security. All residents will be easily connected with the development through various walkable walkways that traverse the Property. Subsequently, promoting a healthy, collegial, and friendly neighborhood.

Open Space Element, Goal 2: Create linkages to parks, trials, rivers, and mountains.

Recreational Amenities Element, Goal 4: Create shared use linkages throughout the community in order to support a healthy lifestyle.

As mentioned above, Crystal Cove will maintain walkways throughout the Property. These trails will not only support resident's healthy lifestyles; but will encourage them. The walkways will be easily accessible and maintained in order to maximum its potential use. Additionally, the seamless egress and ingress offered by the Property will provide resident's with easy access to the City of Avondale's many public preserve areas.

Recreational Amenities Element, Goal 1: Ensure every person has convenient access to safe public parks and affordable recreation opportunities.

Policy A: Continue to ensure that private development provides local, accessible neighborhood parks and tot lots under the management of a Home Owners Association.

Crystal Cove will meet this goal by providing high quality open space areas with a centrally located open space corridor that ensures residents have full access to the amenities that will encourage social and community interaction.

Bicycling Element, Goal 1: Develop a safe bicycle transportation system that provides connectivity throughout the City, including major public and private facilities, and to transit.

Bicycling Element, Goal 3: Increase recreational opportunities for bicyclists throughout Avondale.

Crystal Cove is within close proximity to employment and commercial centers, the Historic Avondale area, and the connective trails to the north along Van Buren. Accordingly, the creation of this dense urban core of housing will provide ample opportunity for residents to use their bicycles to access the services and employment areas they so desire. The proposed development will greatly increase Avondale's opportunities for bicycle/pathway networks in the surrounding areas.

Urban Design Element, Goal 5: Maximize housing opportunities in locations within a half-mile of transit, with good access to employment areas, neighborhood services, and public facilities in order to promote a healthy community both sustainably and economically.

> *Policy A: Distribute higher residential densities throughout our City in identified urban growth areas and facilitate the development of residences in mixed-use development within these growth areas.*
> *Policy B: Develop residentially-designated and mixed use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.*
> *Policy C: Within identified growth areas, develop residential projects at densities sufficient to support neighborhood retail in walkable, main street types of development.*
> *Policy D: Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.*
> *Policy E: Encourage consolidation of parcels to promote mixed-use and high density development at locations identified in the TOD Element and on the Land Use Map.*

Crystal Cove meets this goal and each policy listed above by providing a high density urban community that has strong pedestrian access to surrounding employment and commercial uses, and is readily accessible to the Historic Avondale area. Additionally, Crystal Cove will revitalize Historic Avondale and act as a catalyst for future development.

Moreover, transit opportunities are conveniently located around Crystal Cove. With the combination of these transit and pedestrian opportunities for the Property, Crystal Cove is well poised to create a dynamic, high density community within this growth area that will create vitality for future mixed-uses, retail, and employment uses that will come into the area.

AVONDALE STRATEGIC FIVE-YEAR PLAN

The Avondale Strategic Five Year Plan was designed with the vision and guidance from the Avondale City Council, and crafted with input from engaged residents, local businesses and key personnel across the city's organization. The Plan represents a cohesive and intelligent approach which will enable Avondale to create a community that is family friendly and economically robust. In short, Crystal Cove will help Avondale achieve its going of becoming a city that is Aspiring, Achieving and Accelerating.

The Crystal Cove PAD is in a unique location that provides the opportunity to develop a site near the Van Buren corridor that is compatible with existing development, supports housing opportunities for the Historic Avondale area, and synergizes with the adjacent employment areas. Increased employment opportunities will come to the City in the near future along Interstate-10, the location of this development will enable the City to keep Avondale workers in Avondale. The development's location will prove to be an attractive option for workers looking to locate to Avondale due to the City's economic development. Crystal Cove will complement and support the economic vision of the Strategic Five Year Plan.

Moreover, the Crystal Cove PAD will meet he following goals of the Strategic Five Year Plan.

Initiative #1, Strategic Goal: Encourage build-out in residential housing opportunities that support diverse housing options.

Crystal Cove's modern design will offer multifamily units and create a unique urban experience not currently available within the City of Avondale, but is demanded by both millennials, professionals, and empty nesters throughout the Valley. The current development standards of the Avondale standards residential districts are designed for typical single-family residential that is ubiquitous to Avondale.

Crystal Cove is designed to provide on-site amenities and open space for both the modern professional and those interested in a "lock and leave" lifestyle. While adding to the existing housing in the area, Crystal Cove provides a unique housing development that caters to those looking for something different than the typical traditional housing

offered in Avondale. The Crystal Cove development is unique to Avondale and contributes to the diversity of housing that the Strategic Five Year Plan envisions.

Initiative #2, Strategic Goal, Action Item: Establish relationships with potential partners for the development of trail and river corridors.

The Crystal Cove PAD is located within a close distance to Avondale regional trail corridor on Van Buren Ave. Additionally, the Agua Fria Wash, with all its trail amenities, provides a nearby opportunity for the Crystal Cove residents to access these trails. The trail will promote pedestrian and bicycle connectivity. Moreover, the activate lifestyle the trail promotes will encourage the development of additional trails ultimately linking residents with the surrounding trails and river corridor.

VII. GENERAL PLAN FINDINGS ANALYSIS

Per the Avondale General Plan 2030 Findings analysis provided on page 16 of the General Plan, the following information is provided.

As provided throughout the Crystal Cove General Plan Amendment narrative, the proposed development meets or exceeds all of the required findings of the Avondale General Plan as follows:

- *The development pattern contained on the Land Use Plan inadequately provides sufficient sites for the use or change proposed in the amendment.*

The General Plan notes that as of 2010, there was only 1.47% of land uses in Avondale developed for high density residential. It also notes that available acreage is at approximately 63 acres. This does not provide sufficient amount of acreage for the type of housing proposed for Crystal Cove.

During a recent City Council Work Session on December 9, 2019, the City discussed a recently City-commissioned market analysis completed by Elliot D. Pollack & Company to review Avondale neighborhoods, including the Historic Avondale area. One of the outcomes of the Pollack Study was that in order for this area to be successful there needed to be an increase of higher density residential projects to help induce additional retailers and restaurateurs. With the Property being situated within 1 mile of the proposed main street of the Historic Avondale area, it is perfectly poised to provide additional higher density residential that is needed in the area.

This would allow the Property to develop in a manner that would create some of the high density residential uses needed for this area and would be compatible with the intent of the General Plan for development in this area. As such, the Applicant has provided development standards in the accompanying Crystal Cove PAD that will further allow this vision to be realized.

- *The amendment constitutes an overall improvement to the 2012 Plan and is not solely for the good or benefit of a particular landowner or owners.*

Market conditions and evolving visions for the Historic Avondale area has shown that the Commercial land use is viable for current development conditions in the area. With the City's renewed interest in the Historic Avondale area needing more higher-density residential development to provide residents to the area, the proposed minor general plan amendment will bring a housing product that will fulfill that vision and will be more marketable for the area.

- *The amendment will not adversely impact the community as a whole or a portion of the community by:*

- *Significantly altering the acceptable land use patterns;*
- *Requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water and wastewater, and public safety facilities than would otherwise be needed without the proposed change;*
- *Adversely impacting the existing land uses; or*

The amendment will have no negative impacts on these findings points. The proposed residential will provide the housing density needed in this area and will be compatible with the surrounding existing development. The public infrastructure exists in the surrounding right of ways for this development and will not be a significant burden on the existing City utility systems.

Lastly, the development is designed to interact with the existing right of way improvements on Central Ave, which are envisioned as a more walkable and pedestrian friendly area. The Crystal Cove PAD will provide the adequate landscaped buffering around the project perimeter and will be adequately transitioned to the adjacent properties.

- *That the amendment is consistent with the overall intent of the 2012 Plan and other adopted plans, codes and ordinances.*

As demonstrated in the "Conformance to Avondale Plans" section of this GPA narrative, the Crystal Cove general plan amendment is consistent with the overall intent of all Avondale plans, codes, and ordinances. Additionally, the amendment consists of an improvement to the General Plan with the overall enhancements as outlined below:

- Provides higher density residential that will be needed to activate the future Historic Avondale areas envisioned by the City of Avondale.
- Provides additional City of Avondale residents that can help with providing employees for Avondale's employment areas.
- Enhanced vegetation at entries ways and art installation at southwest corner will provide beautiful aesthetics to the area.
- Provides usable open space in a central, accessible corridor that includes enhanced amenities that are not typically provided or required, including a clubhouse, BBQ ramada and other shade ramadas, a pool/spa, fire pits, and other open spaces areas as shown on the provided plans.
- Greater connectivity with the central amenity areas and all housing units being easily accessible to all residents throughout the development with connective pathways.

VIII. CONCLUSION

Crystal Cove is located in up-and-coming Historic Avondale, near employment areas, and the nearby, active Van Buren Street corridor. This location is ideal for an urban multi-family community that will synergize with the surrounding area. The PAD creates design and development standards that complement the surrounding employment, commercial, and residential uses while providing a luxury, urban housing development not currently found in Avondale.

As detailed above, the proposed PAD is consistent with many of the policies in the City of Avondale's General Plan 2030. The proposed plan will develop a vacant site and provide a vibrant urban feel reflecting the aspirations and character of the Historic Avondale area as an up and coming active center for the City. Crystal Cove will draw residents such as professionals, millennials, and empty nesters, subsequently attracting a variety of residents to Avondale.

The development's unique location and thoughtful design strategies will help Crystal Cove seamlessly integrate into the urban core of Avondale, while also setting itself apart in a distinctive way. The Avondale General Plan states that the City should encourage these types of developments, which are geared towards the providing more compatible multifamily developments in the Historic Avondale area. Additionally, with the City acknowledging the importance of high-quality amenities and interactive social spaces within developments, Crystal Cove provides the framework for Avondale's vision to become reality.

The Crystal Cove PAD establishes a high level of quality, building design, and site design expectations for this multi-family residential development. The Crystal Cove PAD includes exhibits and imagery that represent this level of quality. Development will be at or greater than the designs represented in this PAD.

We look forward to Crystal Cove being a unique multi-family development that brings a high quality urban experience to its residents.

Exhibit F

Neighborhood Meeting Sign-In Sheet

TIFFANY & BOSCO P.A.

June 26, 2020

Michelle Simerdla, Senior Planner
City of Avondale
Development and Engineering Services
11465 W Civic Center Dr
Avondale, AZ 85323

RE: Risi Homes, Crystal Cove Development GPA & PAD Applications (PL-20-0076 & PL-20-0077); June 25, 2020 Neighborhood Meeting Summary

Dear Ms. Simerdla:

The purpose of this letter is to inform you that our firm held a neighborhood meeting for the Minor General Plan Amendment and Rezoning applications referenced above. The meeting was held on June 25, 2020, 6:00 p.m. Due to the current Covid-19 pandemic, City staff made the decision to hold the neighborhood meeting via a Zoom virtual meeting that was hosted by Avondale City staff.

The purposed of the neighborhood meeting was for Tiffany & Bosco, P.A. and the Risi Homes team to review the proposed applications and answer any questions regarding the project. The team was prepared to show several slide showing the property development aspects.

The development team stayed on the Zoom virtual meeting until 7:00 p.m. and no members of the community attended. I would be happy to answer any further questions that you may have regarding this proposal or meeting. You may reach me at 602-452-2712 or sta@tblaw.com.

Sincerely,

[redacted]

Shaine T. Alleman

www.tblaw.com

Camelback Esplanade II, Seventh Floor
2525 East Camelback Road
Phoenix, Arizona 85016-4229

602.255.6000 Phone
602.255.0103 Fax

RESOLUTION NO. 1069-1020

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE GENERAL PLAN REGARDING THE LAND-USE DESIGNATION OF APPROXIMATELY 10.59 ACRES LOCATED AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND LA CANADA BOULEVARD, AS SHOWN IN APPLICATION PL-20-0076, FROM LOCAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

WHEREAS, the City of Avondale General Plan (the "General Plan") was adopted by the Mayor and Council of the City of Avondale (the "City Council") on April 2, 2012, and ratified by the qualified electors of the City of Avondale on August 28, 2012; and

WHEREAS, the City Council desires to amend the General Plan to change the land-use designation for approximately 10.59 acres located at the northeast corner of Central Avenue and La Canada Boulevard from Local Commercial to High Density Residential, as shown in Application PL-20-0076 (the "General Plan Amendment"); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City of Avondale (the "City") has consulted with, advised and provided the opportunity for public comment on the General Plan Amendment; and

WHEREAS, all due and proper notices of the public hearings on the General Plan Amendment held before the City of Avondale Planning Commission (the "Commission") and the City Council was given in the time, form and substance provided by ARIZ. REV. STAT. § 9-461.06; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Commission held a public hearing on the proposed General Plan Amendment on August 19, 2020, after which the Commission recommended approval; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City Council held a public hearing on the proposed General Plan Amendment in the City Council Chambers on October 5, 2020.

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 General Plan is hereby amended to change the land-use designation for approximately 10.59 acres located at the northeast corner of Central Avenue and La Canada Boulevard, as shown in Application PL-20-0076, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from Local Commercial to High Density Residential.

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 carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

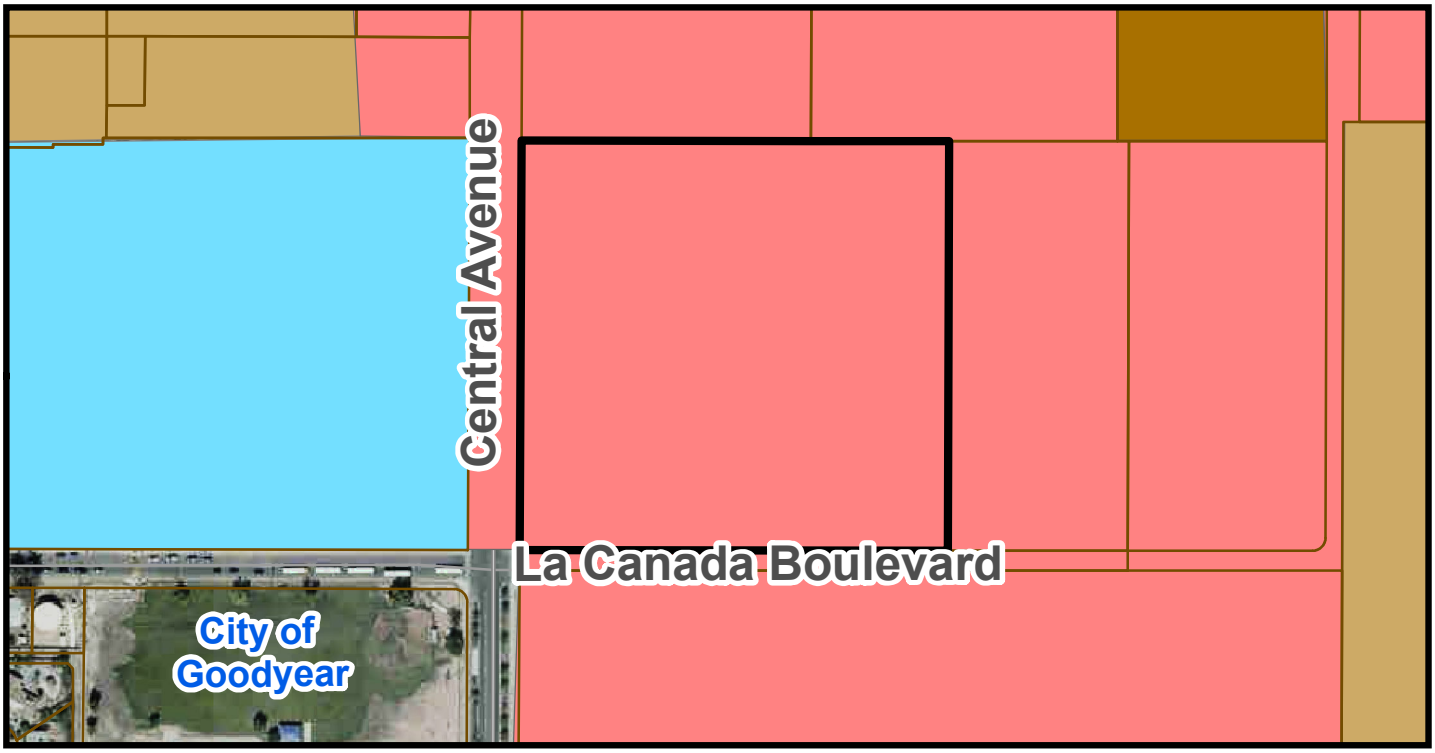
APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

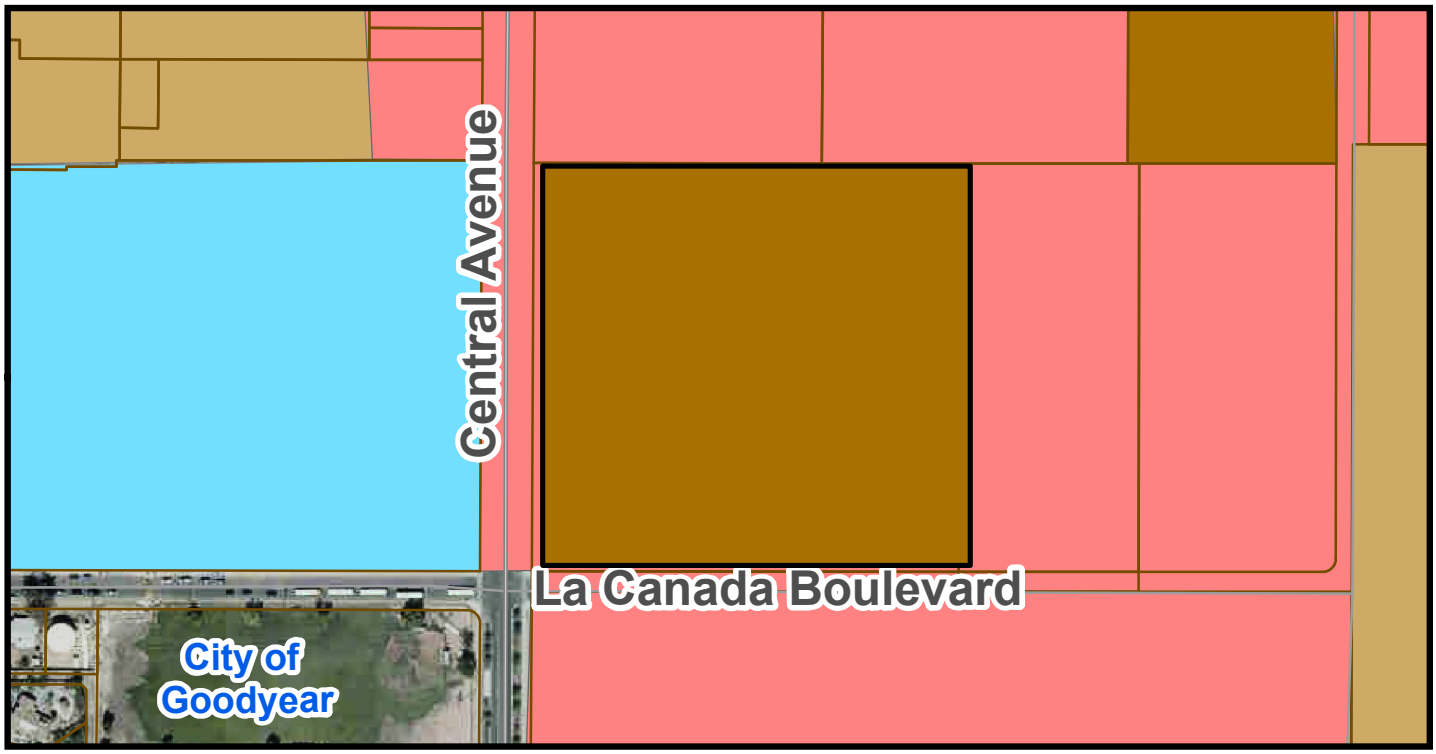
EXHIBIT A
TO
RESOLUTION NO. 1069-1020

[General Plan Amendment Map]

See following page.



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

Avondale

Subject Property

- Medium/High Density Residential
- High Density Residential
- Local Commercial

Item Number: 5.d.

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2029-1020 – Rezoning from Community Commercial (C-2) to Planned Area Development for Crystal Cove – Application PL-20-0077

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2029-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to rezone approximately 10.59 gross acres of property located at the northeast corner of Central Avenue and La Canada Boulevard from C-2 (Community Commercial) to Planned Area Development (PAD). The proposed PAD will allow for development of a 238 unit multi-family residential development with a density of 24.9 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation will be considered separately.

BACKGROUND:

The 10.59 gross acre subject property (Exhibits A, B, and C) is located at the northeast corner of Central Avenue and La Canada Boulevard. According to Maricopa County historical imagery, it appears the site was used for agricultural purposes from the 1940s to 1960s. Since agricultural operations concluded, the undeveloped property has remained vacant.

City records indicate that the property has been zoned C-2 since its annexation into Avondale city limits in 1960. The site's C-2 zoning allows for a range of retail, restaurant, office, and service uses that serve a community-wide trade area.

The subject property is located within Historic Avondale and is designated as Local Commercial on the General Plan 2030 Land Use Map (Exhibit C). The designation is a land use category that is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category, specifically for local residents, may include grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers, which promotes a walkable community. The property's C-2 zoning is in conformance with the Local Commercial Land Use designation.

The applicant has submitted a separate application for a Minor General Plan Amendment (GPA) to change the land use designation of the subject site from Local Commercial to High Density Residential which allows for 12.0 to 30.0 dwelling units per acre (du/acre), target density 12.0 du/acre. The development has 238

proposed units at a density of approximately 24.71 du/acre.

Surrounding uses and zoning include:

North: Multiple uses zoned C-2 including Bowlero, a bowling alley, and Bridgewater Assisted Living, an assisted living facility.

East: Two (2) office buildings zoned C-2; Arizona Department of Economic Security and Estrella Genesis Health Care.

South of La Canada Boulevard: First Southern Baptist Church of Arizona zoned C-2.

West of Central Avenue: Lattie Coor School and Avondale Middle School zoned R1-6 (Urban Residential).

SUMMARY OF REQUEST:
The applicant is requesting to rezone the 10.59 gross acre property from Community Commercial (C-2) to Planned Area Development (PAD) for a multi-family residential development. The proposed Crystal Cove (Risi Homes) PAD Narrative (Exhibit E) details permitted uses, development standards, landscaping and design standards, and other requirements that will guide the future development of this site.

In conformance with the accompanying Minor General Plan Amendment (GPA) application, the proposed PAD zoning will allow for development of a 238 unit multi-family residential development. Approval of the GPA request is required prior to approval of this rezone request.

The Crystal Cove development is owned by Risi Homes, who is proposing a 16-building apartment complex with one (1), two (2), and three (3) bedroom units.

The development proposes 21.7 percent open space. A variety of amenities are proposed including game courts, a pool and cabanas, grilling areas, and a paved walking trail that traverses the northern, eastern, and southern property lines. The site will also feature a park at the southwest corner of the site with stone benches as well as an art installation.

