



City of Avondale

City Council Online Meeting

Monday, June 21, 2021

Mayor and Council

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Pat Dennis, Council Member

Bryan Kilgore, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

Administration

Charles A. Montoya, City Manager

Cherlene Penilla, Assistant City Manager

Tracy Stevens, Deputy City Manager | Lindsey Duncan, Deputy City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

Online Meeting

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City Council Online Meeting Notice & Agenda Monday, June 21, 2021

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

REGULAR MEETING

7:00 PM

CALL TO ORDER BY MAYOR

PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

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

2. UNSCHEDULED PUBLIC APPEARANCES

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

3. AVONDALE EDGE VIDEO PRESENTATION

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. AMENDED MINUTES

City Council will consider a request to approve an amendment to the March 22, 2021 City Council Meeting Minutes. The Council will take the appropriate action.

b. BUDGET ADJUSTMENT FOR BOND FUNDED CAPITAL PROJECTS

City Council will consider a request to amend the fiscal year 2021 budget for projects partially funded through bond proceeds. The Council will take appropriate action.

c. RESOLUTION 1048-0621 - INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR RECYCLING SERVICES

City Council will consider a request to adopt Resolution 1048-0621, authorizing an Intergovernmental Agreement with the City of Phoenix for recyclable materials processing services and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

d. RESOLUTION 1049-0621 - INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF GLENDALE FOR LANDFILL SERVICES

City Council will consider a request to adopt Resolution 1049-0621, approving an Intergovernmental Agreement with the City of Glendale relating to landfill disposal services and authorize the Mayor, or City Manager and the City Clerk to execute the necessary documents. The City Council will take appropriate action.

e. RESOLUTION 1050-0621 - INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES DEPARTMENT FOR SHELTER AND HOMELESS SUPPORT SERVICES

City Council will consider a request to adopt Resolution 1050-0621 and approve the Third Amendment to an intergovernmental agreement with the Maricopa County Human Services Department for a grant in the amount of \$107,500 for the provision of emergency shelter services, outreach, and case management to people experiencing homelessness in Avondale, and authorize the Mayor, City Manager and City Clerk to execute the necessary documents and amendments. The Council will take the appropriate action.

f. RESOLUTION 1051-0621 - AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

City Council will consider a request to adopt Resolution 1051-0621 approving an Amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority for Fiscal Year 2022 relating to public transportation services, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. ORDINANCE 2025-0621 – CHAPTER 23 CODE AMENDMENT REGARDING THE STOPPING, STANDING, OR PARKING, SECTION 23-62, PARKING OF TRUCKS AND TRAILERS

City Council will consider a request to adopt Ordinance 2025-0621, amending Chapter 23, Section 23-62 regarding the stopping, standing, or parking of trucks and trailers within the City to include the City Manager's authority to suspend enforcement actions for designated events and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. ORDINANCE 2026-0621 - ABANDONMENT OF RIGHT-OF-WAY - 114TH LANE AND THOMAS ROAD

City Council will consider a request to adopt Ordinance 2026-0621, authorizing the abandonment of right-of-way located on 114th Lane south of Thomas Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. ORDINANCE 2027-0621 - GRANTING AN ELECTRICAL EASEMENT TO SALT RIVER PROJECT (SRP) ON PALM LANE WEST OF 116TH AVENUE

City Council will consider a request to adopt Ordinance 2027-0621, granting an Electrical Easement to Salt River Project (SRP) on Palm Lane, West of 116th Avenue and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. ORDINANCE 2028-0621 – ACQUISITION OF REAL PROPERTY - AVONDALE CIVIC CENTER - AVONDALE BOULEVARD AND CIVIC CENTER DRIVE

City Council will consider a request to: (a) adopt Ordinance 2028-0621 authorizing the purchase of real property located east of Avondale Boulevard and south of Civic Center Drive; (b) approve budget authorization not-to-exceed \$2,500,000 to cover the land acquisition and closing costs; (c) approve a budget amendment in the amount of \$2,500,000; and (d) authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

k. FINAL PLAT FOR ALAMAR PHASE 4 - APPLICATION PL-20-0346

City Council will consider a request by Mr. Frank Koo, Wood, Patel & Associates, for approval of a Final Plat for Alamar Phase 4. In conformance with the Alamar Phase 4 Preliminary Plat approved by City Council in February 2021, the proposed Final Plat will create 464 single-family residential lots, 55 common area tracts, and dedicate streets and easements on approximately 161.02 gross acres located at the southwest corner of the planned El Mirage Road realignment and the planned Alamar Boulevard alignment. The proposed Final Plat does not include 22 lots and 2 common area tracts within the Phase 4 boundary that are located, in whole or in part, within existing El Mirage Road right-of-way; those lots will be created by a future Re-Plat. A Maintenance Improvement District for the entirety of Phase 4 will be brought forward concurrently with the future Re-Plat. The Council will take appropriate action.

5. REGULAR AGENDA

a. RESOLUTION 1052-0621 - SETTING THE FISCAL YEAR 2022 PRIMARY AND SECONDARY PROPERTY TAX LEVY

City Council will consider a request to adopt Resolution 1052-0621, setting the primary and secondary property tax levy for the fiscal year ending June 30, 2022 and authorize the Mayor, City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

b. VERDE TRAILS PARCEL 6 – PRELIMINARY PLAT – APPLICATION PL-20-0284

City Council will consider a request by Mr. Paul Haas, HILGARTWILSON, LLC, for approval of a Preliminary Plat for Verde Trails Parcel 6, a proposed 110-unit, gated single-family residential subdivision located on approximately 14.45 gross acres at the northwest corner of 107th Avenue and the Wier Avenue alignment. The subject site is part of the 181-acre Verde Trails Unit I master planned community. The Council will take appropriate action.

c. PUBLIC HEARING - EXTRA SPACE STORAGE - CONDITIONAL USE PERMIT - APPLICATION PL-21-0003

City Council will hold a public hearing and consider a request by Paul Hedges (on behalf of Extra Space Storage), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) mini-storage personal warehouse use. The 2.28-acre subject property is located at the southwest corner of Indian School Road and Osborn Road. The Council will take appropriate action.

d. PUBLIC HEARING - RESOLUTION 1053-0621- CERRO VISTA - MINOR GENERAL PLAN AMENDMENT - APPLICATION PL-18-0079

City Council will hold a public hearing and consider a request to adopt Resolution 1053-0621, approving a request by Virtua Avondale Eleven Owner, LLC, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Cerro Vista, a proposed high-density multi-family residential development with 249 units on 11.51 gross acres located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street. The request is to amend the General Plan Land Use Map from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre). City Council will consider a concurrent request to rezone the property from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4). The Council will take appropriate action.

e. PUBLIC HEARING - ORDINANCE 2029-0621 - CERRO VISTA - REZONING FROM AGRICULTURAL (AG) AND COMMUNITY COMMERCIAL (C-2) TO MULTI-FAMILY RESIDENTIAL (R-4) - APPLICATION PL-18-0080

City Council will hold a public hearing and consider a request to adopt Ordinance 2029-0621 approving a request by Virtua Avondale Eleven Owner, LLC, to rezone 11.51 acres of land located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4). City Council will consider a concurrent request to amend the General Plan Land Use Map from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre). These requests will allow for the development of the subject property with a 249-unit multi-family residential development at a density of approximately 23.94 dwelling units per acre. The Council will take appropriate action.

6. ADJOURNMENT

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

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



City of Avondale

Alamar Community Facilities District Board Meeting

Monday, June 21, 2021

District Board Members

Kenneth Weise, Chairperson

Veronica Malone, Vice Chairperson

Tina Conde, Board Member | Pat Dennis, Board Member

Bryan Kilgore, Board Member | Curtis Nielson, Board Member

Mike Pineda, Board Member

Administration

Charles A. Montoya, District Manager

Cherlene Penilla, Assistant District Manager

Tracy Stevens, Deputy Dist. Manager | Lindsey Duncan, Deputy Dist. Manager

Nicholle Harris, District Attorney | Marcella Carrillo, District Clerk

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REGULAR MEETING

Convene immediately following the 7:00 PM City Council Meeting

CALL TO ORDER BY DISTRICT CHAIR

1. ROLL CALL BY THE DISTRICT CLERK

2. MINUTES

The District Board will consider a request to approve the June 7, 2021 Alamar Community Facilities District Board Meeting Minutes. The Board will take the appropriate action.

3. CFD RESOLUTION 5-2021 - SETTING THE PROPERTY TAX LEVY FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

The District Board will consider a request to adopt CFD Resolution 5-2021 levying upon the assessed valuation of the property within the Alamar Community Facilities District subject to ad valorem taxation a certain sum upon each one hundred (\$100.00) of valuation for the fiscal year ending June 30, 2022. The District Board will take appropriate action.

4. ADJOURNMENT

Members will attend either in person or by telephone conference call. Los miembros participaran ya sea en persona o por medio de llamada telefonica.

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 meeting. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

CITY COUNCIL REPORT

SUBJECT: Amended Minutes

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

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

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Connected Community - 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 approval of this agenda item provides residents with access to a previous meeting's minutes, which includes a summary of the meeting. The minutes are posted online where residents can access and read the summary. The minutes provide another outlet for residents to connect with the City Council.

PURPOSE:

City Council will consider a request to approve an amendment to the March 22, 2021 City Council Meeting Minutes. The Council will take the appropriate action.

BACKGROUND:

The March 22, 2021 City Council Meeting Minutes were previously approved on May 3, 2021. Staff has been made aware of an error within the approved minutes. City Council are being asked to consider an amendment to the minutes.

DISCUSSION:

Provided below is the amendment being made to the minutes:

Original Text: Page 4, "Vice Mayor Dennis discussed the traffic signal on Avondale Boulevard and Lower Buckeye, which was originally projected to be completed this fiscal year but is now pushed back to 2023..."

Revised Text: Page 4, "Vice Mayor Malone discussed the traffic signal on Avondale Boulevard and Lower Buckeye, which was originally projected to be completed this fiscal year but is now pushed back to 2023..."

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve an amendment to the March 22, 2021 City Council Meeting Minutes.

AMENDED MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
March 22, 2021

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

Members Present: Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Pat Dennis, Bryan Kilgore, 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; Cherlene Penilla, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Callie McGraw, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Abril Ruiz-Ortega, Court Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. CAPITAL BUDGET AND ASSET REPLACEMENT DISCUSSION

City Council received a presentation from staff regarding the City's Capital Improvement Program (CIP) and Asset Replacement Program in preparation of the fiscal year 2022 (FY2022) budget which begins on July 1, 2021. This item was for discussion only.

Lindsey Duncan, Finance and Budget Director, stated that capital projects are items with a cost of greater than \$100,000 and a useful life of at least three years. Asset replacement addresses items that must be replaced on a periodic basis. The CIP program is a multiyear plan for capital infrastructure and unlike the operating budget most projects do not stay within fiscal year boundaries. Projects are generally identified through a variety of means, including staff analysis, professional opinion, contractual obligations and Council direction. City Council appropriates the first year of funding through the annual budget adoption process and the planning is over a five-year timeframe.

The City must consider the cost of operating and maintaining the new assets once constructed. Costs are reviewed throughout the process of identifying projects and bringing them forward for funding. CIP project costs have increased in recent years for a variety of reasons and continue to increase. The City is fortunate that many of its assets were constructed within the last 20 years; however, investments will be required as these

assets age. The current fiscal year budget is \$280 million, with capital at \$80 million or approximately 29 percent of the budget. While the budget for next year is still being developed, the allocation is expected to be very similar. The revenue sources were reviewed.

CIP funding sources were presented. Borrowing in the form of general obligation bonds requires voter approval for their original authorization and is repaid through secondary property tax levies, backed by the full faith and credit of the City. For 2010, \$13.5 million is obligated for the current general obligation bond authorization, of which \$7.5 million (general government) is for the Civic Center annex and \$6 million for streets improvements. The City anticipates issuing the \$7.5 million; however, there are no plans at this time to issue \$6 million for streets. There are no plans in this fiscal year to issue additional revenue bonds. For fiscal year 2022, use of \$8.7 million has been set aside of public safety general obligation bonds, but no allocations to revenue bonds.

A review of the definition and process for impact fees was provided. Year to date through February, approximately \$9.6 million has been collected. The forecast for the current fiscal year is \$14.9 million with a similar amount for Fiscal Year 2022. More nominal funding sources include grant opportunities and intergovernmental sources. For Fiscal Year 2020 requested CIP projects, percentages by category are: Transportation at 28 percent, The BLVD at 17 percent, Parks and Recreation at 12 percent, General Government at 9 percent, Public Safety at 7 percent and Utilities at 27 percent.

CIPs are identified as: funded, planned and unfunded. The recommended funding was presented in all categories.

Sources for asset replacement funding include general city taxes and user fees. Methods include sinking funds, ongoing allocations, and one-time contributions. In fiscal year 2021, the City appropriated \$750,000 to replace fire apparatus and \$221,000 for replacement of personal protective equipment. Information technology had approximately \$1.5 million in replacement funding. Some areas had ongoing allocation, with level funding on an annual basis. Unused funds are then carried over to the next fiscal year. Generally, there was not a specific asset or location identified in the CIP; however, departments were planning for specifics. These are generally categorized by asset type.

Most remaining infrastructure falls into the category of one-time contributions. This is generally used to allocate one-time funding on an as-needed basis, as the asset either reaches the end of its useful life or is no longer in operating order. This has been historically applied to park assets, police equipment, and facilities infrastructure. There was a separate allocation in fiscal year 2021 for self-contained breathing apparatus, firehoses, nozzles, tools, lighting replacements, turf replacement, park equipment, and library materials.

Asset inventory details are collected by department on spreadsheet software. There are over 500 listings and a count of over 5,500 with departments continuing to identify assets that need to be inventoried and replaced. They will provide information, such as date acquired, useful life, make, model, quantity, purchase price and projected replacement

price. Many of the items had smaller dollar values but in quantities that qualified to be added to the asset replacement plan. There are several single large assets with values of over \$100,000.

Based on Council direction, the City's asset management software will include assets from a variety of areas, such as utilities, traffic facilities and parks, linking to the GIS system. Data analysis and verification is under way. The system has been selected and implementation is under way.

Recommendations for Fiscal Year 2022 include:

- Maintain sinking fund for vehicles and rolling stock
- Maintain ongoing allocation for pavement preservation and street overlay
- Allocate total asset replacement funding by category
- Using five-year schedules
- Specific projects to be identified
- Management reviews recommendation
- Tracked in CIP projects

The upcoming budget meeting calendar was reviewed.

Council Members Pineda thanked staff for the presentation and commented positively on the asset management system.

Council Member Conde thanked staff for taking the time to identify their assets.

Council Member Nielson thanked staff for the presentation and commented positively on the asset management system.

Council Member Kilgore thanked staff for their hard work and dedication to get the numbers right and being fiscally responsible. He was happy to see projects moving forward, specifically noting the funding for streets, sidewalks, and streetlights.

Council Member Dennis referenced Project Number 1125 (Avondale Blvd - McDowell to Encanto). For 2021, the budget shows construction infrastructure at \$675,00 and technology hardware at \$100,000 with no carryovers; however, there were several other amounts for 2022. She asked for clarification on whether the amounts are adjusted or starting from scratch in 2022. Charles Montoya, City Manager, stated that the budget due diligence process is under way. West Point High School was completed and a site development for townhomes was approved on the south side of the high school. The City is continuing to work on the mentioned section due to an SRP ditch. Funds are being pushed off until this is resolved, and the funding amounts are being adjusted for 2022.

Council Member Dennis referenced the traffic signal at Broadway Road and Avondale Boulevard, which shows design and engineering for \$250,000 in 2023, to be totally funded in 2024. She asked whether the City is making warrants to move this up more quickly. Mr. Montoya confirmed that warrants must be made before proceeding. With the

additional development in the area, the intent is to expedite the project while also working with the County.

Council Member Dennis addressed the Western Avenue decorative string lights and commented that there were many vandalism issues with the old lights. Mr. Montoya stated that there are no guarantees to prevent vandalism; however, staff will take appropriate mitigation actions.

In response from an inquiry from Vice Mayor Malone, Mr. Montoya confirmed the brick would be kept within the decorative circle on Central and Western. Vice Mayor Malone referenced Project 1220 (ADA and Sidewalk Gap Study). She noted she received complaints of non-ADA compliance in the area of Buckeye Road and Central due to an electricity pole preventing wheelchair access. She inquired about making the southern portion of the City ADA compliant. Mr. Montoya reviewed the ways the City addresses this, including working with developer to underground power lines. In addition, the City reviews funding each year from utilities for undergrounding power lines. There is not yet a set timeline for completion, as there are a large number of areas to be addressed.

Vice Mayor Malone discussed the traffic signal on Avondale Boulevard and Lower Buckeye, which was originally projected to be completed this fiscal year but is now pushed back to 2023. There is currently no traffic signal on the southern part of Avondale Boulevard after Wyman. She would like to see this project moved up as this is a prime area for illegal drag racing. Mr. Montoya stated that he engaged with the County approximately a month and a half ago as the race event was approaching, in order to determine whether temporary lights could be installed. The intersection is large and primarily on County land. It is anticipated that there will be warrants with the additional building at Alamar which the developer will be responsible for part of the costs. To put in a light without warrants can sometimes put the City at a liability. Vice Mayor Malone suggested placing blinking stop signs at the site, similar to what is currently installed at Garden Lakes and Thomas. Mr. Montoya committed that staff would ensure some action in the next three months with blinking stop signs and bollards on the road.

Vice Mayor Malone referenced an unfunded project in the courts involving a security office, asking if a higher cubicle can be built to keep the guard's computer out of view. Mr. Montoya stated that staff will look into this. He clarified that funding is available for doing the design of the expansion of the lobby, which will come before other areas are added. Judge Jennings commented that the court is currently in compliance with security requirements. It is hoped that they can expand the lobby at some point and that would likely be the time that the security office would be built off a portion of the lobby. Mr. Montoya commented that once design is complete, they will have a better idea of how much other areas can be expanded to include the security office. Staff will work on privacy mitigation for the court security.

Council Member Pineda asked about the possibility of providing the name of any other associated entities on a project within the budget materials. This will assist with resident questions. Mr. Montoya stated that this information is always available to share with

Council; however, he is hesitant to put the information in a public domain, as there is the potential to create an adversarial relationship.

Council Member Dennis asked about the possibility of applying to the Water Infrastructure Finance Program (WIFA) for funding projects. Ms. Duncan stated that this funding mechanism is similar to issuing bonds but comes with a different set of requirements. Although funding is available, is it not as beneficial as the City issuing its own bonds.

Mayor Weise shared appreciation to staff for their work on the budget. He shared Vice Mayor Malone's concerns regarding drag racing locations in the City and encouraged staff to take mitigating steps, such as rumble strips and flashing stop lights. He noted that a federal infrastructure plan is anticipated, and Council will be updated as information is available.

Mr. Montoya stated that he has discussed the drag racing issue with the Police Chief Nannenga as well as the City Attorney, Nicholle Harris. She is now looking at a recently passed ordinance in Phoenix, but the City will also engage in mitigation techniques.

3. ADJOURNMENT

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

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

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

Meeting adjourned at 7:34 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 7:42 p.m. All participants attended by phone or video.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Pat Dennis, Bryan Kilgore, 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; Cherlene Penilla, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Callie McGraw, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Abril Ruiz-Ortega, Court Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Approximately 30 members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

- Paul Lemmon, resident of Avondale, spoke regarding the traffic on Garden Lakes Parkway. There was a Garden Lakes Parkway traffic study completed in 2019 that was included in the CIP budget five-year plan as unfunded. The Garden Lakes Safety Committee met recently and the issue of speeding on Garden Lakes has been identified as a top concern. He noted various upgrades completed on behalf of the Homeowners Association. He requested City Council give priority in the 2022 budget for completion of the 5-year project that the City presented. The traffic measures to reduce speeds in this busy corridor are essential for safety and quality of life.
- Michele Canales previously submitted a request to speak but was not present to speak during the meeting.

3. RECOGNITION ITEMS

a. EXCEPTIONAL STUDENT OF AVONDALE RECOGNITION (AVI STAR STUDENT)

The Mayor and City Council will recognize Avondale students from schools located in Avondale for their character and achievement. This item was for discussion only

Christopher Lopez, Neighborhood and Family Services Director, presented the Exceptional Student of Avondale nominations:

- Conner Walker
- Roberto Lopez Jr.
- Margaret Ellis
- Nathan Linley
- Alexander Rickett
- Gavin Aldrich
- Mario Cantu Cazares

Mayor Weise and Councilmembers each took a moment to offer congratulations, advice, and encouragement to the students.

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.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Pineda, seconded by Council Member Conde, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

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

a. MINUTES

City Council approved the February 1, 2021 City Council Meeting Minutes.

b. RESOLUTION 1017-0321 - SECOND AMENDMENT TO THE ALAMAR PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH BROOKFIELD LAKIN LLC

City Council adopted Resolution 1017-0321, approving the Second Amendment to the Alamar Pre-Annexation Development Agreement with Brookfield Lakin LLC, which (1) revises the framework for the management of funding responsibilities within the planned Alamar Community Park, (2) adds public wireless fidelity network infrastructure (WiFi) as a required element within the Community park, (3) updates the location of the planned City of Avondale public safety facility within the Alamar master planned community to reflect the location agreed to by the City subsequent to the 2018 Development Agreement approval and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

c. RESOLUTION 1018-0321 – INTERGOVERNMENTAL AGREEMENT FOR THE CREATION AND PARTICIPATION IN THE WEST VALLEY INVESTIGATIVE RESPONSE TEAM

City Council adopted Resolution 1018-0321 approving an Intergovernmental Agreement with various agencies for the creation and participation in the West Valley Investigative Response Team (WVIRT) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. SELF-INSURED EMPLOYEE BENEFITS

City Council approved a request from staff to prepare the City to exit the Arizona Metropolitan Trust and initiate its own self-insured employee benefits program.

1) RESOLUTION 1015-0321 - WITHDRAWAL FROM THE ARIZONA METROPOLITAN TRUST

City Council adopted Resolution 1015-0321, authorizing the withdrawal of the City of Avondale's membership in the Arizona Metropolitan Trust and authorized the Mayor, City Manager, City Attorney and the City Clerk to execute the necessary documents.

2) RESOLUTION 1016-0321 - AUTHORIZING THE CITY MANAGER TO ENTER INTO EMPLOYEE BENEFITS CONTRACTS

City Council adopted Resolution 1016-0321, authorizing the City Manager to enter into contracts for the procurement of medical, dental, vision, and life insurance benefits and authorized Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

3) REQUEST FOR POSITIONS IN THE HUMAN RESOURCES AND THE FINANCE AND BUDGET DEPARTMENTS

City Council (a) authorized the addition of three full-time equivalent (FTE) positions to include a Senior Human Resources Benefits Analyst and a Human Resources Benefits Specialist in the Human Resources Department as well as a Senior Budget Analyst in the Finance and Budget Department; (b) and authorized the Mayor, City Manager, and City Clerk to execute the necessary documents.

e. ORDINANCE 2015-0321 - SALE OF REAL PROPERTY LOCATED NEAR AVONDALE BOULEVARD AND VAN BUREN STREET

City Council adopted Ordinance 2015-0321 authorizing the sale of approximately 12.99 acres of real property located at 11348 West Van Buren Street, Avondale, Assessor Parcel Number 102-57-263, and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

5. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1019-0321 - SPECIFIC AREA PLAN FOR OLD TOWN, CASHION, AND LAS LIGAS/RIO VISTA (APPLICATION PL-20-0056)

City Council held a public hearing and consider a request to adopt Resolution 1019-0321 for Application PL-20-0056 Specific Area Plan for Old Town, Cashion, and Las Ligas/Rio Vista. The Plan is to reflect evolving economic development and planning conditions to attract new businesses and residential development to these areas. The intent of the Plan is to reflect the City's current level of expectation for revitalization in the next several years in the three areas.