Access to the proposed development is provided by a gated driveway along Central Avenue as well as a secondary gated driveway off La Canada Boulevard. The property will be screened to the north and to the east by an existing six (6) foot CMU wall along the property lines.

The development proposes 409 total parking spaces, which is in excess of the required 394 parking spaces, eight (8) of which are ADA accessible. The parking includes 147 covered parking spaces, 113 garages, and 149 uncovered parking spaces. Twenty-two guest parking spaces will be provided next to the 3,000 square foot clubhouse.

The proposed PAD is largely consistent with the R-4 (Multi-Family) zoning district. Deviations from the R-4 standards and Multi-Family Residential Design Guidelines include:

- A reduction in the front setback along Central Avenue from 25 feet to eight (8) feet.

- The Multi-Family Residential Design Manual requires a 20-foot separation between buildings and the Zoning Ordinance requires a minimum 15-foot building separation. This project is proposing 17.6 feet between some balconies at the narrowest point between buildings interior to the site, due to the angled layout. A 13.5-foot separation is proposed between two (2) sets of buildings along Central Avenue.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:

The property is located in the service areas of the Avondale Elementary School District (AESD) and the Agua Fria Union High School District (AFUHSD).

Students in kindergarten through eighth grade will attend Lattie Coor School located at the northwest corner of Central Avenue and La Canada Boulevard across the street from the Crystal Cove site. High school students will attend Agua Fria High School located at the northwest corner of Dysart Road and Riley Drive, approximately 935 feet southeast of the Crystal Cove site.

Both AESD and AFUHSD have provided the City with signed certificates stating that each district has adequate school facilities to accommodate the estimated enrollment of new students generated by the proposed Crystal Cove development (Exhibit I).

PUBLIC PARTICIPATION:
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held at 6:00 P.M. on Thursday, June 25th. Due to the ongoing Covid-19 pandemic, the meeting was held virtually via Zoom (Exhibit H). 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 Southwest Valley Arizona Republic, were completed in at least fifteen days prior to the meeting as required.

One (1) comment in support of the proposal has been posted on the City's aVOICE/Polco digital forum. No other comments have been received by the Planning Division.

All required notifications for the Planning Commission and City Council public hearings, including mailings to owners within 1,000 feet of the site, public hearing notice signs on the property, and display ads in the Southwest Valley Arizona Republic, were completed in at least fifteen days prior to the meeting as required.

PLANNING COMMISSION ACTION:
On August 19, 2020, Planning Commission conducted a public hearing and voted 5-0 to recommend approval of the proposed rezone. The Commission had no comments or concerns.

ANALYSIS:
Conformance with the General Plan and Historic Avondale Design & Development Guidelines
A GPA request to change the land use designation of 10.59 gross acres of the site to High Density Residential is being considered concurrent with this rezoning request. The proposed Crystal Cove (Risi Homes) PAD, which provides for a density of 24.7 dwelling units per acre with 21.7 percent of the site area developed as open space, aligns with the High Density Residential land use designation that allows for densities up to 30.0 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums, or townhomes are suitable for this land use. These residences may be part of a mixed-use development, master planned community, and have direct access to open space, transit or other multi-modal amenities. This level of intensity should promote a village environment with easy access to services, business and recreation.

Staff finds that the proposed PAD contains adequate provisions to achieve the goals of the General Plan. The proposed amenities, building design, open space provided beyond minimum requirements, and a pedestrian connection to the existing buffered bike lane on Central Avenue justify the increase in density past the target density of 12 du/ac.

The project site is in the Central Avenue Business District in Historic Avondale, which encourages a stronger street presence in the Historic Avondale Design and Development Guidelines (HADDG), with parking located behind buildings. The proposed 8-foot front setback on Central Avenue, with parking behind the buildings achieves this goal. The Central Avenue Business District does not prescribe a specific architectural style due to an eclectic mix of styles that exist in the neighborhood but requires elements that relate to the area.

The proposed design (Exhibit G) is modern but features materials and colors that will blend in with the surrounding area, as well as enhance the streetscape. In addition, the applicant has reserved a location at the northwest corner of the site for an art installation that is planned to capture some historical elements of the area.

In addition, the proposed PAD furthers several goals of the General Plan and HADDG, most notably:

- General Plan Land Use Goal #1, Policy D: *"Enhance the attractiveness of infill parcels as an option for new development throughout Avondale."* The proposed rezone and accompanying GPA will allow for development of a site that has remained vacant and undeveloped since its annexation into the City of Avondale nearly 60 years ago.

- Urban Design Element Goal #4, Policy A: *"Ensure that new development in many revitalization areas is truly urban, rather than suburban, in form and scale."* The proposed development at the upper end of the High-Density Residential density allowance, is urban in scale and form.

- HADDG: *"Encourage investment, redevelopment, and replacement of vacant infill through flexible development standards and incentives."* The proposed PAD provides for some modifications to development standards to accommodate development of the site with a multi-family residential development.

Permitted Uses

The uses proposed in the PAD are limited to multi-family residential buildings and standard accessory uses such as pools, clubhouses, parks, and the like. The uses proposed are fully consistent with the High Density Residential General Plan designation.

The use of the property as an apartment complex is better suited than the commercial uses in the C-2 district. The site has remained vacant for decades with commercial zoning. The PAD narrative (Exhibit E) discusses a City-commissioned analysis of Avondale neighborhoods in 2019, including Historic Avondale. It found that in order for the area to be successful, higher density residential projects were needed to spur the need for additional retail and restaurants in the area. The proposed development has an urban feel that will attract professionals, small families, and empty-nesters. A good balance of commercial to residential land in the city will remain if the rezone is approved; the amount of commercial land available would only drop by 1.5 percent.

Development and Design Standards

The R-4 (Multi-Family) district was used as the starting point for the development standards. The development and design standards contained within the PAD meet or exceed standard requirements contained with the Zoning Ordinance, HADDG, and Multi-Family Residential Design Manual, except for the following deviations:

- A reduction in the front setback along Central Avenue from 25 feet to eight (8) feet.

  Section 205.A of the Avondale Zoning Ordinance requires a front yard setback of 25 feet. The intent of this provision is to provide adequate appropriate separation from the adjacent land uses to minimize the impact associated with each land use. In this case, the north property line (side yard) is adjacent to a bowling alley and the west side of Central Avenue is developed with a school, both of which are compatible uses. The Zoning Ordinance also allows an eight (8) foot setback if units are considered "walk-up." While the proposed buildings along Central Avenue will not have front doors facing Central Avenue, they will have patios facing Central Avenue as well as architectural features such as awnings that create an inviting presence. Additionally, the HADDG encourages buildings to be located at the setback line to create a stronger street presence.

- A reduction in the 20-foot separation between buildings to 17.6 feet for interior buildings and approximately 13.5 feet for two (2) buildings along Central Avenue.

  The Multi-Family Residential Design Manual requires a 20-foot separation between buildings and the Zoning Ordinance requires a minimum fifteen (15) foot building separation. This project is proposing 17.6 feet between some balconies at the narrowest point between buildings interior to the site, due to the angled layout. An approximate 13.5-foot separation is proposed between two (2) sets of buildings along Central Avenue. The balconies and windows will provide for “eyes on the street” to aid in the goals of Crime Prevention Through Environmental Design (CPTED). The idea is that residents will provide informal surveillance, which in turn could reduce crime.

The development achieves the following objectives of the City’s Multi-Family Residential Design Manual:

- Provides multiple unit square footages and number of bedrooms that accommodate a variety of choices for the prospective homeowner or renter
- High level of architectural details on all sides of buildings
- Varied rooflines
- Reduced building massing
- Carriage-style garages
- Minimum 80 square foot balconies
- Provides a direct a pedestrian connection to the adjacent buffered bike lane and sidewalk on Central Avenue and meandering sidewalk on La Canada Boulevard
- Uses traffic calming measures to slow vehicular speeds
- A variety of amenities, including sport courts, barbecues, pool, cabanas, clubhouse, and a paved walking path
- Trash receptacles, benches, and pedestrian scale lighting along trails are located near active open spaces
- Centrally located open space, and paths that funnel foot traffic to the clubhouse and pool
- Open space more than the fifteen (15) percent minimum
- Colored concrete in the driveway entrance and pedestrian crossings
- Landscaping and a prominent clubhouse will create a sense of arrival

Streets, Utilities, and Other Infrastructure

Access to the residential portion of the proposed development will be from two (2) gated driveway entrances, one from Central Avenue, and the other from La Canada Boulevard. The Central Avenue access will be the primary entrance to the community. A pedestrian sidewalk will connect to the public sidewalk on La Canada Boulevard and there is an existing bike path along Central Avenue.

The public infrastructure (roads, water, wastewater) exists in the surrounding right-of-ways for this development and will not be a significant burden on the existing City utility systems. New public safety facilities are not needed.

The developer will be responsible for providing and installing bus stop signs on westbound La Canada Boulevard, just east of Central Avenue and on southbound Central Avenue, just north of La Canada Boulevard in the recessed area currently marked for parallel parking spaces. The developer will also be responsible for removing most of the existing pavement markings used for the recessed parking area described above and striping in a bus bay area. The exact number of removed parking spaces will be determined by City staff.

In conclusion, it is Staff's opinion that the proposed rezone to PAD and accompanying GPA are consistent with the General Plan, the HADDG, the Multi-Family Residential Design Manual, the surrounding area, and will not be a detriment to the area or surrounding residential properties. The rezone will change the zoning to a PAD that will result in a high-quality development on an infill parcel that has remained vacant for decades.

DISCUSSION:

The proposed PAD rezone meets the following findings:

1. The proposed Crystal Cove (Risi Homes) PAD, with Staff recommended conditions of approval, will be in conformance with the proposed General Plan Land Use Map designation of High Density Residential. Significant amenities and open space above the minimum requirements have been provided to justify the increase above the target density.

2. The PAD is in conformance with the HADDG.

3. The PAD will result in compatible land use relationships.

4. The development will encourage the creation of an attractive and vibrant development within a revitalization area.

5. Based on recent market analysis, the site is better suited for residential rather than the existing commercial designation.

6. Adequate public infrastructure to support the proposed development either presently exists or will be constructed by the developer.

7. 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: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

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-20-0077 Crystal Cove, a request to rezone 10.59 acres from C-2 (Community Commercial) to Planned Area Development (PAD), subject to the following four (4) conditions of approval:

1. Development on the site shall conform to the Crystal Cove PAD Narrative submitted on July 9, 2020, the conceptual building elevations submitted on July 9, 2020, and the site plan submitted on August 18, 2020.

2. All perimeter off-site improvements shall be completed in the first phase of development.

3. The developer shall be responsible for providing and installing bus stop signs on westbound La Canada Boulevard, just east of Central Avenue and on southbound Central Avenue, just north of La Canada Boulevard in the recessed area currently marked for parallel parking spaces. These bus stop signs may be installed on existing streetlight poles pending approval by the City Engineer.

4. The developer shall be responsible for removing most of the existing pavement markings used for the recessed parking area described in condition #3 and striping in a bus bay area. The exact number of removed parking spaces will be determined by the City Engineer. The pavement marking material will be thermoplastic. The marking removal process will follow the City of Avondale construction standards.

PROPOSED MOTION:
I move that City Council accept the findings and **ADOPT** the Ordinance approving Application PL-20-0077 Crystal Cove, a request to rezone approximately 10.59 acres from C-2 (Community Commercial) to Planned Area Development (PAD), subject to four (4) conditions of approval as listed in the staff report.

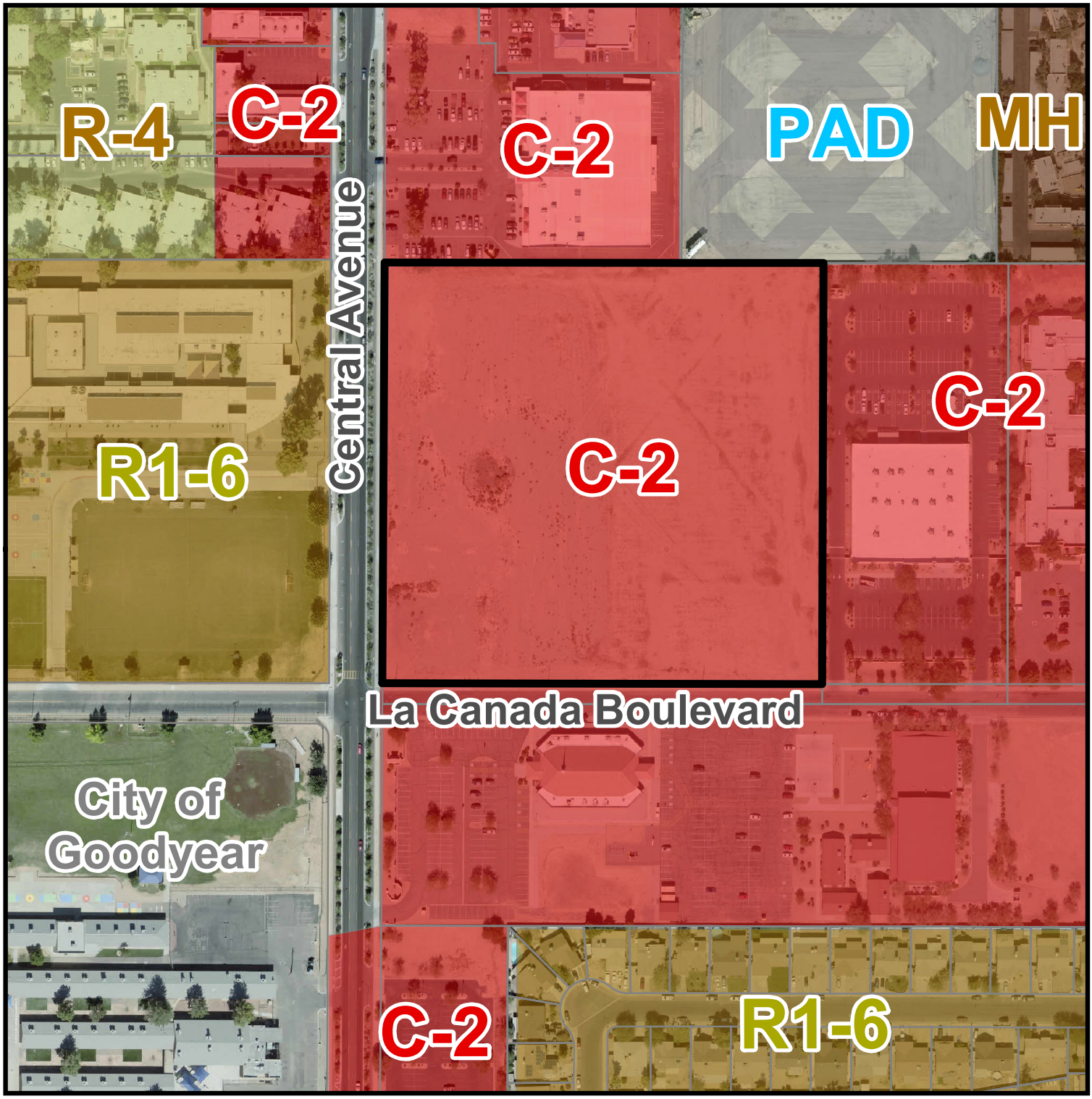
Exhibit A

Aerial Photograph

Avondale

Project Location

Exhibit B

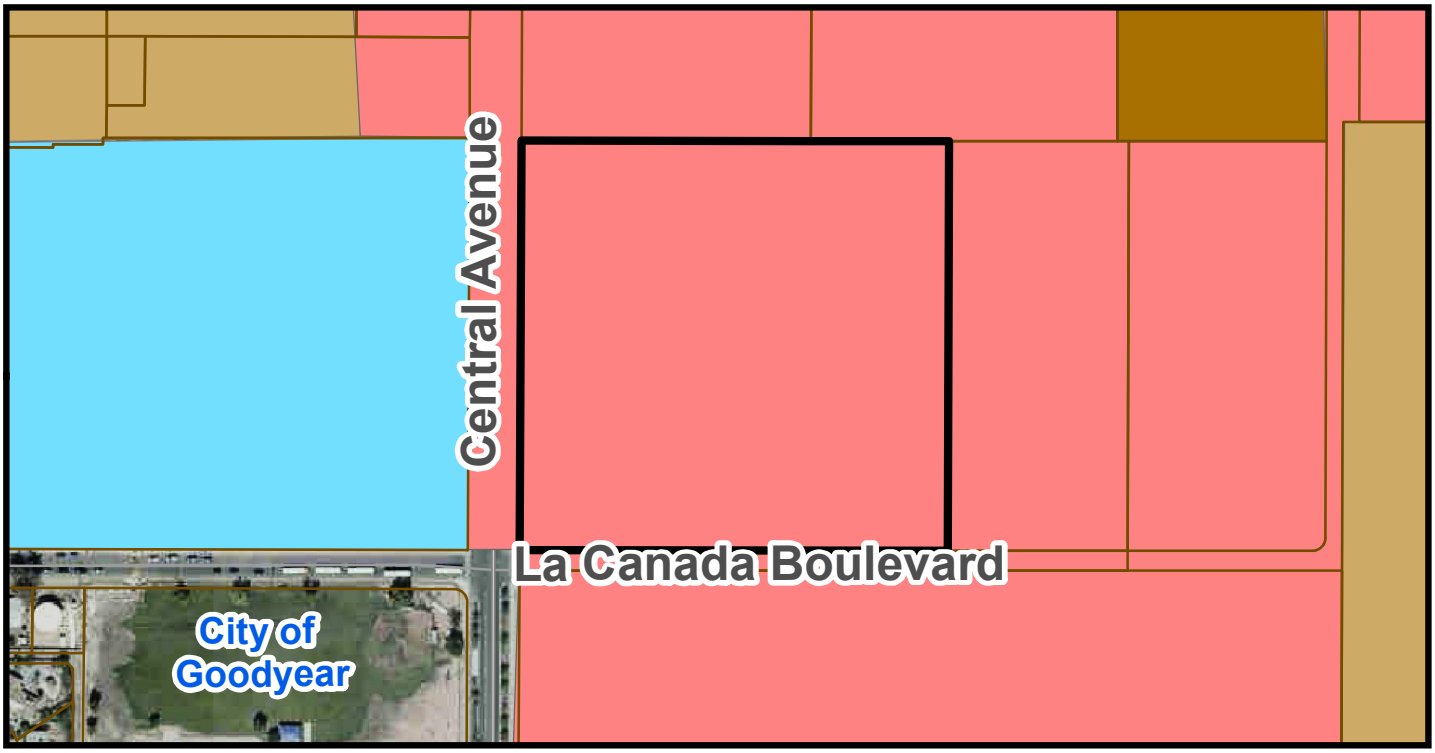


Zoning Vicinity Map

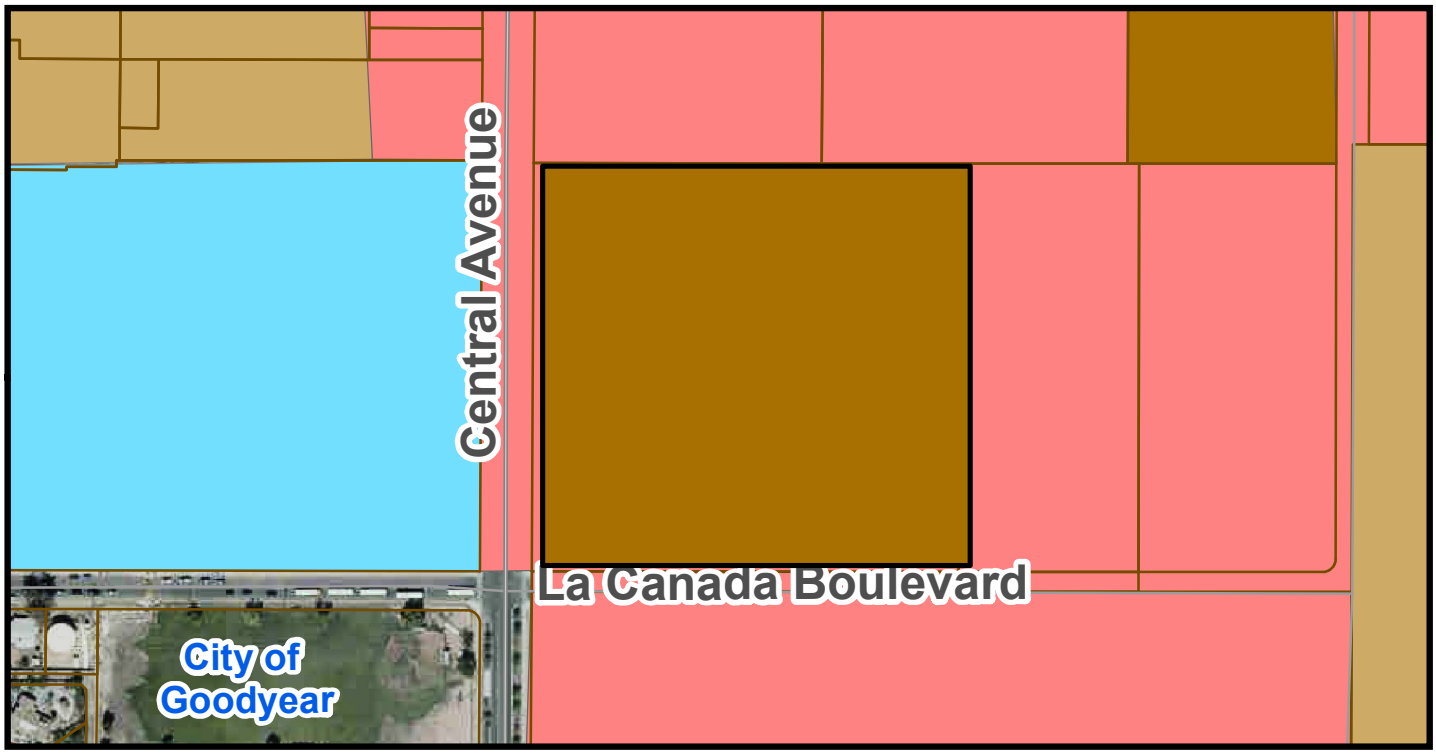
Avondale

Project Location

Exhibit C



CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

Local Commercial

High Density Residential

Medium/High Density Residential

Education

Subject Property

Avondale

SUMMARY OF RELATED FACTS
APPLICATION PL-20-0077

THE PROPERTY	
PROPERTY SIZE	10.59 gross acres
LOCATION	Northeast corner of Central Avenue and La Canada Boulevard
PHYSICAL CHARACTERISTICS	Undeveloped, relatively flat
GENERAL PLAN LAND USE DESIGNATION	Local Commercial
EXISTING ZONING	Community Commercial (C-2)
ZONING HISTORY	Zoned C-2 upon annexation in 1960.