Jodie Novak, Assistant Director of Development and Engineering Services, stated that the Plan acts as a guidebook to foster opportunities for redevelopment, revitalization, and

new development. It focuses on keeping three areas economically thriving, as the City grows in other areas. The Plan includes district ideas and concepts that focus on the three areas. This is accomplished through gateway intersections and key focus areas. Gateway intersection areas and key focus areas were identified and reviewed. Another component in the Old Town area is an existing zoning overlay, which provides the opportunity for commercial uses on a single-family zoning area. The Plan indicates expansion of this area north and south of Western. This would expand the Old Town area, providing more small business and economic opportunities. Examples were also provided for the Cashion area, including creation of a neighborhood park. In Las Ligas/Rio Vista District, there are no City-owned land available for development. There is a significant amount of vacant areas that are privately owned and zoned for residential purposes. It is hoped that the property owners will be enticed to come in with small and full residential development.

There are heavy restrictions on some of the City-owned properties in the Old Town area. These were purchased via Neighborhood Stabilization Funds through Federal HUD grant funds. The City must follow federal guidelines. The Neighborhood and Family Services Department is working on a Request for Proposal to procure services from a nonprofit to look at how to develop some of the properties in this area.

Some of the placemaking items in the three neighborhoods include signage, marketing/events, and public infrastructure. Development forum predominantly focuses on site/landscape design, building architecture, public art, and beautification. As properties redevelop or new development commences, City staff will work with property owners to ensure development maintains the desired quality. A brief summary of Council comments, public participation, and Board & Committee meetings was provided. The next steps were presented.

Mayor Weise opened the public hearing and received the following requests to speak:

- Robin Velasquez stated that she was commenting on behalf of herself and Laura Gonzales, who both work and live in Old Town Avondale. They have been very involved in the planning process from the beginning. A significant concern is the roundabout concept, noting most people whom she spoke with are against the concept. She suggested a traffic study to compare a light and a roundabout. Gathering places should be monitored and cleaned to avoid situations such as what is currently taking place in front of the library on Western. Also, of concern is the jail location near the new community center. Mayor Weise stated that someone on staff would be in touch with her regarding her concerns.
- Through the Zoom Meeting Platform, the following comment was left by M. Silvas "The Western Light district of old town. Update the lights on shops, etc. Just as Tolleson has done."

Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Pineda stressed the importance of cultivating conditions for the City's individual communities to thrive. The quality of the businesses in Old Town are something for residents to truly appreciate and celebrate. He offered Old Town San Diego as an example of Avondale's Old Town potential. The City should focus on smart growth and avoid disruption to neighborhoods and the traffic flow. It is important to keep Las Ligas and Cashion in the conversation as well, in terms of lighting and outreach to the small businesses. He appreciates the proactive approach of Economic Development and the partnerships being cultivated with business and development.

Council Member Conde thanked staff for its collaborative outreach with the community, as there are generations of families that live in these areas. She appreciates the flexible development standards and the ambassador program, which allows residents and businesses to have input on the process. It would be nice to have consideration for a special name for the shops on Western. The Spanish word for shops is Tiendas so a unique name could be "The Tiendas on Western" or "Old Town Tiendas".

Council Member Nielson commented that this plan is not concrete and can be modified based on need and conditions. Items such as the roundabout can be investigated, and the findings can be shared with residents for input.

Council Member Kilgore stated that since he began on Council in 2014, the residents in these areas have been speaking about the improvements they would like to see and things that have been taken away. He noted that himself, this Council and the previous Council have made an effort to make sure changes were made and improvements were happening. It is positive to see this conversation happening but to know that it is becoming concrete is even better. Vice Mayor Malone and Council Member Pineda are from this area. They have walked these streets, lived in the area and played in the area, so their words have value and weight. He expressed his excitement for what will transpire and noted the echoes of all the Council Members with respect to the conversation by the City going out to the people. Members of the public such as Robin, Laura, Mr. Rogers, Pep Guzman, (former) Mayor Marie Lopez Rogers, and Rose with the Agua Fria School District are all excited about the changes. He noted he is looking forward to getting it right, making a huge difference, and fixing some things. He echoed the comment from Council Member Pineda regarding the appearance of Old Town Tolleson, having a color palette that emulates the City. He expressed his gratitude to staff, Council, and all who have been contributing to making this positive difference.

Council Member Dennis stated that over time, there have been many ideas for the Old Town area, including the arts plan, infrastructure projects, roadway and lighting. She is happy to see the plan expand to some of the neighborhoods in the southern part of the City. She concurred with Council Member Nielson's comments that this is a plan that can be modified over the coming years. She stressed the need for City owned properties and elements to have a higher level of service in terms of maintenance and presentation. In expanding venues for Western Avenue, parking will be a major concern that must be considered in the plan.

Vice Mayor Malone expressed appreciation to staff for the presentation and for consistency of focus and momentum, particularly in consideration of community voices. She also acknowledged that the Plan can be changed and updated. She inquired as to how residents will be informed of such changes. Mr. Montoya stated that any modifications made will go through a process, with public notification and Council input.

Mayor Weise concurred with Council Member Pineda's comparison to Old Town San Diego in terms of the potential. Decisions on potential projects such as the roundabout will not be made in a unilateral fashion. Those who live and work in the area will have strong input into what they want. Thus far, there has been significant public engagement with significant participation in open houses, comments received, and voices heard. He also acknowledged that this cannot revolve solely around Western Avenue, but must also involve Las Ligas and Rio Vista, with investment from the private sector in surrounding neighborhoods. One of the reasons for moving the fire and police station to Western Avenue to the Rio Lopez Rogers complex is to have the opportunity for a large swath of land that could be bid out for development. This would benefit the entire area and bring a diversity of land and business owners. In terms of naming areas, he would like to see the name reflect the historical significance of the area, rather than just a catch phrase. Mr. Montoya agreed that residents, business owners, and property owners must also invest in the community.

Council Member Pineda moved to adopt Resolution 1019-0321 approving Application PL-20-0056 Specific Area Plan for Old Town, Cashion, and Las Ligas/Rio Vista; Vice Mayor Malone seconded the motion. Upon vote, the motion was carried unanimously 7 to 0.

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

6. ADJOURNMENT

There being no further business before the Council, Council Member Dennis moved to adjourn the Regular Meeting; Vice Mayor Malone seconded the motion. Upon vote, the motion was carried unanimously 7 to 0.

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

Meeting adjourned at 8:48 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session and Regular Meeting of the Council of the City of Avondale held on the 22nd day of March 2021. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

Date Approved by City Council

CITY COUNCIL REPORT

SUBJECT: Budget Adjustment for Bond Funded Capital Projects

MEETING DATE: 6/21/2021

TO: Mayor and Council

FROM: Keith Fallstrom, Interim Finance and Budget Director, (623) 333-2016

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

Aligning resources for capital projects ensures the city has the capacity to provide innovative program and service delivery to Avondale residents, businesses, and visitors.

PURPOSE:

City Council will consider a request to amend the fiscal year 2021 budget for projects partially funded through bond proceeds. The Council will take appropriate action.

BACKGROUND:

The city issued bonds in 2019 to fund the Police Expansion, Resource Center, and North Avondale Water Supply projects. For projects that are partially bond-funded, the city aims to spend bond proceeds before using other resources.

DISCUSSION:

The city uses a number of funding sources for capital improvement projects, including bonds, impact fees, and transfers from operating funds. The city has used bond funding for certain projects, including the Police Expansion, Resource Center, Old Town Avondale Improvements, and the North Avondale Water Supply projects. Due to the restrictions associated with bond proceeds and to ensure proper reporting, bond proceeds are deposited into separate funds from other capital funding sources.

The adopted financial policies of the city require council approval for budget adjustments between funds. Due to the timing of budget carryover adjustments, the FY2021 budget in the bond funds is higher than the proceeds remaining for four projects. For the Old Town Avondale, the streets improvements were originally planned to use a future debt issuance. Staff has determined there is adequate cash to fund the streets portion of the Old Town

Avondale improvements and does not recommend moving forward with the debt issuance. In total, these projects are within their adopted budgets, but the budget by funding source needs to be adjusted. In order to align the project budget with the resources available, the following budget adjustments are necessary.

Project	Department	Fund	Amount
Police Expansion	Police	2019 General Obligation Bond Construction (350)	(474,000)
Police Expansion	Police	Police Construction (308)	474,000
Resource Center	Neighborhood & Family Services	2019 General Obligation Bond Construction (350)	(580,000)
Resource Center	Neighborhood & Family Services	One Time Construction (322)	580,000
Old Town Avondale	Development and Engineering Services	2021 General Obligation Bond Construction (351)	(1,757,000)
Old Town Avondale	Development and Engineering Services	Street Construction (304)	1,757,000
North Avondale Water Supply	Public Works	2019 PRO Bond Construction (360)	(653,000)
North Avondale Water Supply	Public Works	Water Development Impact Fee (540)	653,000

BUDGET IMPACT:

The proposed budget adjustment will align the budgets for these projects with the resources available to fund these projects. This action does not increase or decrease the overall budget available for these projects.

RECOMMENDATION:

It is recommended that City Council approve the transfers of budget authority detailed in this council report.

CITY COUNCIL REPORT

SUBJECT: Resolution 1048-0621 - Intergovernmental Agreement with the City of Phoenix for Recycling Services

MEETING DATE: 6/21/2021

TO: Mayor and Council

FROM: Kirk Beaty, Public Works Director, (623) 333-4417

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

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.

{The City of Avondale residential recycling program fosters a culture and sense of sustainability that is important to the City's strategic outcomes. Continuing this program reinforces the City's position on creating a creative and sustainable community.}

This agenda item supports the following Avondale Strategic Outcome Area:

- Natural Resources and Open Spaces - Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations, activities, and planning.

{The City of Avondale residential recycling program fosters a culture and sense of sustainability that is important to the City's strategic outcomes. The City's residential recycling service supports the City's goal of providing Natural Resources and Open Spaces by diverting recyclable goods from landfills to recycling centers.}

PURPOSE:

City Council will consider a request to adopt Resolution 1048-0621, authorizing an Intergovernmental Agreement with the City of Phoenix for recyclable materials processing services and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

BACKGROUND:

The City of Avondale provides once a week curbside recycling service to over 22,000 households. Annually,

the City collects approximately 5,000 tons of recycling materials. Through an Intergovernmental Agreement (IGA) originally adopted on June 20, 2016, the recycling materials are delivered to the City of Phoenix Materials Recycling Facility for processing. After the materials are processed at the facility they are sold on the open market. The agreement provided for revenue and expense sharing based on a blended recyclables market rate.

The original IGA was subsequently amended three times, twice in 2019 and once in 2020, to respond to changes in the recycling market both locally and nationally. The Term of the original IGA was three (3) years, with an option for two (2), one-year renewals. Renewals through amendments have extended this IGA to June 30, 2021, upon which time it will expire and must be renegotiated.

DISCUSSION:

The recycling markets continue to be volatile. Commodity prices for cardboard, plastics, metals and paper have all fallen the last five years. Over the last year some cities have suspended or discontinued their recycling program. However, in the interest of environmental stewardship, most cities are still offering recycling, while keeping a watchful eye on market trends. Staff has carefully considered these options and recommends continuing the relationship with the City of Phoenix through a new 12-month IGA beginning July 1, 2021, with four, one-year renewals.

The new IGA with the City of Phoenix will see an increase to the processing fee from \$80.40 to \$82.01 per ton. The Average Quarterly Outbound Blended rate for the first quarter is \$63.92, resulting in a net cost per ton of \$18.09. The net cost per ton for recycling material is less than the new IGA with the City of Glendale for landfill services for our residential waste refuse at \$30 per ton. The Solid Waste team will continue to monitor the commodity prices and the Average Quarterly Outbound Blended Rates and assess the overall cost for the City.

BUDGET IMPACT:

Council approved funding for the recycling processing fees in the fiscal year 2021/2022 budget. Adequate funding is available in the budget, and costs associated with this IGA will be paid from Solid Waste account, Recycling Fees.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution ###-0621, authorizing an Intergovernmental Agreement with the City of Phoenix for recyclable materials processing services and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

RESOLUTION NO. 1048-0621

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX RELATING TO PROCESSING AVONDALE'S RECYCLABLE MATERIALS.

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

SECTION 1. The Intergovernmental Agreement with the City of Phoenix relating to processing of recyclable materials (the "Agreement") is hereby approved in substantially 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 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, June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1048-0621

[Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT
BETWEEN
CITY OF PHOENIX
AND
CITY OF AVONDALE

City Contract No. _____

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is entered into as of July 1, 2021, by and between the City of Phoenix, an Arizona municipal corporation ("Phoenix") and the City of Avondale, an Arizona municipal corporation ("Avondale") (collectively, the "Parties").

RECITALS

A. Arizona Revised Statutes, Sections 11-951 through 11-954 provide that public agencies may enter into intergovernmental agreements for the provision of services or for joint or cooperative action. The parties hereto acknowledge that this Agreement constitutes an Intergovernmental Agreement within the meaning of Arizona Revised Statutes, Sections 11-951 through 11-954.

B. Phoenix is empowered by Chapter II, Section 2 of the Phoenix Charter to enter into this Agreement and has, by City Council Action on _____, authorized the undersigned to execute this Agreement on behalf of Phoenix.

C. Avondale is empowered to enter into this Agreement by Avondale City Charter, and has, by City Council Action on _____, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of Avondale.

D. Phoenix is the owner of the North Gateway Materials Recovery Facility located at 30205 N. Black Canyon Highway and the 27th Avenue Materials Recovery Facility located at 3060 S. 27th Avenue (MRFs). Together, these two facilities are herein collectively referred to as "MRFs". Phoenix has contracted with ReCommunity for the operation of both MRFs during part or all of this Agreement. Phoenix represents to Avondale that ReCommunity currently acts on behalf of Phoenix for the operation and maintenance of the MRF's.

E. Avondale desires to enter into this Agreement with Phoenix to have Phoenix process Avondale's recyclable materials at both MRFs.

F. Phoenix and Avondale believe it would be advantageous for Avondale to deliver to Phoenix, and Phoenix to accept, Recyclable material at the MRFs from the standpoint of efficiency of collection and disposal, vehicle routing, avoidance of excessive travel times and distances, fuel economy and efficiency, and reduction of air pollution. Additionally, Avondale may also choose to use Phoenix facilities for green organics diversion and/or disposal of Municipal Solid Waste (MSW).

G. The purpose of this Agreement is to set forth the parties' respective rights and obligations with respect to Phoenix's acceptance of Avondale's Recyclables at the MRFs.

Now, therefore, in consideration of the mutual promises contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

DEFINITIONS

"Average Quarterly Outbound Blended Rate" means the average sales price per ton for all material sorted and sold at the North Gateway MRF during a calendar month including tonnage from rejects.

"Hazardous Waste" means: (1) any material or substance which by reason of its composition or characteristics is (a) toxic or hazardous waste as defined in either the Solid Waste Disposal Act, 42 U.S.C. §§ 6901 et seq., as replaced or amended, or any laws of similar purpose or effect, and such policies or regulations thereunder, or under relevant state law as replaced or amended, or any laws of similar purpose or effect, and any rules, regulations, or policies thereunder, or (b) special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; (2) other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for transfer through, transportation by, or disposal from or to a Facility; and (3) any material which would result in process residue being Hazardous Waste under (1) or (2) above.

"Hot Load" means any load of materials delivered to the MRFs which is emitting smoke, fire, or fumes and which may be in imminent danger of fire or explosion.

"Hours and Days of Operation" means those hours that the MRFs receive Recyclables, as posted and noticed from time to time. Currently, the MRFs receive Recyclables from 5:30 a.m. to 5:00 p.m., Mondays through Fridays, excluding Phoenix-observed holidays unless the holiday is a designated Solid Waste collection day for City of Phoenix residents. The MRF will receive recyclables on Saturdays following a City of Phoenix observed holiday that was not a collection day.

"MSW" means Municipal Solid Waste or any garbage, bulk trash, and other materials or products, including putrescible and non-putrescible waste, organic and inorganic waste, combustible and noncombustible waste, and liquid nonhazardous waste discarded by the public, but not including hazardous waste or human body parts.

"Processing Fee" means the sum of the processing fee paid to the Material Recovery Facility processor, revenue share to the processor and any City of Phoenix operating costs to run the recycling facility not covered by what is paid to the processor.

"Recyclables" means post-consumer residential materials as accepted in the Phoenix Recycles program, having residual value and suitable for use in other products. The list of acceptable materials may be modified by Phoenix, with reasonable notice to the City of Avondale, at any time at the sole discretion of Phoenix.

"Rejects" means non-recyclable waste that is delivered to the facility which is segregated from Recyclable materials during processing.

"RFID" means radio frequency identification. It is a device that is attached to the collection vehicle and that will be electronically read when the collection vehicle travels over the unmanned scale. This device transmits a unique signal and electronically tracks tonnages, trucks, times, etc.

"Special Waste" means any waste that is now or hereafter defined as a special waste under or pursuant to Ariz. Rev. Stat. §§ 49-851 et seq. or any other waste that requires special handling under federal, state, or local laws or regulations.

"Ton" means a short ton of two thousand (2,000) U.S. pounds.

"Unacceptable Waste" means that portion of solid waste, such as, but not limited to: (1) explosives, radioactive materials, untreated bio-hazardous medical waste as defined in A.A.C. R18-13-1401, cesspool waste, or sewage sludge; (2) motor vehicles, including major motor vehicle parts, agricultural and farm machinery and equipment; (3) waste tires; (4) used oil; (5) that which in the reasonable judgment of Phoenix may present a risk to health or to safety, or has a reasonable possibility of adversely affecting the operation of its MRF; or (6) waste not authorized for disposal at the MRFs by those entities having jurisdiction over any waste, the disposal of which would constitute a violation of any governmental requirement pertaining to the environment, or health or safety. Unacceptable Waste also includes any waste that is now or hereafter defined by federal law or by the disposal jurisdiction as radioactive, dangerous, hazardous; or extremely hazardous waste.

AGREEMENT

1. Term. The term of this Agreement shall be for a period of 12 months beginning on July 1, 2021 and ending on June 30, 2022. This Agreement may be renewed in one (1) year increments for a total of four (4) renewal years.
2. Phoenix's Acceptance. Phoenix will accept up to 6,000 tons of recyclable materials per year from Avondale at the MRFs as part of the Phoenix Recycles program. Avondale will be able to deliver Recyclables to the MRFs during their Hours and Days of Operation and may bring Recyclables on other days as approved in advance by Phoenix.
3. Avondale's Delivery. On an annual basis, Avondale may deliver up to 6,000 tons of recyclable material to the MRFs. Avondale shall, in good faith, deliver only acceptable recycling materials to the MRFs for processing. Avondale agrees to inform its residents of proper recycling practices and also agrees to enforce proper recycling practices. Avondale shall be responsible for arranging a recycling processing contingency plan in the event of circumstances resulting in Phoenix not being able to operate the MRFs. Avondale shall observe and obey all Phoenix hours of operation, rules of conduct, traffic patterns and speed limitations while on Phoenix property. Avondale shall make an effort to coordinate with Phoenix its scheduled delivery of recyclable materials during workdays.

Upon execution of this Agreement, Avondale shall provide Phoenix with its good faith projections, in writing, of the monthly tonnage that it expects to deliver to the MRF's which may be modified in writing and provided to Phoenix as reasonably necessary by Avondale. Avondale may not deliver more than twenty percent (20%) above its projected tonnage on a monthly basis to the MRF's without prior approval by Phoenix. These projections are intended for planning purposes and are not to be considered contractual commitments to deliver such projected tonnage.

4. Municipal Solid Waste Delivery. Under this agreement, Avondale may also deliver municipal solid waste to the City of Phoenix solid waste facilities at a quantity and rate that shall be negotiated by the Parties in advance of the time of delivery. The rate shall be no more than the then-current Phoenix disposal fee.
5. Weighing of Recyclables. Each vehicle delivering Recyclables shall have a vehicle identification number permanently indicated and conspicuously displayed on the exterior of the vehicle which is readily visible to the MRFs staff. In the event the scales become temporarily inoperable due to testing or malfunction, Phoenix shall estimate the weight of Recyclables on the basis of truck volume and historical data obtained through operation of the MRFs. These estimates shall serve as official records for the duration of the scale outage. In such case, a handwritten ticket may be substituted for the computer copy. In consideration for use of automated scales at the MRFs, Avondale shall make all collection vehicles used for delivery of Recyclables available for installation of RFID devices, and obtaining of a certified tare weight for each vehicle. Incoming materials shall be weighed by weighing all incoming vehicles and recording the weight of each. From time to time, Phoenix may require revalidation of the tare weight of any vehicle or re-weighing of unloaded trucks. RFID devices remain the property of Phoenix and shall be returned when vehicles are removed from service, or upon termination or expiration of this Agreement. A charge of \$50.00 per RFID device shall be charged for each device placed on Avondale collection vehicle or for replacement of lost or damaged devices.
6. Hot Loads. In the event that a Avondale vehicle dumps a Hot Load, Avondale agrees to pay reasonable charges for Phoenix's handling of such Hot Load. Reasonable Hot Load charges may be deducted from the monthly compensation for Recyclables.
7. Compliance with MRFs Rules and Traffic Requirements. Avondale staff will become familiar with and comply with all facility rules, traffic flows, and speed restrictions. Failure to follow such rules and requirements may result in restriction of Avondale staff from using the facility.
8. Quality of Recyclables. Material quality will be inspected by Avondale staff, and will adhere to guidelines of the "Phoenix Recycles" program of what is and is not acceptable Recyclable Materials, as set forth in **Exhibit A**, attached hereto, and as amended from time to time in accordance with the Notice provisions hereof. Materials will be spot check inspected by Phoenix staff or the designated operators on the MRFs floors. If materials are determined to be excessively contaminated, in the opinion of Phoenix personnel (rather than the contracted operator), then the materials will be moved immediately to the solid waste transfer area, and Avondale will be assessed the then-current disposal fee (which is presently \$42.00/ton). Phoenix will immediately inform Avondale of this determination and make the

material available for immediate inspection as permitted by operational requirements. Avondale will provide documentation of the attempts to increase the quality of the recyclable materials within two weeks of the excessively contaminated load. Avondale is aware that trucks must be fully emptied of any garbage prior to collection of recyclables. Excessive contamination means any load containing 35% or more non-recyclable material, or that is otherwise unacceptable for processing.

9. Termination of Agreement. Either party may terminate this Agreement with or without cause by giving the other party thirty (30) days prior written notice.
10. Vehicle leaks and spills. Avondale shall be responsible for prompt cleanup of leaks or spills from its vehicles while at the Facility. Regardless of the nature of any fluid leaking from the collection vehicle, it shall be cleaned up within two hours. Any Recyclables that are spilled in any part of the facility other than the designated tip area shall be immediately contained and collected by Avondale staff. Spills that are not satisfactorily cleaned up within the two-hour designated time frame may be remediated by the City of Phoenix and a reasonable cost of the cleanup deducted from the monthly compensation for Recyclables.
11. Processing Fee, Shared Revenue

11.1. Charge or Rebate. Avondale will pay, or receive a credit from, Phoenix for each ton of Recyclables accepted and processed at the MRFs. The per ton Processing Fee that Avondale pays will be applied against the calculated Average Quarterly Outbound Blended Rate (AQOBR) per ton shipped by Phoenix from the MRFs. The AQOBR will be calculated quarterly using the blended rate at the North Gateway Transfer Station. If the AQOBR is higher than the Processing Fee, the excess revenue, net of the Processing Fee, will be 50% for the City of Avondale and 50% for the City of Phoenix. An AQOBR that is less than the Processing Fee will result in a charge to Avondale that will not exceed the Processing Fee.