SURROUNDING ZONING AND LAND USE	
NORTH	Multiple uses zoned C-2: Bowlero, a bowling alley Bridgewater Assisted Living, an assisted living facility
EAST	Two (2) office buildings zoned C-2: Arizona Department of Economic Security Estrella Genesis Health Care
SOUTH OF LA CANADA BOULEVARD	First Southern Baptist Church of Arizona zoned C-2
WEST OF CENTRAL AVENUE	Lattie Coor School and Avondale Middle School zoned R1-6

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Avondale Elementary School District Agua Fria Union High School District
ELEMENTARY SCHOOL	Lattie Coor School (K-8)
HIGH SCHOOL	Agua Fria High School

STREETS	
Central Avenue	
Classification	Minor Collector
Existing half-street ROW	40 feet
Standard half-street ROW	40 feet
Existing half-street improvements	1.5 lanes, sidewalk, streetlights
Standard half-street improvements	1.5 lanes, sidewalk, streetlights
La Canada Boulevard	
Classification	Local
Existing half-street ROW	30 feet
Standard half-street ROW	25 feet

Existing half-street improvements	1 lane, sidewalk, streetlights
Standard half-street improvements	1 lane, sidewalk, streetlights

UTILITIES
APS provides electrical service in this portion of the City. There is a 10-inch water line and 8-inch sewer line in Central Avenue. There is an 8-inch water line and 6-inch water line in La Canada Boulevard.

Exhibit E

Crystal Cove PAD Narrative

Submitted
July 9, 2020

CRYSTAL
COVE

City of Avondale
Planned Area Development
Rezoning Application # PL-20-0077 Narrative
July 2020

Developer: Risi Companies, LLC
Applicant: Shaine T. Alleman, Tiffany & Bosco
2525 E. Camelback Rd., Phoenix, AZ 85016

RISICOMPANIES for the art of building

TIFFANY & BOSCO P.A.

Table of Contents

I.	Project Profile	2
II.	Executive Summary	3
III.	Property Description	5
IV.	Project Description	8
V.	PAD Land Uses & Development Standards	10
VI.	PAD Architectural Design Criteria	13
VII.	Landscaping, Pedestrian Open Space and Amenities	15
VIII.	PAD Review and Analysis	17
IX.	Infrastructure	20
X.	Ownership and Maintenance	22
XI.	Conformance with Avondale Plans	23
XII.	Schools	28
XIII.	Conclusion and Summary	29

Table of Exhibits

Exhibit A – Regional Aerial Context Map
Exhibit B – Aerial Context Map
Exhibit C – Current Avondale General Plan Map
Exhibit D – Existing Avondale Zoning Map
Exhibit E – Proposed Avondale General Plan Map
Exhibit F – Conceptual Site Plan
Exhibit G – Conceptual Site Plan (Color)
Exhibit H – Conceptual Building Elevations
Exhibit I – Conceptual Project Perspectives

I. PROJECT PROFILE

Project Name	Crystal Cove
Property Owner	Robert Delcourt & Dianna Costa
Assessor Parcel Numbers	500-10-110
Project Location	290 W. La Canada Boulevard, Avondale, AZ 85323 Generally located at the northeast corner of N. Central Ave and E. La Canada Blvd
Project Area	10.59 acres (Gross) / 9.63 acres (Net)
Current Zoning **Proposed Zoning**	Commercial (C-2) Planned Area Development (PAD)
Current G.P. Land Use **Current G.P. Land Use**	Local Commercial High Density Residential (12-30 du/ac)
Development Team	<u>Property Developer</u> Risi Companies, LLC Joe Risi 6040 N. 7th Street, Suite 300 Phoenix, Arizona 85014 <u>Legal Counsel</u> Tiffany & Bosco, P.A. Shaine T. Alleman Seventh Floor, Camelback Esplanade II 2525 East Camelback Road Phoenix, Arizona 85016 <u>Architectural</u> Palmer Architects, Ltd. Jerry Palmer 4222 E. Camelback Road, Suite H-210 Phoenix, Arizona 85018 <u>Engineering</u> EEC, Inc. James M. Griffin 7740 N. 16th Street Phoenix, Arizona 85020

II. EXECUTIVE SUMMARY

This rezoning request is to rezone approximately 10.59 (gross) acres located at 290 W. La Canada Boulevard, Avondale, AZ 85323, generally located at the northeast corner of N. Central Ave. and E. La Canada Blvd., and identified by the Maricopa County Assessor as parcel number 500-10-110 (the "Property"). The proposal seeks to rezone the Property from Commercial (C-2) to Planned Area Development (PAD) to allow the development of a unique high density residential development with a proposed density of approximately 24.71 dwelling units per acre (238 total units).

A Minor General Plan Amendment is being requested concurrently with this Application in order to amend the General Plan Map from Local Commercial to High Density Residential (12-30 du/ac, Target Density 12 du/ac).

The Crystal Cove PAD will allow the development of a high quality, high-density multifamily community that will bring an urban living experience in Historic Avondale and the nearby Van Buren corridor. It is designed to be complementary to other high density developments and employment areas in the area. It is anticipated that this development will be a catalyst for other urban developments and result in economic revitalization throughout the area.

The development will provide one (1) to three (3) bedroom multifamily housing units that will be oriented towards enhanced pedestrian amenities and open space experiences within the development. Additionally, ample open space and diverse units will be part of the development to provide varied urban housing options to the area. With its modern design, Crystal Cove will provide high quality multifamily units that create a unique urban experience not currently available within the City of Avondale, but demanded by millennials, professionals, and empty nesters throughout the Valley.

With its close proximity to the promising location of Historic Avondale, Crystal Cove will complement and draw residents to this soon to be vibrant area. During a recent City Council Work Session on December 9, 2019, the City discussed a recently City-commissioned market analysis completed by Elliot D. Pollack & Company to review Avondale neighborhoods, including the Historic Avondale area. One of the outcomes of the Pollack Study was that in order for this area to be successful there needed to be an increase of higher density residential projects to help induce additional retailers and restaurateurs. With the Property being situated within 1 mile of the proposed main street of the Historic Avondale area, it is perfectly poised to provide additional higher density residential that is needed in the area.

Additionally, Avondale exports 90% of its employment to surrounding municipalities. This development's ideal location, near numerous employment opportunities, will address the exportation issue by attracting those who want to live, work, and play in the City of

Avondale. Crystal Cove is poised to become a destination that Avondale citizens can call home and the City can be proud of.

The proposed site plan, land use and development standards, and architectural standards create the framework for a marketable parcel to future developers. The unique location of the Property provides the opportunity to develop a site near the Historic Avondale corridor that is compatible with existing development, supports housing opportunities for the Historic Avondale area, and synergizes with adjacent employment areas.

III. PROPERTY DESCRIPTION

Site Description

The Crystal Cove PAD is approximately 10.59 gross acres located at 290 W. La Cañada Blvd., Avondale, Arizona 85353, generally located at the northeast corner of Central Avenue and La Cañada Boulevard and identified by the Maricopa County Assessor as parcel number 500-10-110 (the "Property") (See *EXHIBIT A–Regional Aerial Context Map*) The Property is vacant. The topography of the site is relatively flat.

As illustrated in *EXHIBIT B – Aerial Context Map*, the Property is roughly six hundred (600) feet south of Van Buren Street. Multiple properties zoned C-2 commercial are adjacent to the Property. Crystal Cove will provide these properties an uptick in commercial activity due to the influx of residents. Moreover, Lattie Coor School and Avondale Junior High School are located near the Property. These existing schools will entice young families to locate to Crystal Cove which will encourage a community focused development.

The Property is designated Local Commercial per the Avondale General Plan and is currently zoned C-2 Commercial. (See *EXHIBIT C – Current Avondale General Plan Map*) The Property is vacant and has historically been used for agricultural purposes. (See *EXHIBIT D – Existing Avondale Zoning Map*).

The PAD proposes 238 units with a density of approximately 24.71 dwelling units per acre over 9.63 net acres. The proposed 24.71 du/ac is above the target density of 12 du/ace, however, it is consistent with the Avondale General Plan proposed designation of High Density Residential (12-30 du/ac). (See *EXHIBIT E – Proposed Avondale General Plan Map*).

Property Owner

The Property is owned by Robert Delcourt and Dianna Costa and will be developed by Risi Companies, LLC ("Risi"). Risi is well known for a myriad of developments in Arizona, California, and Idaho. These developments include multifamily residential, single family residential, and commercial projects. Risi is committed to developing a quality product and maintaining its legacy of excellence and working closely with municipalities. The development team is primarily focused on adding meaningful value to the Property and bringing a variety of housing types to the City of Avondale.

Relationship to Surrounding Properties

The Property is surrounded by a mixture of developed and vacant land uses.

NORTH: Directly to the north of the Property are commercial use properties that include the Brunswick Bowling Alley, a vacant lot, Circle K, and a Christian Center. The Bridgewater Assisted Living center is located to the northeast of the Property. Further, the surrounding area to the north is primarily zoned as C-2 Commercial, with General Plan land use designations of Local Commercial.

SOUTH: The property located to the south is zoned C-2 and is owned by the First Southern Baptist Church of Avondale.

EAST: There are two properties east of the Property. Each property is zoned C-2. The properties are home to an Arizona Department of Economic Security building and the Estrella Genesis Health Care building.

WEST: The Lattie Coor School and the Avondale Junior High School are located west of the Property. The schools are zoned R1-6 and are designated Education by the General Plan. The City of Goodyear has jurisdiction over the properties located to the southwest of the Property.

Existing Services

Water

An 8″ DIP waterline exists within Central Avenue. The 8″ line is located approximately 12′ west of the monument line of Central Avenue. The water continues north within Central Avenue. Based on the map, there is one domestic meter service stubbed (meter #1203) to the proposed site along Central Avenue. It is assumed the 8″ waterline has capacity to serve the proposed development.

A 6″ ACP waterline exists within La Canada Boulevard. The 6″ line is located approximately 14′ south of the monument line of La Canada Boulevard. The water continues form east to west and is connected to the 8″ line located in Central Avenue.

There is an existing fire hydrant located at the northeast corner of the intersection of Central Avenue and La Canada Boulevard.

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to water services will be completed as approved during the Site Plan phase.

Sanitary Sewer

A 10" VCP sewer line exists within Central Avenue. The 10" line is located approximately 21' east of the monument line of Central Avenue. The sewer flows from north to south and continues south within Central Avenue. Based on the map, there are no sewer service taps stubbed to the proposed site along Central Avenue. It is assumed the 10" sewer line has capacity to serve the proposed development.

An 8" VCP sewer line exists within La Canada Boulevard. The 8" line is located approximately 9' south of the monument line of La Canada Boulevard. The sewer flows from east to west and is intercepted by the 10" line located in Central Avenue. Based on the map, there are no sewer service taps stubbed to the proposed site

along La Canada Boulevard. It is assumed the 8" sewer line has capacity to serve the proposed development.

An 8" VCP sewer line exists just north of the north property line of the subject property. The 8" line is located approximately 6' north of the property line. The sewer flows from east to west and is intercepted by the 10" line located in Central Avenue. Based on the map, there are no sewer service taps stubbed to the proposed site along this north property line. The line appears to have been installed to provide service to the property located at the southwest corner of Van Buren Street and 4th Street (APN#S00-10-00lD).

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to sewer services will be completed as approved during the Site Plan phase.

Transportation Access

N. Central Ave serves as the western boundary of the Property. This roadway is currently a three-lane arterial roadway with a two-way center turn lane with. Half street improvements will be made by the developer on N. Central Ave and La Canada Blvd, as required.

Flood Zone Determination

The Property is classified as Zone X by the FEMA Flood Insurance Rate Map.

IV. PROJECT DESCRIPTION

Crystal Cove is designed to be a high quality multifamily development providing on-site amenities and open space for both the modern professional and those interested in a "lock and leave" lifestyle. The development's amenities and lifestyle will result in a vibrant community in the heart of Avondale. While adding to the existing housing in the area, Crystal Cove provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The development will feature a large 3,000 square foot clubhouse and ample pool space to attract citizens of all backgrounds.

The Applicant is applying for a Minor General Plan Amendment and rezone of the Property because the Property is designated "Local Commercial" by the General Plan and is zoned C-2. The amendment and rezone would allow for high density residential development in an area lacking diverse housing options.

This high density residential use is compatible with the proposed surrounding land uses. Crystal Cove will provide higher density housing that will bring the residents and synergy needed to attract and support future retail and mixed-use development in Historic Avondale. Additionally, numerous employment areas surrounding the Property provide opportunities for Crystal Cove residents to work in Avondale without having to seek employment out of the City. Crystal Cove is proposing a shift in the General Plan land use from Local Commercial to High Density Residential to further the urban feel that is desired in this area.

If the land use designation is amended, the developer will be able to create a high density development that is not found elsewhere in Avondale. This will allow the Property to develop in a manner that is compatible with the intent of the General Plan. As such, the Applicant has provided development standards in this PAD that will further allow this vision to be realized.

Preliminary Site Plan Description

EXHIBIT F – Conceptual Site Plan shows sixteen (16) buildings, each offering multiple residential options throughout. Future residents will have the luxury of choosing from any building regardless of their desired unit size. These residents can choose from one (1), two (2), and three (3) bedroom units. Additionally, garages will be provided underneath the residential units to enhance the focus on the pedestrian aspect of the community.

The buildings are designed and arranged so pedestrian foot traffic is funneled towards the clubhouse and pool area in the center of the development to foster a community atmosphere. Greater architectural variety will be placed on the outer portions of the buildings and ample landscape will be planted on the outskirts of the development. The design is meant to shield most of the parking areas from the recreation and walkable

areas of the Property, thus creating an enhanced pedestrian environment. (See *EXHIBIT H – Conceptual Building Elevations and EXHIBIT I – Conceptual Project Perspectives*)

The buildings vary from two (2) to three (3) stories in height. These residential buildings will focus on creating massing and architectural diversity that interacts with the surrounding properties. These buildings are arranged in a way that the parking areas are found on the outskirts of La Canada, behind buildings on Central Ave, or underneath the individual buildings themselves. This requirement will promote a more pedestrian, urban feel to the Crystal Cove development by restricting pedestrian's views of cars when utilizing the development's amenities.

The Crystal Cove PAD proposes a maximum of 238 residential units with a density of 24.71 dwelling units per acre. The Crystal Cove development will be developed in one (1) phase.

The building massing of the lots will be complemented by a centrally-located usable open space including community gathering areas and game courts. The central clubhouse and pool area is designed to cater to community gatherings and the promotion of interaction among neighbors. The residential buildings frame open space area where residents will gather and will contain a spacious and aesthetically pleasing environment with various amenities.

The clubhouse, pool area, cabana, game courts, and gathering areas will connect the Property from north to south centering on a main core of open space with amenities. Addition open space areas are located on each corner of the development. These open space areas will be easily accessible to all residents with each of these areas being connected throughout the development with connective pathways. The clubhouse will be strategically and centrally located and will provide an entry focal point at the end of the main entry drive aisle to create a sense of arrival for residents and visitors.

Additionally, the PAD has reserved a location on the southwest corner of the Property to include an art installation. The final art installation will determined with further discussion with the City and the Avondale Arts Committee. It is the hope of the Applicant that the art installation can capture some historical elements of the City that would be appropriate for the Historic Avondale area.

Two main access points are proposed for the Property. The main entrance is planned on N. Central Ave, which will include an ingress and egress driveway with a landscaped center median. The second Property access is on La Canada Blvd and is centrally located for ease of access to the Property. All access point will be gated and only accessible by key codes.

V. PAD LAND USES & DEVELOPMENT STANDARDS

Since Crystal Cove is a unique development that is not comparable to any other multi-family development in Avondale. The proposed development standards are unique to the Crystal Cove development as described below. 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.

Crystal Cove PAD Permitted Land Uses

Permitted Uses are those allowed in the R-4 Zoning District found in City of Avondale Zoning Ordinance.

Crystal Cove PAD Development Standards

The closest development standards would be those found in the City's R-4 Zoning District. However, after discussions with City staff it was decided that the proposed development standards outlined in the table below would be most adequate for Crystal Cove. These proposed development standards will allow the unique urban development proposed in this PAD and are not out of conformance with typical development standards for this type of high density development.

CRYSTAL COVE DEVELOPMENT STANDARDS		
Development Standard	**Avondale R-4 Standard**	**Crystal Cove Development Standard**
Maximum units allowed	1 unit for every 1,452 sf net site area	**24.71 maximum dwelling units per acre**
Minimum Lot Width	50'	**N/A**
Minimum Lot Depth	100'	**N/A**
Maximum Height	45'	45'
Maximum Building Coverage	50%	**N/A**
Minimum Building setbacks: Front Yard (Central Ave/West Property Line)	25'	**8'**
Side Yard (North & South Property Lines)	15'	15'
Rear Yard (East Property Line)	15'	15'

The minimum lot widths for the project are not applicable since the Crystal Cove project will be developed as 1 phase with the multi-family residential development shown on the

Conceptual Site Plan. As proposed, Crystal Cove will be developed as an entire single lot that will be managed and maintained by a rental and property management company.

The proposed maximum height of forty-five feet (45') is compatible to the height found in the Avondale Zoning Ordinance for apartment uses. Crystal Cove's highest buildings will be 3-story buildings and shall not exceed the allowed height.

The proposed maximum building coverage is not applicable to this development as it will be developed with the multi-family residential development shown on the Conceptual Site Plan.

Since Crystal Cove will be developed as an entire single lot, the proposed minimum building setbacks shall be applicable to the respective boundary lines of the Property.

The front yard building setback is the western boundary line (adjacent to Central Avenue), which has the main entryway into Crystal Cove, and shall be 8'. The rear yard building setback is the east boundary line, which is adjacent to the Department of Economic Security building, and shall be 15'.

The side yards will be the Property boundary lines located on the north and south sides of the Property. These side yard building setbacks shall be a minimum of fifteen feet (15'), which is identical to the side yard setback requirements found in the Avondale Zoning Ordinance for apartment uses.

Street side setbacks that are typically found in the Avondale Zoning Ordinance are not applicable to Crystal Cove as these setbacks are addressed by the front and rear setback development standards.

Parking Standards

Due to the nature of multifamily developments, the parking standards have been revised to reflect the nature of residents that live in multifamily situations. This includes a reeducation of the amount of cars that each unit has as well the inclination for multifamily residents to have smaller cars.

The total parking spaces provided for Crystal Cove is 403 spaces. This parking count is more than the required parking counts, which are modified from Avondale Parking Standards to meet the unique proposed development as follows.

1. Parking counts shall be calculated to be 90% of the Avondale Parking Standards as follows. Guest parking shall be provided at 1 parking space per 10 units:

APARTMENTS		PARKING REQUIRED	
1 BEDROOM	46	X 1.5	69
2 BEDROOMS	168	X 1.75	294
3 BEDROOMS	24	X 2.0	48
TOTAL	238		411
90% FACTOR			370
GUEST PARKING	238	1 X 10 UNITS	24
TOTAL			**394**

2. Standard Parking Spaces shall be dimensioned as 9′ 6″ x 20′. A maximum of 15% of the total required parking spaces may be considered Economy Spaces, which shall be dimensioned as 9′ x 20′. The following is the provided parking spaces by type:

PARKING SCHEDULE	
GARAGES	113
STD. CANOPY COVERED	72
E. CANOPY COVERED	36
ECONOMY OPEN (9' X 20')	60
STD. OPEN (9'-6" X 20')	120
HANDICAP OPEN	8
TOTAL	403

STD. = STANDARD 9'-6" X 20'
E. = ECONOMY 9' X 20'

Additional Development Standards and Guidelines

The following guidelines are supplemental to Avondale's Zoning Ordinance and the Multi-Family Residential Design Manual.

1. The builder of any multi-family development should refer to the design manuals for multi-family development adopted by City and shall serve as guidelines for site and architectural design.
2. Landscape
    a. The landscaping within the development shall meet Section 1204 of the Avondale Zoning Ordinance.

b. The landscaping shall meet or exceed the guidelines for landscaping as set forth in Avondale's Multi-Family Residential Design Manual.

3. Lighting
   a. Minimization of light pollution for the protection of nighttime views is an important component of the design theme for the project, as well as for the adjacent neighboring properties. In response, all exterior lighting for common open space areas, development entries and adjacent to the internal streets will comply with Section 707: Outdoor Lighting. A photometric plan will be provided at the time of final Site Plan approval.

4. Walls and Fences
   a. All walls and fences shall meet Section 1207 of the Avondale Zoning Ordinance.

   b. All walls and fences shall meet or exceed the guidelines for set forth in Avondale's Multi-Family Residential Design Manual.

5. Signage
   a. All development signage shall meet Section 9 of the Avondale Zoning Ordinance and be designed as set forth in Avondale's Multi-Family Residential Design Manual.

VI. PAD ARCHITECTURAL DESIGN CRITERIA

The proposed architectural design of Crystal Cove consists of high quality multifamily units with two (2) to three (3) multi-story residential buildings, a clubhouse, and supportive recreational amenities. The architectural theme is a modern, urban style of different sized layered volumes, materials, and strategically placed linear horizontal elements.

The building masses are organized as a series of elements that include patios and balconies; thereby adding a great deal of variety and visual interest to the elevations. Most of the buildings on the site are arranged around open spaces where residents may gather, these courtyards contain spacious and aesthetically pleasing environments with various amenities focused on social interaction. The distinctive architecture features three stories with architectural elements at different elevations. The various elements of the development harmoniously blend a contemporary architectural style with color, form and texture.

Furthermore, Crystal Cove will be subject to the provisions set forth in Avondale's Multi-Family Residential Design Manual for architecture and design.

The following information is provided as additional support for the design criteria required for the Crystal Cove development.

Architectural Character

The architectural character is a modern, urban style with different sized layered volumes, materials, and strategically placed linear horizontal elements. The architecture will be designed to interact with the public pedestrian walkway with the use of large overhangs for shading and landscaping.

Style

The distinctive modern, urban architecture features two (2) to three (3) story buildings with architectural elements at different elevations. The various elements of the development harmoniously blends an urban architectural style with color, form and texture. To help emphasize the urban feel horizontal bands are used to define vertical scale and with the use of materials and color.

Required Features and Design Elements

The City of Avondale General Development Standards set forth additional requirements for multifamily development to encourage creative and innovative design techniques, quality and merit. The proposed development will include the following as demonstrated in *EXHIBIT H – Conceptual Building Elevations,* which will be further developed during the Preliminary Site Plan Design Review:

- Variety of window styles and sizes with a mixture of the window locations for asymmetry

- Variety of parapet heights for more variation and asymmetry
- Vary the color locations on the elevations to help with asymmetry
- Shading elements at parts of the buildings by overhang and/or trees
- Shading for private exterior spaces will be provided through recessed patios and balconies, recessed windows, and the use of landscape

Building Materials & Color Palette

The project proposes a wide variety of materials to accentuate the architectural style and theme. The proposed color palette will be a mixture of warm colors. The colors will consist of different shades of beige as depicted it the provided elevations. All building material will be selected to act as secondary colors and help accentuate the primary, urban theme.

VII. LANDSCAPING, PEDESTRIAN OPEN SPACE AND AMENITIES

The physical design of Crystal Cove is intended to foster connections and relationships among neighbors, while respecting privacy. Buildings are massed together and oriented to face adjacent streets and open space areas creating a sense of place and security. A multi-use trail borders the Property. Internal pathways will connect to the trail to enhance walkability and connectivity of the development.