Below is the current price schedule:

Price Schedule			
Item No.	Description	Price	Effective Date
Item 1	Processing Fee	\$82.01 per ton	07/01/2021-06/30/2022
Item 2	Average Quarterly Outbound Blended Rate	\$63.92 per ton (Q3 2021)	07/01/2021-09/30/2021
Item No.	Description	Percent	Effective Date
Item 3	Reject Content	35% \$0.00 Credit Per Ton	07/01/2021-06/30/2022

Loads with more than 35% non-recyclable material may be rejected consistent with Section 8

AQOBR adjustments will follow the scheduled quarters commencing January 1st, April 1st, July 1st and October 1st. AQOBR adjustment quarters are defined as

January, February and March (Q1); April, May and June (Q2); July, August and September (Q3); and October, November and December (Q4). Blended rate adjustment calculations for January 1st will be per the quarter of July 1st-September 30th; April 1st adjustment will be per the quarter of October 1st-December 31st; July 1st adjustments will per the quarter of January 1st-March 31st; and October 1st adjustment shall be per the quarter of April 1st through June 30th. Phoenix will provide the AQOBR in writing to Avondale quarterly.

Phoenix will review and adjust the Processing Fee annually, subsequent to the expiration of the current operating agreement with the MRF operator and based solely on a negotiated amount between the MRF Operator and the City of Phoenix. Below is a sample table to be used as a reference to illustrate calculation of potential future charges and rebates:

SAMPLE SCENARIO			
Quarterly Outbound Blended Rate per Ton	Audited Reject Credit	Less Recycling Plant Processing Fee	Rebate = + Charge = -
\$82.01/ton	\$0.00/ton (Audited Reject Content 20% to 35%)	\$-82.01/ton	No Rebate No Charge
\$63.92/ton	\$0.00/ton (Audited Reject Content 20% to 35%)	\$-82.01/ton	\$-18.09/ton Charge
\$90.00/ton	\$5.00/ton (Audited Reject Content 0% to 19%)	\$-82.01/ton	\$+12.99/ton Rebate (50/50 Revenue Share)

11.2. Recycling Rejects. Phoenix will conduct annual audits to determine the reject level of the inbound material delivered by Avondale. The additional credit per ton if any will become effective at the beginning of the next renewal year, or within thirty (30) days of the end of the term, if there is no renewal. Upon consent of Phoenix, Avondale may request additional audits, not more than quarterly, to evaluate the impact of educational, inspection and enforcement programs to curb reject material. Reject content is the single biggest factor negatively impacting the value of the material and cost. Reducing reject content will increase the average quarterly outbound blended rate per ton calculated as follows:

Audited Reject Content	Additional Credit Per Ton
20% to 35%	\$0.00
Up to 19%	\$5.00

Any loads of Recyclables delivered by Avondale that, at the sole discretion of Phoenix, does not meet the composition or quality standards of the Phoenix Recycles Program as defined in Exhibit A, will be subject to rejection and charged the transfer station's refuse rate which is currently \$42.00 per ton.

11.3. Invoices. Avondale is required to pay Phoenix for each ton of Recyclables accepted and processed at the MRF's. Phoenix will calculate and invoice Avondale by the 25th day of the month for the previous month. Avondale will pay within 30 days of the invoice date

12. Indemnification. Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any personal (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

13. Miscellaneous.

13.1. Assignment. This Agreement shall not be assignable by either party without the prior written consent of the other party.

13.2. Applicable Law. The laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. Any lawsuits pertaining to this agreement will be brought only in Federal or State Courts in Maricopa County, State of Arizona.

13.3. Notices. All notices, demands and other writings provided to be given, made or sent by any party hereto to other parties shall be deemed to have been fully given, made or sent when made in writing and personally delivered or received by United States postpaid registered or certified mail and addressed as follows:

To Phoenix: City of Phoenix Public Works Department
Attn: Deputy Public Works Director
200 W. Washington Street, 6th Floor
Phoenix, AZ 85003

To Avondale: City of Avondale
Attn: City Manager
11465 W. Civic Center Drive
Avondale, AZ 85323

With a copy to: City of Avondale
Attn: City Attorney's Office
11465 W. Civic Center Drive
Avondale, AZ 85323

The address to which any notice, demand or other writing may be given, made or sent may be changed by written notice given by such party as above provided.

13.4. Conflict of Interest. No official, officer or employee of either party shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement that is prohibited by law. The parties hereto acknowledge that this Agreement is subject to cancellation pursuant to the provisions of ARS 38-511.

13.5. Cancellation for Nonappropriations. The Parties recognize that this Agreement depends upon appropriation of funds by the Phoenix City Council and Avondale City Council. If either fails to appropriate the necessary funds, or if the appropriation for this Agreement is reduced, either Party may reduce the scope of this Agreement if appropriate or cancel this Agreement without further duty or obligation. Each Party agrees to notify the other Party as soon as reasonably possible after the Party knows of the loss of funds.

13.6. Right of Parties. Nothing in this Agreement, whether express or implied, is intended to confer a right or remedy under or by reason of this Agreement on persons other than the Parties to this Agreement and their respective successors and permitted assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of a person who is not a Party to this Agreement, nor will provisions hereof give a person not a Party to this Agreement a right of subrogation or action over or against either Party to this Agreement.

13.7. Covenant Against Contingent Fees. The Parties warrant that no person has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee; and that no member of the Phoenix City Council, the Avondale City Council, or any employee of either of the Parties has an interest, financially or otherwise, in the Agreement.

13.8. Employees.

13.8.1. Non-liability of Officials and Employees. No official, officer or employee of Phoenix or Avondale shall be personally liable to the other party, or any successor in interest, in the event of any default or breach by either Phoenix or Avondale of any obligation under the terms of this Agreement.

13.8.2. Not Employees. The personnel of the either party to this Agreement are not for any purpose to be considered employees or agents of the other party, and that each party assumes full responsibility for the actions of its personnel while performing under this Agreement, and shall be solely responsible for their supervision, daily direction and control, payment of salary (including withholding income taxes and social security), worker's compensation and disability benefits.

13.9. Force Majeure. In addition to specific provisions of this Agreement, non-performance by any party hereto shall not be deemed to be a default where such non-performance is due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation related to the MRF, or unusually severe weather. In order for the non-performing party to obtain an extension of time for any such cause, the non-performing party must notify the performing party in writing of such force majeure within ten (10) days of commencement of such force majeure. Moreover, notice must contain a request for additional time, which shall only be for the period of the force majeure. Failure of the non-performing party to notify the performing party of such force majeure within such ten (10) days shall result in the performing party granting only a ten (10) day extension to the non-performing party.

13.10. No Waiver. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any breach or

default shall not operate as a waiver of any breach or default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

13.11. Modification. Any amendment or modification of this Agreement shall be in writing and shall be effective only after signature by both Parties

13.12. Severability. If any provision of this Agreement shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

13.13. Representations and Warranties.

13.13.1. Avondale hereby represents and warrants to Phoenix as follows: (1) Avondale has the full power and authority to execute and deliver this Agreement to Phoenix and carry out the transactions contemplated hereby; (2) Avondale has taken all necessary action to execute, deliver, and perform this Agreement; and (3) neither the execution and delivery hereof nor the consummation of the transactions contemplated hereby nor Avondale's compliance with any of the terms and provisions hereof does or will contravene any existing law, judgment, governmental rule, regulation, or order applicable to or binding on it or any of its properties which, if violated, would have material adverse effect on Avondale's obligations under this Agreement. Upon execution and delivery of this Agreement by Avondale, it will constitute a legal, valid, and binding obligation of Avondale enforceable against it in accordance with the terms hereof.

13.13.2. Phoenix hereby represents and warrants to Avondale as follows: (1) Phoenix has the full power and authority to execute and deliver this Agreement to Avondale and carry out the transactions contemplated hereby; (2) Phoenix has taken all necessary action to execute, deliver, and perform this Agreement; and (3) neither the execution and delivery hereof nor the consummation of the transactions contemplated hereby nor Phoenix's compliance with any of the terms and provisions hereof does or will contravene any existing law, judgment, governmental rule, regulation, or order applicable to or binding on it or any of its properties which, if violated, would have material adverse effect on Phoenix's obligations under this Agreement. Upon execution and delivery of this Agreement by Phoenix, it will constitute a legal, valid, and binding obligation of Phoenix enforceable against it in accordance with the terms hereof.

13.14. Definitions, Exhibits, and Recitals. The definitions, exhibits, and recitals attached to this Agreement are hereby incorporated into this Agreement by this reference, as and to the same effect as if recited at length in the body of this Agreement.

13.15. Audit. The parties agree to retain all books, accounts, reports, files and other records relating to the Agreement and to make such records available at all reasonable times for inspection and audit by the other party or the Auditor General of the State of Arizona, or their agents, during the term of and for a period of 5 years after the completion of the Agreement.

13.16. E-Verify. To the extent applicable under A.R.S. § 41-4401, the Parties warrant compliance with all federal immigration laws and regulations that relate to their

employees and compliance with the E-Verify requirements under A.R.S. § 23-214(A). Failure by any Party to comply with such warranty shall be deemed a material breach of this agreement and may result in the termination of this Agreement. To the extent authorized under A.R.S. § 41-4401, each Party shall have the right to inspect the papers of each of the others, their subcontractors, or any employee of either who performs work hereunder for the purpose of ensuring that the other party or subcontractor is in compliance with the warranty set forth in this provision.

IN WITNESS WHEREOF, the parties have caused this Intergovernmental Agreement to be executed by their duly authorized officers and agents on the day and year first written above.

CITY OF PHOENIX, a municipal
corporation

CITY OF AVONDALE, a municipal
corporation

ED ZUERCHER, City Manager

By: _____
Felissa Washington Smith, Public
Works Director

By: _____
Charles A. Montoya, City Manager

ATTEST:

ATTEST:

City Clerk

City Clerk

In accordance with A.R.S. Sec. 11-952 this Agreement has been reviewed by the undersigned attorney who has determined that this Agreement is in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

In accordance with A.R.S. Sec. 11-952 this Agreement has been reviewed by the undersigned attorney who has determined that this Agreement is in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

City Attorney

City Attorney

Date

Date

Exhibit A

Guidelines for Phoenix's Recycling Program



The following chart shows the materials that are acceptable and unacceptable in the recycle container:

Materials	Acceptable	Unacceptable
Paper	Office paper, mail, newspaper, magazines, catalogs, magazines, telephone books, milk/juice cartons, juice boxes, paper towel and toilet paper tubes	Tissue paper, toilet paper, paper towels, napkins, hardback or paperback books, padded envelopes, photographs
Plastic	Jugs, bottles, jars, cups, containers, coffee cup lids, flower pots and trays, plates, clamshells	Plastic kitchen bags, plastic shopping bags, soft or film plastics, Styrofoam, candy wrappers, chip bags, dog food bags
Metal	Steel/tin food cans, aluminum beverage cans, party trays, aluminum foil, clean aluminum pie plates/trays	Metal sheets, electronics, car parts, batteries, propane tanks
Cardboard	Boxes (packages and food boxes)-broken down, clean pizza boxes	Greasy pizza boxes
Glass	Bottles, jars	Light bulbs, ceramics, sheets of glass, mirrors, window panes, dishes
Miscellaneous		Clothing, textiles, any bagged materials

Tips by category:

Paper

Paper products should be clean and removed from binders, folders and bindings. Paper products like tissue, napkins and paper towels are not recyclable because their fibers are too short.

Plastic

Keep lids on all plastic bottles. Lids are too small to be recycled separately. No plastic bags of any kind (even if they have a recycle symbol on them). This includes plastic kitchen bags, plastic shopping bags, sandwich bags and bubble wrap, etc. These items get wrapped around the machinery and are not accepted in the recycle container.

Metal

Place metal lids inside of cans

Cardboard

Cardboard is acceptable in the blue container, but greasy pizza boxes are not. Salvage the non-greasy parts of the pizza box for recycling.

Glass

Due to magnet strength for sorting iron metal objects, it is important to remove metal lids from glass jars and place both separately in your blue recycling container.

General Recycling Protocol

All recyclable material must be relatively clean, dry, empty and uncrushed. No need to excessively wash recyclables, a quick rinse is sufficient.

Do NOT bag, box or tie recyclables. Keep all recyclables loose. Keep items separate, do not nest.

CITY COUNCIL REPORT

SUBJECT: Resolution 1049-0621 - Intergovernmental Agreement with the City of Glendale for Landfill Services

MEETING DATE: 6/21/2021

TO: Mayor and Council

FROM: Kirk Beaty, Public Works Director, (623) 333-4417

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

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

{The City of Avondale residential refuse program provides weekly residential trash pickup services that keep Avondale residents public health top of mind. This reinforces the City's position on providing public health and safety services to Avondale residents.}

PURPOSE:

City Council will consider a request to adopt Resolution 1049-0621, approving an Intergovernmental Agreement with the City of Glendale relating to landfill disposal services and authorize the Mayor, or City Manager and the City Clerk to execute the necessary documents. The City Council will take appropriate action.

BACKGROUND:

The City of Avondale currently utilizes the City of Glendale landfill to dispose of refuse. The Glendale landfill is located on Glendale Avenue, approximately three miles north of the City of Avondale boundary. This proximity is advantageous for the City, keeping fuel costs low and allowing for quick turnaround for sanitation routes.

City Council approved Contract Number C-9156, dated August 12, 2014, authorizing an Intergovernmental Agreement (IGA) with the City of Glendale for landfill disposal services. The original term of the IGA was through June 30, 2018. The IGA was extendable for an additional three years if agreed upon by both parties and executed in writing. The agreement was subsequently extended through contract expiration in June of 2021, with associated increases in tipping fees.

DISCUSSION:

This new IGA is a three-year agreement starting July 1, 2021 ending June 30th, 2024 with two (2) one-year extensions and sets new rates. The tipping fees are as follows:

TIPPING FEE NEW IGA

July 1, 2021 through June 30, 2022 --- \$30.00 per ton

July 1, 2022 through June 30, 2023 --- \$31.00 per ton

July 1, 2023 through June 30, 2024 --- \$32.00 per ton

July 1, 2024 through June 30, 2025 --- TBD

July 1, 2025 through June 30, 2026 --- TBD

BUDGET IMPACT:

Increases in landfill fees were previously accounted for in the presented rate recommendation. Therefore, this IGA will not impact the previously presented sanitation rate recommendation. Sufficient funding for this item is included in FY22 Landfill Fees; and is subject to annual budget authority.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution ###-0621 approving an Intergovernmental Agreement with the City of Glendale relating to landfill disposal services and authorize the Mayor, or City Manager and the City Clerk to execute the necessary documents.

RESOLUTION NO. 1049-0621

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF GLENDALE RELATING TO LANDFILL DISPOSAL SERVICES.

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

SECTION 1. The Intergovernmental Agreement with the City of Glendale relating to landfill disposal services (the “Agreement”) is hereby approved in substantially 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 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, June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1049-0621

[Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF AVONDALE
AND
THE CITY OF GLENDALE FOR
LANDFILL DISPOSAL SERVICES

THIS INTERGOVERNMENTAL AGREEMENT FOR LANDFILL DISPOSAL SERVICES (“Agreement”) is made and entered into on _____, 2021, between the City of Avondale, an Arizona municipal corporation (“Avondale”) and the City of Glendale, an Arizona municipal corporation (“Glendale”). Avondale and Glendale are referred to herein collectively as the “Parties” or individually as a “Party.”

RECITALS

A. Avondale and Glendale intend to enter into this Agreement for Landfill Disposal Services. Avondale and Glendale are authorized and empowered by provisions of their respective city charters and Arizona Revised Statutes § 11-952 to enter into this Agreement.

B. Avondale and Glendale find it mutually beneficial for Glendale to provide landfill disposal services to Avondale.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Avondale and Glendale hereby agree as follows:

1. Definitions.

The capitalized terms contained in this Agreement and not otherwise defined shall have the meanings set forth below:

“Acceptable Waste” means any solid waste, including household waste, household hazardous waste or conditionally exempt small quantity generator waste, that Glendale is authorized to dispose of in the Facility according to its ADEQ-approved solid waste management plan. “Acceptable Waste” may include: (i) household wastes; (ii) commercial waste (originating from entities such as restaurants, stores, markets, theaters, hotels, and warehouses); (iii) institutional waste material originating in schools, hospitals, research institutions, and public buildings; (iv) small amounts of remodeling, demolition, roofing materials and other construction debris; (v) water treatment plant or wastewater sludge, capable of passing the mandated paint filter test, and delivered with an acceptable lab report (sample analysis according to appropriate waste testing protocol established by the Facility). “Acceptable Waste” does not include any Hazardous Waste, Special Waste, Medical Waste, including Biohazardous Medical Waste, and any Unacceptable Waste or any mixture, portion or fraction thereof.

“ADEQ” means the Arizona Department of Environmental Quality or any successor department or agency.

“Applicable Laws, Rules, and Regulations” means the laws, statutes, regulations and rules enacted by the federal government or any agency thereof, the state or any political subdivision thereof, affecting the permitting, operation or use of the Facility (as defined below), as such laws, statutes, regulations and rules are now in effect or as adopted subsequently.

“Contract Year” means one fiscal year period of July 1 through June 30.

“Dollars” means United States dollars.

“Facility” means the Glendale Municipal Landfill located at 11480 West Glendale Avenue, Glendale, Arizona.

“Fiscal Year” means the City of Glendale’s calendar for a fiscal year, currently July 1 through June 30.

“Force Majeure” means any act, event, or condition having a direct, material, adverse effect on the ability of the Facility to accept or dispose of Acceptable Waste, if such act, event, or condition is beyond the reasonable control of the Party relying thereon as justification for not performing an obligation or complying with any condition required of such Party under this Agreement. Such acts, events, or conditions shall include, but shall not be limited to, the following:

- A. An act of God, lightning, earthquake, fire, severe weather conditions, epidemic, landslide, drought, hurricane, tornado, storm, explosion, partial or entire failure of utilities, flood, nuclear radiation, act of a public enemy, war, blockade, insurrection, riot, disturbance, labor strike or interruption, extortion, sabotage or similar occurrence or any exercise of the power of eminent domain, condemnation or other taking by the action of any governmental body on behalf of any public, quasi-public or private entity.
- B. The order, judgment, action, or determination of any court, administrative agency, or governmental body: (1) that adversely affects the (a) operation of the Facility, (b) the right or ability for the Facility to accept Acceptable Waste by road or (c) the right or ability of the Facility to dispose of the Acceptable Waste; or (2) resulting in the suspension, termination, interruption, denial or failure of renewal of issuance of any permit, license, consent, authorization, or approval necessary to the operation of the Facility, or acceptance, processing, transportation, or disposal of Acceptable Waste; unless, it is shown that such order or judgment is the result of the grossly negligent, willful, or intentional action or inaction of the Party relying thereon or is the result of grossly negligent or willful violation of Applicable Laws, Rules and Regulations, as replaced or amended, and provided further that the contesting in good faith of any such order or judgment shall not constitute or be construed as a grossly negligent, willful or intentional action or inaction of such Party.
- C. The denial of an application, failure to issue, or suspension, termination, or interruption in the issuance or renewal of any permit if such denial, suspension, termination, interruption, or failure is not also the result of a wrongful or negligent act or omission or a lack of reasonable diligence of the Party relying thereon; provided that, the contesting in good faith or the failure in good faith to contest any such denial, suspension, termination, interruption, imposition or failure shall not constitute or be construed as such a wrongful or negligent act or omission or lack of reasonable diligence.
- D. The failure of any subcontractor or supplier to furnish services, materials or equipment on the dates agreed to if such failure is caused by a Force Majeure, if and to the extent, and only so long as Glendale is not reasonably able, after using its best efforts, to obtain substitute services, materials or equipment.

“Gate Rate” means the tipping fee for Acceptable Waste charged to a non-contract vehicle using the Landfill. The Gate Rate shall include any applicable taxes, fees, or levies, as replaced or amended, that the Landfill is required to pay for waste delivered to and accepted at the Landfill.

“Hard to Handle Waste” means waste requiring special handling such as the burial in an area away from the main working face of the Landfill, the breaking up of large materials as mobile homes or pieces of concrete and spools of wire.

“Hazardous Waste” means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded materials, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations or from community activities which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed or any waste identified as hazardous pursuant to § 49-922. “Hazardous waste” does not include solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal water pollution control act (P.L. 92-500; 86 Stat. 816), as amended, or source, special nuclear or by-product material as defined by the atomic energy act of 1954 (68 Stat. 919), as amended.

“Hot Load” means any load of materials delivered to the Facility that is emitting smoke, fire or fumes, or may be in imminent danger of fire or explosion.

“Medical Waste” “Medical waste,” as defined in A.R.S. § 49-701, means “any solid waste which is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs but does not include hazardous waste as defined in A.R.S. § 49-921 other than conditionally exempt small quantity generator waste.”

“Solid Waste” means any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material, except for those solid wastes that are exempt in accordance with A.R.S. §49-701.01.

“Solid waste management plan” means the plan which is adopted pursuant to A.R.S. § 49-721 and approved by ADEQ, which provides guidelines for the collection, source separation, storage, transportation, processing, treatment, reclamation and disposal of solid waste in a manner that protects public health and safety and the environment and prevents and abates environmental nuisances.

“Special Waste” means a solid waste as defined in section 49-701.01, other than a hazardous waste, that requires special handling and management to protect public health or the environment and that is listed in section 49-852 or in rules adopted pursuant to section 49-855. Special waste does not include return flows from irrigated agriculture, medical waste, used oil or by-products of a regulated agricultural activity, as defined in section 49-201, that are subject to best management practices under section 49-247, by-products of livestock, range livestock and poultry as defined in section 3-1201, pesticide containers regulated pursuant to title 3, chapter 2, article 6 or waste that contains radioactive materials that are subject to a permit or regulation under the atomic energy act of 1954 (42 United States Code section 2011; 68 Stat. 919), as amended, or title 30, chapter 4.

“Tipping Fee” shall mean the total rate charged and adjusted by Glendale for disposal by Avondale at the Facility, as more fully set forth in Section 3.3 of this Agreement. The Tipping Fee shall include any applicable taxes, fees, or levies, as replaced or amended, that the Facility is required to pay for waste delivered to and accepted by the Facility.

“Ton” means two thousand (2,000) U.S. pounds.

“Unacceptable Waste” means any solid, hazardous, medical, mixed, or special waste, or any portion or fraction thereof, that Glendale may not accept for disposal at the Facility. Such “Unacceptable Wastes” include, but are not limited to: (A) explosives, radioactive materials, medical waste or infectious biohazardous waste, waste tires (excluding tires delivered by Avondale residents as per Section 2.1 b), residential cesspool waste, sewage, and sludge; (B) motor vehicles, including motor vehicle parts, and any agricultural and farm machinery or equipment or parts thereof; (C) used oil; (D) materials that Glendale determines may present a risk to human health or safety or the environment, or may adversely affect the operation of the Facility, including, but not limited to, Hot Loads; or (E) waste not authorized for disposal at any Facility pursuant to its approved solid waste management plan.

“Waste Tires” means: (a) A tire that is no longer suitable for its original intended purpose because of wear, damage or defect; (b) A tire that is removed from a motor vehicle and is retained for further use; or (c) A tire that has been chopped or shredded.

2. Delivery of Acceptable Waste.

2.1 Acceptable Waste Delivered.

- A. Avondale shall use its best efforts to ensure that all materials delivered to the Facility for disposal shall constitute only Acceptable Waste. Glendale shall have the right to refuse to accept any waste or load it suspects contains Unacceptable Waste for disposal at the Facility. Avondale will be charged the fees established in Section 3.3 below.
- B. Avondale residents will be charged the established rate in Section 3.3 below for Acceptable Waste delivered in self-hauled loads to the Facility for disposal. All appliances containing Freon will be assessed a separate fee to cover the cost the Facility incurs for Freon removal. The fee is subject to change at any time to reflect the market cost of Freon removal.
- C. Waste Tires delivered by Avondale residents will be accepted and assessed a Waste Tire handling fee of \$3.00 per tire in addition to the Tipping Fee. The tires must be from passenger vehicles or small non-commercial trucks, and shall not contain rims. All other Waste Tires, including those from off-road vehicles, will not be accepted. Avondale residents will be limited to the delivery of five Waste Tires every 90 calendar days. This Waste Tire handling fee is subject to change at any time to reflect the Facility cost of handling.
- D. Glendale may refuse to accept Acceptable Waste for disposal at the Facility if such waste is of such a quantity or character that it requires special handling procedures for disposal (Hard to Handle Waste or Hot Load). In the event Glendale identifies Acceptable Waste as Hard to Handle Waste or Hot Load, it shall notify Avondale of its decision not to accept the otherwise Acceptable Waste for disposal, or it will notify Avondale of any additional charges related to disposal of the otherwise Acceptable Waste prior to accepting it for disposal.

- E. Avondale and Glendale recognize that although Waste Tires constitute Unacceptable Waste, Waste Tires may on occasion be mixed with Acceptable Waste collected by Avondale despite its best efforts to collect and deliver Acceptable Waste for disposal in the Facility. In such event, Waste Tires will be handled by the Facility. However, should the receipt and disposal of Waste Tires become unduly burdensome on the Facility, the parties will meet and confer to develop a strategy to address the problem. Although the Parties agree to meet and confer to address this problem in good faith, nothing in this subsection prevents or interferes with Glendale's right to exercise its rights under subsection 2.1(D) and/or Section 7 herein.

2.2 Weighing of Acceptable Waste.

- A. Each vehicle delivering Acceptable Waste shall have a vehicle identification number permanently affixed and conspicuously displayed on the exterior of the vehicle, which is readily visible by the weigh scale operators. Avondale shall provide a certified tare weight for each such identified vehicle. All incoming Acceptable Waste shall be weighed and recorded. From time to time, the Parties may require revalidation of the tare weight of any vehicle or re-weighing of unloaded trucks. Avondale, at no extra cost, shall have the right to monitor the weighing of all vehicles delivering Acceptable Waste to the Facility.
- B. Glendale shall maintain the weighing devices at the Facility for the purpose of weighing and recording the amount of Acceptable Waste delivered to the Facility. Glendale shall test and recalibrate the weighing devices at least once each quarter, or more often if necessary or if required by the Arizona Department of Weights and Measures. Calibration records shall be available for inspection by Avondale.
- C. In the event the weighing devices become temporarily inoperable due to testing or malfunction, Glendale shall estimate the weight of Acceptable Waste delivered to the Facility on the basis of truck volume and historical data obtained through operation of the Facility. These estimates shall serve as official records for the duration of the weighing device outage. Glendale shall use its best efforts to ensure that no such period of inoperability exists for more than five consecutive days, and in the aggregate not more than 15 days in any 30-day period.
- D. To expedite turnaround time at Facility, Avondale will use the automated, unattended scale system (commonly referred to as the Radio Frequency or RF Scale). Glendale will provide Avondale with a summary of all transactions on a monthly basis as specified in Section 3.1. Information on specific transactions or a daily report will be generated upon request.

2.3 Vehicle Turnaround Time. Each and every vehicle delivering Acceptable Waste to the Facility shall be able to enter the Facility, unload and exit the Facility within a period of not longer than twenty (20) minutes, with the understanding that bad weather conditions, such as heavy rain, may cause delays beyond the control of the Facility. The average period of not longer than twenty (20) minutes is based on the use of the unattended scale system and an average period of not longer than eight (8) minutes to unload the Avondale vehicles. Glendale shall provide experienced staff at the Facility to direct incoming drivers.

- 2.4 Delivery Vehicles.** Acceptable Waste may be delivered to the Facility in a variety of vehicles including, but not limited to, side-loading collection trucks, rear-loading collection trucks, front-loading collection trucks, tractor-trailer vehicles, open top and closed roll-off containers, compactors, and other open or closed vehicles. The Facility shall be equipped to receive all vehicles that are lawfully used to transport Acceptable Waste.
- 2.5 Hot Loads.** In the event that Glendale accepts a Hot Load from an Avondale transporter, as provided in subparagraph 2.1(D) above, Avondale agrees to pay the additional costs incurred by Glendale for the handling of that Hot Load. Such costs may include, but are not necessarily limited to, costs related to response by public safety personnel as well as cleanup and disposal costs related to the material.
- 2.6 Discovery of Unacceptable Waste.** If Glendale discovers Unacceptable Waste or waste that it suspects is Unacceptable Waste received from Avondale, Glendale shall:
- A. Isolate, remove and set aside that portion of the load which it determines is or may be Unacceptable Waste.
 - B. Notify Avondale of the discovery of Unacceptable Waste within one hour of that discovery, unless that discovery occurs after 4:00 p.m., in which event notification shall be given by 9:00 a.m. of the next business day.
 - C. Gather, preserve, maintain and make available to Avondale all evidence demonstrating that the Unacceptable Waste was delivered by Avondale.
 - D. Test or arrange to have the suspected Unacceptable Waste tested to ascertain whether that waste is Unacceptable Waste.
 - E. Allow Avondale to: (1) inspect such Unacceptable Waste within eight hours of notice to Avondale of the existence of such waste; and (2) test the waste and examine all other evidence gathered by Glendale within 72 hours after the discovery of such waste. For purposes of any inspection conducted, Avondale shall have access to the Facility and/or any other site at which Unacceptable Waste is located, subject to the conditions set forth in Section 5.3 below.
- 2.7 Rejection of Unacceptable Waste.** Glendale shall have the right to reject Unacceptable Waste after the load is unloaded at the Facility by giving notice to Avondale as set forth in Subsection 2.6 above. Unacceptable Waste shall be deemed accepted if not rejected.
- 2.8 Disposal of Unacceptable Waste.** If Unacceptable Waste is discovered at the Facility and there is substantial proof that the Unacceptable Waste was delivered to the Facility by Avondale under this Agreement, Avondale shall: (a) to the extent practicable, promptly remove and properly dispose of the Unacceptable Waste; or (b) pay Glendale the actual cost for proper disposal of the Unacceptable Waste. Avondale shall also pay or reimburse Glendale for the actual cost of the inspecting, testing, characterizing and handling of the Unacceptable Waste.
- 2.9 Disposal of Waste not deemed Unacceptable.** If, after inspecting and/or testing the waste, Glendale discovers the waste was Acceptable Waste, or discovers that the Unacceptable Waste was not delivered to the Facility by Avondale, Glendale shall dispose of that waste at no additional cost to Avondale.

3. Statements, Records, and Auditing.

3.1 Monthly Reports, Weight Tickets, and Monthly Reconciliation.

- A. Within ten working days after the end of the preceding month, Glendale shall deliver to Avondale an electronic monthly report specifying the number of tons of waste received during the previous month and any charges for waste disposal. The report will provide a summary of the previous month's weight tickets for all waste received each day at the Facility, including transaction number, truck number, date, time, material type, net tons and total fee. Because unattended weight device will be used to record the weight of each load delivered to the Facility for disposal by Avondale vehicles, weight tickets will be provided to drivers only upon request.
- B. Any weight that has been determined by estimate as described in Section 2.2(C) above shall be noted on all records of such weight.
- C. Avondale shall review each monthly report and/or billing statement and pay the fee required for tonnage delivered to the Facility during that month based on the established rate in Section 3.3 below. Payment shall be received or remitted in accordance with Glendale remittance terms, which currently require payment within 30 days of invoice. These remittance terms may change to align with any change in business practices. Glendale must notify Avondale in writing regarding any changes to the remittance terms, and any changes will not take effect until at least 90 days after the notice is provided in a manner consistent with Section 10.10 of this Agreement.

3.2 Recordkeeping, Accounting and Auditing.

- A. Glendale shall keep and maintain complete and detailed records related to the delivery of Acceptable Waste and Unacceptable Waste as the basis for the invoicing under this Section including: (1) tonnage of Acceptable Waste delivered by Avondale to the Facility; and (2) quantities of Unacceptable Waste, and its ultimate disposition (e.g., segregation, storage or removal for disposal in another facility) of such material including activities undertaken to characterize the waste, and the date, time, and vehicle identification of each vehicle delivering and disposing of it. Glendale shall further keep and maintain accurate and complete accounting records and vouchers evidencing all costs, receipts, payments and any other matter of accounting associated with its performance under this Agreement in accordance with generally accepted accounting principles.
- B. Avondale, or its audit representative, shall have the right at any reasonable time to inspect, copy and audit the records, accounting records, vouchers, and any source documents which serve as the basis for charges for Acceptable Waste tonnage (the "Accounting Records"). The Accounting Records shall be available for inspection and audit for a period of three years following the termination of this Agreement, or five years from the date such Accounting Records were first created, whichever comes first.

3.3 Tipping Fees.

- A. The Tipping Fee for disposal services at the Facility shall be as follows:

Tipping Fee	Effective Date(s)
\$30.00	July 1, 2021 through June 30, 2022
\$31.00	July 1, 2022 through June 30, 2023
\$32.00	July 1, 2023 through June 30, 2024
	Review Extension and Tip Fee January 1, 2024 as per Sec. 3.3 C
\$TBD	July 1, 2024 through June 30, 2025
\$TBD	July 1, 2025 through June 30, 2026

This Tipping Fee includes the current \$0.25 per ton Arizona Department of Environmental Quality tax.

- B. Tonnage will be tracked as trucks pass through the weighing device and charged the appropriate Tipping Fee according to this Section.
- C. Under Section 4 below. (Term and Termination) The Tipping Fee shall be reviewed prior to any extension of the term of this Agreement. The Tipping Fee review will be conducted no later than six months prior to the termination of this Agreement, and, if the term of this Agreement is renewed or extended, Tipping Fee adjustments shall apply on the date the renewal becomes effective.
- D. The Tipping Fee may be adjusted at any time to reflect any adjustments of, changes to, or additions to Federal, State, or County taxes, fees, or levies for waste accepted at the Facility.
- E. Tipping Fees for acceptance of Water treatment plant or wastewater sludge, capable of passing the mandated paint filter test, and delivered with an acceptable lab report (sample analysis according to appropriate waste testing protocol established by the Facility), shall be charged at the same rate as all other Acceptable Wastes, in accordance with subsection 3.3(A) above. The sample analysis shall be conducted annually or more frequently, if good cause exists.
- F. All appliances containing Freon and delivered by Avondale collection vehicles will be assessed a separate fee, in addition to the Tipping Fee, to cover the cost the Facility incurs for Freon removal and disposal. This fee is subject to change at any time to reflect the market cost of Freon removal and disposal.
- G. A Hard to Handle Waste fee of \$131.25 per ton will be charged for the special handling procedures required to address Hard to Handle Waste. This fee includes the current \$0.25 per ton Arizona Department of Environmental Quality tax.

4. Term and Termination.

4.1 Term of Agreement. This Agreement shall become effective on July 1, 2021, and shall remain in effect until June 30, 2024. This Agreement may be extended on terms and conditions acceptable to both Glendale and Avondale for an additional term of two years, unless terminated pursuant to Section 4.2 below. There is no automatic renewal of this Agreement.

4.2 Termination.

- A. Notwithstanding the provisions of Section 4.1 above, Avondale may terminate this Agreement without cause at the end of any fiscal year the Agreement remains in effect upon prior written notice to Glendale. Such written notice must be received no later than April 1 of the then-current fiscal year and termination will be effective 12:00 a.m. on July 1st of the then-current fiscal year. In the event Avondale provides such notice of termination to Glendale, Avondale shall continue to pay any fees and charges, including Tipping Fees and special handling procedures fees for Hard to Handle Wastes incurred as a result of its delivery and disposal of wastes in the Facility. Avondale, however, will not be required to pay any penalty or liquidated damages for its termination of this Agreement prior to the expiration of the initial or renewal term.
- B. Glendale may terminate this Agreement, at any time, with 180 calendar days written notice to Avondale. There shall be no payment associated with the termination of this Agreement by Glendale.
- C. This Agreement is subject to the provisions of Arizona Revised Statutes § 38-511, as replaced or amended, and may be canceled, without penalty or further obligation, by either Party if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of either Party is, at any time while this Agreement or any extension of this Agreement is in effect, an employee or agent of any other Party to this Agreement in any capacity or consultant to any other party of this Agreement with respect to the subject matter of this Agreement.

5. Facility Obligations.

5.1 Operation and Maintenance of the Facility. Glendale shall operate and maintain the Facility, and perform its obligations under this Agreement, in a manner that is consistent with the terms of this Agreement and is consistent with all Applicable Laws, Rules, and Regulations, as replaced or amended.

5.2 Hours and Days of Operation. The Facility must be operational to receive Acceptable Waste from 7:30 a.m. to 4:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. to 3:00 p.m., excluding City of Glendale holidays. Alternative holiday schedules and extended hours may be established by mutual agreement of the Parties.

5.3 Right to Inspect. Avondale shall have the right to enter and inspect the Facility to observe operations during operating hours as long as: (a) such visits are conducted in a manner that does not cause unreasonable interference with operations; and (b) any person conducting such visits (1) complies with safety rules and regulations and (2) is escorted by a designated Facility employee.

6. Representations and Warranties.

Glendale hereby represents and warrants to Avondale that:

- A. Glendale has the full power and authority to execute and deliver this Agreement to Avondale and carry out the transactions contemplated hereby.
- B. Glendale has taken all necessary action to execute, deliver and perform this Agreement.
- C. The execution and delivery of this Agreement, the consummation of the transactions contemplated herein or Glendale's compliance with any of the terms and provisions of this Agreement do not or will not contravene any existing law, judgment, governmental rule, regulation or order applicable to or binding on it or any of its properties which, if violated, would have a material adverse effect on Glendale's obligations under this Agreement.
- D. The Facility is and will remain appropriately permitted or licensed to accept the Acceptable Waste and otherwise perform as required by this Agreement.
- E. Upon execution and delivery of this Agreement by Glendale, it will constitute a legal, valid and binding obligation of Glendale enforceable against it in accordance with the terms hereof.

7. Indemnification.

Each Party (as "indemnitor") agrees, to the extent permitted by law, to indemnify, defend, and hold harmless the other Party and its officers, employees, and elected or appointed officials (as "indemnitee") from and against any and all claims, losses, liability, costs or expenses, including reasonable attorney's fees (collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage but only to the extent that such claims are caused by the negligence, misconduct, intentional act or other fault of the indemnitor, its officers, employees, contractors, elected or appointed officials. Glendale further agrees to indemnify, defend and hold harmless Avondale and its officers, employees and elected or appointed officials for, from and against any and all claims, losses, liability, costs or expenses, including reasonable attorney's fees arising out of Glendale's failure to comply with all Applicable Laws, Rules, and Regulations.

8. Obligations during Force Majeure.

- 8.1 Notice Relating to Force Majeure.** If any act or event of Force Majeure occurs which affects either Party's ability to perform under this Agreement, the Party affected and relying thereon to excuse its performance hereunder shall give oral notice to the other as soon as practicable, and shall deliver to the other Party within 48 hours after such oral notice, a written notice setting forth such information as may be available to it with respect to the nature, extent, effect, and anticipated duration of the act or event of Force Majeure.
- 8.2 Obligation of the Parties during an Event of Force Majeure.** If such an act or event of Force Majeure occurs which has the effect of reducing the amount of Acceptable Waste that a Party can accept from or deliver to the other, both Parties shall be excused from performance during the existence of the Force Majeure, provided written notice was given in accordance with subsection 8.1 above. A Force Majeure for which said notice has not been properly given shall be considered an unexcused delay and may be considered a breach of this Agreement.

The effect(s) of said Force Majeure shall be remedied as soon as the Force Majeure has ceased, or as soon as practicable, and the Party claiming the Force Majeure shall use best efforts to eliminate and mitigate the consequences thereof.

9. Immigration Law Compliance.

- 9.1** Each Party, and on behalf of any subcontracted party, warrants, to the extent applicable under Arizona Revised Statutes § 41-4401, compliance with all federal immigration laws and regulations that relate to their employees as well as compliance with Arizona Revised Statutes § 23-214(A) which requires registration and participation with the E-Verify Program.
- 9.2** Any breach of warranty under Section 9.1 above is considered a material breach of this Agreement and is subject to penalties up to and including termination of this Agreement.
- 9.3** Each Party retains the legal right to inspect the papers of any contracted party's or subcontracted party's employee who performs work under this Agreement to ensure each Party is compliant with the warranty under Section 9.1 above.
- 9.4** Each Party may conduct random inspections, and upon request or notice to other Party, either Party shall provide copies of papers and records demonstrating continued compliance with the warranty under Section 9.1 above. Each Party agrees to keep papers and records available for inspection during normal business hours and will cooperate in exercise of each Party's statutory duties and not deny access to business premises or applicable papers or records for the purposes of enforcement of this Section 9.
- 9.5** Each Party agrees to incorporate into any subcontracts under this Agreement the same statutorily required obligations and expressly accrue those obligations directly to the benefit of either Party. Each Party also agrees to require any subcontracted party to incorporate into each of its own subcontracts under this Agreement the same obligations above and expressly accrue those obligations to the benefit of the either Party.
- 9.6** The warranty and obligations under this section for each Party are continuing throughout the term of this Agreement or until such time as either Party determines, in its sole discretion, that Arizona law has been modified in that compliance with this section is no longer a requirement.
- 9.7** The "E-Verify Program" above means the employment verification program administered by the United States Department of Homeland Security, the Social Security Administration, or any successor program.

10. General Provisions.

- 10.1 Non-Assignment.** Neither Party shall assign, transfer, convey, subcontract, pledge or otherwise hypothecate this Agreement or its rights, duties or obligations hereunder or any part thereof without prior written consent of the other Party, which may be withheld in its reasonable discretion. Any assignment made in violation of this Section shall be void and of no force or effect and shall constitute a material breach of the Agreement.
- 10.2 Headings.** All sections and descriptive headings of sections and subsections in this Agreement are inserted for convenience only and shall not affect the construction or interpretation hereof.

- 10.3 Severability; Integration.** Inapplicability or unenforceability of any provision of this Agreement shall not limit or impair the operation or validity of any other provision of this Agreement. This Agreement constitutes and embodies the full and complete understanding and agreement of the Parties hereto and supersedes all prior understandings, agreements, discussions, proposals, bids, negotiations, communications, and correspondence, whether oral or written. No representation, promise, inducement or statement of intention has been made by any Party hereto which is not embodied in this Agreement, and no Party hereto shall be bound by or liable for any alleged misrepresentation, promise inducement or statement of intention not so set forth.
- 10.4 Waivers.** Neither the failure nor any delay on the part of any Party to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege, nor shall any waiver of any right, remedy, power or privilege with respect to any occurrence be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. Payments by the respective Parties shall not constitute a waiver of contract rights.
- 10.5 Construction.** This Agreement is intended to express the mutual intent of the Parties and, irrespective of the identity of the Party preparing this Agreement or any document or instrument referred to herein, no rule of strict construction against the Party preparing a document shall be applied.
- 10.6 No Other Parties To Benefit.** This Agreement is made for the sole benefit of the Parties hereto and their successors and assigns. Except as may be expressly provided herein, no other person or entity is intended to or shall have any rights of benefits hereunder, whether as third-party beneficiaries or otherwise.
- 10.7 Inurement.** This Agreement shall inure to the benefit of and be binding upon the respective successors and permitted assigns of the Parties.
- 10.8 Governing Law; Forum; Venue.** This Agreement is executed and delivered in the State of Arizona, and the substantive laws of the State of Arizona (without reference to choice of law principles) shall govern their interpretation and enforcement. Any action brought to interpret or enforce any provision of this Agreement, or otherwise relating to or arising from this Agreement, shall be commenced and maintained in the State or federal courts of the State of Arizona and each of the Parties, to the extent permitted by law, consents to jurisdiction and venue in such courts for such purposes.
- 10.9 No Oral Modification.** No provision of this Agreement shall be amended, waived or modified except by an instrument in writing signed by the Parties hereto.
- 10.10 Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if: (A) delivered to the party at the address set forth below; (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below; (C) given to a recognized and reputable overnight delivery service, to the address set forth below; or (D) delivered by e-mail transmission to the number set forth below:

To Avondale: City of Avondale
Attn: City Manager
11465 W. Civic Center Drive
Avondale, Arizona 85323
Email: cmontoya@avondaleaz.gov

With a copy to: City of Avondale
Attn: City Attorney's Office
11465 W. Civic Center Drive
Avondale, Arizona 85323
Attention: Nicholle Harris, City Attorney
Email: nharris@avondaleaz.gov

To Glendale: City of Glendale
Attn: Field Operations Department
6210 W. Myrtle Avenue, Suite 111
Glendale, Arizona 85301
Attention: Michelle Woytenko, Field Operations Director
Email: mwoytenko@glendaleaz.com

With a Copy to: City of Glendale
Attn: City Attorney's Office
5850 W. Glendale Avenue, Suite 450
Glendale, Arizona 85301
Attention: Michael Bailey, City Attorney
Email: MBailey@glendaleaz.com

or such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received: (A) when delivered to the party; (B) three business days after being placed in the U.S. Mail, registered or certified, properly addressed, with sufficient postage; (C) the following business days after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day; or (D) when received by email during the normal business hours of the recipient. If a copy of a notice is also five to a party's counselor other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counselor other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

10.11 Contact Person. Upon execution of this Agreement, each Party shall provide and maintain with the other the following:

- A. The name and address to whom financial or accounting statements should be sent or of whom inquiries should be made.
- B. The name and address of the person or persons to be contacted for day-to-day matters except for the matters listed above.

10.12 Non-Exclusive Agreement. The Parties acknowledge that this is a non-exclusive Agreement and that Avondale and Glendale may contract with others to provide for services similar to those in this Agreement with respect to the Facility and the collection and delivery of Acceptable Waste.

10.13 Contractual Status. Each Party is acting independent of the other Party under this Agreement and nothing herein is intended nor shall it be construed to create a joint venture or partnership between Avondale and Glendale, or to render either Avondale or Glendale liable for contractual or governmental obligations of the other including, without limitation, obligations to various agents and/or subcontractors, in any manner whatsoever, it being expressly agreed between the Parties that neither of them have any intention of assuming any contractual or other liability of the other by reason of the execution of this Agreement.

10.14 Remedies. The Parties to this Agreement, in addition to the right of terminations provided pursuant to Section 4.2 above, shall in the event of a material breach of any term of this Agreement have available all remedies provided by law or in equity for such breach, including expressly the right to an award of reasonable attorney's fees and court costs to the prevailing Party in connection with any dispute respecting any term of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

“AVONDALE”

“GLENDALE”

By: _____
Ken Weise, Mayor

By: _____
Jerry Weiers, Mayor

ATTEST:

ATTEST:

By: _____
Marcella Carrillo, City Clerk

By: _____
Julie K. Bower, City Clerk

The foregoing agreement between the City of Avondale and the City of Glendale has been reviewed pursuant to Arizona Revised Statutes § 11-952, as amended, by the undersigned City Attorney who has determined that it is in the proper form and is within the powers and authority granted to the City of Avondale. No opinion is expressed as to the authority of any parties, other than the City of Avondale to enter into this Agreement.

Nicholle Harris
Avondale City Attorney

The foregoing agreement between the City of Avondale and the City of Glendale has been reviewed pursuant to Arizona Revised Statutes § 11-952, as amended, by the undersigned City Attorney who has determined that it is in the proper form and is within the powers and authority granted to the City of Glendale. No opinion is expressed as to the authority of any parties, other than the City of Glendale to enter into this Agreement.

Michael Bailey
Glendale City Attorney

CITY COUNCIL REPORT

SUBJECT: Resolution 1050-0621 - Intergovernmental Agreement with Maricopa County Human Services Department for Shelter and Homeless Support Services

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government. Funding provided through this agreement will support the City's effort to address the needs of those experiencing homelessness.
-

PURPOSE:

City Council will consider a request to adopt Resolution 1050-0621 and approve the Third Amendment to an intergovernmental agreement with the Maricopa County Human Services Department for a grant in the amount of \$107,500 for the provision of emergency shelter services, outreach, and case management to people experiencing homelessness in Avondale, and authorize the Mayor, City Manager and City Clerk to execute the necessary documents and amendments. The Council will take the appropriate action.