The development will be gated with decorative walls surrounding the Property. A decorative primary entry sign will welcome residents coming from Central Avenue. There will also be an additional driveway gate on the south side of the Property along La Canada Blvd. Pedestrian walkways will link the residences to the open space retention areas and the amenity areas.

Pedestrian Focus

The Crystal Cove development will facilitate pedestrian circulation within the entire project. The layout of the buildings and residential units facilitate the integrated pedestrian pathways, which encourage residents to walk to open spaces, trails and on-site recreational amenities. The pedestrian paths will feature enhanced landscaping, differentiated paving and lighting to make these pedestrian areas pleasing and safe. The use of differentiated paving will increase safety by showing where pedestrian paths cross vehicular circulation.

Landscaping and Open Space

The development will provide a minimum of 20% useable open space in accordance with Avondale's Multi-Family Residential Design Manual. While the development will meet this open space standard, the quality of those spaces will be strong with the inclusion of high quality amenities. The central area will consist of a clubhouse and pool/spa area, surrounded by fire places, shade ramadas, and BBQ. This centralized area will create a space for community gatherings to allow individuals and families a place to socialize and recreate. There will also be additional open space areas strategically location in the development. These additional areas will be connected to each other and to the centralized area through a series of easily walkable paved walkways.

The open space areas provide an opportunity for landscaping, which includes shade trees, grass turf areas, and playground features. The purpose of the landscaped and open space area will be to complement and enhance the pedestrian scale of the development. Pedestrian pathways and small open spaces will provide linkage throughout the site and provide a sense of place for the residents. The landscaping throughout the development will be desert themed, while providing shade and comfort to pedestrians and users of open space and amenity areas. Perimeter landscaping, screen walls, and buffering will

have consistent theming that will follow the current Avondale regulations and design guidelines.

Landscaping for Crystal Cove will exceed the basic amenities by accompanying the programming with a strong sense of place and style. Crystal Cove's primary entrance is accessible from Central Avenue. The City of Avondale Street Tree Master Plan ("Tree Plan") notes the lack of shading from tress along Central Avenue. Therefore, the Tree Plan recommends the City work with residential entities to provide additional shade coverage. The Applicant is more than willing to work with City staff to ensure sufficient trees are planted to adhere to the Tree Plan.

The development seeks to compliment Avondale's growth and desire to develop. Accordingly, the consolidation of the primary amenities in the center of the development will result in a vibrant 'urban landscape' feel.

Located centrally within the development is a node of activity in the form of a pool and spa area, multiple ramadas, and seating areas. Varying open spaces throughout the corridor will have an array of purposes and will provide retention areas while creating an urban oasis effect. These strong design strategies help Crystal Cove seamlessly integrate into Historic Avondale, while also setting itself apart in a distinct way. These landscape elements will play an integral role in the urban life and experience of the Crystal Cove community.

VIII. PAD REVIEW AND ANALYSIS

As stated previously, the purpose of the PAD district for Crystal Cove is to provide a high quality, luxury urban living development facilitating a vibrant community with an urban living experience in Historic Avondale.

With its modern design, Crystal Cove will provide high quality multifamily units that create a unique urban experience not currently available within the City of Avondale, but is demanded by both millennials, professionals, and empty nesters throughout the Valley. The current development standards of the Avondale standards residential districts are designed for typical single-family residential that is ubiquitous to Avondale.

Crystal Cove is designed to provide on-site amenities and open space for both the modern professional and those interested in a "lock and leave" lifestyle. While adding to the existing housing in the area, Crystal Cove provides a unique housing development that caters to those looking for something different than the traditional housing offered in Avondale. The Crystal Cove development is unique to Avondale and the PAD proposes development standards that will facilitate the growth of this unique community.

The establishment of the Crystal Cove PAD is further justified when considering the following enhancements of the development:

- Providing enhanced amenities that are not typically provided or required, including a clubhouse, shade ramadas, a pool/spa, fire pits, and other open space areas as shown on the provided plans.
- Greater connectivity with the central amenity areas and all housing units being easily accessible to all residents throughout the development with connective pathways.
- Focusing all housing units on communal open spaces that are focused on providing an enhanced pedestrian and community experience.
- Enhanced vegetation at entry ways and strategically placed open space areas to provide a sense of arrival to the development.
- A unique housing product that focuses more on providing a holistic urban experience.

The Crystal Cove PAD meets or exceeds all of the required findings of Avondale Zoning Ordinance, Section 603.A as follows:

1. *The proposed PAD is in conformance with the General Plan and applicable specific plan(s).*

As outlined in the "Conformance with Avondale Plans" Section of this narrative, the Crystal Cove PAD is in conformance with the intent of the General Plan and the Historic Avondale area.

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.*

As stated within the Crystal Cove PAD, the development will meet all the requirements of the Avondale Zoning Ordinance, Subdivision Regulations, and Design Manuals.

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 provided within the Crystal Cove PAD and accompanying engineering plans and reports, the development has adequate public infrastructure and services to serve the proposed development.

4. *The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.*

The Property has had a current General Plan land use designation of Local Commercial for a long period of time. This land use was designated due to the anticipation of future development of the properties south of Van Buren Streets for a variety of uses such as employment, commercial, and other high density uses. Additionally, uses on the Property and to the north of the I-10 Freeway have been envisioned as being transitionary uses that are compatible to the Historic Avondale area.

The proposed high density housing will be lower density than the General Plan's 30 du/ac maximum for High Density Residential districts. Moreover, the development will create an urban feel that will be compatible with the envisioned developments for the surrounding properties. Crystal Cove will be designed in a way that is complementary to the surrounding neighborhoods and is supported by current market conditions.

With its close proximity to the promising location of Historic Avondale, Crystal Cove will complement and draw residents to this soon to be vibrant area. During a recent City Council Work Session on December 9, 2019, the City discussed a recently City-commissioned market analysis completed by Elliot D. Pollack & Company to review Avondale neighborhoods, including the Historic Avondale area. One of the outcomes of the Pollack Study was that in order for this area to be successful there needed to be an increase of higher density residential projects to help induce additional retailers and restaurateurs. With the Property being situated within 1 mile of the proposed main street of the Historic Avondale area, it is perfectly poised to provide additional higher density residential that is needed in the area.

The will accomplish these goals with this Property being in the right location in the City and providing urban, high-quality amenities that attract young professionals and seniors that wish to make Avondale home. When looking at Crystal Cove, the variety of building types, architectural styles, amenities and development standards provide that type of multi-family development for Avondale. The location of this development is perfectly situated in Avondale's historic district and adjacent is to current and future employment areas that will provide strong paying jobs for those living at Crystal Cove.

5. *The development standards of the proposed PAD are consistent with or exceed the desired character of development for the area.*

As stated within the Crystal Cove PAD and the analysis above, the PAD development standards have been crafted to provide a unique housing development that will be of a character that will maintain the urban feel desired in this area. The active open space, amenities, connectivity, and community center more than justify any deviations from the traditional development standards of a typical apartment complex.

IX. INFRASTRUCTURE

Road improvements, right-of-way, easements.

Surrounding Street Improvements

The half street improvement is already in place for N. Central Ave. As required, the Project will construct the adjacent half-street improvements for La Canada.

Additional right-of-way and improvements may be required for turn and deceleration lanes.

Utilities

Further information for the Property utilities are found in the Water and Wastewater Reports completed by Engineering and Environment Consultants, Inc. and provided with this Application submittal.

Water

The City is the water service provider for the Property. The proposed project will most likely make connections to the existing 8" waterline in Central Avenue at two locations to ensure adequate domestic water pressures are provided for the proposed development. It is anticipated that two 2" meters and two 2" backflow devices will be installed at two separate locations to serve both the north half and the south half of the project. After the two 2" backflow devices, the domestic services will be connected via a manifold system to a larger 3" line that will serve its respective portion of the site. Each unit will have its own 3/4" domestic water service tap with a 3/4" sub-meter connected to the 3" main line. Onsite private domestic waterline shall be constructed on PVC and meet all current applicable codes.

The proposed project will most likely make connections to the existing 8" waterline in Central Avenue at two locations to ensure adequate fire flows are provided for the proposed development. The connections will be made with 8"x8" tapping sleeves and valves within Central Avenue and will have 8" backflow devices installed on the property for the onsite private fire lines. Onsite fire hydrants shall be installed at spacings of approximately 300' and shall be installed along the fire department access throughout the site. Each building shall include a fire riser room for distribution of the fire sprinkler service within each building. Onsite private fire lines shall be constructed on PVC and meet all current applicable codes.

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to water services will be completed as they relate to the specific phase that will be developed and will be explicitly determined during the Site Plan phase.

Sanitary Sewer

The City is the wastewater service provider for the Property. The proposed project will most likely make a connection tap into the existing 10" VCP sewer line located within Central Avenue at the approximate mid-point of the property. It is anticipated that a new manhole shall be installed within Central Avenue over the existing 10" sewer line with a new 811 sewer service tap to the east into the Crystal Cove site. Once onsite, the project will provide a private gravity sewer system to serve each unit. Each unit will have its own sewer service tap into the perimeter sewer system.

The location of each tap will be determined by the architect and mechanical engineer during the construction document plan preparation. All onsite private sewer lines will be 6" or 8" depending on the slopes. Manholes and cleanouts will be used at connection points and changes in horizontal or vertical direction. Onsite private sewer lines shall be constructed on PVC and meet all current applicable codes.

Precise locations for connections and networks shall be determined at the Site Plan phase. All infrastructure related to sewer services will be completed as they relate to the specific phase that will be developed and will be explicitly determined during the Site Plan phase.

Grading and Drainage

A Drainage Report completed by Engineering and Environment Consultants, Inc. is provided with this Application submittal.

The on-site retention requirements shall be per City of Avondale standards and will meet 100-year storm event retention requirements for on-site and adjacent off-site flows. Historic flows may safely pass through or be routed around the site.

X. OWNERSHIP AND MAINTENANCE

The future developer will construct common areas and facilities, which will include circulation and access roadways, utilities for the purposes of transmission and distribution, signage, common area and perimeter landscaping. Site common areas will ultimately be operated, owned and maintained by the owner of Crystal Cove development.

XI. CONFORMANCE WITH AVONDALE PLANS

The Property is designated as Local Commercial on the City's General Plan Map.

Under separate application, the Applicant is requesting to amend the map to the High Density Residential land use category that is intended to accommodate residential densities that range from 12 to 30 dwelling units per acre. This land use category states that units should include apartments, condominiums, or patio homes and should provide a level of intensity to promote a village environment with easy access to services, business and recreation.

The proposed PAD is consistent with this vision providing 24.71 dwelling units per acre with connections to surrounding commercial and employment use. The Crystal Cove PAD is also consistent with a number of elements within the City's General Plan 2030 as follows.

AVONDALE GENERAL PLAN 2030

Land Use Element, Goal 1: Establish an Avondale identity based on a healthy lifestyle that promotes land uses which foster an economically sustainable and socially dynamic community.

Land Use Element, Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land.

These goals can be obtained by providing an alternative residential development to the typical homogenous single-family residential units that exists in Avondale. Crystal Cove will provide a high density, quality community that will be compatible with the existing surrounding employment, commercial, and residential uses. Furthermore, the development will provide an added catalyst needed for the Historic Avondale area. The type of residents and lifestyle that the Crystal Cove development will attract will be centered on professionals, millennials, and those wanting to live in an urban "lock and leave" lifestyle. Accordingly, the development will provide a well-balanced development which encourages social interaction by creating a larger sense of community amongst residents.

Housing Element, Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

Crystal Cove will be an urban living community that is unique within the City of Avondale. The high quality multifamily units will be designed in a way that creates a cohesive,

connected community. Residents of the Crystal Cove PAD will include professionals, small families, and empty nesters who are looking for a vibrant community within Avondale. The Property design will create more of a sense of place within the area and will encourage heightened social and community interaction.

Housing Element, Goal 4: Require excellence and innovation in residential design and construction.

> *Policy B: Support creatively designed subdivision layouts, particularly layouts in which open space and recreation areas containing amenities are thoughtfully integrated throughout.*
> *Policy C: Utilize the City's Design Manuals to promote quality development and attractive residential communities, updating these documents when necessary to reflect changing preferences and styles.*
> *Policy D: Encourage subdivision design that promotes non-vehicular access to trails and transit routes/centers as a component of a healthy lifestyle.*
> *Policy E: Endorse the use of Crime Prevention through Environmental design (CPTED) principles when designing residential communities.*

Crystal Cove PAD incorporates these policies within Goal 4 by focusing on the City's Design Manuals and creating a layout with high-quality open space and recreation areas centrally located on the Property which provide easy access to all residents. Buildings are oriented to maximum use of the open areas while maintaining a sense of privacy and security. All residents will be easily connected with the development through various walkable walkways that traverse the Property. Subsequently, promoting a healthy, collegial, and friendly neighborhood.

Open Space Element, Goal 2: Create linkages to parks, trials, rivers, and mountains.

Recreational Amenities Element, Goal 4: Create shared use linkages throughout the community in order to support a healthy lifestyle.

As mentioned above, Crystal Cove will maintain walkways throughout the Property. These trails will not only support resident's healthy lifestyles; but will encourage them. The walkways will be easily accessible and maintained in order to maximum its potential use. Additionally, the seamless egress and ingress offered by the Property will provide resident's with easy access to the City of Avondale's many public preserve areas.

Recreational Amenities Element, Goal 1: Ensure every person has convenient access to safe public parks and affordable recreation opportunities.

> *Policy A: Continue to ensure that private development provides local, accessible neighborhood parks and tot lots under the management of a Home Owners Association.*

Crystal Cove will meet this goal by providing high quality open space areas with a centrally located open space corridor that ensures residents have full access to the amenities that will encourage social and community interaction.

Bicycling Element, Goal 1: Develop a safe bicycle transportation system that provides connectivity throughout the City, including major public and private facilities, and to transit.

Bicycling Element, Goal 3: Increase recreational opportunities for bicyclists throughout Avondale.

Crystal Cove is within close proximity to employment and commercial centers, the Historic Avondale area, and the connective trails along Van Buren. Accordingly, the creation of this dense urban core of housing will provide ample opportunity for residents to use their bicycles to access the services and employment areas they so desire. The proposed development will greatly increase Avondale's opportunities for bicycle/pathway networks in the surrounding areas.

Urban Design Element, Goal 5: Maximize housing opportunities in locations within a half-mile of transit, with good access to employment areas, neighborhood services, and public facilities in order to promote a healthy community both sustainably and economically.

> *Policy A: Distribute higher residential densities throughout our City in identified urban growth areas and facilitate the development of residences in mixed-use development within these growth areas.*
> *Policy B: Develop residentially-designated and mixed use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.*
> *Policy C: Within identified growth areas, develop residential projects at densities sufficient to support neighborhood retail in walkable, main street types of development.*
> *Policy D: Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.*

> *Policy E: Encourage consolidation of parcels to promote mixed-use and high density development at locations identified in the TOD Element and on the Land Use Map.*

Crystal Cove meets this goal and each policy listed above by providing a high density urban community that has strong pedestrian access to surrounding employment and commercial uses, and is readily accessible to the Historic Avondale area. Additionally, Crystal Cove will revitalize Historic Avondale and act as a catalyst for future development. Moreover, transient opportunities are conveniently located around Crystal Cove. With the combination of these transit and pedestrian opportunities for the Property, Crystal Cove is well poised to create a dynamic, high density community within this growth area that will create vitality for future mixed-uses, retail, and employment uses that will come into the area.

AVONDALE STRATEGIC FIVE-YEAR PLAN

The Avondale Strategic Five Year Plan was designed with the vision and guidance from the Avondale City Council, and crafted with input from engaged residents, local businesses and key personnel across the city's organization. The Plan represents a cohesive and intelligent approach which will enable Avondale to create a community that is family friendly and economically robust. In short, Crystal Cove will help Avondale achieve its going of becoming a city that is Aspiring, Achieving and Accelerating.

The Crystal Cove PAD is in a unique location that provides the opportunity to develop a site near the Van Buren corridor that is compatible with existing development, supports housing opportunities for the Historic Avondale area, and synergizes with the adjacent employment areas. Increased employment opportunities will come to the City in the near future along Interstate-10, the location of this development will enable the City to keep Avondale workers in Avondale. The development's location will prove to be an attractive option for workers looking to locate to Avondale due to the City's economic development. Crystal Cove will complement and support the economic vision of the Strategic Five Year Plan.

Moreover, the Crystal Cove PAD will meet he following goals of the Strategic Five Year Plan.

Initiative #1, Strategic Goal: Encourage build-out in residential housing opportunities that support diverse housing options.

Crystal Cove's modern design will offer multifamily units and create a unique urban experience not currently available within the City of Avondale, but is demanded by both

millennials, professionals, and empty nesters throughout the Valley. The current development standards of the Avondale standards residential districts are designed for typical single-family residential that is ubiquitous to Avondale.

Crystal Cove is designed to provide on-site amenities and open space for both the modern professional and those interested in a "lock and leave" lifestyle. While adding to the existing housing in the area, Crystal Cove provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The Crystal Cove development is unique to Avondale and contributes to the diversity of housing that the Strategic Five Year Plan envisions.

Initiative #2, Strategic Goal, Action Item: Establish relationships with potential partners for the development of trail and river corridors.

The Crystal Cove PAD is located within a close distance to Avondale regional trail corridor on Van Buren Ave. Additionally, the Agua Fria Wash, with all its trail amenities, provides a nearby opportunity for the Crystal Cove residents to access these trails. The trail will promote pedestrian and bicycle connectivity. Moreover, the activate lifestyle the trail promotes will encourage the development of additional trails ultimately linking residents with the surrounding trails and river corridor.

XII. SCHOOLS

The Applicant has reached out to the required schools and obtained the required Certificate of Adequate Schools Facilities. These have been provided to the City.

XIII. CONCLUSION

Crystal Cove is located in up-and-coming Historic Avondale, near employment areas, and the nearby, active Van Buren Street corridor. This location is ideal for an urban multi-family community that will synergize with the surrounding area. The PAD creates design and development standards that complement the surrounding employment, commercial, and residential uses while providing a luxury, urban housing development not currently found in Avondale.

As detailed above, the proposed PAD is consistent with many of the policies in the City of Avondale's General Plan 2030. The proposed plan will develop a vacant site and provide a vibrant urban feel reflecting the aspirations and character of the Historic Avondale area as an up and coming active center for the City. Crystal Cove will draw residents such as professionals, millennials, and empty nesters, subsequently attracting a variety of residents to Avondale.

The development's unique location and thoughtful design strategies will help Crystal Cove seamlessly integrate into the urban core of Avondale, while also setting itself apart in a distinctive way. The Avondale General Plan states that the City should encourage these types of developments, which are geared towards the providing more compatible multifamily developments in the Historic Avondale area. Additionally, with the City acknowledging the importance of high-quality amenities and interactive social spaces within developments, Crystal Cove provides the framework for Avondale's vision to become reality.

The Crystal Cove PAD establishes a high level of quality, building design, and site design expectations for this multi-family residential development. The Crystal Cove PAD includes exhibits and imagery that represent this level of quality. Development will be at or greater than the designs represented in this PAD.

We look forward to Crystal Cove being a unique multi-family development that brings a high quality urban experience to its residents.

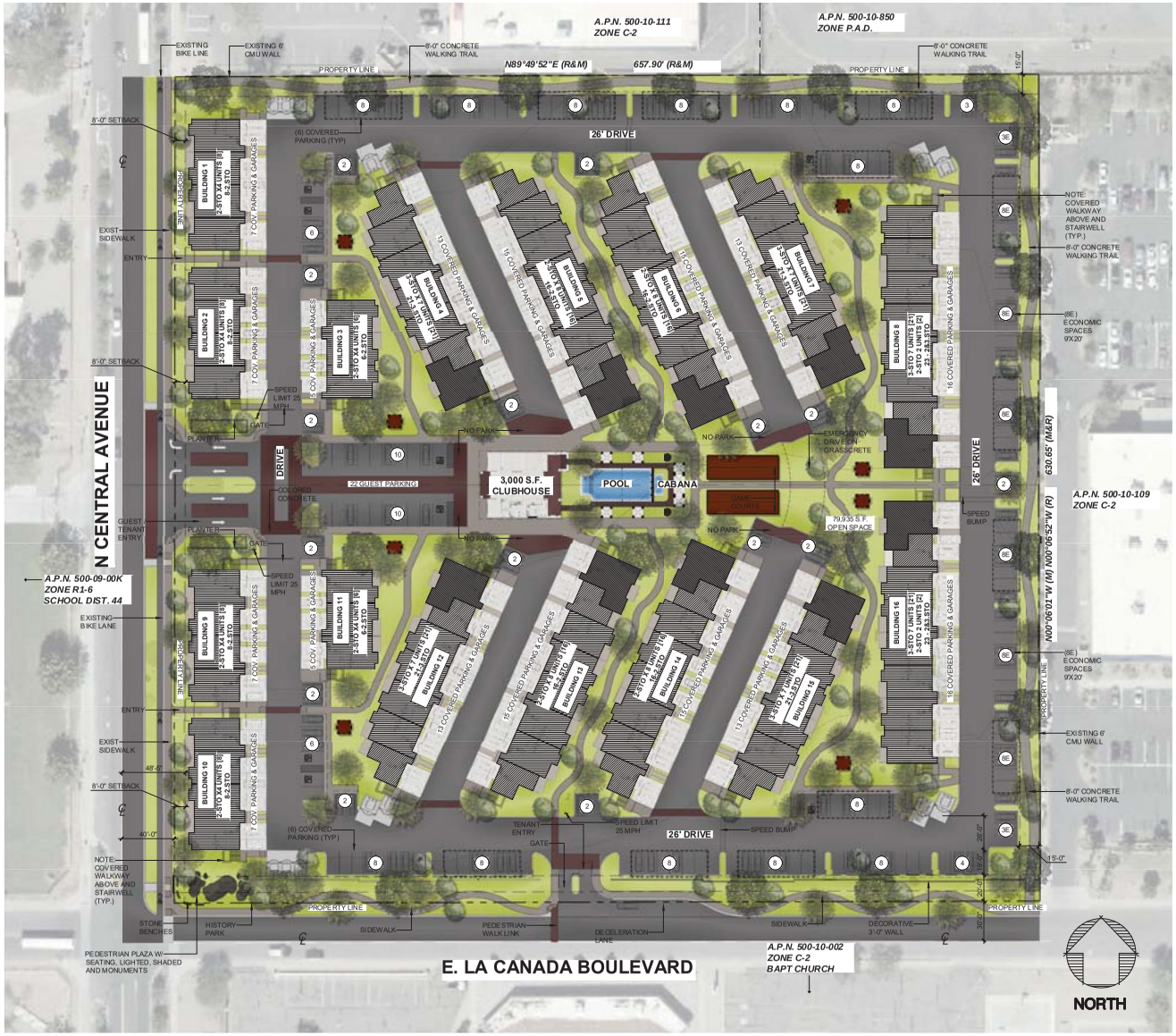
Exhibit F

Site Plan

Submitted 8/18/2020

CRYSTAL COVE

290 W LA CANADA BLVD
Avondale, AZ 85323

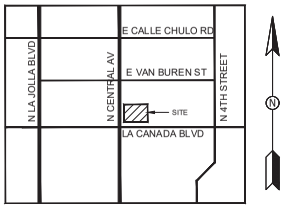


SITE PLAN

SCALE: 1" = 40'-0"

UNITS LEGEND

- 1 BEDROOM UNIT
- 2 BEDROOM UNIT
- 3 BEDROOM UNIT



VICINITY MAP

SCALE: N.T.S.