BACKGROUND:

On June 17, 2019, Council approved a Resolution authorizing an Intergovernmental Agreement between the City of Avondale and the Maricopa County Human Services Department to provide funding to address the issue of homelessness in our community. On April 6, 2020, the City Council approved a resolution authorizing an amendment to this agreement to decrease the funding from \$100,000 to \$72,000. On July 27, 2020, the City Council approved a resolution authorizing an amendment for the period of July 1, 2020 through June 30, 2021.

DISCUSSION:

Council is asked to approve a Third Amendment to this agreement that provides important funding for the city's work to serve those experiencing homelessness. The funding provided by the Maricopa County Human Services Department will allow the City of Avondale - Neighborhood and Family Services Department to continue offering the following elements of homeless services:

Case Worker - Maricopa County will continue to provide funds in the amount of \$22,000 to support a full-time case worker for the Interfaith Homeless Emergency Lodging Program (IHELP) operated in the City of Avondale by Lutheran Social Services.

Avondale Homeless Support Specialist - Maricopa County will continue to provide an amount of \$70,500 to fund the full time Avondale Homeless Support Specialist position for the City of Avondale. The specialist will continue efforts coordinating services and resources for those experiencing homelessness in Avondale.

Homeless Navigation Services - Maricopa County will continue providing funds in the amount of \$15,000 for Phoenix Rescue Mission (PRM) to provide a dedicated Outreach Team and operate 32 hours a month in Avondale.

The County shall provide funding to the City of Avondale for service delivery. The funding for services shall be on a reimbursement basis to the City, up to \$107,500. Per the term of the IGA, the Agreement is renewable for three (3) one-year terms through June 2022. The City would like to exercise the option to renew and continue the agreement to provide emergency shelter services, outreach and case management from July 1, 2021 through June 30, 2022.

BUDGET IMPACT:

The total funding provided by Maricopa County for FY2022 is \$107,500 to provide emergency shelter services, outreach, and case management to people experiencing homelessness in Avondale. This will require a transfer of expenditure appropriations from the grant contingency account to provide the expenditure authority for these funds. No match is required.

RECOMMENDATION:

Staff recommends that the City Council approve the Third Amendment to the Intergovernmental Agreement with Maricopa County Human Services Department in the amount of \$107,500 to provide services to include temporary emergency shelter services, outreach, and case management to people experiencing homelessness in Avondale.

RESOLUTION NO. 1050-0621

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AMENDMENT NO. 3 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE FUNDING FOR SERVICES, OUTREACH AND CASE MANAGEMENT FOR PEOPLE EXPERIENCING HOMELESSNESS IN AVONDALE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE AS FOLLOWS:

SECTION 1. The Amendment No. 3 to the FY 2021-2022 Intergovernmental Agreement between the City of Avondale (the “City”) and Maricopa County (the “County”), administered by its Human Services Department, changing the amount of funding from the County to provide temporary emergency shelter services, outreach and case management for people experiencing homelessness in Avondale for fiscal year 2021-2022, (the “Amendment”) is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

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

PASSED, AND ADOPTED by the City Council of the City of Avondale, Arizona, June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1050-0621

[Amendment]

See following pages.

AMENDMENT NO. 3
TO THE
AGREEMENT
BETWEEN MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
CITY OF AVONDALE

- I. Maricopa County ("County") administered by its Human Services Department and the City of Avondale (Contractor) fully executed a financial Intergovernmental Agreement ("Agreement") on or about July 25, 2019. The County provided the Contractor with \$100,000 in Community Service Block Grant (CSBG) funds for the provision of temporary emergency shelter services, outreach and case management to people experiencing homelessness in the Contractor's area. The Agreement contained a Start Date of July 1, 2019, and a Termination Date of June 30, 2020. The Agreement also provided the term may be extended for three additional one-year terms upon written agreement of the County and the Contractor. The County and the Contractor are referred to as the "Parties."

The Parties fully executed Amendment No. 1 on or about May 28, 2020, which among other things, decreased fiscal year 2020 funding by \$28,000 from \$100,000 to \$72,000.

The Parties fully executed Amendment No. 2 on or about August 13, 2020. Among other things, it extended the Agreement term from July 1, 2020, through June 20, 2021 ("Renewal Period No. 1"), and provided the Contractor with a not-to-exceed amount of \$100,000 in CSBG fiscal year 2021 funding for the period of July 1, 2020, through June 20, 2021.

- II. The Parties agree to enter into this Amendment No. 3 to amend the Agreement as follows:
- A. Correct a typographical error in Section II.A. of Amendment No. 2 to revise the Termination Date under Renewal Period No. 1 from June 20, 2021, to June 30, 2021.
 - B. In accordance with Section I (General Provisions), Paragraphs 2.0 (Term/Effective Date/Renewal Life of the Agreement) and 3.0 (Amendments), extend the Agreement term from June 30, 2021, through June 30, 2022 ("Renewal Period No. 2").
 - C. The County shall provide the Contractor with a not-to-exceed amount of \$107,500 in CSBG fiscal year 2022 funding for the services identified in Section III (Work Statement) of the Agreement.
 - D. Add the following new paragraph to Section I (General Provisions):
 - 50.0 SURVIVAL
 - The indemnification, hold harmless, defense, and non-liability provisions of this Agreement shall have full force and effect notwithstanding any other provisions in this Agreement and shall survive the termination or expiration of this Agreement.

- E. Revise Section II (Special Provisions), Paragraph 10 (Budget Adjustments, Change Orders, and Amendments), by deleting Paragraph 10 and replacing it with the following:
- 10.0 ADMINISTRATIVE CHANGE ORDERS
- The Chairman of the Board of Supervisors is authorized upon the recommendation of the Human Services Department Director and Legal Counsel to make changes within the general scope of the Agreement on behalf of the County through Administrative Change Orders. Administrative Change Orders shall be approved and fully executed by the Chairman of the Board of Supervisors and the Contractor.
- 10.1 Administrative Change Orders may address any of the following areas:
- 10.1.1 Modifications to the project timeline if the last day of the project timeline is within the Agreement term;
- 10.1.2 Modifications to Budget line items if the Agreement Amount remains unchanged;
- 10.1.3 Modifications required by federal, state, or County regulations, ordinances, or policies; and
- 10.1.4 Modifications to administrative requirements such as changes in reporting periods, frequency of reports, or report formats required by HUD or local regulations, policies, or requirements.
- 10.2 It is the responsibility of the Contractor to ensure the latest documents are consulted and followed.
- F. Revise Section IV (Compensation) in the following areas:
1. Paragraph 2.0 (Reimbursement) by deleting Paragraph 2 and replacing it with the following:
- 2.0 REIMBURSEMENT
- 2.1 The Contractor shall submit monthly requests for reimbursement by the 15th calendar day of the month following the month close out.
- 2.2 The Contractor shall submit the final reimbursement for each Work Statement not later than 15 calendar days after the reimbursable period ends.
- 2.3 All requests for reimbursements shall be submitted to:
HSDFINANCE@MARICOPA.GOV
2. Paragraph 4.0 (Funding) by deleting Subparagraph 4.3 and replacing it with the following:
- 4.3 Subject to the availability and authorization of funds, the anticipated funding for this Agreement for fiscal year 2022 is \$107,500.
- G. Revise Section V (Attachments) to add for fiscal year 2022 the attached **Attachment 1** titled Operating Budget for Fiscal Year 2022.
- III. Section II above contains all the changes to the Agreement made by this Amendment No. 3. All other terms and conditions of the Agreement and Amendment Nos. 1 and 2 not amended by this Amendment No. 3 shall remain unchanged and in full force and effect as executed by the Parties.

- IV. The Parties have authorized the undersigned to execute this Amendment No. 3, and it shall be effective upon approval and signature by both Parties.

IN WITNESS, the Parties have approved and signed this Amendment No. 3:

FOR CITY OF AVONDALE:**FOR MARICOPA COUNTY:**

Kenn Weise Date

Jack Sellers Date

Title: Mayor

Title: Chairman of the Board of Supervisors

Attested To:

Attested To:

City Clerk Date

Clerk of the Board Date

IN ACCORDANCE WITH A.R.S. §§ 9-240 AND 11-952, THIS AMENDMENT NO. 3 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF AVONDALE UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11-251, AND 11-952, THIS AMENDMENT NO. 3 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney Date

Deputy County Attorney Date

Attachment 1 Operating Budget for Fiscal Year 2022

CONTRACT SERVICE:		Avondale Homelessness Services				CONTRACT PERIOD	7/1/2021 - 6/30/2021	NAME City of Avondale	
I.	PERSONNEL								
Number of Positions	FTE Level	Position Title				Total Salary for the Contract Period	% Allocated Services MCHSD Percentage	TOTAL SERVICE COST	COUNTY COST
1	1	Homeless Services Specialist				\$ 70,500.00	100%	\$ 70,500.00	\$ 70,500.00
1							TOTAL:	\$ 70,500.00	\$ 70,500.00
II.	EQUIPMENT								
	ITEM					BASIS		TOTAL COST	COUNTY COST
		Computer, phone, IT related needs							
								\$ -	\$ -
III.	PROFESSIONAL AND OUTSIDE SERVICES								
	ITEM					BASIS		TOTAL COST	COUNTY COST
		IHELP Case Worker						\$ 22,000.00	\$ 22,000.00
		Homeless Navigation Services - Phoenix Rescue Mission						\$ 15,000.00	\$ 15,000.00
							TOTAL:	\$ 37,000.00	\$ 37,000.00
						TOTAL DIRECT COST:		\$ 107,500.00	\$ 107,500.00
							SUBTOTAL ADMIN COST:	\$ -	\$ -
							TOTAL SERVICE COST:	\$ 107,500.00	\$ 107,500.00

CITY COUNCIL REPORT

SUBJECT: Resolution 1051-0621 - Amendment to Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA)

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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 agenda item supports the following strategy: Maintain and expand quality infrastructure and improve connectivity to city amenities.

PURPOSE:

City Council will consider a request to adopt Resolution 1051-0621 approving an Amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority for Fiscal Year 2022 relating to public transportation services, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

In 2010, the Maricopa Association of Governments (MAG), on behalf of the City of Avondale (the City), conducted a feasibility study and determined that the operation of a local circulator would benefit the City and the southwest valley region. The City began the Zoom neighborhood circulator service in July 2011 and has seen continued success and increased ridership since its inception. The Zoom runs bi-directionally (clockwise and counterclockwise) around the City of Avondale, as well as into the cities of Tolleson and Goodyear, providing connectivity to fixed routes and greater access to Estrella Mountain Community College and other activity centers.

The Regional Public Transportation Authority (RPTA) is legislatively mandated to implement the transit element of the Regional Transportation Plan developed by MAG, which includes bus operations, bus capital, and rail capital. The RPTA Board of Directors oversees the implementation of the transit element of the plan also known as the Transit Life Cycle Program (TLCP). In addition to Council representation at the board level,

staff attends monthly operational meetings to advise the RPTA Executive Director on issues related to the implementation of the TLCP.

As part of the TLCP, seven percent of Proposition 400 is required to be used for ADA Paratransit Service. These funds are used to provide paratransit service in Avondale. The funds are also used to provide regional paratransit trips.

DISCUSSION:

The amended and restated agreement outlines the City's costs for operating transportation services.

Express Service:

The 562 and 563 Express service runs from the City's transit center to downtown Phoenix and provides four trips into Phoenix and four return trips to the transit center. Total cost for the Express service is \$320,116. Fares, federal funds, and Covid relief funds ARPA (American Rescue Plan Act) will cover a total of \$185,463, leaving \$143,248 to be paid by the RPTA. The City's share will be \$0.

Regional Routes:

Routes 3 (Van Buren) and 17 (McDowell) run through the City of Avondale. The total cost for these routes is \$1,240,860. Fares and Covid relief funds CRRSAA (Coronavirus Response and Relief Supplemental Appropriations Act) will cover \$979,439, leaving \$261,421 to be paid by the RPTA. The City's share will be \$0.

Zoom Neighborhood Circulator:

Total FY22 cost for the Zoom neighborhood circulator service is \$3,693,795. Fares in the amount of \$22,406, federal funding in the amount of \$1,766,751 and Covid relief ARPA funds in the amount of \$228,215 have been applied. The City's share will be \$1,676,423.

Dial-a-Ride:
Valley Metro operates Avondale's Dial-a-Ride service as well as the Regional Dial-a-Ride service to ensure that ADA certified residents are able to make trips in a safe and comfortable manner by providing a door-to-door service for eligible residents. Valley Metro estimates making 7,500 Dial-a-Ride trips during FY2022 at a cost of \$449,006. Fares are anticipated in the amount of \$30,000, Federal funding in the amount of \$213,000, and Public Transportation Funds are anticipated in the amount of \$206,006, leaving Avondale's share at \$0.

RideChoice:

RideChoice allows ADA certified riders a non-shared ride option, however, the number of rides permitted each month is capped. The average cost of a RideChoice trip is more affordable to the rider and the City. Valley Metro anticipates making 1,908 trips during FY22 at a cost of \$46,246. Fares are anticipated in the amount of \$6,237, Federal funding is anticipated in the amount of \$20,900 as well as Public Transportation Funds funds in the amount of \$19,109, leaving Avondale's share at \$0.

BUDGET IMPACT:

The total estimated cost to the City of Avondale for Fiscal Year 2022 for Zoom services is \$1,676,423. The FY2022 budget for Zoom services is \$1,312,100, so the FY2022 budget is projected to be short by approximately \$364,000. Savings in other line items within the transit fund or savings in the operations of the Zoom service may offset this budget shortfall, but it is likely a budget contingency request will be required in FY2022, which would require future council approval.

RECOMMENDATION:

Staff recommends adoption of a Resolution, approving an Amendment to the Intergovernmental Agreement with RPTA for FY 2022 relating to public transportation services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

RESOLUTION NO. 1051-0621

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY RELATING TO PUBLIC TRANSPORTATION SERVICES.

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

SECTION 1. The Amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority relating to public transportation services, Contract No. 106-75-2022 (the “Amendment”) is hereby approved in substantially 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, June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1051-0621

[Amendment]

See following pages.

TRANSIT SERVICES AMENDMENT
BETWEEN
THE CITY OF AVONDALE
AND
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY
CONTRACT # 106-75-2022

This Amendment dated July 1, 2021, amends the following items of the Transit Services Agreement Contract #106-75-2021 entered into between the City of Avondale and the Regional Public Transportation Authority, dated the 1st day of July 2013, as amended by that certain Amendment dated July 1, 2014, as amended by that certain Amendment dated July 1, 2015, as amended by that certain Amendment dated July 1 2016, as amended by that certain Amendment dated July 1, 2017, as amended by that certain Amendment July 1, 2018, as amended by that certain Amendment March 19, 2019, as amended by that certain Amendment July 1, 2019, as amended by that certain Amendment August 28, 2019, and as amended by that certain Amendment dated July 1, 2020, (collectively, the “Agreement”).

The following Sections amends that sections of the Agreement entered into July 1, 2019:

SECTION 2. SCOPE OF AGREEMENT

During the term of this agreement RPTA shall provide the following services:

RideChoice Program (Schedule D) This program is an alternative to Paratransit for eligible customers in participating cities. Eligibility varies by city, some cities authorize use by seniors 65 years of age and over, and all participating cities authorize individuals that are ADA certified by Valley Metro. RideChoice qualified residents of participating communities travel using a variety of transportation providers including rideshare provider (TNC’s) taxi’s and other) non-emergency medical transportation companies (NEMT). The fare is \$3 for up to 8 miles with any additional miles costing \$2 per mile. Customers have a variety of payment options depending on the service delivery provider. Users may take up to 20 trips per month, however, if a customer needs more trips for work, school or medical appointments they are eligible for an additional 30 trips. Additionally, if customers need to take frequent longer trips, they may be eligible to received their

service as a monthly allocation of 400 miles, at a fare of \$3 per trip with a maximum length of 50 miles. All RideChoice trips must operate entirely within Maricopa County and/or within the jurisdiction boundaries of any other RPTA member communities. Each participating community subsidizes the cost minus fares for its residents.

SCHEDULE “C” – ADA MANDATED PARATRANSIT SERVICE

ADA Mandated Paratransit Service Overview

Schedule C	
RPTA ADA Paratransit Service	
Effective July 1, 2021	
Service Overview	
Eligibility	ADA certified, and ADA eligible visitors
Fares	\$4.00 FOR A ONE-WAY TRIP
Passenger Types	
ADA certified and ADA eligible visitors	

Schedule C – Exhibit 4 – Payments to Provider

- FY21 Mixed Allocation Method – Paratransit
 - Mixed allocation provides a balanced methodology
 - Fixed costs allocate by trip
 - Fixed fee
 - Incentives/Other
 - VM costs
 - Variable costs allocated by mile
 - Trip costs
 - Fuel costs

SCHEDULE “D” – RIDECHOICE SERVICE OVERVIEW

RPTA RideChoice Overview	
Effective July 1, 2021	
Service Overview	
Eligibility	Eligible residents of Incorporated Avondale, and must be ADA certified
Service Area	Trips must be entirely within Maricopa County.
Trip Limits	Trip Option: Base level is 20 trips per month. If a rider uses RideChoice to get to work, school or medical appointments, rider are eligible for an additional 30 trips per month. Unused trips do not roll over. Mileage Option 400 (MO400): If customers need to take frequent longer trips, they may be eligible to receive their service as a monthly allocation of 400 miles which can be used for one-way trips of up to no more than 50 miles in length and operating entirely within Maricopa County and within the jurisdictional boundaries of any other RPTA member communities. Unused miles do not roll over.
Trip Purposes	Any trip, regardless of trip purpose. There are no trip purpose restrictions, but if a customer requests an increase in trip levels, they must demonstrate that they need the additional service to cover at least some service for school, work or medical purposes. Furthermore, Valley Metro reserves the right to reduce a customer’s trip level back to the base level if it is determined that customers never or rarely use RideChoice for work, school or medical purposes.
Fare Structure	
Fares	Trip Option: \$3 per one-way trip for up to eight miles. \$2 per mile beginning after the eighth mile, rounding up at ¼ mile increments. Mileage Option (MO400): \$3 per one-way trip up to no more than 50 miles. Tips: Tips are not required, but if the customer chooses to pay a tip, the customer may do so at his/her option with the driver directly. RideChoice will not collect and/or process tips.
Fare Media	Credit/debit cards, some reloadable cash cards, RideChoice E-wallet, and cash (some providers)
Passenger Types	

Children	Customers must be eighteen (18) years of age or older to travel unaccompanied. Customers may bring children as PCAs or companions.
Mobility Devices and Disability-Related Equipment	
Service Animals	Service animals are permitted on RideChoice. For more information on Valley Metro's service animal policies, visit www.valleymetro.org/accessibility/service-animals .
Vehicle Response Times	In urbanized areas, vehicle wait times should be 30 minutes or less. In outlying communities and incorporated areas of Avondale and during late night and early morning hours, wait times may exceed one hour.
Seatbelts and Mobility Device Securement	Customers are subject to the securement policies of individual RideChoice provider, but riders are strongly encouraged to use seatbelts and mobility device securement systems.
Provider and Contract Information	
Provider	Contracted service - Prime contractor is American Logistics. AL manages service, accepts reservations, schedules trips, and utilizes subcontractors who provide the trips. Subcontractors include TNC's such as Uber, local taxicab companies and other non-emergency medical transportation providers.
Performance Standards	This is being negotiated.
Contract Term	Three-year base with one three-year option.

The following Schedules replace and supersede those Schedules of the Agreement entered into July 1, 2020.

The attached Schedule A replaces and supersedes Schedule A entered into July 1, 2020.

The attached Schedule B replaces and supersedes Schedule B entered into July 1, 2020.

The attached Schedule C replaces and supersedes Schedule C entered into July 1, 2020.

The attached Schedule D replaces and supersedes Schedule D entered into July 1, 2020.

The attached Schedule E replaces and supersedes Schedule E entered into July 1, 2020.

All other terms of the Transit Services Agreement dated July 1, 2013 remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have each executed this Agreement as of
the date
first set forth above.

REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

By: _____
Scott W. Smith, Chief Executive Officer

APPROVED AS TO FORM:

By: _____
Michael J. Minnaugh, General Counsel

CITY OF AVONDALE

By: _____
Kenneth Weise, Mayor

By: _____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

By: _____
Michael Wawro, City Attorney

SCHEDULE “A” REGIONALLY FUNDED FIXED ROUTE BUS SERVICE

Sources of Project Operating Budget

Regionally Funded Fixed Route Bus Service **\$404,669.00** (including express)

The above line represents the value of transit service paid for by the RPTA to the benefit of the City of Avondale. The calculation to derive this figure is daily revenue miles of service x number of service days x cost per revenue mile of service.

FY22 Fixed Route Bus Estimate								
RPTA Operated in the City of Avondale								
PTF Funded								
REVISED rates								
Funding	PTF							
Hastus	Avon							
Level	Route	Annual Miles	Gross Cost	Fares	PM	ARPA Funds	Oper Assist	Net Cost
W	562	9,395	\$87,118	(\$3,774)	(\$2,339)	(\$4,432)	(\$37,994)	\$38,578
W	563	25,128	232,998	(7,113)	(6,256)	(11,854)	(103,105)	104,670
Grand Total		34,523	\$320,116	(\$10,887)	(\$8,595)	(\$16,287)	(\$141,099)	\$143,248
FY22 Fixed Route Bus Estimate								
Phoenix Operated in the City of Avondale								
PTF Funded								
Funding	PTF							
Level	Route	Annual Miles	Gross Cost	Fares	CRSSA Funds	ARPA Funds	Net Cost	
W	3	77,018	\$630,033	(\$13,920)	(\$484,650)	\$0	\$131,463	
W	17	61,012	499,094	(8,838)	(383,926)	-	106,330	
S	3	7,853	64,239	(1,095)	(49,415)	-	13,728	
S	17	5,806	47,495	(1,060)	(36,536)	-	9,900	
Grand Total		151,689	\$1,240,860	(\$24,914)	(\$954,526)	\$0	\$261,421	

SCHEDULE “B” – CITY FUNDED FIXED ROUTE BUS SERVICE COST ESTIMATE

For the period July 1, 2021 to June 30, 2022 the City of Avondale will pay the Regional Public Transportation Authority **\$1,676,423** for local share of bus service on the Zoom Route in Avondale. The final billing will occur in conjunction with the annual reconciliation process. This final invoice and payment may be adjusted based on the extent to which the actual cost of service is higher or lower than the budget amount for service.

FY22 Fixed Route Bus Estimate									
RPTA Operated in the City of Avondale									
Avondale Funded									
REVISED rates									
Funding	Avon								
Hastus	Avon								
Level	Route	Annual Miles	Gross Cost	Fares	PM	ARPA Funds	Oper Assist	Net Cost	
W	ZOOM	359,851	\$ 2,746,553	\$ (18,355)	\$ (89,589)	\$ (169,764)	\$ (1,223,224)	\$ 1,245,621	
S	ZOOM	58,570	447,768	(2,226)	(14,582)	(27,631)	(199,842)	203,487	
H	ZOOM	65,328	499,474	(1,826)	(16,264)	(30,819)	(223,250)	227,315	
Grand Total		483,749	\$3,693,795	(\$22,406)	(\$120,435)	(\$228,215)	(\$1,646,316)	\$1,676,423	

SCHEDULE “C” – ADA MANDATED PARATRANSIT SERVICE

Section 1: Sources of Project Operating Budget

For the period from July 1, 2021 through June 30, 2022, the Member will pay RPTA a total of **\$0.00** for the provision of ADA mandated paratransit services. The final billing will occur in conjunction with the annual reconciliation process. This final invoice and payment may be adjusted based on the extent to which the actual cost of service is higher or lower than the budget amount for service.

FY22 Paratransit Service Funded by City of Avondale

	<u>Paratransit</u>
Trips	
Paratransit Trips	7,500
Total	7,500
Cost:	
Contractor Transportation Cost	\$423,054
RPTA Salaries, Fringes & OHD	\$14,553
Contract Contingency	\$11,400
Total Gross Program Cost	\$449,006
Total Fare Revenue	(\$30,000)
Federal Funding	(\$213,000)
Total Net Program Cost Before PTF	\$206,006
PTF Balance Available	\$273,885
PTF Applied	\$206,006
Member City Contributions:	
Paratransit Service	\$0
Total Member City Contribution	\$0

SCHEDULE “D” – RIDE CHOICE

The City of Avondale agrees to participate and financially support the RideChoice Transportation Services program for Fiscal Year 2021-22. The City of Avondale shall fund this project in the amount of **\$0.00** for the period July 1, 2021 to June 30, 2022. The final billing will occur in conjunction with the annual reconciliation process. This final invoice and payment may be adjusted based on the extent to which the actual cost of service is higher or lower than the budget amount for service.

FY22 RideChoice Service Funded by City of Avondale

	<u>RideChoice</u>
Trips:	
Ride Choice Trips	1,908
<u>Total Trips</u>	<u>1,908</u>
Cost:	
Contractor Transportation Cost	40,869
RPTA Salaries, Fringes & OHD	\$5,377
Contract Contingency	\$0
<u>Total Gross Program Cost</u>	<u>\$46,246</u>
Total Fare Revenue	(\$6,237)
Federal Funding	(\$20,900)
<u>Total Net Program Cost before PTF</u>	<u>\$19,109</u>
PTF Balance Available	\$67,879
PTF Applied	\$19,109
Member City Contributions:	
Ride Choice Service	\$0
<u>Total Member City Contribution</u>	<u>\$0</u>

**SCHEDULE “E” – AMERICANS WITH DISABILITIES ACT (ACT)
PUBLIC TRANSPORTATION FUNDS (PTF) AVAILABILITY**

For the period July 1, 2021 to June 30, 2022 the maximum amount of Public Transportation Funds (PTF) available for the City of Avondale is **\$273,885.00**. The PTF will pay actual costs for ADA trips and other trips taken by ADA certified individuals using non-ADA service or the RideChoice program up to the maximum amount. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

Any remaining ADA PTF funds not used up to the maximum reimbursements may be requested by City for other ADA certified rider eligible expenses and certified by the City’s chief financial officer or designee. RPTA will reimburse City within thirty (30) business days based upon availability of funds. City may request that reimbursements be made electronically. Wire transfers must be pre-arranged through the RPTA Finance Department.

Maximum amount: **\$273,885.00**

CITY COUNCIL REPORT

SUBJECT: Ordinance 2025-0621 – Chapter 23 Code Amendment Regarding the Stopping, Standing, or Parking, Section 23-62, Parking of Trucks and Trailers

MEETING DATE: 6/21/2021

TO: Mayor and Council

FROM: Dale Nannenga, Chief Of Police (623) 333-7207

THROUGH: Cherlene Penilla, Assistant City Manager, (623) 333-1015

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.
-

PURPOSE:

City Council will consider a request to adopt Ordinance 2025-0621, amending Chapter 23, Section 23-62 regarding the stopping, standing, or parking of trucks and trailers within the City to include the City Manager's authority to suspend enforcement actions for designated events and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Other than a minor amendment for emergency assistance vehicles in 2012, Section 23-62 of Chapter 23 was enacted in 2007 in its current form, which prohibits the public and private property parking of trucks (exceeding 10,000 lbs.), semi-trailers, and including various other vehicles and equipment. The ordinance does provide exemptions for school buses, dealerships, municipal operations, truck stops, fenced parking areas, and private or public tow lots.

DISCUSSION:

Section 23-62 of Chapter 23 of the Avondale City Code does not allow for exemptions for enforcement during designated special events. The City has two significant NASCAR races that occur at the racetrack with driving teams with large semi-trucks and trailers who often stay at local hotels. The change to the City Code will allow for the City Manager's discretion in allowing for truck parking as needed and allow for greater flexibility as our events grow in the future.

BUDGET IMPACT:

This action has no budgetary impact.

RECOMMENDATION:

Staff recommends that City Council adopt the ordinance amending Chapter 23, Section 23-62 regarding the stopping, standing, or parking of trucks and trailers within the City to include the City Manager's authority to suspend enforcement actions for designated events and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

ORDINANCE NO. 2025-0621

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 23, TRAFFIC, ARTICLE III, STOPPING, STANDING OR PARKING, SECTION 23-62, PARKING OF TRUCKS AND TRAILERS.

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

SECTION 1. The Avondale City Code, Chapter 23 (Traffic), Article III (Stopping, Standing or Parking), Section 23-62 (Parking of trucks and trailers) is hereby amended to add a new Subsection 23-62(g) to read as follows:

(G) THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE MAY SUSPEND ENFORCEMENT OF THIS SECTION DURING DESIGNATED SPECIAL EVENTS.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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 Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

CITY COUNCIL REPORT

SUBJECT: Ordinance 2026-0621 - Abandonment of Right-of-Way - 114th Lane and Thomas Road

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.

The approval of this agenda item will help maintain and expand quality infrastructure.

PURPOSE:

City Council will consider a request to adopt Ordinance 2026-0621, authorizing the abandonment of right-of-way located on 114th Lane south of Thomas Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Oak Park Planned Area Development (PAD), approved by City Council in May 2005, permitted development of a 52-lot single family subdivision at the southeast corner of Avondale Boulevard and Thomas Road. The approved PAD allows for the community's entry monument sign to be located within the 114th Lane landscaped median south of Thomas Road. The entry monument sign was constructed in the median in 2007 before development of the subdivision ceased over 10 years ago.

DISCUSSION:

To ensure the entry monument was in conformance with Zoning Ordinance requirements prohibiting monument signage within public right-of-way, the median should have been dedicated as a private landscape tract on the subdivision's final plat. However, the median was dedicated as public right-of-way, so the monument sign is currently in City right-of-way. The new developer of Oak Park, KB Home, requested the monument sign to remain in the median. Staff has determined the median right-of-way must be abandoned in order for the monument sign to remain in its current location and meet Zoning Ordinance requirements.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends that the City Council adopt an Ordinance authorizing the abandonment of right-of-way in 114th Lane south of Thomas Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.



CITY OF AVONDALE



MEDIAN RIGHT OF WAY TO BE ABANDONED

ORDINANCE NO. 2026-0621

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ABANDONING THE MEDIAN OF 114TH LANE AT THE ENTRANCE OF THE OAK PARK SUBDIVISION GENERALLY LOCATED NORTH OF LA REATA AVENUE AND SOUTH OF THOMAS ROAD.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the “City”) to dispose of its acquired property as the City’s interests may require; and

WHEREAS, the median of the roadway commonly known as 114th Lane, and generally located north of La Reata Avenue and south of Thomas Road in the City was dedicated for public use by plat entitled the Final Plat of Oak Park, and recorded as Document No. 2006-1426148 in the official records of the Maricopa County Recorder; and

WHEREAS, the City Council has determined that the median of the roadway commonly known as 114th Lane, and generally located north of La Reata Avenue and south of Thomas Road in the City is no longer necessary for public use; and

WHEREAS, the City Council has determined that it is necessary and appropriate to abandon this part of the roadway as legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (“Abandoned Roadway”); and

WHEREAS, the City is authorized to vacate and abandon roadway pursuant to Ariz. Rev. Stat. § 9-240(B)(3)(e) and Ariz. Rev. Stat. § 28-7205.

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 Abandoned Roadway is hereby abandoned.

SECTION 3. Upon recordation of this Resolution in the office of the Maricopa County Recorder, the Abandoned Roadway shall vest in the owners of the land abutting the Abandoned Roadway.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
June 21, 2021.

Kenneth Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2026-0621

[Legal Description and Map of Abandoned Roadway]

See following pages.

February 17, 2021

EXHIBIT A
LEGAL DESCRIPTION FOR
OAK PARK
MEDIAN ABANDONMENT

A portion of 114th Lane per Final Plat of Oak Park recorded in Book 876 of Maps, Page 23, Maricopa County Records, that part of the Northwest Quarter of Section 31, Township 2 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Maricopa County Department of Transportation Brass Cap in Handhole marking the Northwest Corner of said Section 31, from which the City of Avondale Brass Cap in Handhole marking the North Quarter Corner of said Section 31 bears North 89°41'07" East, a distance of 2471.02

Thence North 89°41'07" East, along the North line of the Northwest Quarter of said Section 31, a distance of 475.51 feet to the City of Avondale Brass Cap Flush marking the intersection of Thomas Road and 114th Lane;

Thence South 00°04'28" East, along the centerline of 114th Lane, a distance of 67.59 feet to the True Point of Beginning and a point on a 5.21 foot radius non-tangent curve, whose center bears South 28°09'14" East;

Thence Southeasterly, along said curve, through a central angle of 113°06'37", a distance of 10.29 feet;

Thence South 00°03'42" East, a distance of 85.45 feet to a point on a 5.20 foot radius non-tangent curve, whose center bears North 87°19'50" West;

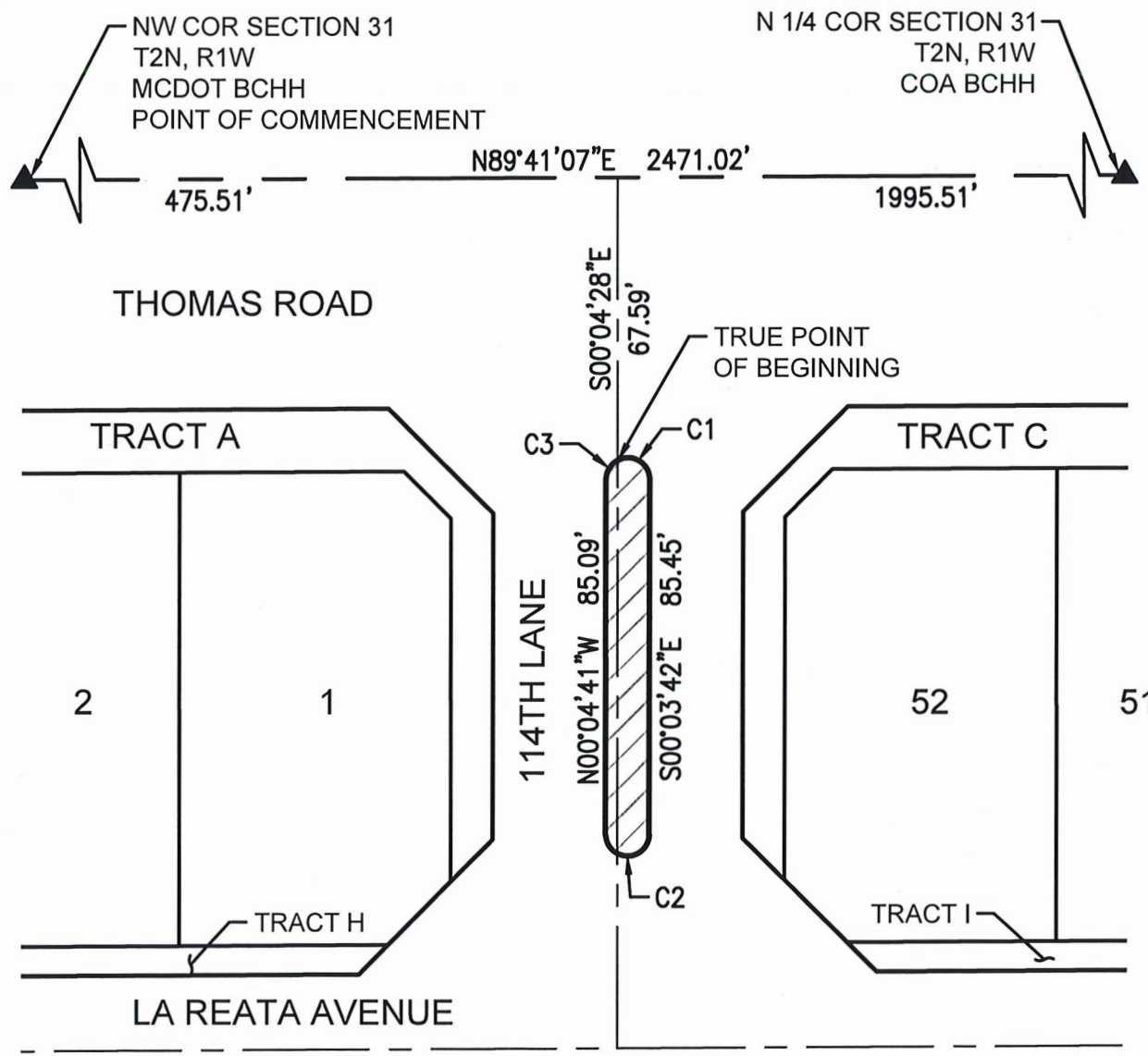
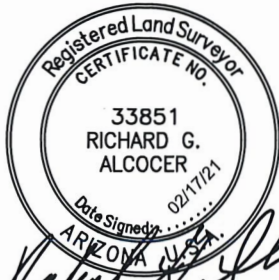
Thence West, along said curve, through a central angle of 173°59'54", a distance of 15.78 feet;

Thence North 00°04'41" West, a distance of 85.09 feet to a point on a 5.21 foot radius non-tangent curve, whose center bears South 89°29'50" East;

Thence Northeasterly, along said curve, through a central angle of 61°20'10", a distance of 5.58 feet to the True Point of Beginning.

Containing 965 Square Feet or 0.022 Acres, more or less.





SCALE 1" = 40'	EXHIBIT A OAK PARK	 CELEBRATING 60 YEARS
EXHIBIT		
4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	MEDIAN ABANDONMENT	1 OF 2



LEGEND

MCDOT MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
 COA CITY OF AVONDALE
 BCF BRASS CAP FLUSH
 BCHH BRASS CAP IN HANDHOLE

CURVE TABLE						
NO.	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	10.29'	5.21'	113°06'37"	7.89	8.69	S61°35'55"E
C2	15.78'	5.20'	173°59'54"	99.10	10.38	S89°40'07"W
C3	5.58'	5.21'	061°20'10"	3.09	5.32	N31°10'15"E

NTS	EXHIBIT A OAK PARK	 CELEBRATING 60 YEARS
EXHIBIT		
4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com	MEDIAN ABANDONMENT	2 OF 2

CITY COUNCIL REPORT

SUBJECT: Ordinance 2027-0621 - Granting an Electrical Easement to Salt River Project (SRP) on Palm Lane West of 116th Avenue

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

Initiative: Foster Sustainable Community Development

Goal: Maintain and Expand Quality Infrastructure and Improve Connectivity to City Amenities

PURPOSE:

City Council will consider a request to adopt Ordinance 2027-0621, granting an Electrical Easement to Salt River Project (SRP) on Palm Lane, West of 116th Avenue and 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 is improving Palm Lane from 116th Avenue to 118th Avenue (south of Canyon Breeze Elementary School) with one lane in each direction including curb, gutter, sidewalk, and streetlight.

DISCUSSION:

A construction contract has been awarded. In order to complete the above improvement an SRP pull box has to be relocated in the Right of Way (ROW). The proposed easement is necessary so the pull box may be relocated in the City ROW.

BUDGET IMPACT:

The granting of the proposed electrical easement to SRP will have no budgetary impact to the city.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance granting an Electrical Easement to SRP on Palm

Lane west of 116th Avenue and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

ORDINANCE NO. 2027-0621

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, GRANTING AN EASEMENT TO SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT AND POWER DISTRICT.

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

SECTION 1. An easement is hereby granted to Salt River Project Agricultural Improvement and Power District, in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference, through, over, under and across certain real property generally located along Palm Lane, west of 116th Avenue, as described in the easement form attached hereto as part of Exhibit A.

SECTION 2. 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,
June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2027-0621

[SRP Easement]

See following pages.

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB10W
P. O. Box 52025
Phoenix, Arizona 85072-2025

**EXEMPT PURSUANT TO
A.R.S. §§ 11-1134(A)(2) and (A)(3)**

POWER DISTRIBUTION EASEMENT

Maricopa County

SE ¼, SEC. 36, T02N, R01W

Agt. HAS
Job # LJ83339 / T3264370
W HAS C pb
R/W #

CITY OF AVONDALE, an Arizona municipal corporation,

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A portion of the Southeast quarter of Section 36, Township 02 North, Range 01 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Easement Parcel:

See Exhibit "A" attached hereto and by their reference made a part hereof.

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

By accepting this easement, Grantee agrees to restore the surface of the Easement Parcel upon completion of the initial installation and any subsequent construction, reconstruction, repair or maintenance work that may be required.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

Notwithstanding anything in this instrument, or laws, statutes, ordinances, rules, or regulations to the contrary, if Grantor requires Grantee to relocate or modify the Facilities, Grantor will (i) pay and/or reimburse Grantee any and all costs incurred for such relocation or modification and (ii) provide a reasonable new location for the Facilities, and easement rights therefor, that meets the standards set forth in this instrument. Grantor acknowledges that the Facilities are being located within public right-of-way at the request of Grantor, and that Grantee materially relied on the provisions of this paragraph in agreeing to Grantor's request.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, **CITY OF AVONDALE**, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s), this _____ day of _____, 20__.

**CITY OF AVONDALE,
An Arizona municipal corporation**

By _____

Its _____

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk

STATE OF _____)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____ as _____, of **THE CITY OF AVONDALE**, an Arizona municipal corporation of the State of Arizona.

My Commission Expires:

Notary Public

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

Cimage

EXHIBIT "A"

SRP JOB NUMBER: T3264370

SRP JOB NAME: CUS UW PALM LN PULLBOX RELOC

TTRRSS: 2N1W36

DATE: 04-30-2021

PAGE: 1 OF 4

AN EASEMENT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING 8.00 FEET IN WIDTH, LYING 4.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 36, BEING A BRASS CAP FLUSH, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A BRASS CAP IN HAND HOLE, BEARS SOUTH 00 DEGREES 59 MINUTES 46 SECONDS WEST, A DISTANCE OF 2686.27 FEET (**BASIS OF BEARINGS**);

THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SOUTH 00 DEGREES 59 MINUTES 46 SECONDS EAST, A DISTANCE OF 1343.26 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS EAST, A DISTANCE OF 506.60 FEET;

THENCE NORTH 89 DEGREES 58 MINUTES 06 SECONDS EAST, A DISTANCE OF 471.15 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 54 SECONDS WEST, A DISTANCE OF 7.65 FEET TO THE NORTHERLY LIMITS OF A SRP EASEMENT PER DOCKET 15162, PAGE 454 MARICOPA COUNTY RECORDER AND THE **POINT OF BEGINNING**;

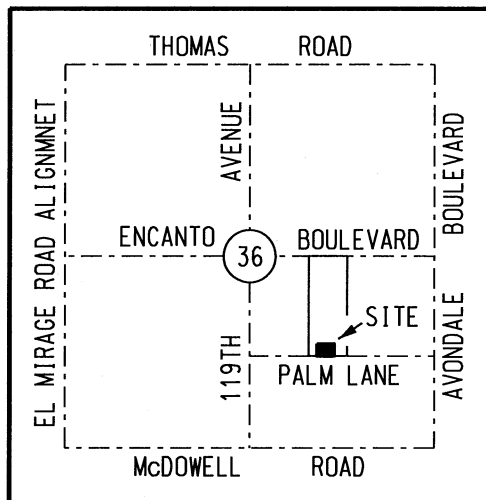
THENCE CONTINUING NORTH 00 DEGREES 01 MINUTES 54 SECONDS WEST, A DISTANCE OF 22.35 FEET TO THE **POINT OF TERMINUS**.

SIDELINES BEING LENGTHENED OR SHORTENED TO FORM VERTICES AT ALL ANGLE POINTS AND TO TERMINATE AT ALL REFERENCED BOUNDARY LINES WHICH PASS THROUGH A POINT OF TERMINUS.

END OF DESCRIPTION



EXHIBIT "A"



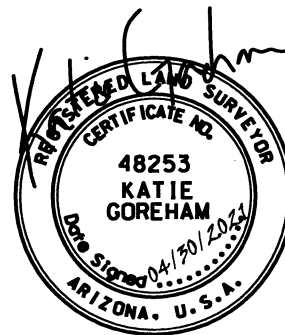
VICINITY MAP (NTS)
T2N, R1W
G&SRM

LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- TIE LINE
- EXISTING EASEMENT
- ◆ SECTION CORNER AS NOTED

ABBREVIATION TABLE

APN	ASSESSOR'S PARCEL NUMBER
DKT	DOCKET
PG	PAGE
MCR	MARICOPA COUNTY RECORDER
(M)	MEASURED
LVI	LAST VISUAL INSPECTION
NTS	NOT TO SCALE
PUE	PUBLIC UTILITY EASEMENT
SRP	SALT RIVER PROJECT
R/W	RIGHT-OF-WAY



BASIS OF BEARINGS:
THE ARIZONA STATE PLANE COORDINATE
SYSTEM, CENTRAL ZONE, NAD 83 DATUM.