SITE DATA

ZONING C-2 P.A.D. PROPOSED

A.P.N. 500-10-110

NET LOT 9.63 AC. (419, 482 S.F.)

GROSS LOT 10.594 AC. TO CENTER LINE OF STREETS (461,475 S.F.)

419,482 S.F. X .20 = OPEN SPACE
83,896 REQUIRED OPEN SPACE

INTERIOR OPEN SPACE: 79, 935 S.F.
PERIMETER OPEN SPACE (WEST & SOUTH SIDES): 10,949 S.F.
TOTAL OPEN SPACE PROVIDED: 90,884 S.F. (21.7%)

DENSITY:

238 TOTAL UNITS / 9.63 NET ACRES = **24.71 UNITS PER ACRE**

TOTAL UNITS		
1 BEDROOM	46/ 238	20%
2 BEDROOMS	168/ 238	70%
3 BEDROOMS	24/ 238	10%

APARTMENTS		PARKING REQUIRED	
1 BEDROOM	46	X 1.5	69
2 BEDROOMS	168	X 1.75	294
3 BEDROOMS	24	X 2.0	48
TOTAL	238		411
90% FACTOR			370
GUEST PARKING	238	1 X 10 UNITS	24
TOTAL			**394**

PARKING PROVIDED	
GARAGES	113
CANOPY COVERED	147
OPEN SPACES	149
TOTAL	**409**

PARKING SCHEDULE	
GARAGES	113
STD. CANOPY COVERED	123
E. CANOPY COVERED	24
ECONOMY OPEN (9' X 20')	30
STD. OPEN (9'-6" X 20')	111
HANDICAP OPEN	8
TOTAL	409

STD. = STANDARD 9'-6" X 20'
E. = ECONOMY 9' X 20'

LEGEND

- BUILDING FOOTPRINT
- RED BRICK PATTERN
- CONCRETE SURFACE
- COMPACTED GRANITE

SITE PLAN NOTES:

1.- ALL COMMON AREAS TO BE ACCESSIBLE
2.- RED BRICK PATTERS AS NOTED

CRYSTAL COVE

ARCHITECT:

JERRY PALMER
PALMER ARCHITECTS, LTD.
4222 EAST CAMELBACK ROAD H210
PHOENIX, ARIZONA 85018
PHONE: (480) 947-7717
JERRY@PALMERARCHITECTS.COM

CIVIL:

JAKE GRIFFIN
ECC ENGINEERING & ENVIRONMENT CONSULTANTS, INC.
7740 N. 16TH STREET SUITE 135
PHOENIX, ARIZONA, 85020
PHONE: (602) 390-8696
JGRIFFIN@EECCORP.COM

LANDSCAPE:

MATTHEW T. HORNE
MTH DESIGN GROUP
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PHOENIX, ARIZONA 85008
PHONE: (623) 399-5079
MATT@MTHDESIGNGROUP.COM

ZONING ATTORNEY:

SHAIN T. ALLEMAN
TIFFANY & BOSCO
2525 E. CAMELBACK RD.
PHONE: (602) 225-6000
STA@TBLAW.COM

OWNER:

RISI HOMES
4220 N. BROWN ST.
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JERRY D. PALMER
EXPIRES: 12/31/2020

290 W LA CANADA BLVD, AVONDALE, AZ 85323
CRYSTAL COVE
CONCEPTUAL SITE PLAN

REVISIONS	BY

DRAWN SR
CHECKED JP
DATE Plot Date/Time: August 18, 2020 - 2:03 pm
SCALE 1" = 40'-0"
JOB NO. PLMR.028.2019
SHEET SP-1 OF SHEETS

SITE PLAN 12/18/2019

Exhibit G

Conceptual Building Elevations

Submitted July 9, 2020

Courtyard Side - Plan A

Side elevation - Plan A

Entry/ Garage side - Plan A

2-STORY UNITS
BUILDING STYLE A, STREET SIDE OF SITE
(8) TWO-BEDROOM, (X2) = 16 UNITS

Patio (street) side - Plan A

BLDG A

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PRELIMINARY CONCEPTUAL
2909 W. LA CANADA BLVD. AVONDALE, AZ 85323
ELEVATION STUDIES
STREET UNITS w/ SYMBOLIC ENTRY BUILDING A
CRYSTAL COVE
STREET-SIDE UNITS ON CENTRAL

REVISIONS	BY
REV01	BY01
REV02	BY02
REV03	BY03
REV04	BY04

DRAWN: LJ
CHECKED: JSA
DATE: 3/11/2020
SCALE: 1/8" = 1'-0"
JOB NO.: 000
SHEET: A-A1
SHT OF SHEETS
DRAWING

Courtyard Side - Plan E

Side elevation - Plan E

Entry/ Garage side - Plan E

2-STORY UNITS
BUILDING STYLE E, INTERIOR OF SITE
(5) TWO-BEDROOM, (2) ONE BEDRM, (1) 3-BEDRM, (X2) = 16 UNITS

Patio side - Plan E

BLDG E

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PRELIMINARY CONCEPTUAL
2909 W. LA CANADA BLVD. AVONDALE, AZ 85323
ELEVATION STUDIES
2-STORY UNITS
BUILDING STYLE - E
CRYSTAL COVE

REVISIONS	BY
REV01	BY01
REV02	BY02
REV03	BY03
REV04	BY04

DRAWN LJ
CHECKED JSA
DATE 3/11/2011
SCALE 1/8" = 1'-0"
JOB NO. 000
SHEET A-E2
SHT OF SHEETS
DRAWINGS

Courtyard Side - Plan G

Side elevation - Plan G.

Entry/ Garage side - Plan G

3-STORY UNITS
BUILDING STYLE G, FAR EAST OF SITE
(6) TWO-BEDROOM, (1) ONE BEDRM, (1) 3-BEDRM, (X3) = 24 UNITS

Patio side - Plan G

BLDG G

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PRELIMINARY CONCEPTUAL
2909 W. LA CANADA BLVD. AVONDALE, AZ 85323
ELEVATION STUDIES
STREET UNITS w/ SYMBOLIC ENTRY
BUILDING G
24 UNITS
CRYSTAL COVE

REVISIONS	BY
REV01	BY01
REV02	BY02
REV03	BY03
REV04	BY04

DRAWN: U
CHECKED: JRA
DATE: 2/11/020
SCALE: 1/8" = 1'-0"
JOB NO.: 000
SHEET: A-G3
SHT OF SHEETS
DRAWING

PRELIMINARY/ CONCEPTUAL

2909 W. LA CANADA BLVD. AVONDALE, AZ 85323

ELEVATION STUDIES

STREET UNITS w/ SYMBOLIC ENTRY

CRYSTAL COVE BUILDING A

STREET-SIDE UNITS ON CENTRAL

REGISTERED ARCHITECT 14368 GERALD R. PALMER ARIZONA EXPIRES: 12/31/2021

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Exhibit H

Neighborhood Meeting Summary

TIFFANY & BOSCO P.A.

June 26, 2020

Michelle Simerdla, Senior Planner
City of Avondale
Development and Engineering Services
11465 W Civic Center Dr
Avondale, AZ 85323

RE: Risi Homes, Crystal Cove Development GPA & PAD Applications (PL-20-0076 & PL-20-0077); June 25, 2020 Neighborhood Meeting Summary

Dear Ms. Simerdla:

The purpose of this letter is to inform you that our firm held a neighborhood meeting for the Minor General Plan Amendment and Rezoning applications referenced above. The meeting was held on June 25, 2020, 6:00 p.m. Due to the current Covid-19 pandemic, City staff made the decision to hold the neighborhood meeting via a Zoom virtual meeting that was hosted by Avondale City staff.

The purposed of the neighborhood meeting was for Tiffany & Bosco, P.A. and the Risi Homes team to review the proposed applications and answer any questions regarding the project. The team was prepared to show several slide showing the property development aspects.

The development team stayed on the Zoom virtual meeting until 7:00 p.m. and no members of the community attended. I would be happy to answer any further questions that you may have regarding this proposal or meeting. You may reach me at 602-452-2712 or sta@tblaw.com.

Sincerely,

[redacted]

Shaine T. Alleman

www.tblaw.com

Camelback Esplanade II, Seventh Floor
2525 East Camelback Road
Phoenix, Arizona 85016-4229

602.255.6000 Phone
602.255.0103 Fax

Exhibit I

Certificate of Adequate School Facilities

Avondale
Aspiring. Achieving. Accelerating.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for Crystal Cove (Planned Area Development Rezoning) has been submitted to the City of Avondale, Department & Engineering Services Department, for review.

Project: Crystal Cove Assigned Planner: Michelle Simerdla
Request: PAD Rezoning Acreage/Parcel Size: 10.59 acres (gross)
Zoning: Existing C-2 Proposed (if applicable): PAD
Density Allowed: 12 - 30 du/ac (target du/ac of 12) Density Proposed (if applicable): 22.47 du/ac

Please review the attached application and check the appropriate box below. It is the applicant's responsibility to ensure that this form is completed and returned to the Development & Engineering Services Department prior to the scheduling of any public hearings or approval of site plan. Upon a complete review of the application, the request may be presented to the Planning Commission and/or City Council at a public hearing.

The District has adequate capacity to accommodate the estimated enrollment from the proposed development	[Yes]	No
If there is inadequate capacity, the District is currently working with the applicant/developer to provide or help provide adequate school facilities	Yes	No

Date Reviewed: 7/23/2020
School District: Auga Fria Union High School District
Authorized District Representative Name/Title: Dennis Runyan Superintendent
Phone #: 623-932-7002
E-mail: drunyan@aguafria.org
Signature: DocuSigned by: [redacted]

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Aspiring. Achieving. Accelerating.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for Crystal Cove (Planned Area Development Rezoning) has been submitted to the City of Avondale, Department & Engineering Services Department, for review.

Project: Crystal Cove Assigned Planner: _____

Request: PAD Rezoning Acreage/Parcel Size: 10.59 acres (gross)

Zoning: Existing C-2 Proposed (if applicable): PAD

Density Allowed: 12 - 30 du/ac (target du/ac of 12) Density Proposed (if applicable): 22.47 du/ac

Please review the attached application and check the appropriate box below. It is the applicant's responsibility to ensure that this form is completed and returned to the Development & Engineering Services Department prior to the scheduling of any public hearings or approval of site plan. Upon a complete review of the application, the request may be presented to the Planning Commission and/or City Council at a public hearing.

The District has adequate capacity to accommodate the estimated enrollment from the proposed development	Yes	No
If there is inadequate capacity, the District is currently working with the applicant/developer to provide or help provide adequate school facilities	Yes	No

Date Reviewed: 5/18/20

School District: Avondale Elementary School District

Authorized District Representative Name/Title: Jill Barragan, Executive Director of Business Services

Phone #: 623-772-5013

E-mail: jbarrag@avondale.k12.az.us

Signature: [redacted]

Developer agreement shared with Mr. John Oliver. We look forward to this development & the families it will bring to our district.

ORDINANCE NO. 2029-1020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 10.59 GROSS ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND LA CANADA BOULEVARD, AS SHOWN IN APPLICATION PL-20-0077, FROM COMMUNITY COMMERCIAL (C-2) 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 ± 10.59 gross acres generally located at the northeast corner of Central Avenue and La Canada Boulevard, as shown in application PL-20-0077, from Community Commercial (C-2) 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 provided by ARIZ. REV. STAT. § 9-462.04; and

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

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on October 5, 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 Zoning Atlas Amendment for ± 10.59 gross acres generally located at the northeast corner of Central Avenue and La Canada Boulevard, as more particularly described on Exhibit A attached hereto and incorporated herein by reference, is hereby approved, rezoning

such property from Community Commercial (C-2) 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 on the site shall conform to the Crystal Cove PAD Narrative submitted on July 9, 2020, the conceptual building elevations submitted on July 9, 2020, and the site plan submitted on August 18, 2020.

2. All perimeter off-site improvements shall be completed in the first phase of development.

3. The developer shall be responsible for providing and installing bus stop signs on westbound La Canada Boulevard, just east of Central Avenue and on southbound Central Avenue, just north of La Canada Boulevard in the recessed area currently marked for parallel parking spaces. These bus stop signs may be installed on existing streetlight poles pending approval by the City Engineer.

4. The developer shall be responsible for removing most of the existing pavement markings used for the recessed parking area described in Stipulation No. 3 above, and striping in a bus bay area. The exact number of removed parking spaces will be determined by the City Engineer. The pavement marking material will be thermoplastic. The marking removal process will follow the City of Avondale construction standards.

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, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2029-1020

[Legal Description]

See following page.

Crystal Cove

LEGAL DESCRIPTION

That part of the Northeast Quarter of Section 10, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows.

Lot 2, a Minor Land Division Map for Department of Economic Security-Avondale, recorded in Book 745 of Maps, Page 5, Office of the Recorder, Maricopa County, Arizona.

Said parcel contains 9.533 net acres more or less.

Assessor's Parcel Number: 500-10-110

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
COMMUNITY SUPPORT OZ FUND, LLC

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made October 5, 2020, between Community Support OZ Fund, LLC, a Delaware limited liability company (the "Owner") and the City of Avondale, an Arizona municipal corporation (the "City"), regarding the approximately 10.59 acre parcel of real property generally located at the northeast corner of Central Avenue and La Canada Boulevard Street 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-20-0077 (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. Waiver of Claims Related to the General Plan Amendment. The Owner agrees and understands that the City is entering into this Waiver in conjunction with that certain approval for a general plan amendment of the Property, Application No. PL-20-0076 (the "General Plan Amendment") in good faith and with the understanding that, if the City approves the General Plan Amendment, 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 resolution changing the general plan designation for the Property (the "General Plan Resolution"), including all stipulations adopted by 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 General Plan Amendment. Owner acknowledges and agrees that any stipulations imposed by the City Council as part of the General Plan Resolution will not result in a reduction of the fair market value of the Property as defined in ARIZ. REV. STAT. § 12-1136. Owner acknowledges that additional stipulations may be imposed by the City Council, in its sole discretion, prior to approval of the General Plan Amendment. 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 General Plan Resolution and all stipulations to the General Plan Resolution 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 General Plan Resolution; 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 General Plan Resolution, then the City may, after proper notice and hearing, rescind the General Plan Resolution, 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 General Plan Resolution. The foregoing waiver of claims shall be of no further force and effect with respect to the General Plan Amendment in the event the City Council disapproves the General Plan Resolution, except that it shall serve as a bar to a claim for diminished value based upon denial of the General Plan Resolution.

3. 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.

4. 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.

5. Conflict of Interest. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511.

6. 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.

7. 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"

COMMUNITY SUPPORT OZ FUND, LLC,
a Delaware limited liability company

[redacted]

Joseph Risi, Manager

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On 9/28, 2020, before me personally appeared Joseph Risi, the Manger of COMMUNITY SUPPORT OZ FUND, LLC, a Delaware limited liability company, 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 company.

JEFFREY THORSON
Notary Public - Arizona
Maricopa County
Commission # 553142
My Comm. Expires Aug 25, 2022
(affix notary seal here)

[redacted]

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.

_____
Notary Public

(affix notary seal here)

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
COMMUNITY SUPPORT OZ FUND, LLC

[Legal Description the Property]

See following pages.

Crystal Cove

LEGAL DESCRIPTION

That part of the Northeast Quarter of Section 10, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows.

Lot 2, a Minor Land Division Map for Department of Economic Security-Avondale, recorded in Book 745 of Maps, Page 5, Office of the Recorder, Maricopa County, Arizona.

Said parcel contains 9.533 net acres more or less.

Assessor's Parcel Number: 500-10-110

Item Number: 5.e.

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2030-1020 - Major Planned Area Development Amendment for Interstate Commerce Center (Pierce 99) - Application PL-20-0070

MEETING DATE: 10/5/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2030-1020, approving a request by Adam Baugh, Withey Morris PLC, for a Major Amendment to the Interstate Commerce Center Planned Area Development (PAD) located at the northwest corner of 99th Avenue and Pierce Street. The proposed Major Amendment will amend the PAD to allow warehouse and distribution uses as a primary use to be permitted on Lots 5 and 6 of the Interstate Commerce Center PAD on 8.58 gross acres of vacant land located approximately 250 feet west of the northwest corner of 99th Avenue and Pierce Street. Permitted uses on other parcels within the Interstate Commerce Center PAD are not modified by the proposed Amendment.

BACKGROUND:

The 8.58 gross acre vacant subject property (Exhibits A and B) is located approximately 250 feet west of the northwest corner of 99th Avenue and Pierce Street. The site, which was annexed in May 1986, is rectangular, relatively flat, and features no unusual physical characteristics.

The Interstate Commerce Center PAD was adopted by City Council in March 1996, for an approximately 55-acre site. The PAD allowed a narrow list of permitted land uses that was a combination of C-2 (Community Commercial), CP (Commerce Park), and A-1 (General Industrial) uses.

On January 27, 1997, City Council approved a rezoning from AG (Agricultural) to PAD (Planned Area Development) on 24 acres for the Interstate Commerce Center Expansion. This PAD incorporated a 24-acre site including three parcels with land uses for commercial and industrial.

On October 11, 2004, the City Council approved a PAD amendment for Lots 1-4 of the Interstate Commerce Center. In addition to the PAD Amendment, there was clarification to the permitted uses listed in the PAD. At that time, the General Plan Land Use designation was Employment, which encourages land uses that generate employment opportunities. As part of the zoning request, Staff had determined that warehouse and distribution use is appropriate for the subject site, generating jobs and tax revenue for the City.

The property is presently designated by the General Plan 2030 Land Use Map as Business Park (Exhibit C). The Business Park designation allows for large scale campus development that provides abundant

employment opportunities and accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, and limited warehouse and support services.

The existing uses and zoning of surrounding properties include:

NORTH: The adjacent property to the north is a Pilot Travel Center, a truck stop zoned Planned Area Development (PAD).

EAST: Abutting the parcel to the east is a 3.34-acre property developed as a multi-tenant commercial building, zoned PAD.

SOUTH: An automotive repair facility and industrial flex building, zoned PAD.

WEST: The adjacent parcel is a truck wash, zoned PAD.

SUMMARY OF REQUEST:
The proposed Major Amendment (Exhibit E) will amend the PAD to allow warehouse and distribution uses as a primary use to be permitted on Lots 5 and 6 of the Interstate Commerce Center PAD; 8.58 gross acres of vacant land located approximately 250 feet west of the northwest corner of 99th Avenue and Pierce Street (Assessor Parcels 102-54-047 and 102-54-048). Permitted uses on other parcels within the Interstate Commerce Center PAD are not modified by the proposed Amendment.

Besides amending the PAD to allow warehouse and distribution uses as a primary use, the amendment will establish development standards and design criteria specific to the project. The development of the site, as it proceeds through site planning and permit approvals, will be required to generally conform to these specifications and exhibits.

The proposed amended PAD includes development standards that are based on the City's CP (Commerce Park) zoning; however, there is a request for a minor deviation in the front yard setback from 25 feet to 20 feet. The purpose of the request is to optimize trailer storage and circulation within the rear trucking area. Without adequate trailer storage in the rear, the project will be at a disadvantage with competitive projects. No modifications are proposed to requirements for landscaping, lighting, screening, parking, and public art.

The Site Plan (Exhibit F) shows the proposed building is oriented east to west to allow the truck court area to be screened from Pierce Street. Additional screening will be provided by screen walls and landscaping. Other than trucks maneuvering into loading docks, all activities on the site will be conducted in enclosed buildings.

Various techniques are employed to break up long wall planes and ensure the City's design expectations in the Freeway Corridor Specific Plan area are met for the building elevations (Exhibit G). A contemporary architectural style featuring a neutral color palette is proposed. Building entrance areas are emphasized through the provision of two-story glass elements coupled with projecting metal canopies to provide shade and shadow. Variation in parapet height, building materials and texture changes, paint color changes, reveals, and horizontal and vertical elements are provided to break up long walls and enhance the appearance of the development. The building design is intended to replicate a corporate office building.

Vehicular access to the Interstate Commerce Center site is provided via an existing shared access driveway at the eastern edge of the property. An additional access drive on Pierce Street is also provided at the western side of the parcel.

Landscaping requirements for the project will be required to adhere to CP (Commerce Park) zoning district requirements as specified in Zoning Ordinance Section 12, Landscaping, Walls, and Fences. That section contains standards for minimum landscape area on-site, landscaped areas in parking lots, tree quantity and

tree size requirements, and the like.

A Site Plan for the project will be reviewed administratively, following any approval of this Major PAD Amendment by City Council, to ensure conformance with the PAD Narrative and exhibits thereto.

PUBLIC PARTICIPATION:
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held at 6:00 P.M. on Thursday, August 6, 2020. Due to the ongoing Covid-19 pandemic, the meeting was held via Zoom teleconferencing. 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 Southwest Valley Arizona Republic, were completed at least fifteen (15) days prior to the meeting as required. In addition to City Staff and the applicant's team, Vice Mayor Pat Dennis attended the virtual meeting (Exhibit H). Discussion was primarily related to the following topics:

> ***What is the proposed size of the building, how many truck docks will it have and what uses will occur on the property?*** The applicant responded that the building will be about 135,000 square feet, there will be 30 overhead truck doors on the rear of the building, and at this time there are no users identified. While this is a speculative build, the applicant indicated there is high demand for mid-sized warehousing and distribution; this size building will cater to a small number of small retailers that compete with bigger retailers like Amazon and Wal-Mart.
>
> ***What is the traffic like on Pierce Street and is the truck access one way in and one way out?*** The applicant responded that the traffic report showed very little volume on Pierce Street and that there are two accesses into the site. The access on the east end is a shared access with the adjacent parcel to the east; both accesses allow for two-way traffic.
>
> ***Will there be stipulations in the staff report controlling the architecture and site plan?*** Staff responded that yes, per the City's normal process, proposed conditions will be added to both the Planning Commission and City Council reports to ensure design and layout conform with the proposed exhibits.

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

All required notifications for Planning Commission and City Council public hearings have been 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 sent on July 28, 2020. The meetings were advertised in the Wednesday, July 29, 2020, edition of the Southwest Valley Arizona Republic. Lastly, a public hearing notice sign identifying meeting dates, times, and locations was installed on the property on July 22, 2020. No public comments beyond what is discussed above have been received to date.