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

NOTES

THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT. ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT & POWER DISTRICT

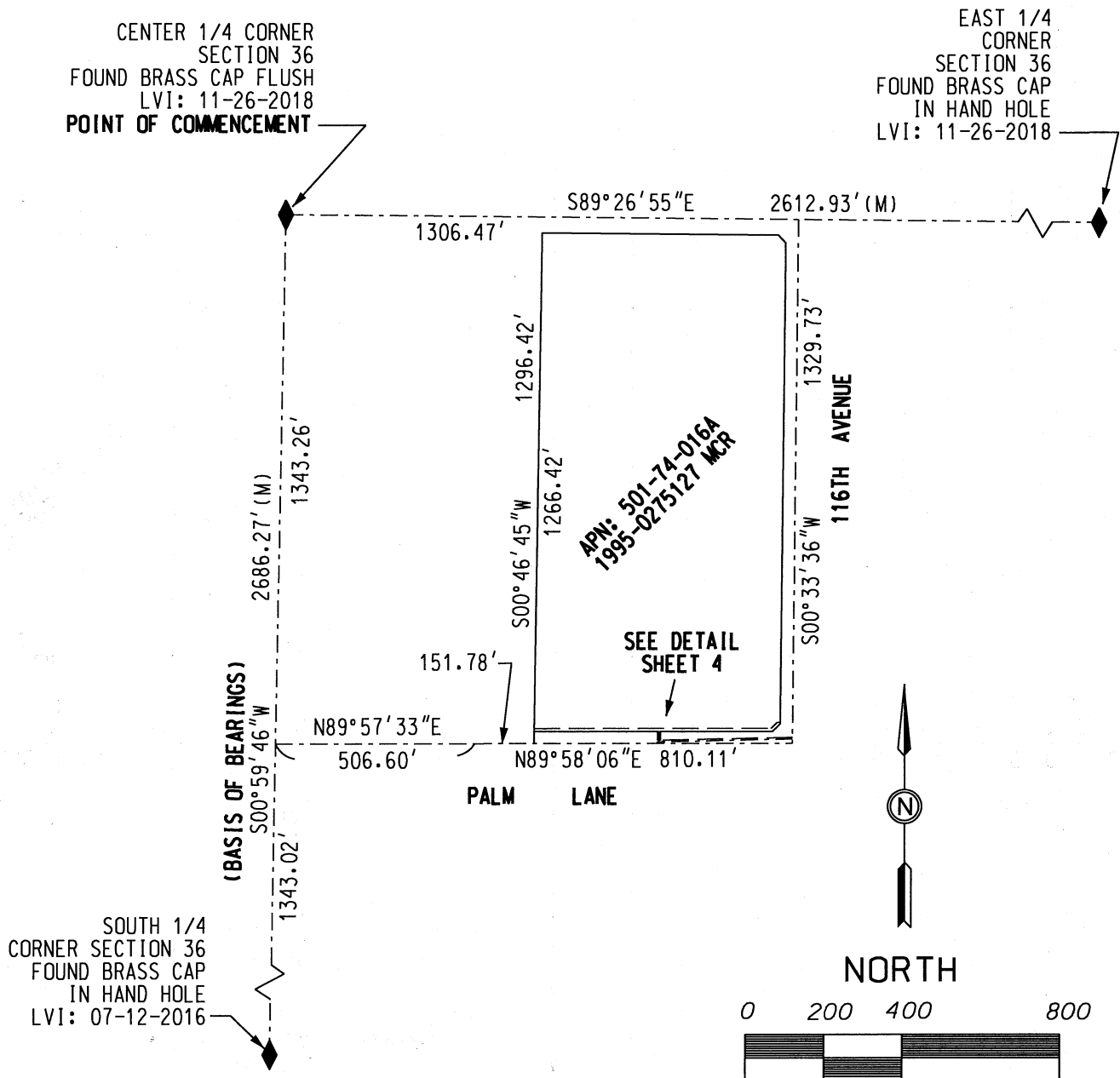


SURVEY DIVISION
LAND DEPARTMENT

SRP LDWR NUMBER: 20-1631-NM	SCALE: NTS
I.O. NUMBER: T3264370	SHEET: 2 OF 4
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"
DRAWN: HICK	REVISION: 0
CHECKED BY: GOREHAM	CREW CHIEF: MILLER
DATE: 04-30-2021	FIELD DATE: 01-26-2021

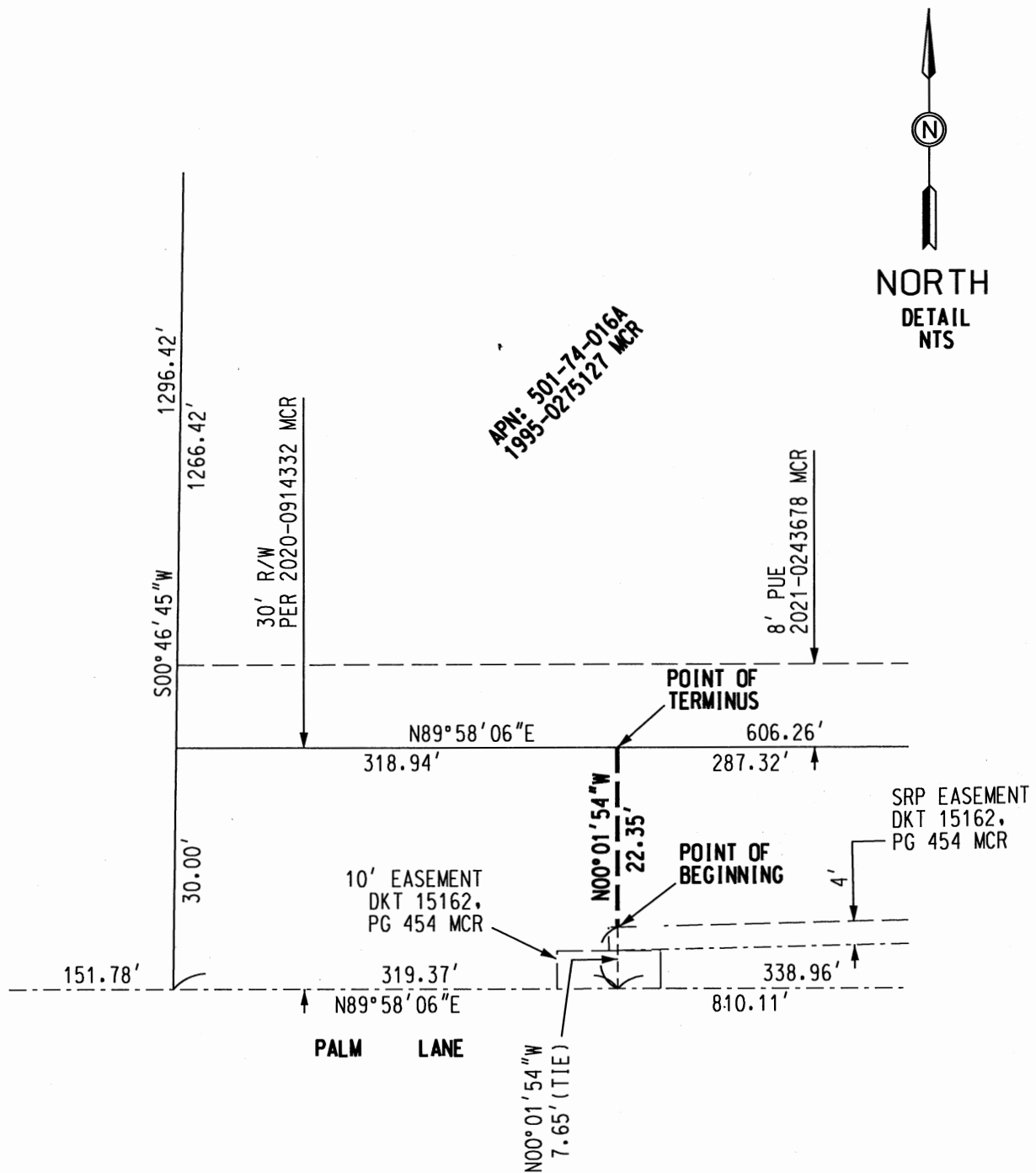
CUS UW PALM LN PULLBOX RELOC
SE 1/4 SEC 36
T.2N., R.1W.
6.3N - 0.3W

EXHIBIT "A"



SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: 20-1631-NM	SCALE: 1" = 400'	
I.O. NUMBER: T3264370	SHEET: 3 OF 4	CUS UW PALM LN PULLBOX RELOC SE 1/4 SEC 36 T.2N., R.1W. 6.3N - 0.3W
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 0	
CHECKED BY: GOREHAM	CREW CHIEF: MILLER	
DATE: 04-30-2021	FIELD DATE: 01-26-2021	

EXHIBIT "A"



SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: 20-1631-NM	SCALE: NTS	
I.O. NUMBER: T3264370	SHEET: 4 OF 4	CUS UW PALM LN PULLBOX RELOC SE 1/4 SEC 36 T.2N., R.1W. 6.3N - 0.3W
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 0	
CHECKED BY: GOREHAM	CREW CHIEF: MILLER	
DATE: 04-30-2021	FIELD DATE: 01-26-2021	

CITY COUNCIL REPORT

SUBJECT: Ordinance 2028-0621 – Acquisition of Real Property - Avondale Civic Center - Avondale Boulevard and Civic Center Drive

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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.

PURPOSE:

City Council will consider a request to: (a) adopt Ordinance 2028-0621 authorizing the purchase of real property located east of Avondale Boulevard and south of Civic Center Drive; (b) approve budget authorization not-to-exceed \$2,500,000 to cover the land acquisition and closing costs; (c) approve a budget amendment in the amount of \$2,500,000; and (d) 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 owns the majority of parcels within the Avondale Civic Center Final Plat with the exception on Lot 9, Exhibit A, which is currently owned by Maricopa County. The acquisition of this property would provide a contiguous land ownership and provide more opportunities for future development needs. This property is approximately 9.56 acres and is nestled between city owned parcels west, north, and east of the property.

DISCUSSION:

Under the terms of the purchase and sale agreement, the City would purchase the approximate 9.56 acres of land located east of Avondale Boulevard and south of Civic Center Drive for \$2,405,000 and applicable closing costs for a total not to exceed \$2,500,000. The property was appraised for \$2,405,000 on June 2, 2021.

BUDGET IMPACT:

The purchase of this property was not included in the adopted FY2022 budget and authorization not-to-exceed \$2,500,000 to cover land acquisition and closing costs will need to be transferred from the unanticipated revenue line item. The resources to fund the purchase are available because sales tax revenues the past couple of months have been above the forecast that informed the FY2022 budget.

RECOMMENDATION:

Staff recommends approval of the purchase of real property located east of Avondale Boulevard and south of Civic Center Drive for \$2,405,000 and applicable closing costs for a total not to exceed \$2,500,000 and authorize staff to execute the necessary documents. The property was appraised for \$2,405,000.

ORDINANCE NO. 2028-0621

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION BY PURCHASE, DEDICATION, OR CONDEMNATION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the “City”) to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the Council of the City of Avondale (the “City Council”) has learned that a parcel of unimproved real property assigned assessor’s parcel number 101-01-017B, located adjacent to the City’s Civic Center building complex is available for purchase from the current owner, Maricopa County; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property generally located along Civic Center Drive, and southeast of Avondale Boulevard and Coldwater Springs Boulevard, for public use.

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 acquisition by purchase, dedication or condemnation of real property, totaling $\pm$ 9.6015 acres, generally located along Civic Center Drive, southeast of Avondale Boulevard and Coldwater Springs Boulevard in Avondale, Arizona is hereby authorized, based on the approximate initial legal description, described and depicted on Exhibit A attached hereto and incorporated herein by reference, which City Council acknowledges that said legal description is approximate in nature and may be subject to change upon completion of an Alta survey on the property.

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 the Ordinance.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

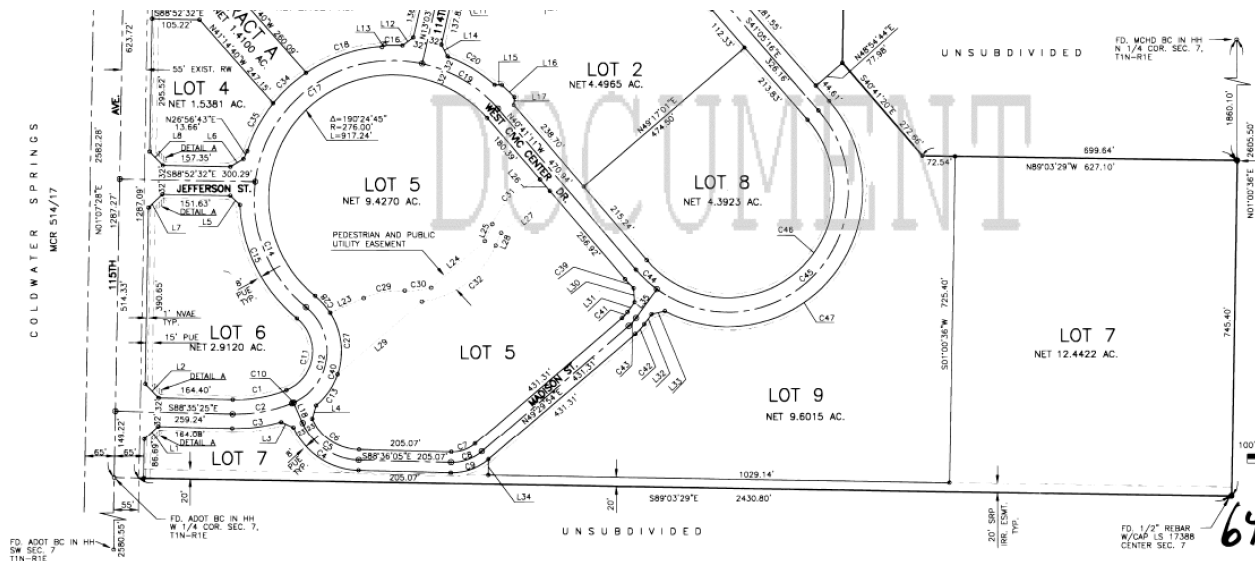
EXHIBIT A
TO
ORDINANCE NO. 2028-0621

[Legal Description and Map]

See following page.

Legal Description for Parcel Number 101-01-017B

Lot 9 of the Final Plat Avondale Civic Center, MCR 642-07; Book 642 of Maps, Page 7, records of Maricopa County, Arizona.



CITY COUNCIL REPORT

SUBJECT: Final Plat for Alamar Phase 4 - Application PL-20-0346

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.
-

PURPOSE:

City Council will consider a request by Mr. Frank Koo, Wood, Patel & Associates, for approval of a Final Plat for Alamar Phase 4. In conformance with the Alamar Phase 4 Preliminary Plat approved by City Council in February 2021, the proposed Final Plat will create 464 single-family residential lots, 55 common area tracts, and dedicate streets and easements on approximately 161.02 gross acres located at the southwest corner of the planned El Mirage Road realignment and the planned Alamar Boulevard alignment. The proposed Final Plat does not include 22 lots and 2 common area tracts within the Phase 4 boundary that are located, in whole or in part, within existing El Mirage Road right-of-way; those lots will be created by a future Re-Plat. A Maintenance Improvement District for the entirety of Phase 4 will be brought forward concurrently with the future Re-Plat. The Council will take appropriate action.

BACKGROUND:

Alamar Phase 4 is approximately 161.02 gross acres of property located at the southwest corner of the planned El Mirage Road realignment and the planned Alamar Boulevard alignment (Exhibit A). The property, which was annexed in May 2018, is zoned Planned Area Development (PAD), part of the 1,130.14-acre Alamar (formerly Lakin Properties) PAD approved by City Council in May 2018 (Exhibit B). The approved Alamar PAD allows for development of single-family residences of varying lot sizes on the Phase 4 property.

A Preliminary Plat for Alamar Phase 4 was approved by the City Council in February 2021. The approved Preliminary Plat allows for development of Phase 4 with 486 single-family lots consisting of four (4) different minimum lot sizes and approximately 47.5 acres of open space (29.7 percent) inclusive of six (6) parks and a multi-use trail corridor.

The Alamar Phase 4 property features a General Plan Land Use Map designation of Medium Density Residential (MDR) (Exhibit C). The MDR designation accommodates development of suburban detached single-family residential at a density range of 2.5 to 4.0 dwelling units per acre (target density of 2.5).

The Alamar Phase 4 property is surrounded by other portions of the master-planned Alamar development on all but its west side, as follows:

North of Alamar Boulevard: A future phase within Alamar's "Northwest Planning Unit". The area of the future phase, lot quantities, and lot sizes will be determined when a Preliminary Plat for that future phase is submitted in conformance with the property's Alamar Planned Area Development (PAD) zoning.

Northeast of El Mirage Road: The approximately 40-acre site of the planned Alamar Community Park, a public park that will include ball fields, picnic ramadas, a recreational lake, a splash pad, trails, and more. The park, which will be accessible to all City residents, is in the initial phases of construction.

Southeast of El Mirage Road: Phase 2 of Alamar, consisting of 346 single-family residential lots and associated open space on approximately 101.43 acres, zoned Alamar PAD. Phase 2 is currently under construction with underground utilities (water and sewer) currently being installed.

South: A future phase within Alamar's "Southwest Planning Unit". The area of the future phase, lot quantities, and lot sizes will be determined when a Preliminary Plat for that future phase is submitted in conformance with the property's Alamar Planned Area Development (PAD) zoning.

West: A 53.88-acre property, located in unincorporated Maricopa County, zoned Rural-43 (RU-43). The property, which is currently undeveloped and used for farming, is owned by Tolleson Union High School District.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Final Plat for Alamar Phase 4 (Exhibit E). In conformance with the Alamar Phase 4 Preliminary Plat approved by City Council in February 2021, the proposed Final Plat will create 464 single-family residential lots, 55 common area tracts, and dedicate streets and easements on approximately 161.02 gross acres located at the southwest corner of the planned El Mirage Road realignment and the planned Alamar Boulevard alignment. The proposed Final Plat does not include 22 lots and two (2) common area tracts within the Phase 4 boundary that are located, in whole or in part, within existing El Mirage Road right-of-way. Those lots and tracts on the eastern end of Phase 4 will be formally created by a future Re-Plat to be brought forward for Council approval following formal abandonment of the existing El Mirage Road right-of-way, which can only occur after construction of the new alignment of El Mirage Road has been completed by the developer of Alamar (anticipated for late 2021).

Alamar Phase 4 consists of four (4) different minimum lot sizes, as follows:

- 223 single-family lots with a minimum area of 5,175 square feet, featuring minimum widths of 45 feet and minimum depths of 115 feet. All 223 lots of this type will be created by this Final Plat.
- 115 single-family lots with a minimum area of 6,000 square feet, featuring minimum widths of 50 feet and minimum depths of 120 feet. All 115 lots of this type will be created by this Final Plat.
- 93 single-family lots with a minimum area of 7,875 square feet, featuring minimum widths of 63 feet and minimum depths of 125 feet. 92 of the 93 lots of this type will be created by this Final Plat; the remaining one (1) lot of this type is located within current El Mirage Road right-of-way and will be

created by the future Re-Plat.

- 55 single-family lots with a minimum area of 9,100 square feet, featuring minimum widths of 70 feet and minimum depths of 130 feet. 34 of the 55 lots of this type will be created by this Final Plat; the remaining 21 lots of this type are located within current El Mirage Road right-of-way and will be created by the future Re-Plat.

Additionally, the proposed Final Plat creates 55 common area tracts for active and passive open space totaling 43.85 acres (27.2 percent). Two (2) additional planned tracts (Tracts C and D) and portions of seven (7) others lie within the existing El Mirage Road right-of-way and will be created or modified by the future Re-Plat. In total, when completed, Phase 4 will feature 57 common area tracts totaling 47.53 acres (29.5 percent). The most significant amenities in Phase 4 will include:

- Neighborhood Park #2 (Tract JJ), a 2.50-acre park located in the northwest quadrant of Phase 4, which will include a large multi-purpose lawn, decorative and community gardens, a looped trail system, terrace area with farm shed, olive grove, sand play area, and large shaded children's play structure. On-street parallel parking, which can also accommodate food truck parking for community events, will be provided along the east and south edges of the park.
- Formative Park #12 (Tract UU), a 0.31-acre park located near the west edge of Phase 4, featuring a large plaza containing a barbeque grill station, ramada with picnic tables, and a porch swing, a sensory path, bench seating, a sand box with water feature, turf for open play, and shaded children's play equipment.
- Formative Park #13 (Tract ZZ), a 0.23-acre park located near the southwest corner of Phase 4, which will include a plaza designed as a "story-telling area" featuring boulder seating, a picnic area covered by a shade trellis, a barbeque grill station, turf for open play, and shaded children's play equipment.
- Formative Park #14 (Tract Q), a 0.42-acre park centrally located along the phase's north boundary, featuring a large plaza, shaded picnic area, barbeque grill stations, Adirondack chair lounging area, a porch swing, turf for open play, and shaded children's play equipment.
- Formative Park #15 (Tract B), a 0.46-acre park located near the northeast corner of Phase 4, which will include a large plaza featuring checkerboard pavement marking, shaded picnic area with barbeque grill station, bench seating, turf for open play, and shaded children's play equipment.
- Formative Park #16 (Tract O), a 0.35-acre park located in the southeast quadrant of Phase 4, featuring a plaza, hopscotch pavement markings, shaded picnic area with barbeque grill station, porch swing, Adirondack chair lounging area, sandbox play area, turf for open play, bench seating, and shaded children's play equipment.
- An 8-foot wide multi-use trail running in the utility corridor south and east of Phase 4, with nine (9) separate pedestrian connections from the neighborhood to the adjacent trail system provided.

The proposed Final Plat dedicates all rights-of-way necessary to accommodate construction of the required street improvements for Phase 4 excluding those portions of future local and collector streets located within the existing El Mirage Road right-of-way; those remaining segments will be dedicated by the future Re-Plat following abandonment of the El Mirage Road right-of-way. Vehicular access to this phase will be from Alamar Boulevard, a minor collector street along Phase 4's northern boundary that will be constructed by the developer in this phase. Residents will access this new collector roadway from either El Mirage Road along Phase 4's eastern edge or from Dysart Road, approximately 1,660 feet west of the Phase 4's western

boundary. With this phase, the developer will also construct 128th Avenue, an additional minor collector street providing northbound/southbound travel near the Phase 4's west edge, and all local streets internal to the phase. All streets adjacent to and within Phase 4 will be public; the Alamar Community Association will be responsible for maintaining all open space areas, landscape tracts, and right-of-way landscaping, including landscaped medians within or adjacent to the community.

A Maintenance Improvement District for the entirety of Phase 4 will be brought forward concurrently with the future Re-Plat when all lots and tracts within Phase 4 are able to be formally created. The MID will allow the City to assume maintenance responsibilities for the community's open space and landscaping in the event that the HOA goes defunct, providing for an assessment of residents to cover the maintenance costs.

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, Alamar Planned Area Development (PAD), and Alamar Pre-Annexation Development Agreement (PADA), and meets all conditions of these prior approvals.
- The proposed Final Plat conforms to the approved Preliminary Plat for Alamar Phase 4, including conditions of approval. The 22 lots and two (2) common area tracts that cannot be platted until after existing El Mirage Road right-of-way is abandoned will be created by a future Re-Plat, expected in late 2021.
- The proposed Final Plat dedicates rights-of-way and easements needed to allow the developer to complete water, sewer, and street improvements to serve the future development.

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 Alamar PAD Development Plan, including conditions of approval, and the Alamar Pre-Annexation Development Agreement.
3. The proposed Final Plat is in conformance with the approved Alamar Phase 4 Preliminary Plat, including conditions of approval. A future Re-Plat will create the 22 lots and two (2) common area tracts that are part of Phase 4, but which could not be created on this Final Plat due to their location within existing right-of-way (to be abandoned following completion of the new El Mirage Road alignment by the developer).
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.

BUDGET IMPACT:

No budget impacts.

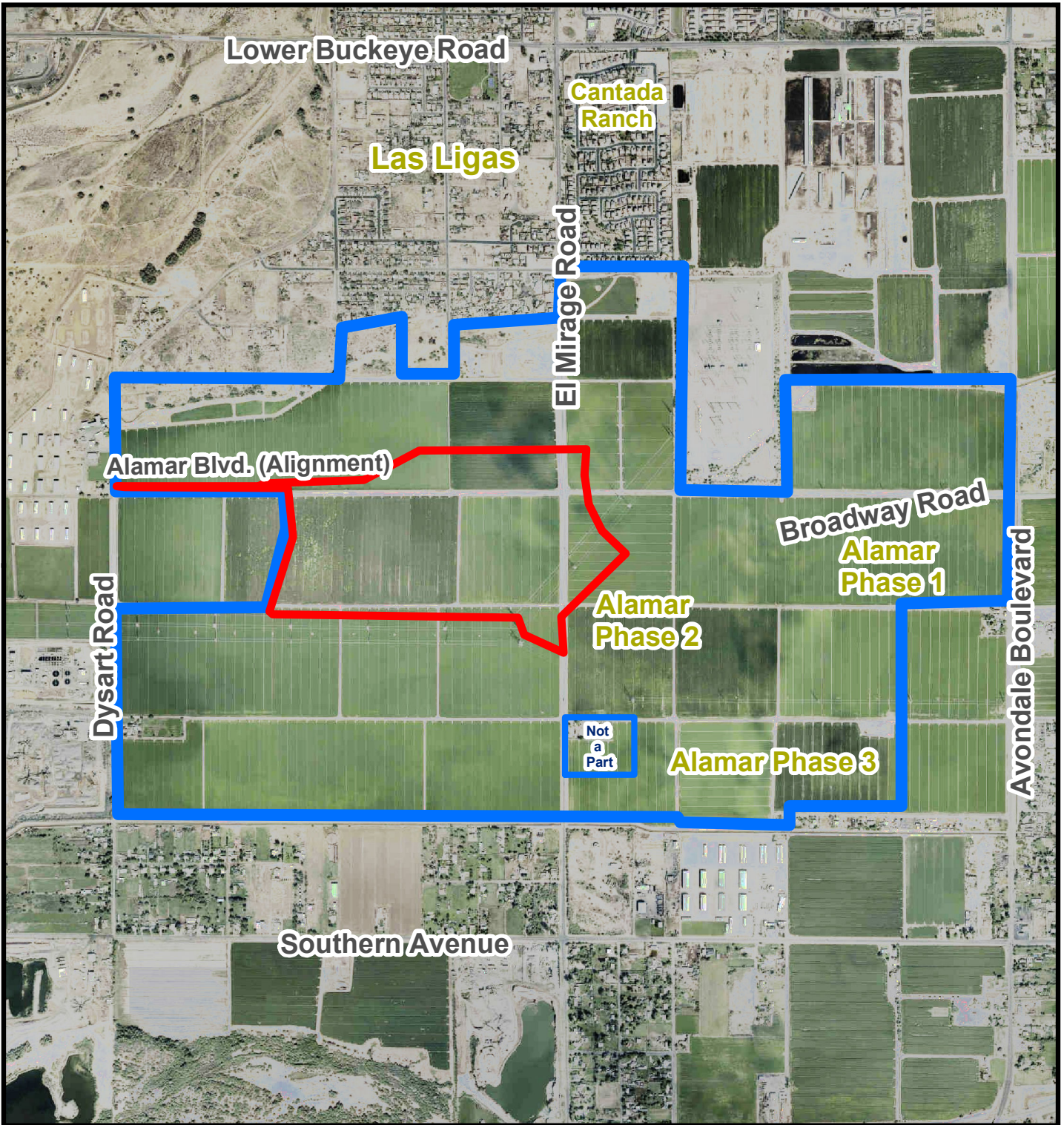
RECOMMENDATION:

No public hearing is required. The City Council will **APPROVE** Application PL-20-0346 Alamar Phase 4, a request for approval of the Final Plat for Alamar Phase 4, subject to the following two (2) conditions of approval:

1. The recorded plat shall be in conformance with the Alamar Phase 4 Final Plat submitted (electronically) on May 19, 2021.
2. A Re-Plat, creating lots, tracts, and dedicating rights-of-way and easements in the portion of Phase 4 located in existing El Mirage Road right-of-way, in conformance with the approved Preliminary Plat for Alamar Phase 4, shall be approved by the City Council and recorded prior to issuance of any permits for the construction of homes within Phase 4.