PLANNING COMMISSION ACTION:
On August 19, 2020, Planning Commission conducted a public hearing and voted 5-0 to recommend approval of the proposed rezoning subject to six (6) recommended conditions. Commission had no questions or comments.

ANALYSIS:
Conformance with the General Plan and Freeway Corridor Specific Plan
The Business Park classification encourages uses that provide employment opportunities in a large scale campus setting. The proposed warehouse and distribution use allow for commerce park and related employment generating uses as is required in the Business Park designation.

The proposed site is designed such that building elevations featuring truck bays, where the most intense activity will be occurring, are oriented towards the interior of the site so as not to be visible from surrounding properties or streets.

The building has an architecturally enhanced design that resembles a Class A office rather than the typical light industrial development.

Additionally, the proposed PAD furthers several goals of the General Plan, and advances multiple goals of the Freeway Corridor Specific Plan, most notably:

> *General Plan 2020 Economic Vitality Goal #1:* "Grow and diversify Avondale's economy and employment base through business retention, expansion, and development." Development of warehouse and distribution on the property as proposed in the PAD will fill a real estate need for additional light industrial space within the City and allow for continued attraction of new businesses to Avondale.
>
> *Freeway Corridor Specific Plan (FCSP) Objective #1*: "Prioritize the City's appearance from the I-10 and Loop 101 freeways, limiting heavy industrial uses and establishing strict design requirements where necessary." The proposed building includes strong architecture, site design, and landscaping standards to ensure that the site aesthetically enhances the Freeway Corridor area as a whole. The portions of the buildings that feature roll-up doors intended for loading and unloading of trucks will be obscured by building orientation and a combination of landscaping and walls.

Development Standards

The development standards contained within the proposed Interstate Commerce Center PAD are comparable to Zoning Ordinance requirements for development in the CP zoning district. The applicant is requesting a minor deviation from the zoning requirements for a front yard setback requirement from 25 feet down to 20 feet to optimize the trailer storage and circulation within the rear trucking area.

The FCSP identifies a maximum height of eight stories for development on this property. The PAD proposes maximum building heights of 44 feet, significantly lower than the FCSP maximum, with architectural elements up to 47 feet.

Project Design

In addition to establishing standards for design, materials, and colors, the Interstate Commerce Center PAD contains building elevations for the proposed development. The renderings depict contemporary style buildings which incorporates a neutral color palette.

The proposed building incorporates multiple architectural techniques to break up long wall planes and make the highly visible buildings aesthetically appealing. Variation in parapet height, color changes, and reveals, are provided to break up long walls and enhance the appearance of the development. The result of this combination of materials and techniques is a building that will appear more akin to a Class A office complex than a typical light industrial development.

Landscaping on the site will adhere to Zoning Ordinance landscaping requirements. Adherence to these requirements will ensure that significant landscape areas, tree sizes, plant quantities, are provided throughout the site.

Streets, Utilities, and Other Infrastructure

Vehicular access to the site is provided via an existing shared access driveway at the eastern edge of the property. An additional access drive on Pierce Street is also provided along the western side of the site.

The City has adequate water and sewer capacity to serve the proposed development.

The developer will be responsible for construction of all line extensions required to service the site.

DISCUSSION:
The proposed PAD meets the following findings:

1. The proposed amended Interstate Commerce Center PAD is in conformance with the proposed General Plan Land Use Map designation of Business Park.

2. The proposed amended Interstate Commerce Center PAD is in conformance with the Freeway Corridor Specific Plan.

3. The proposed amended Interstate Commerce Center PAD is in conformance with the Commercial and Industrial Design Manual.

4. The Interstate Commerce Center (Pierce 99) PAD will result in compatible land use relationships.

5. Adequate public infrastructure to support the proposed development either presently exists or will be constructed by the developer.

6. 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: Foster sustainable community development

- STRATEGIC GOAL: Encourage development of businesses in healthcare, technology, and advanced manufacturing.

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-20-0070 Interstate Commerce Center (Pierce 99), a request to amend the Interstate Commerce Center PAD to allow warehouse and distribution uses as permitted primary uses on Lots 5 and 6, subject to the following six (6) conditions of approval:

1. Development shall conform to the Interstate Commerce Center PAD Narrative and Site Plan both date stamped June 11, 2020, and the Building Elevations date stamped July 24, 2020, except as modified by these conditions.

2. The developer shall submit an application for approval of a Comprehensive Sign Package for all building mounted and freestanding monument signage, prior to issuance of any sign permits for the planned development.

3. The planned development is subject to the requirements of Zoning Ordinance Section 11, Required Public Art for New Planned Area Developments (PAD), Commercial, Office, Employment, and Municipal Construction.

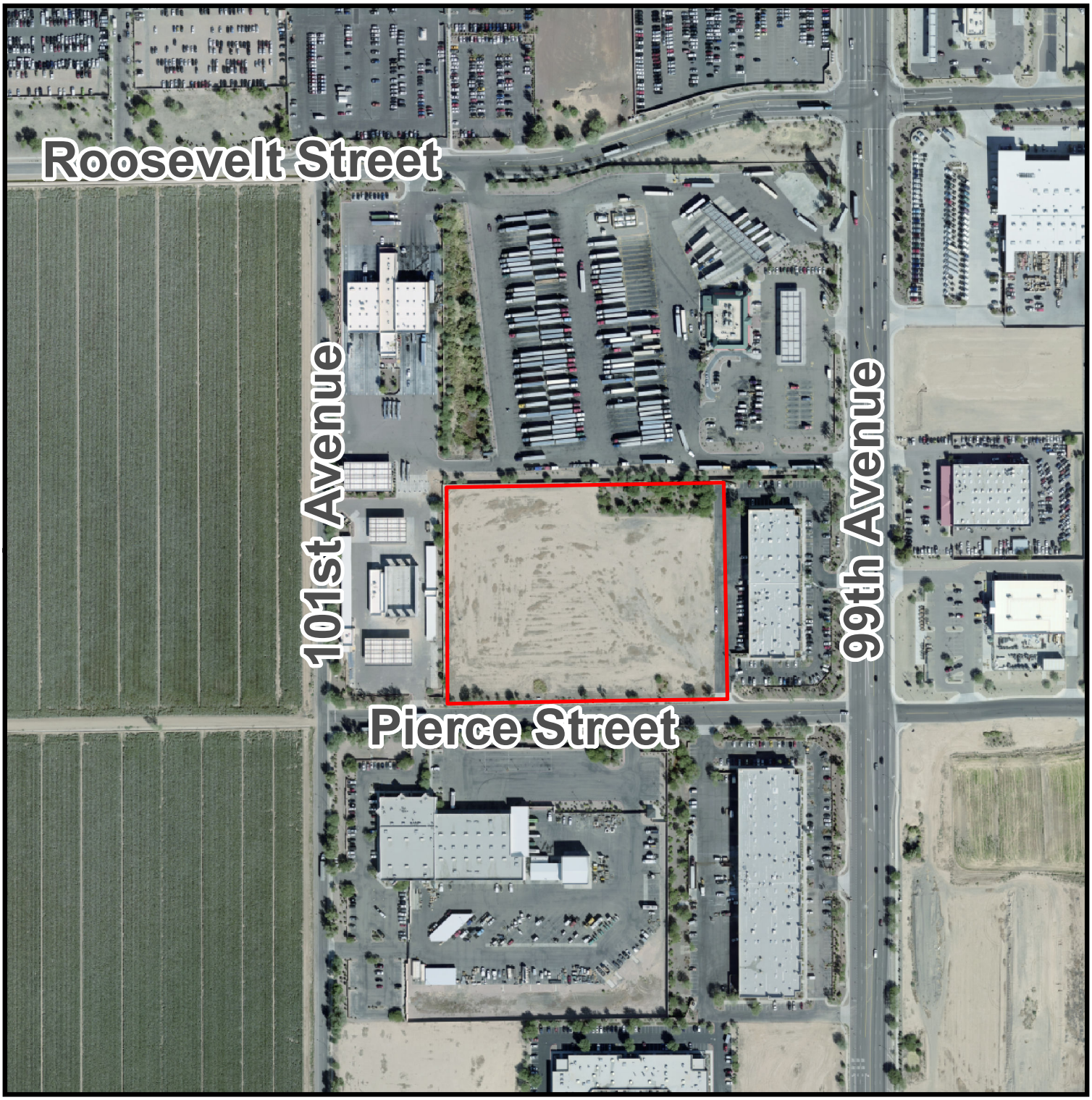
4. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for any portion of the project.

5. 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.

6. 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.

PROPOSED MOTION:
I move that City Council accept the findings and **ADOPT** the Ordinance approving Application PL-20-0070 Interstate Commerce Center (Pierce 99), a request to amend the PAD to allow warehouse and distribution uses on Lots 5 and 6 subject to six (6) recommended conditions of approval as listed in the staff report.

Exhibit A



Aerial Photograph

Avondale

Project Location

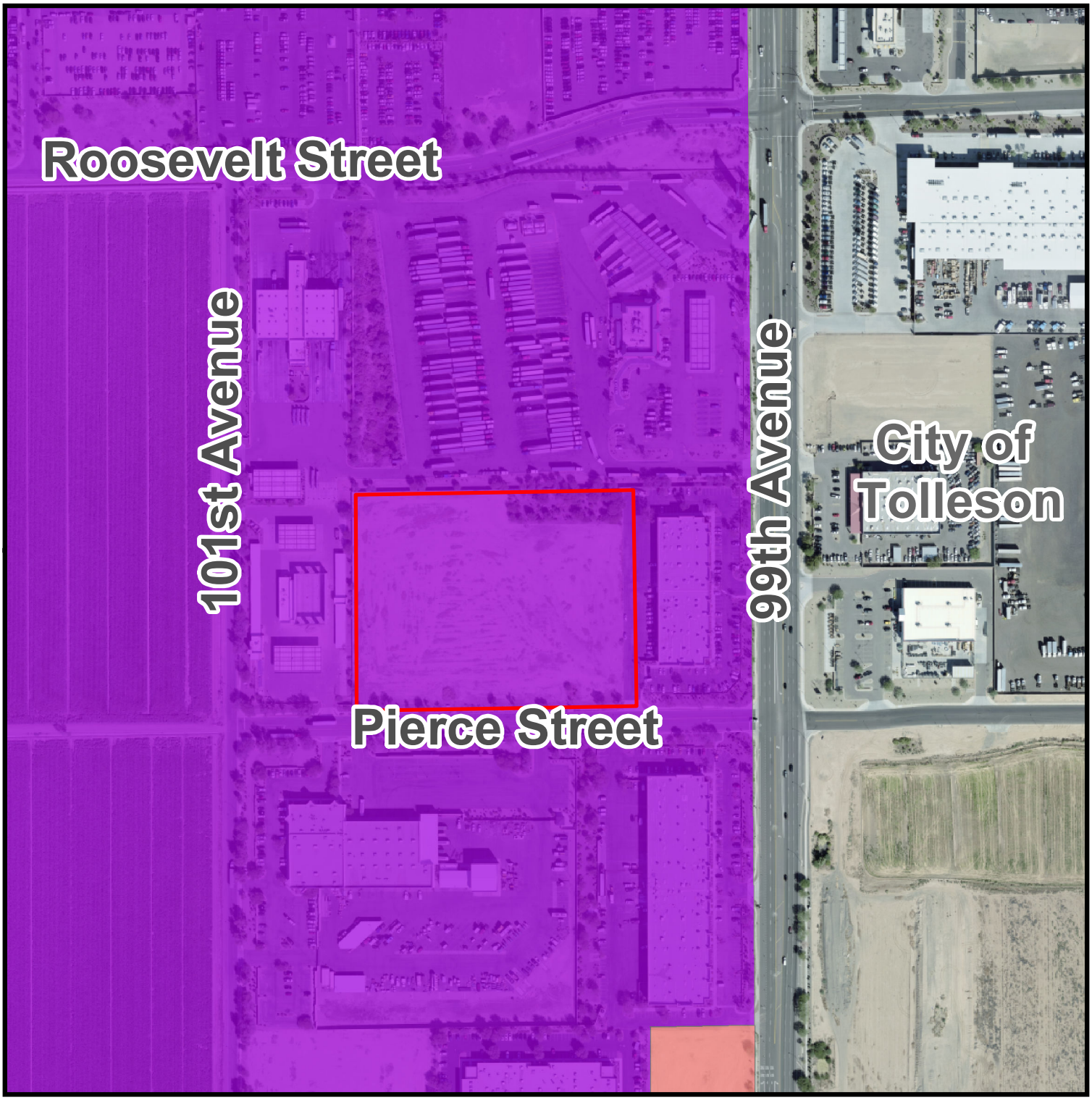
Exhibit B

Zoning Vicinity Map

Avondale

Project Location

Exhibit C



General Plan Land Use Map

Avondale

Business Park

Local Commercial

Project Location

SUMMARY OF RELATED FACTS

APPLICATION PL-20-0070

THE PROPERTY	
SIZE	Rezoning: 8.58 acres (7.96 net)
LOCATION	Approximately 250 feet west of the northwest corner of Pierce Street and 99th Avenue
PHYSICAL CHARACTERISTICS	The site is rectangular, relatively flat, and features no unusual physical characteristics.
EXISTING LAND USE	The parcel is currently vacant with no use.
EXISTING ZONING	The entire parcel is zoned Interstate Commerce Center Planned Area Development (PAD).
ZONING HISTORY	The site was annexed in May 1986.

SURROUNDING ZONING AND LAND USE	
NORTH	The adjacent property to the north is a Pilot Travel Center, a truck stop zoned Planned Area Development (PAD).
EAST	Abutting the parcel to the east is a 3.34-acre property developed as a multi-tenant building, zoned PAD.
SOUTH	Across Pierce Street from the parcel is an automotive repair facility and industrial flex building, zoned PAD.
WEST	The adjacent parcel is a car/truck wash, zoned PAD.

GENERAL PLAN
The property is presently designated by the General Plan 2030 Land Use Map as Business Park.

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Tolleson
ELEMENTARY SCHOOL	Porfirio H. Gonzales Elementary School
HIGH SCHOOL	La Joya Community High School

ADJACENT STREETS	
Pierce Street	
Classification	Industrial Collector
Existing half-street ROW	30 feet
Standard half-street ROW	21 feet
Existing half-street improvements	One through lane, half center turn lane, detached sidewalk, curb, gutter, landscaping, streetlights
Standard half-street improvements	One through lane, half center turn lane, detached sidewalk, curb, gutter, landscaping, streetlights

UTILITIES
The site will access existing 12-inch water lines in Pierce Street. Sewer service to the site will be accommodated by an existing 30-inch main line in Pierce Street. Salt River Project (SRP) provides electrical service in this portion of the City.

Submitted June 11, 2020

Interstate Commerce Center
PAD Amendment

Initial Submittal: April 10, 2020
Resubmittal: June 4, 2020

Submitted by:

Adam Baugh
2525 E. Arizona Biltmore Circle, A-212
Phoenix, Arizona 85016
602-230-0600,
adam@witheymorris.com

On behalf of:

WDP Partners, LLC

Brama Holdings, LLC

Interstate Commerce Center
PAD Amendment

Approx. 8.58 gross acres located
West of the northwest corner of 99th Avenue & Pierce Street

Project Narrative

A. Request

On behalf of WPD Partners and Brama Holdings, this application is a request to amend the Interstate Commerce Center Planned Area Development ("PAD") (Case Nos. Z-96-315-A and Z-04-08) to allow warehouse and distribution uses on Lots 5 & 6 of the Interstate Commerce Center PAD, and to establish development standards and design criteria specific to the project.

WDP Partners, in partnership with Brama Holdings, desires to develop a high-quality, institutional grade, light industrial building that will permit warehousing/distribution uses. When the Interstate Commerce Center PAD ordinance was adopted in 1996, one of the stipulations prohibited "bulk warehousing and distribution" (See Ordinance No. 1065-04, Stipulation 5). That said, it is appropriate to revisit this stipulation given the age of the Interstate Commerce Park PAD, the existing long-term vacancy of the property, and the industrial land use patterns surrounding the site.

B. Project Location

The subject property is located west of the northwest corner of 99th Avenue & Pierce Street in Avondale (the "Property"). The Property is approximately 8.58 gross acres (7.96 net) in size and the use of the Property remains vacant land today (**See *Exhibit A*, Aerial Map**). The area surrounding the Property consists of a truck stop to the north; a flex industrial building to the east; an automotive repair facility and industrial flex building to the south; and, a car/truck wash to the west.

C. General Plan and Zoning

The General Plan Land Use Map designates the Property as "Business Park" within the "Freeway Corridor/99th Avenue/City Center Growth Area." The Property is also subject to the Freeway Corridor Specific Plan. The Property is part of the Interstate Commerce Center Planned Area Development and the existing zoning for the Property is PAD (Ordinance Section 601). **See *Exhibit B,* General Plan and Zoning Maps.**

D. Permitted Uses

All uses permitted in the Interstate Commerce Center PAD, as amended, except that warehouse and distribution as a primary use shall be permitted on Lots 5 and 6 of the Interstate Commerce Center subdivision only.

E. Development Proposal

WDP Partners, in partnership with Brama Holdings, intends to develop an attractive, high quality, institutional-grade industrial building that will provide employment opportunities within the City of Avondale. Additionally, they seek to activate a long-time vacant parcel with a land use that will diversify the area which is otherwise dominated by truck transport-oriented land uses.

The project is proposed as a single-story +/- 135,000 square foot building, that is approximately forty-four (44) feet in height. The conceptual site plan identifies 98 parking spaces provided to the south (front) of the proposed building, including five (5) accessible parking spaces. Parking is screened by an architecturally integrated three (3) foot tall staggered CMU screen wall that includes 8" regular CMU on horizontal raised joints to emulate the building tilt wall pattern with formliner. In addition to the typical parking spaces provided, approximately twelve (12) trailer spaces are also proposed at the rear of the Property.

Vehicular access to the Property is provided via an existing shared access drive at the eastern edge of the Property. An additional access drive on Pierce Street is proposed at the western edge of the Property. Pedestrian access to the Property is also proposed via two (2) separate four (4) foot wide sidewalks that connect to Pierce Street. Finally, two (2) separate enclosed refuse collection areas are provided at the rear of the Property. ***See Exhibit C, Conceptual Site Plan.***

F. Development Standards

Development of the Property shall conform to the standards set forth in the Commerce Park (CP) District of the Avondale Zoning Ordinance and the standards set forth in this PAD Amendment. If there is a conflict, the development standards in this PAD Amendment shall apply.

	Commerce Park	**PAD Amendment**
Max. Height	35'	44'
Max. Building Coverage	50%	50%
Min. setbacks	Front: 25' Side: 15' Rear: 15'	Front: 20' Side: 15' Rear: 15'

The applicant requests a minor deviation in the front yard setback from 25' down to 20'. The purpose of this deviation is to optimize trailer storage and circulation within

the rear trucking area. This rear trucking area is a key component to the development which will allow the project to compete with other similar industrial developments in the west valley area. Additionally, it appears the properties to the west and east of the Property also enjoy the same reduced front yard setback. Without sufficient trailer storage in the rear, the project will be at a distinct disadvantage with competitive projects.

The applicant also requests a deviation to increase building height to 44' tall in order to provide sufficient clear heights for storage and racking systems required by today's modern warehouse users.

Lighting

Along all common drives within the Property, pole lighting shall be a lamped on one side only. The lamp shall be mounted at a maximum height of 25 feet above grade. Within parking areas, fixtures may be lamped on two sides or four sides. Metal bollard light fixtures may be used and are encouraged at pedestrian building entries and outdoor spaces. No light shall trespass across property lines except as allowed by the Avondale Zoning Code.

Decorative and custom color architectural lighting will be provided at each building entrance. General site light poles, building area lighting, and emergency ingress/egress lighting will be finished similar to adjacent buildings/wall finishes.

Screening

The proposed building is oriented so that the trucking area, utilities and trash enclosures are located on the north side of the building, thus screening them from view from Pierce Street. This allows for a garden type open area at the street front, adjacent to vehicle parking and office entries. A three-foot-tall offsetting CMU wall also highlights a garden office type entrance for tenants. Backflow preventers will be screened by landscape. Mechanical equipment will be located on the roof and will be screened by a parapet wall

Walls & Fences

There are existing walls along the west and north Property lines. A 3-foot decorative parking screen wall along Pierce Street will be built within the required landscape setback. The horizontal design of the wall allows it to integrate with the landscaping and has an undulating and repetitive design that enhances the structured landscape and streetscape appearance. The design, materials and colors for all walls visible from public view will be uniform in appearance. Two types of material and color finishes will be used on the decorative walls which correspond to the finishes and colors on the building.

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Parking Standards

On-site parking shall be provided in accordance with the Avondale Zoning Code. The parking required is 43 spaces and 98 are provided. The size of all parking spaces, driveways, islands in parking areas and other improvements in the parking areas must conform to the minimum established requirements of the City of Avondale Zoning Code. Minimum size of a parking space shall be ten (10) feet by twenty (20) feet. Ratios below shall be minimums, with additional parking allowed if reasonably required by market conditions or specific user requirements:

PARKING REQUIRED: 135,000 x 90%= 121,500 SF

10,000 SF= 10000/500= 20 spaces
111,500/5000= 23 spaces

Total Required = 43 spaces
Total Provided = 98 spaces

Covered parking is not defined on the concept plan at this time because office uses are not yet identified. This is a spec building and it is expected the entirety of the building will be industrial uses. However, any required office covered parking will be determined and provided per city code once an end-user is identified and tenant improvement plans are submitted.

G. Architectural Design

The architectural character of the building will have a high-tech contemporary appearance. This will be established using clean edges and forms, and architectural accents. The building's front elevation will convey a high-quality office appearance while being architecturally tied into the overall building mass and composition. This is achieved by additional horizontal and vertical glass to indicate an office appearance; a horizontal steel canopy to bring the scale down for pedestrians; and wall surfaces that pop in and out, as well as vertically.

The conceptual building elevations include distinct design elements, such as strong architectural forms, colors and accent shading features, variations in building height, and offsets in building fronts, which collectively provide for an enhanced visual interest and varied building massing, and create distinctive points of entry for users. A combination of concrete tilt up wall panels with a series of reveals and patterns in the tilts will accent the building elevations. A significant amount of storefront glass at each corner entry highlights the material variation, with some of it reaching a high elevation to allow possible two-story offices within the building. Multiple materials such as smooth concrete tilt up wall panels, a formliner for variation of reveals and patterns at the entry corner as accents, steel canopies to contrast the tilt panels and a variety of paint colors are incorporated into the building elevations to provide variation in texture. The building also utilizes design features such as architectural pop outs of the tilt panels along the

face of the building and vertical variations in heights at those pop outs to provide greater variation in the height and mass of the walls on the front and side facades.

The entrances will be accented with horizontal metal canopies to lower human scale as one enters the building. Tilt panels will be offset to the main wall panels, both with vertical and higher elements than the parapet and horizontally with recess spaces at each entry element. Colors and textures will also play a part in the overall character of the building. Accent colors, multiple materials and patterns will help draw your eye to this high-tech facility.

H. Site Design Criteria

The conceptual site plan orients the buildings to Pierce Street. Access to the Property shall be provided from Pierce Street in the locations shown on the site plan. These points of access and internal circulation provide proper access to users, employees and customers. Generous landscaping and decorative screen walls provide additional buffering from the road. The service area has been strategically located on the north side of the building so that it is screened from view from Pierce Street **(See *Exhibit D*, Context Plan Aerial Overlay).**

The building is oriented so that the office component of the building faces Pierce Street and the industrial operations are hidden at the rear of the Property. Having the trucking operations on the north side of the building also minimizes its exposure to the sun.

I. Signage

The proposed building has 600 feet of frontage on Pierce Street. The length of this frontage, together with the need to provide effective visibility and building identification to site visitors, warrants commensurate signage for a project of this scale. Therefore, a deviation from the Commerce Park zoning district signage requirements is requested herein for Lots 5 and 6. Specifically, signage for Lots 5 and 6 shall comply with the sign standards for the Commerce Park zoning district, except that an additional 25 percent of sign area shall be permitted. Further, the maximum area for a wall sign shall be 200 square feet.

J. Landscaping, Pedestrian Open Space and Amenities

The project landscaping will be consistent with the existing streetscape in the Interstate Commerce Center. This development will have a predominantly lush and Mediterranean design with an intensity and density to create a pleasant and comfortable working environment. The entries were designed to be accented with offset panels, creating additional ground area for more open space and additional landscape. Along Pierce Street, the frontage is developed with large expanded arcs of trees and the massing of shrubs and groundcover. The proposed landscaping on the Property mimics the same design present within this PAD area and will complement the existing landscaping on the north and south sides of Pierce Street. The continuity of 6-foot

arterial sidewalks, “soldier rows” of trees, and the massing of shrub material in the background will provide for a streetscape that is consistent with the existing Interstate Commerce Center PAD streetscape landscaping in color, texture and massing. The plant palette along the streetscape is limited to only a "handful" of plant varieties to provide continuity with the existing streetscape. Desert Museum, palo Verde, Live Oak, Willow Acacia, Shoestring Acacia and thornless Mesquites will be the prominent tree, shrub and groundcover plantings.

A tree-shaded employee area with seating benches will be provided on the north side of the building as shown on the conceptual site plan. The development includes low-impact design elements such as vegetated retention basins that encourage ground percolation. Stormwater retention is stored onsite in surface and underground systems and is disposed by state regulated drywell systems. These systems provide addition filtration of storm runoff and recharge water to the aquifer.

K. Grading and Drainage

Existing drainage on the site generally flows to the south and west. Run-off from the adjacent existing half-street will be accepted on-site and will be routed through underground piping to underground retention. Landscaped retention basins will be provided at the northside of the Property. Any additional required storage capacity will be provided in underground tanks and disposal for onsite retention will be accomplished by drywells.

L. Summary

The PAD amendment is in full conformance with the General Plan and existing Interstate Commerce Park PAD. The proposed use will produce jobs, provide benefits to the City of Avondale, and will activate an undeveloped, long vacant parcel of land. The PAD Amendment sets forth exceptional site development and architectural design criteria that will have a positive influence on the area. In summary, this light industrial use is consistent with the City’s long-term vision for this area, compatible with the surrounding area, and is appropriate land use planning.

Exhibit A

Exhibit A

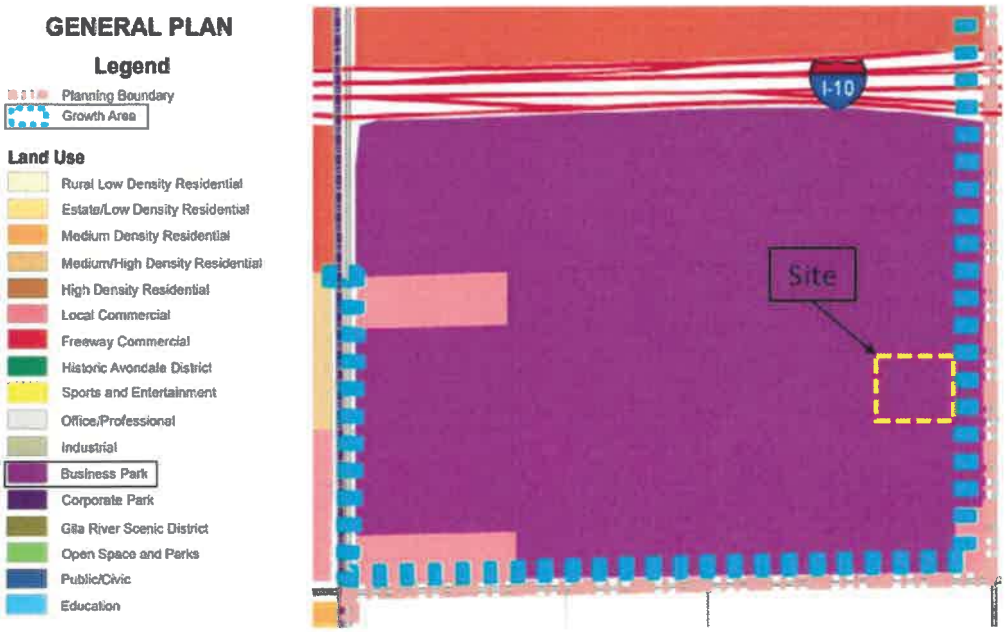
Aerial Map - Maricopa County Assessor's Parcel Number's 102-54-047 and -048

LOTS 5 AND 6, OF INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 714 OF MAPS, PAGE 49, A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA

Exhibit B

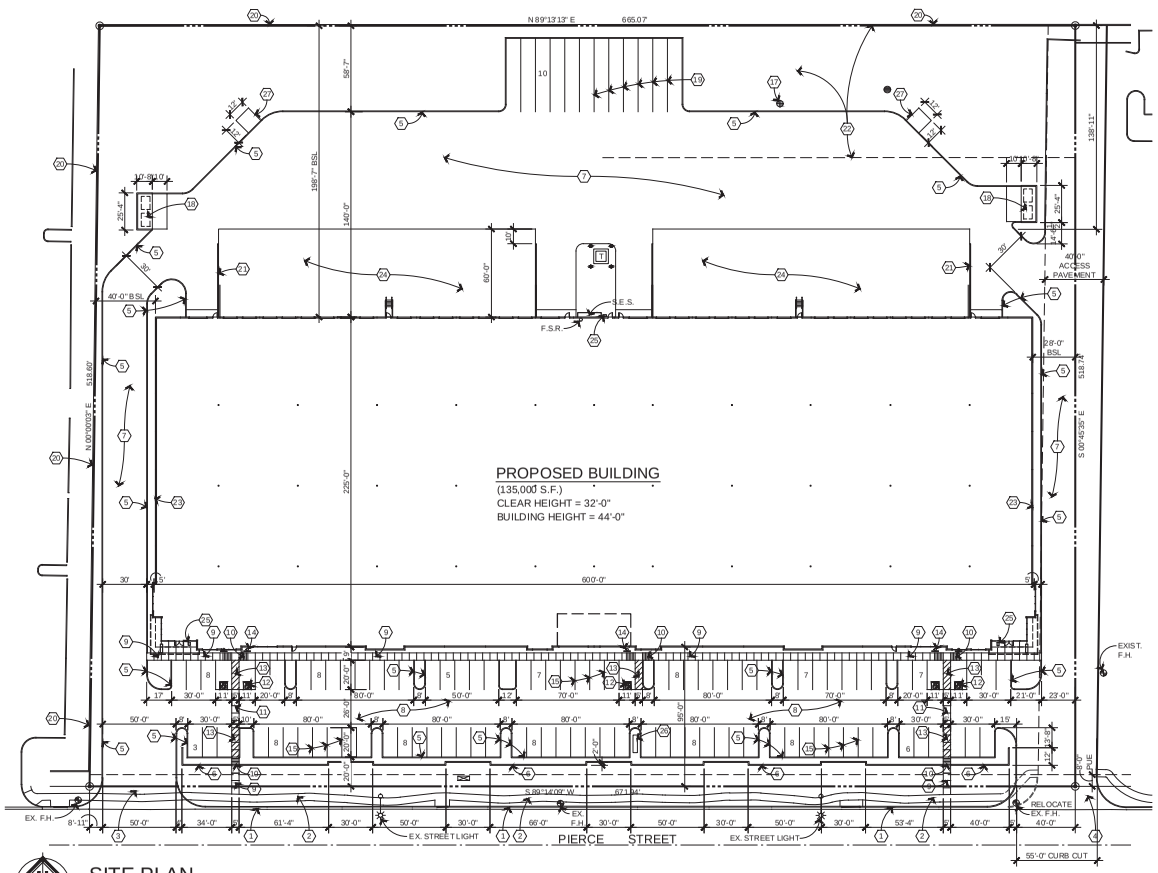
Exhibit B

General Plan Land Use Map



City of Avondale Zoning Atlas

Exhibit C



SITE PLAN

SCALE: 1" = 40'-0"

40 0 40 80 120

SCALE: 1" = 40'

SITE PLAN KEYNOTES

1. Existing concrete vertical curb and gutter
2. Existing concrete sidewalk
3. New concrete curb cut per civil drawings
4. Existing concrete curb cut per civil drawings
5. 6" concrete curb per civil drawings
6. 3'-0" high, 8" architectural cmu screen wall
7. Concrete pavement per civil drawings
8. Asphalt pavement per civil drawings
9. 4" concrete sidewalk with score joints at 5'-" maximum oc and salt finish
10. Ramp up 1:12 maximum slope
11. 6" concrete sidewalk (2500 psi) flush with pavement
12. Accessible symbol painted on the pavement per detail, Sheet SP-2
13. 4" wide yellow painted diagonal striping at 24" oc grid at the perimeter
14. Accessible signage per detail, Sheet SP-2
15. 4" wide white painted parking stripes
16. New and existing asphalt pavement. Patch and repair as required
17. New fire hydrant
18. Double trash enclosure per details, Sheet SP-2
19. Trailer storage
20. Existing +6'-0" high cmu wall
21. Concrete tilt up retaining wall to +6'-0" above finish grade and 1 ½" diameter steel pipe handrails above to +3'-6" above finish grade
22. Existing retention area for lot to the east. Rework will be required
23. Three hour fire rated wall, joints and openings
24. Concrete truckwell
25. Fire Department Knox Box
26. Multi tenant monument sign
27. Concrete slab w/ bench for employees per Sheet SP-2

PROJECT DATA

ADDRESS:

ZONING: PAD

APN: 102-54-047, 102-54-048

SITE AREA: Gross= 373,607 SF (8.58 Acres)
Net= 346,719 SF (7.96 Acres)

BUILDING AREA: 135,000 SF

LOT COVERAGE: 135,000/346,719 = 38.94%

OCCUPANCY: B= Spec Offices
S1= Warehouse

CONSTRUCTION TYPE: VB, A FES (ESFR)

ALLOWABLE AREA: Unlimited area with 60' yards except East and West wall which are 40' from property line and have three hour Fire Rated walls

PARKING REQUIRED: 135,000 x 90%= 121,500 SF
Future Offices: 6000 SF/250 = 24 spaces
(Assume 6000 SF)
Warehouse: 115,500 SF
100,000 SF/500= 20 spaces
105,500 SF/500= 21 spaces
Total = 65 spaces

PARKING PROVIDED: 98 Spaces

ACCESSIBLE SPACES REQUIRED: 5 Spaces

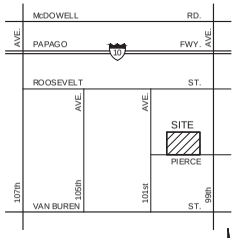
ACCESSIBLE SPACES PROVIDED: 5 Spaces

LANDSCAPE REQUIRED: 346,719 x 10%= 34,672 SF

LANDSCAPE PROVIDED: 61,569 SF

OWNER: S&S Pierce, LLC
8603 E. Limerick
Wichita, Kansas 67206

LEGAL DESCRIPTION:
Parcel No. 1, Lots 5 and 6, of Interstate Commerce Center amended, according to the plat of record in the office of this county recorder of Maricopa County, Arizona, recorded in Book 714 of Maps, Page 49.
Parcel No. 2, A Non-Exclusive easement for right of vehicle and pedestrian access, ingress and egress to and from Pierce Street for the benefit of lot 6 as disclosed in access and drainage easement agreement recorded August 11, 2008 as 2008-697236 of official records



VICINITY MAP

N.T.S.

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(602) 230-9778
FAX (602) 265-9739

NEW MULTI TENANT OFFICE / WAREHOUSE for
PIERCE 99
99th AVE. & PIERCE ST., AVONDALE, ARIZONA

job no.	19194
drawn	MGO
approved	RBW
date	04/06/20

revisions

SP-1

Exhibit D

CONTEXT PLAN

SCALE: 1" = 40'-0"

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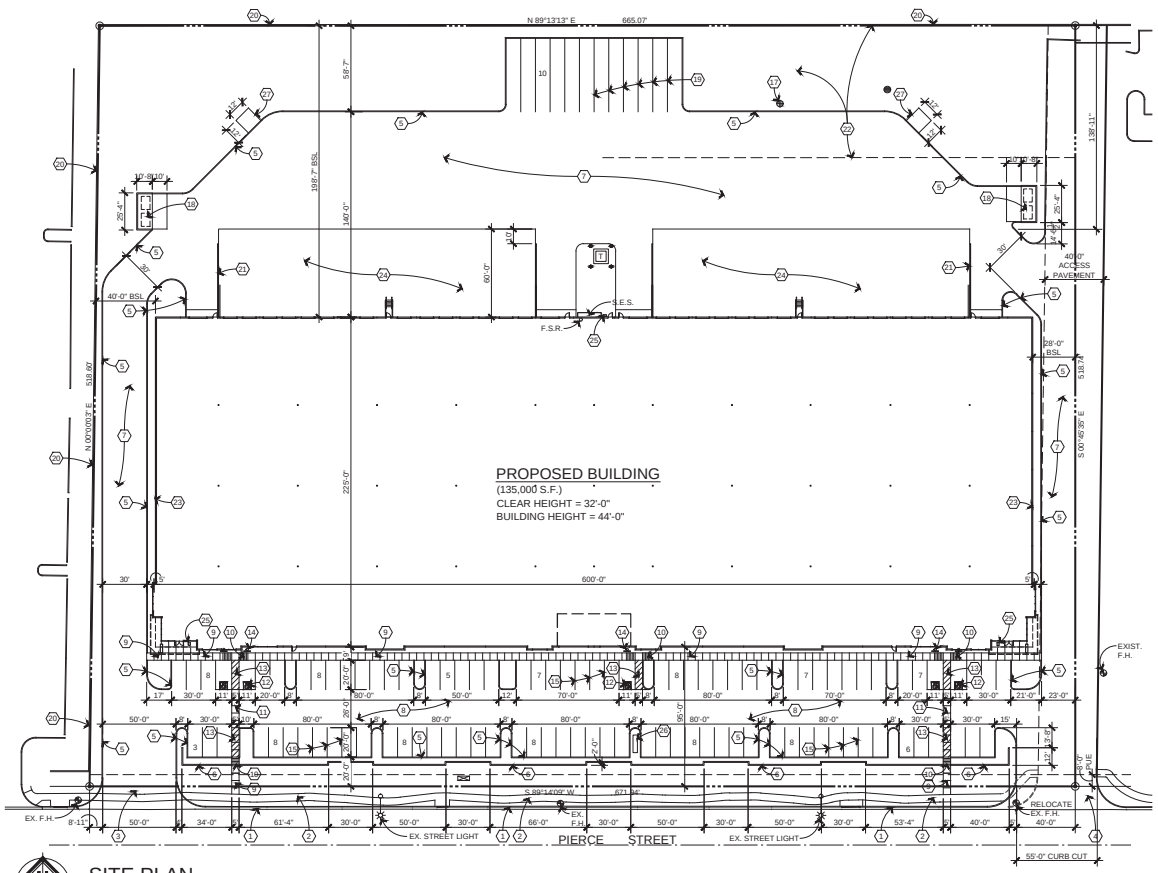
CP

Submitted on June 11, 2020



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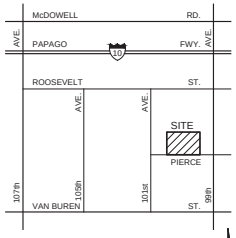

VICINITY MAP
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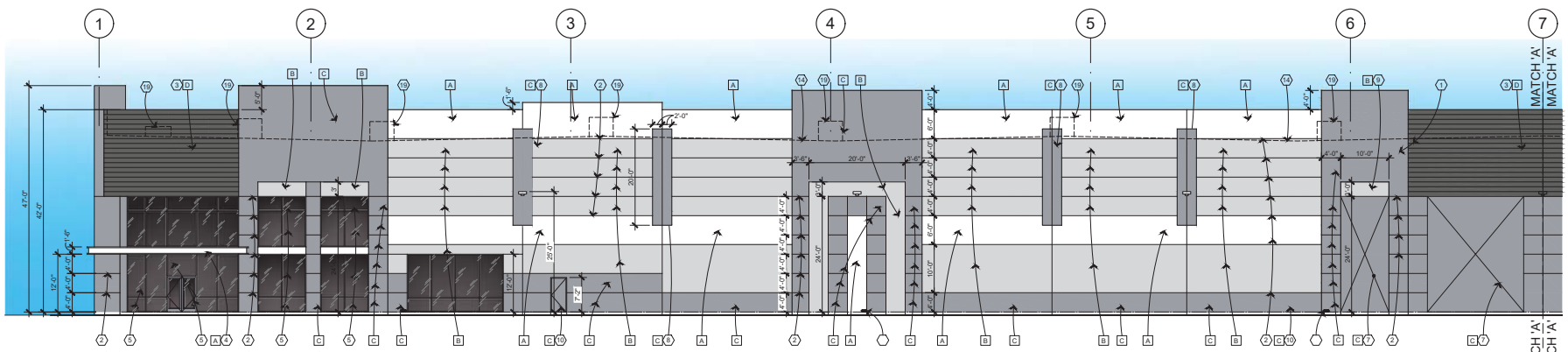
job no.	19194
drawn	MGO
approved	RBW
date	04/06/20
revisions	

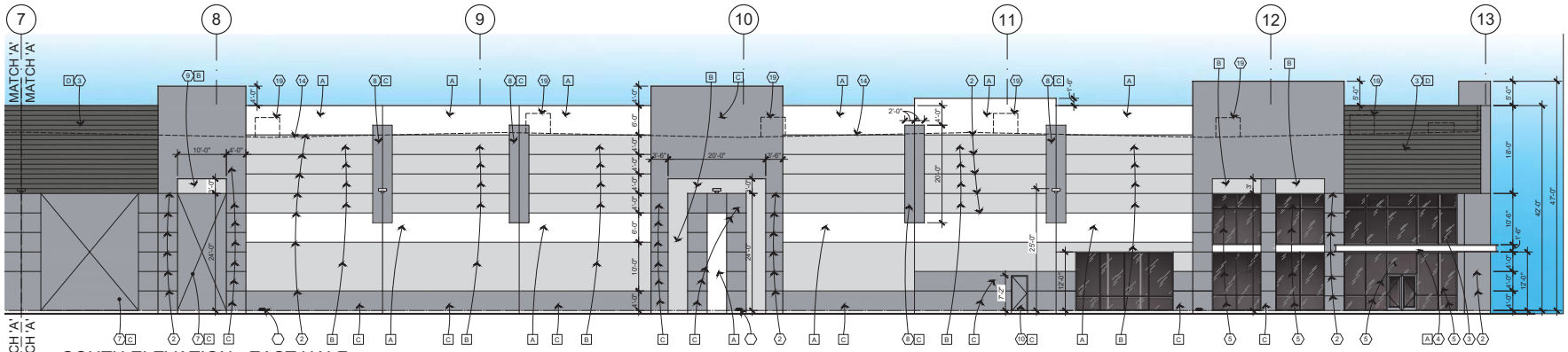
SP-1

Received July 24, 2020



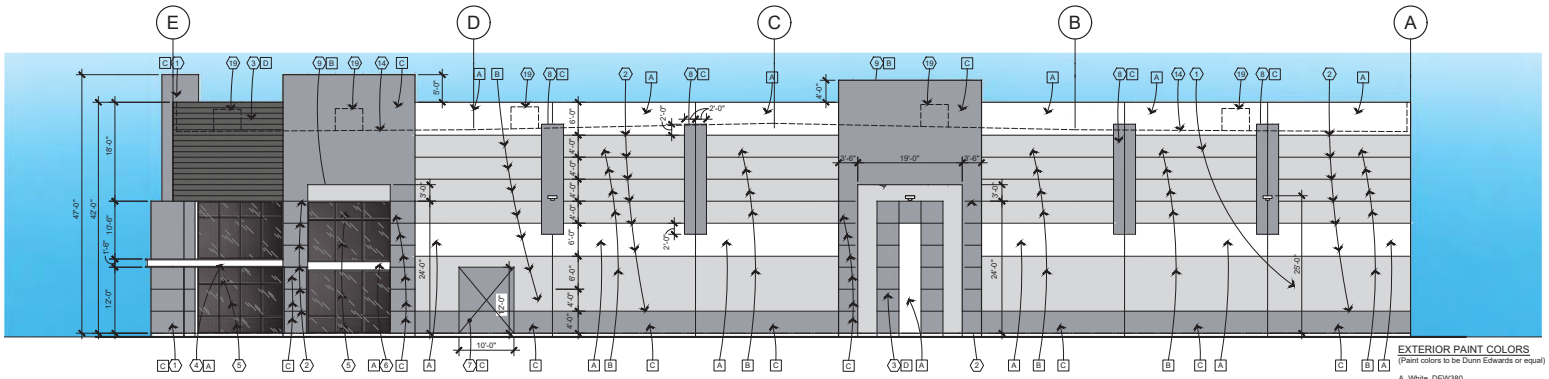
SOUTH ELEVATION - WEST HALF

SCALE: 3/32" = 1'-0"



SOUTH ELEVATION - EAST HALF

SCALE: 3/32" = 1'-0"



EAST ELEVATION

SCALE: 3/32" = 1'-0"

EXTERIOR ELEVATION KEYNOTES

1. Concrete tilt up wall panels
2. 2" x ½" deep reveals
3. 2" x ½" deep reveals at 1'-0" oc
4. 18" steel channel canopy per details
5. Fixed insulated glass in clear anodized aluminum frames (center glazed)
6. 18" horizontal tube steel beam wrapped in break metal to match aluminum frames
7. Possible future knockout
8. 20'-0" x 4'-0" x ½" deep reveal
9. ½" deep reveal
10. Hollow metal door and frame
11. Steel sectional vertical lift overhead door
12. Steel stairs, landing and handrails per detail
13. 1 ½" diameter steel pipe handrails to +3'-6" above finish grade
14. Line of roof beyond building parapet
15. Wall pack per electrical drawings
16. Metal downspout per details
17. Roof and overflow drains
18. 2'-0" high individually mounted, pan channel, black anodized aluminum Helvetica medium address numbers
19. Indicates future mechanical unit beyond the building parapet
20. Secondary scupper opening
21. Steel channel canopy per details

EXTERIOR PAINT COLORS

(Paint colors to be Dunn Edwards or equal)

A. White, DEW380
B. December Sky, DE6352
C. Gray Wolf, DE6354
D. Charcoal Smudge, DE6370

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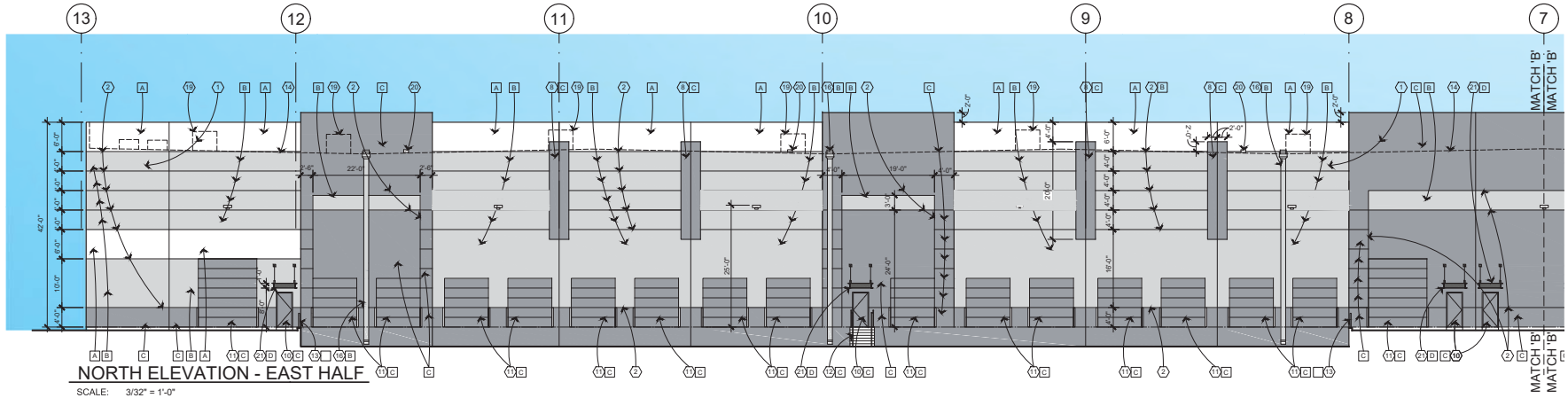
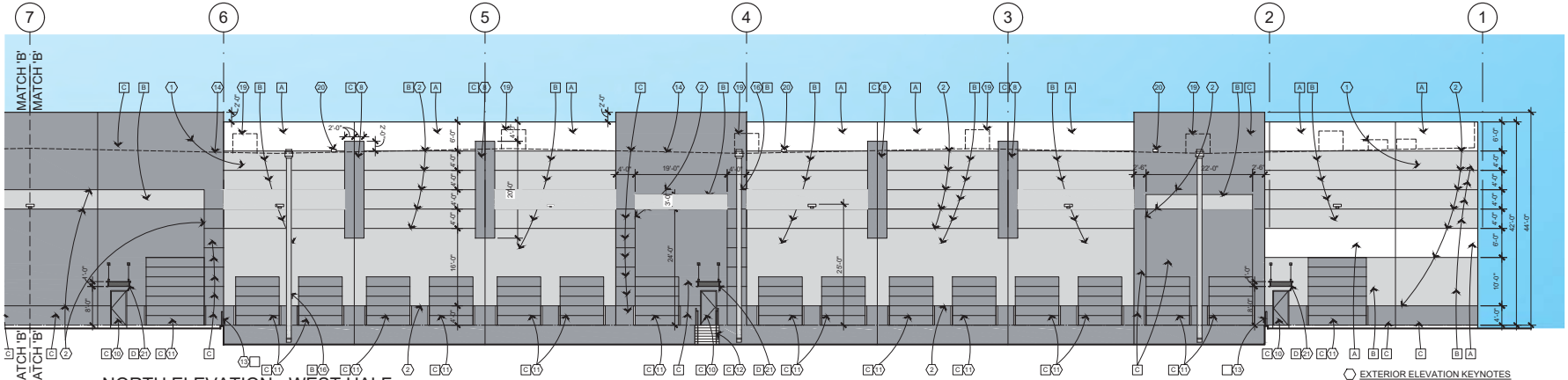
revisions

A-3



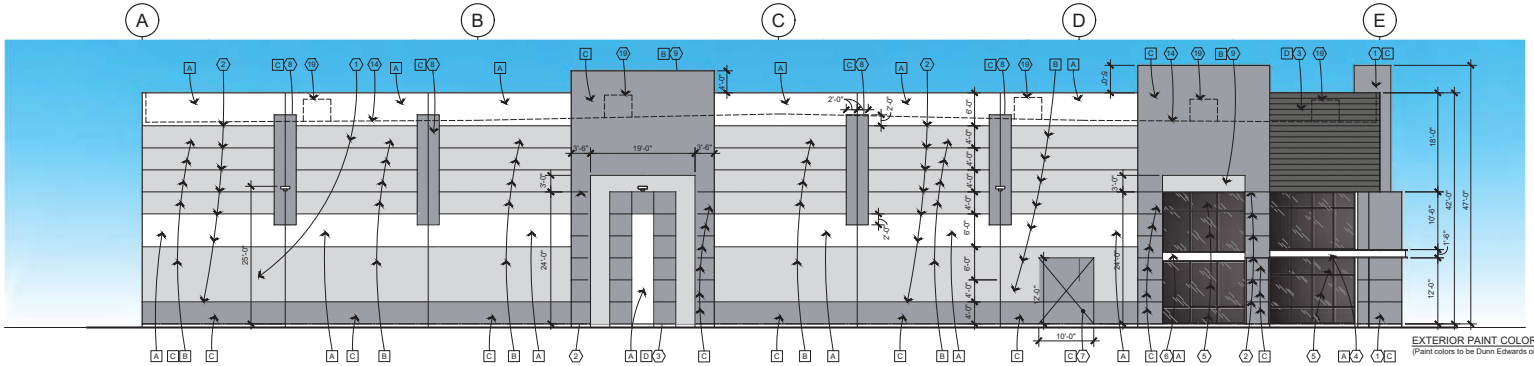
NORTH ELEVATION - EAST HALF

SCALE: 3/32" = 1'-0"



NORTH ELEVATION - WEST HALF

SCALE: 3/32" = 1'-0"



WEST ELEVATION

SCALE: 3/32" = 1'-0"

EXTERIOR ELEVATION KEYNOTES

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3. 2" x ½" deep reveals at 1'-0" oc
4. 18" steel channel canopy per details
5. Fixed insulated glass in clear anodized aluminum frames (center glazed)
6. 18" horizontal tube steel beam wrapped in break metal to match aluminum frames
7. Possible future knockout
8. 20'-0" x 4'-0" x ½" deep reveal
9. ½" deep reveal
10. Hollow metal door and frame
11. Steel sectional vertical lift overhead door
12. Steel stairs, landing and handrails per detail
13. 1 ½" diameter steel pipe handrails to +3'-6" above finish grade
14. Line of roof beyond building parapet
15. Wall pack per electrical drawings
16. Metal downspout per details
17. Roof and overflow drains
18. 2'-0" high individually mounted, pan channel, black anodized aluminum Helvetica medium address numbers
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revisions

A-3.1

EXHIBIT H

Pierce 99 Neighborhood Meeting Summary (Case No. PL20-0070)

Date Submitted: August 10, 2020

A. Date, Time, and Location of the Meeting

The required neighborhood meeting for Case No. PL-20-0070 was held on Thursday, August 5, 2020 at 6:00 PM. Due to the COVID-19 pandemic and city requirements for neighborhood meetings, the meeting was a virtual meeting that was hosted via the City's Zoom platform.

The neighborhood meeting notification was noticed in accordance with the City's Zoning Ordinance Requirements. The applicant completed the legal newspaper advertisement with a publishing in the July 22, 2020 edition of the Southwest Valley Republic newspaper. Additionally, the applicant posted a public notice sign by July 22, 2020 as well. The affidavits are enclosed as ***Tab A***.

B. Number of Participants

The applicant, along with the project development team, and City of Avondale Planning representatives attended the virtual neighborhood meeting. Vice Mayor Dennis attended the meeting. There were no other members from the general public that attended the virtual neighborhood meeting.

C. Summary of Presentation, Questions and Applicant Responses

The applicant commenced the neighborhood meeting by providing an overview of the application request. The applicant provided a description of the surrounding area context, existing land use designations, and specifics regarding the proposed project. The applicant also shared the proposed elevations and site plan. The applicant then offered an opportunity for questions and comments. Below is a summary of questions asked and the applicant-provided responses:

1. **What is the building square footage?**

   The applicant advised that the proposed building footprint is approximately 135,000 square feet.

2. **What type of use will be in the building?**

   The development team responded that the project is a spec industrial building and that there is currently no user identified. The development team advised that the market conditions and demand within the Valley warrants this type of development, particularly given the shift to online retail experiences, especially in light of the current pandemic.

3. **How many truck bays are there and is there sufficient space for maneuvering?**

   There are 30 overhead doors in the rear of the building with sufficient room for truck maneuvering.

4. **Is the truck access one way in and one way out?**

   The development team described the nature of access for ingress and egress and advised that there are two accesses (one on the east and one west) for the property. Further, that the east access is shared with the adjacent property owner. Both accesses are two-way and accommodate the turning and maneuvering needs of the trucks.

5. **Will there be stipulations on the site plan review?**

Staff responded that the PAD Amendment will have stipulations that the amendment and future building must conform to the approved site plan and elevations presented with the application.

6. **What is traffic like on Pierce?**

The applicant indicated that Pierce Street has a very low traffic volume, and a Traffic Impact Analysis was filed as part of the rezoning application to support the subject application. Staff concurred and indicated that through traffic typically utilizes Van Buren Street.

D. Summary

The feedback received regarding the proposed project was generally positive and no concerns or issues were raised. The applicant will continue to be available to discuss the proposal with interested parties throughout the process.

Submitted By:
WITHEY MORRIS P.L.C.
[redacted]
Stephanie Watney
Land Use Planner

ORDINANCE NO. 2030-1020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, MODIFYING THE PLANNED AREA DEVELOPMENT ZONING FOR PROPERTY GENERAL LOCATED 200 FEET WEST OF THE NORTHWEST CORNER OF 99TH AVENUE AND PIERCE STREET, AS SHOWN IN APPLICATION PL-20-0070, BY AMENDING THE ALLOWABLE USES AND THE DEVELOPMENT AND DESIGN STANDARDS.

WHEREAS, on March 18, 1996, the Council of the City of Avondale (the "City Council") amended the City of Avondale Zoning Atlas by adopting Ordinance No. 606-96, rezoning approximately 55 acres of real property generally located at the southwest corner of 99th Avenue and Roosevelt Street to a Planned Area Development District (the "PADD"); and

WHEREAS, on January 21, 1997, the City Council amended the PADD by adopting Ordinance No. 633-97, amending the permitted uses for approximately 24 acres of real property generally located 700 feet west of the northwest corner of 99th Avenue and Van Buren Street; and

WHEREAS, on November 15, 2004, the City Council amended the PADD by adopting Ordinance No. 1065-04 (i) ratifying the permitted uses in Ordinance No. 606-96 and Ordinance No. 633-97 and (ii) amending the permitted uses for lots 5-18 of the Interstate Commerce Center Final Plat (the "Interstate Commerce Center PAD"); and

WHEREAS, the Property Developer has requested a modification to the Interstate Commerce Center PAD to incorporate a new permitted use (the "Modifications") for ± 8.58 acres of real property designated as Lot 5 and Lot 6 (Maricopa County Assessor Parcel No. 102-54-047 and No. 102-54-048) generally located 200 feet west of the northwest corner of 99th Avenue and Pierce Street, 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 Interstate Commerce Center PAD by adopting the amendment as shown in Application PL-20-0070 (the "2020 Amendment"); and

WHEREAS, all due and proper notices of the public hearings on the 2020 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 August 19, 2020, the Commission held a public hearing on the 2020 Amendment, after which hearing the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the 2020 Amendment on October 5, 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 Interstate Commerce Center PAD, as shown in Application PL-20-0070, is hereby approved subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development of the Subject Property shall conform to the Interstate Commerce PAD Narrative and Site Plan both date stamped June 11, 2020, and the Building Elevations date stamped July 24, 2020, except as modified by these conditions.

2. The developer shall submit an application for approval of a Comprehensive Sign Package for all building mounted and freestanding monument signage, prior to issuance of any sign permits for the Subject Property.

3. The Subject Property is subject to the requirements of Zoning Ordinance Section 11, Required Public Art for New Planned Area Developments (PAD), Commercial, Office, Employment, and Municipal Construction.

4. 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 the Subject Property.

5. All development of the Subject Property 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.

6. 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.

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.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 5, 2020.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

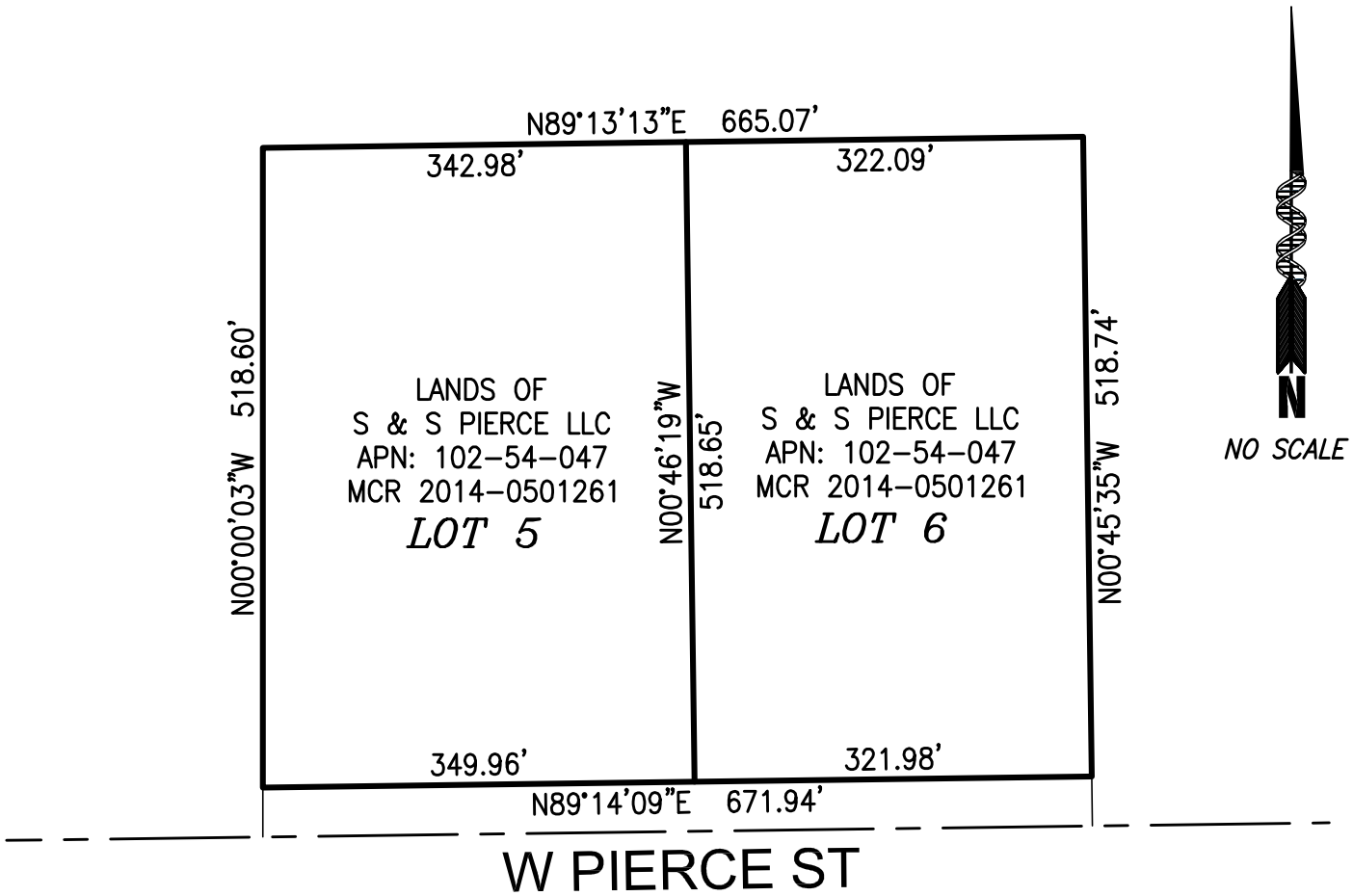
APPROVED:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2030-1020

[Legal Description and Map of Subject Property]

See following page.



LOTS 5 AND 6, OF INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 714 OF MAPS, PAGE 49, A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
25090
MICHAEL J.
THOMPSON
Date Signed 4/8/20
ARIZONA, U.S.A.

EXPIRES: 9-30-22

NOTE: ALL VALUES SHOWN ARE CALCULATED, UNLESS NOTED OTHERWISE.

Helix Engineering, LLC
Engineering / Surveying / Consulting
3240 E Union Hills, Suite 113, Phoenix, AZ 85050
ph 602-788-2616, www.hxeng.com

LOTS 5 AND 6, OF "INTERSTATE COMMERCE CENTER AMENDED," BOOK 714 OF MAPS, PAGE 49, MCR		
DRAWN BY: MJT	APRIL 8, 2020	JOB No.: 450
CHECKED BY: MJT		SHEET 1 OF 1

WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
S & S PIERCE, LLC

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made October 5, 2020, between S & S Pierce, LLC, a Kansas limited liability company (the "Owner") and the City of Avondale, an Arizona municipal corporation (the "City"), regarding the approximately 8.58 acre parcel of real property generally located 200 feet west of the northwest corner of 99th Avenue and Pierce Street 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 modifications to the existing zoning of the Property, Application No. PL-20-0070 (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"

S & S PIERCE, LLC,
an Kansas limited liability limited company

By: [redacted]

By: [redacted]
Trustee, Manager

ACKNOWLEDGMENT

STATE OF Kansas)
) ss.
COUNTY OF Osage)

On September 17, 2020, before me personally appeared Joey Lamond, the Trustee of S & S Pierce, LLC, a Kansas limited liability limited 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 partnership.

TERESA D. FULTZ
Notary Public - State of Kansas
My Appt. Expires 12/11/2021
(affix notary seal here)

[redacted]
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.

_____
Notary Public

(affix notary seal here)

EXHIBIT A
TO
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE
UNDER ARIZ. REV. STAT. §§ 12-1134 – 1136
BETWEEN THE
CITY OF AVONDALE
AND
S & S PIERCE, LLC

[Legal Description and Map of the Property]

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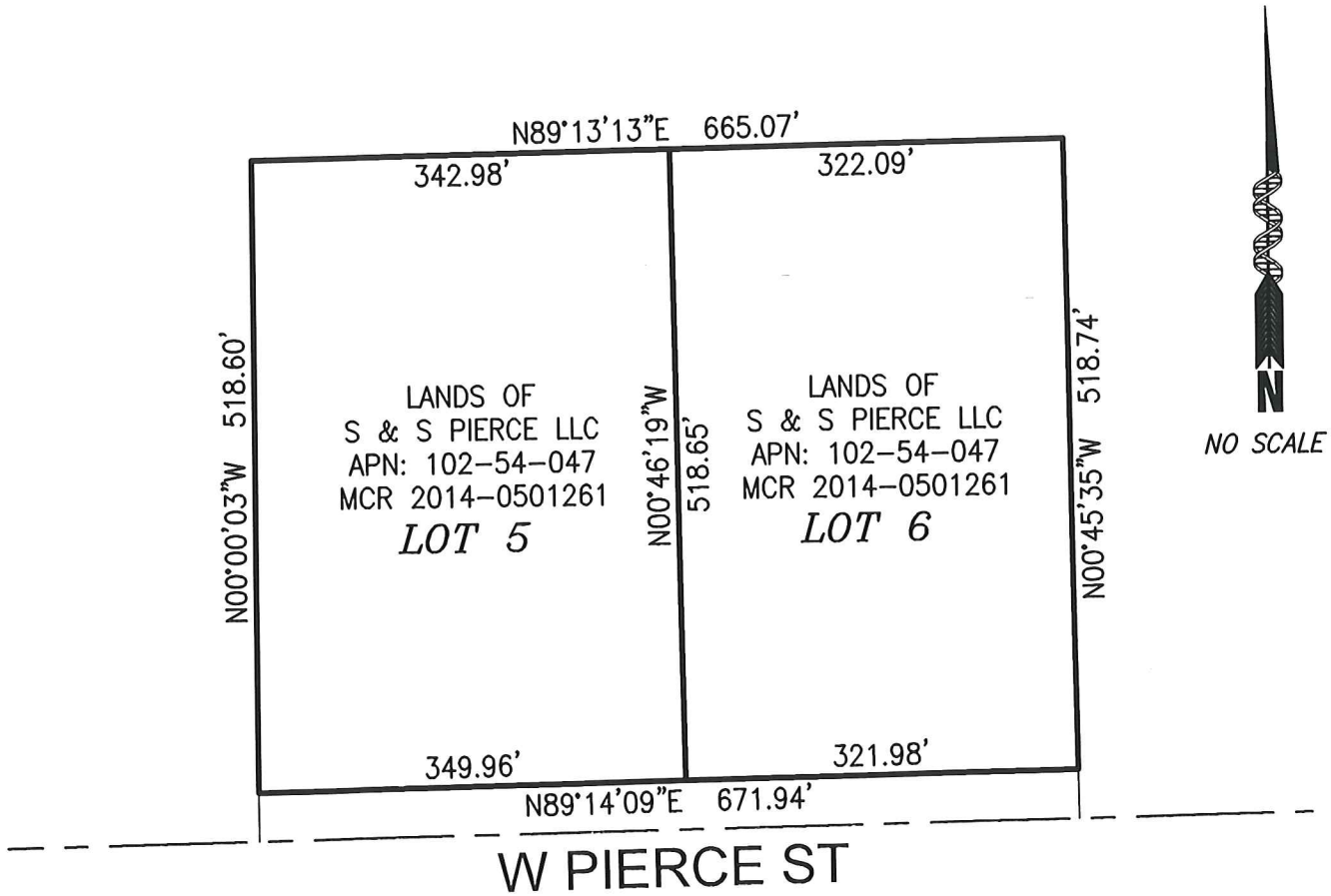

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EXPIRES 9-30-22

NOTE: ALL VALUES SHOWN ARE CALCULATED, UNLESS NOTED OTHERWISE.

Helix Engineering, LLC Engineering / Surveying / Consulting 3240 E Union Hills, Suite 113, Phoenix, AZ 85050 ph 602-788-2616, www.hxeng.com	LOTS 5 AND 6, OF "INTERSTATE COMMERCE CENTER AMENDED," BOOK 714 OF MAPS, PAGE 49, MCR		
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