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-20-0346 Alamar Phase 4, a request for approval of the Final Plat for Alamar Phase 4, subject to two (2) recommended conditions of approval as listed in the staff report.



Aerial Photograph

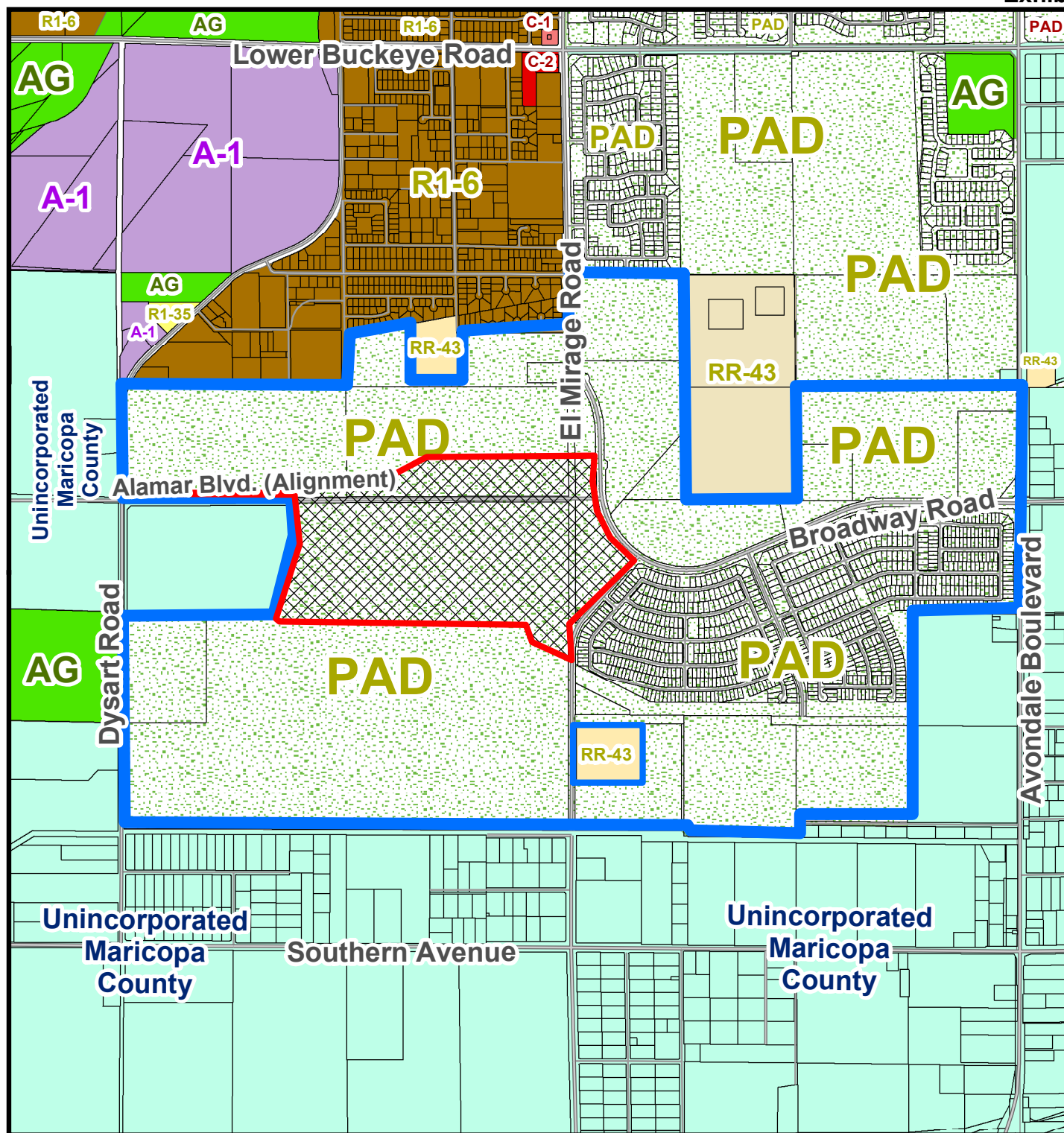


Alamar



Phase 4





Zoning Vicinity Map

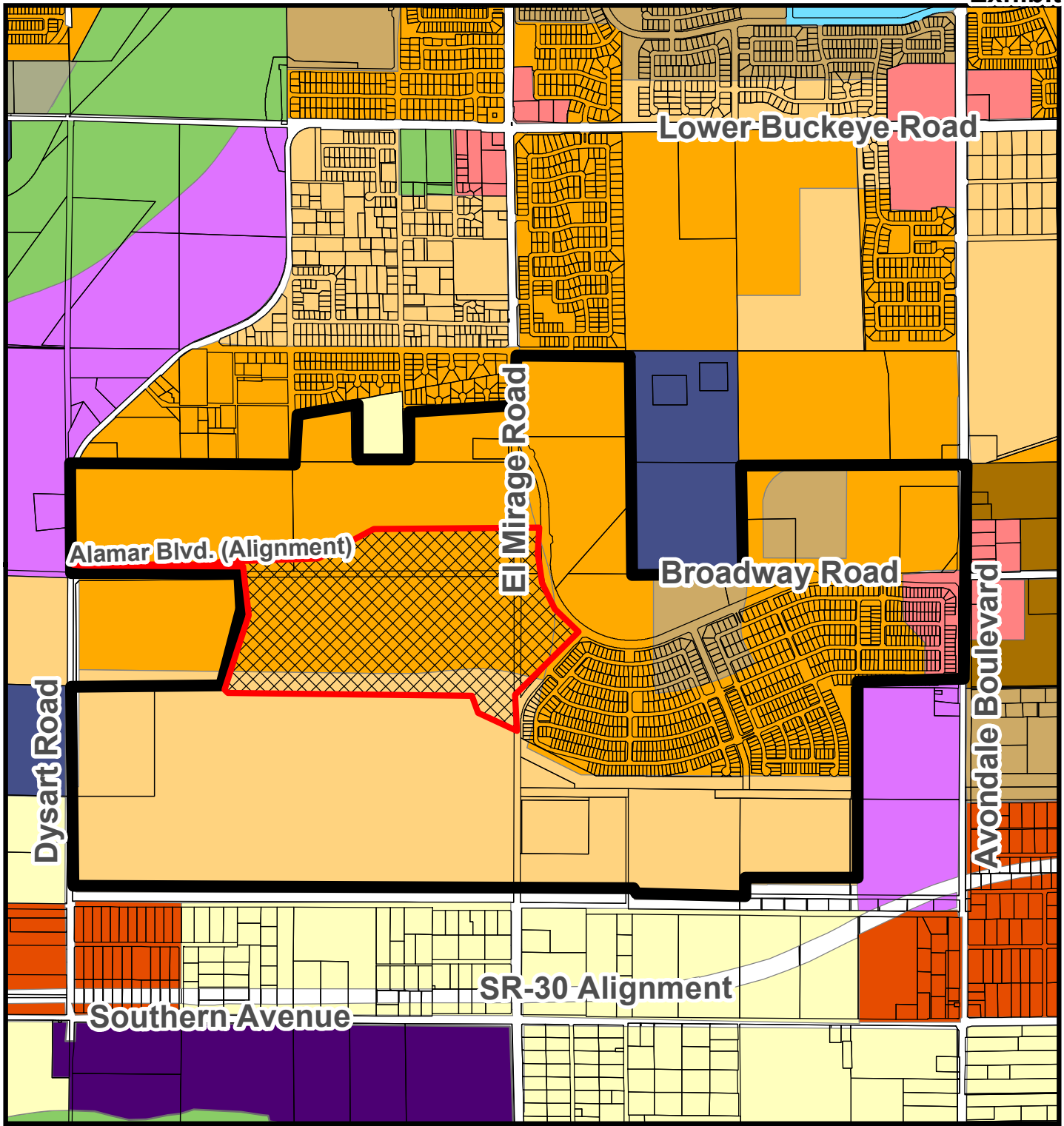


Alamar



Phase 4





General Plan Land Use Map



- | | | |
|--------------------------------|---------------------------------|----------------------|
| Rural Low Density Residential | Medium/High Density Residential | Freeway Commercial |
| Estate Low Density Residential | High Density Residential | Local Commercial |
| Medium Density Residential | Mixed Use | Public/Civic |
| Education | Corporate Park | Open Space and Parks |
| Alamar | Phase 4 | |



*SUMMARY OF RELATED FACTS
APPLICATION PL-20-0346*

<i>THE PROPERTY</i>	
PARCEL SIZE	161.02 gross acres
LOCATION	Southwest Corner of El Mirage Road (realignment) and Alamar Boulevard (alignment)
EXISTING LAND USE	Agricultural
EXISTING ZONING	Planned Area Development (PAD)
ZONING HISTORY	The property was annexed and zoned Lakin Property Planned Area Development (PAD) in May 2018. The approved PAD allows for single-family residential use of the subject property consisting of varying lot sizes. The name of the PAD has since been changed to Alamar. The Preliminary Plat for Alamar Phase 4 was approved by the City Council in February 2021. The approved Preliminary Plat allows for development of Phase 4 with 486 single-family lots consisting of four (4) different lot sizes and approximately 47.79 acres of open space (29.7 percent) including six (6) parks and a multi-use trail corridor.
DEVELOPMENT AGREEMENT	A Pre-Annexation Development Agreement (PADA) with Brookfield Residential was approved in May 2018. The primary functions of the PADA are to specify the developer's on-site and off-site construction responsibilities (streets, community park, utilities, etc.) pertaining to the Alamar master planned development and to establish the protocol for developer reimbursement towards the City's acquisition of the Rigby Water Company.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH OF ALAMAR BOULEVARD	A future phase within Alamar's "Northwest Planning Unit". The area of the future phase, lot quantities, and lot sizes will be determined when a Preliminary Plat for that future phase is submitted in conformance with the property's Alamar Planned Area Development (PAD) zoning.
NORTHEAST OF EL MIRAGE ROAD	Approximately 40 acres of land that is the site of the planned Alamar Community Park, a public park that will be accessible to all City residents. The park will include ball fields, picnic ramadas, a recreational lake, a splash pad, trails, and more. The park is in the initial phases of construction.
SOUTHEAST OF EL MIRAGE ROAD	Phase 2 of Alamar, consisting of 346 single-family residential lots and associated open space on approximately 101.43 acres, zoned Alamar PAD. Phase 2 is currently under construction with underground utilities (water and sewer) currently being installed.
SOUTH	A future phase within Alamar's "Southwest Planning Unit". The area of the future phase, lot quantities, and lot sizes will be determined when a Preliminary Plat for that future phase is submitted in conformance with the property's Alamar Planned Area Development (PAD) zoning.
WEST	A 53.88-acre property, located in unincorporated Maricopa County, zoned Rural-43 (RU-43). The property, which is currently undeveloped and used for

	farming, is owned by Tolleson Union High School District.
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<i>GENERAL PLAN</i>	
The Phase 4 property features a General Plan Land Use Map designation of Medium Density Residential (MDR). The MDR designation accommodates development of suburban detached single-family residential at a density range of 2.5 to 4.0 dwelling units per acre, and a target density of 2.5	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest district school will be a new elementary school within the Alamar development located across El Mirage Road east of Phase 4
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Durango Street and Avondale Boulevard

<i>STREETS</i>	
El Mirage Road (Realignment)	
Classification	Major Collector
Existing half-street right-of-way	40 feet to 50 feet (varies upon location)
Standard half-street right-of-way	40 feet to 50 feet (varies upon location)
Existing half-street improvements	No improvements to planned alignment; Existing El Mirage Road improvements adjacent to Phase 4 will be demolished to accommodate the re-alignment of the street as shown in the approved PAD.
Standard half-street improvements	Two (2) travel lanes, half (1/2) center turn lane, bike lane, curb and gutter, detached sidewalks, streetlights and landscaping.
Alamar Boulevard	
Classification	Minor Collector
Existing half-street right-of-way	None
Standard half-street right-of-way	40 feet
Existing half-street improvements	None
Standard half-street improvements	One (1) travel lane, half (1/2) center turn lane, bike lane, curb and gutter, detached sidewalks, streetlights and landscaping.
Alamar Lane	
Classification	Minor Collector
Existing half-street right-of-way	None
Standard half-street right-of-way	40 feet
Existing half-street improvements	None
Standard half-street improvements	One (1) travel lane, half (1/2) center turn lane, bike lane, curb and gutter, detached sidewalks, streetlights and landscaping.

Neighborhood Streets (Multiple)	
Classification	Modified Public Local
Existing half-street right-of-way	None
Standard half-street right-of-way	25 feet
Existing half-street improvements	None
Standard half-street improvements	One (1) travel lane, curb and gutter, attached sidewalks, streetlights and landscaping.

<i>UTILITIES</i>
Water will be served to the Alamar Phase 4 development by 16- inch water line in the new alignment of El Mirage Road (to be constructed by the developer with Alamar Phase 2) and an existing 12-inch water line in Dysart Road. Sewer will be served to the Alamar Phase 4 development by an existing 36-inch sewer main located in an easement in the Alamar Boulevard alignment. Salt River Project (SRP) provides electricity in this portion of Avondale.

Exhibit E

Proposed Final Plat

Alamar Phase 4

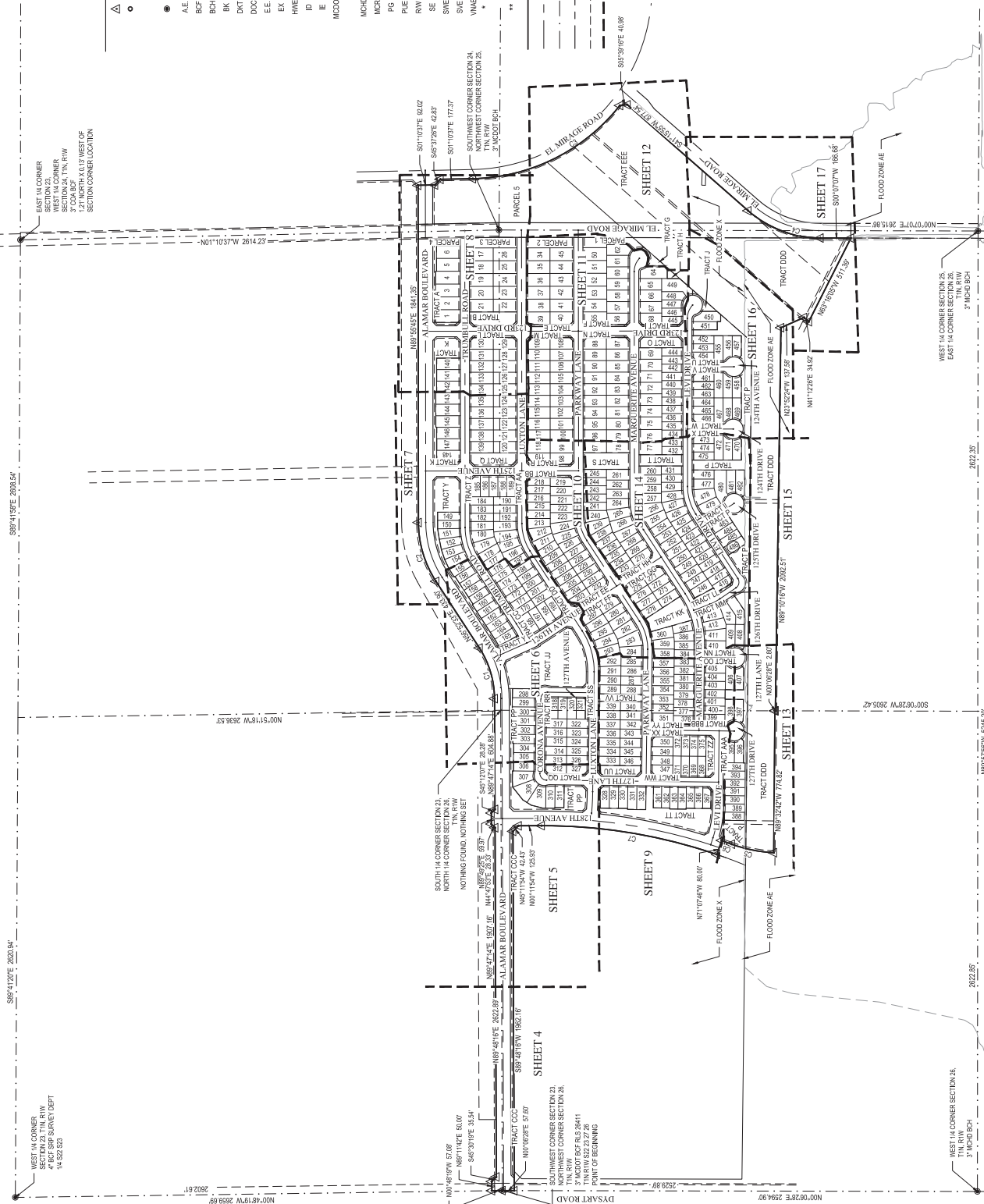
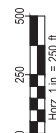
NOTES (CONTINUED)

CURVE TABLE					CURVE TABLE				
CURVE	DELTA	RADIUS	ARC CHORD BEARING	CHORD	CURVE	DELTA	RADIUS	ARC CHORD BEARING	CHORD
C1	32°55'00"	510.00	280.02	N72°20'00"	335.66	C46	52°32'00"	20.00	18.34
C2	33°03'12"	540.00	340.36	S72°24'00"W	335.66	C47	52°32'00"	20.00	18.34
C3	33°03'12"	540.00	340.36	S72°24'00"W	335.66	C48	285°04'00"	54.00	286.70
C4	33°04'15"	1050.00	626.94	S20°28'01"E	897.48	C49	52°32'00"	20.00	18.34
C5	33°04'15"	1050.00	626.94	S20°28'01"E	897.48	C50	52°32'00"	20.00	18.34
C6	33°04'15"	1050.00	626.94	S20°28'01"E	897.48	C51	52°32'00"	20.00	18.34
C7	33°04'15"	1050.00	626.94	S20°28'01"E	897.48	C52	52°32'00"	20.00	18.34
C8	33°04'15"	1050.00	626.94	S20°28'01"E	897.48	C53	287°30'47"	54.00	242.70
C9	33°05'00"	540.00	117.81	S45°42'25"W	56.80	C54	33°03'12"	300.00	173.27
C10	33°05'00"	540.00	16.50	N85°04'40"E	16.43	C55	33°03'12"	250.00	166.55
C11	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C56	33°03'12"	250.00	166.55
C12	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C57	33°03'12"	250.00	166.55
C13	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C58	33°03'12"	250.00	166.55
C14	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C59	33°03'12"	250.00	166.55
C15	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C60	33°03'12"	250.00	166.55
C16	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C61	33°03'12"	250.00	166.55
C17	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C62	33°03'12"	250.00	166.55
C18	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C63	33°03'12"	250.00	166.55
C19	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C64	33°03'12"	250.00	166.55
C20	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C65	33°03'12"	250.00	166.55
C21	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C66	33°03'12"	250.00	166.55
C22	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C67	33°03'12"	250.00	166.55
C23	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C68	33°03'12"	250.00	166.55
C24	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C69	33°03'12"	250.00	166.55
C25	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C70	33°03'12"	250.00	166.55
C26	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C71	33°03'12"	250.00	166.55
C27	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C72	33°03'12"	250.00	166.55
C28	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C73	33°03'12"	250.00	166.55
C29	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C74	33°03'12"	250.00	166.55
C30	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C75	33°03'12"	250.00	166.55
C31	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C76	33°03'12"	250.00	166.55
C32	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C77	33°03'12"	250.00	166.55
C33	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C78	33°03'12"	250.00	166.55
C34	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C79	33°03'12"	250.00	166.55
C35	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C80	33°03'12"	250.00	166.55
C36	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C81	33°03'12"	250.00	166.55
C37	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C82	33°03'12"	250.00	166.55
C38	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C83	33°03'12"	250.00	166.55
C39	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C84	33°03'12"	250.00	166.55
C40	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C85	33°03'12"	250.00	166.55
C41	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C86	33°03'12"	250.00	166.55
C42	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C87	33°03'12"	250.00	166.55
C43	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C88	33°03'12"	250.00	166.55
C44	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C89	33°03'12"	250.00	166.55
C45	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C90	33°03'12"	250.00	166.55
C46	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C91	33°03'12"	250.00	166.55
C47	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C92	33°03'12"	250.00	166.55
C48	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C93	33°03'12"	250.00	166.55
C49	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C94	33°03'12"	250.00	166.55
C50	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C95	33°03'12"	250.00	166.55
C51	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C96	33°03'12"	250.00	166.55
C52	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C97	33°03'12"	250.00	166.55
C53	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C98	33°03'12"	250.00	166.55
C54	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C99	33°03'12"	250.00	166.55
C55	33°05'30"	1512.13	94.81	S37°31'45"E	94.80	C100	33°03'12"	250.00	166.55

[illegible]

LEGEND

- | SYMBOL | DESCRIPTION |
|---------|--|
| △ | CORNER OF THIS SUBDIVISION |
| ○ | CONTINUOUS MONUMENTATION - SET |
| ● | BRASS CAP FLUSH UPON COMPLETION |
| ○ | SURVEY MONUMENT FOUND AS NOTED |
| ● | ACCESS EASEMENT |
| BCF | BRASS CAP FLUSH |
| BCH | BRASS CAP IN HANDHOLE |
| BK | BOOK |
| DKT | DOCKET |
| DOC | DOCUMENT |
| E.E. | ELECTRICAL EASEMENT |
| EX | EXISTING |
| HWE | HIGHWAY EASEMENT |
| ID | IDENTIFICATION |
| IP | IRRIGATION EASEMENT |
| JD | MARICOPA COUNTY DEPARTMENT |
| MCDCOOT | MARICOPA COUNTY DEPARTMENT |
| MCHD | MARICOPA COUNTY HIGHWAY DEPARTMENT |
| MCR | MARICOPA COUNTY RECORDS |
| PG | PG |
| PUE | PUBLIC UTILITY EASEMENT |
| RHW | RIGHT-OF-WAY |
| SE | SIDEWALK EASEMENT |
| SWE | SEWER EASEMENT |
| SVE | 33X33' TRIP VISIBILITY EASEMENT |
| WMAE | VEHICULAR NON-ACCESS EASEMENT |
| * | SITUATE GARAGE ON SIDE OF LOT MOST VULNERABLE TO HEAVY LOADS |
| ** | SINGLES STORY STRUCTURE ONLY |
| --- | BOUNDARY LINE |
| --- | CENTER LINE |
| --- | SECTION LINE |
| --- | RIGHT OF WAY LINE |
| --- | EASEMENT LINE |
| --- | MATCH SHEET LINE |





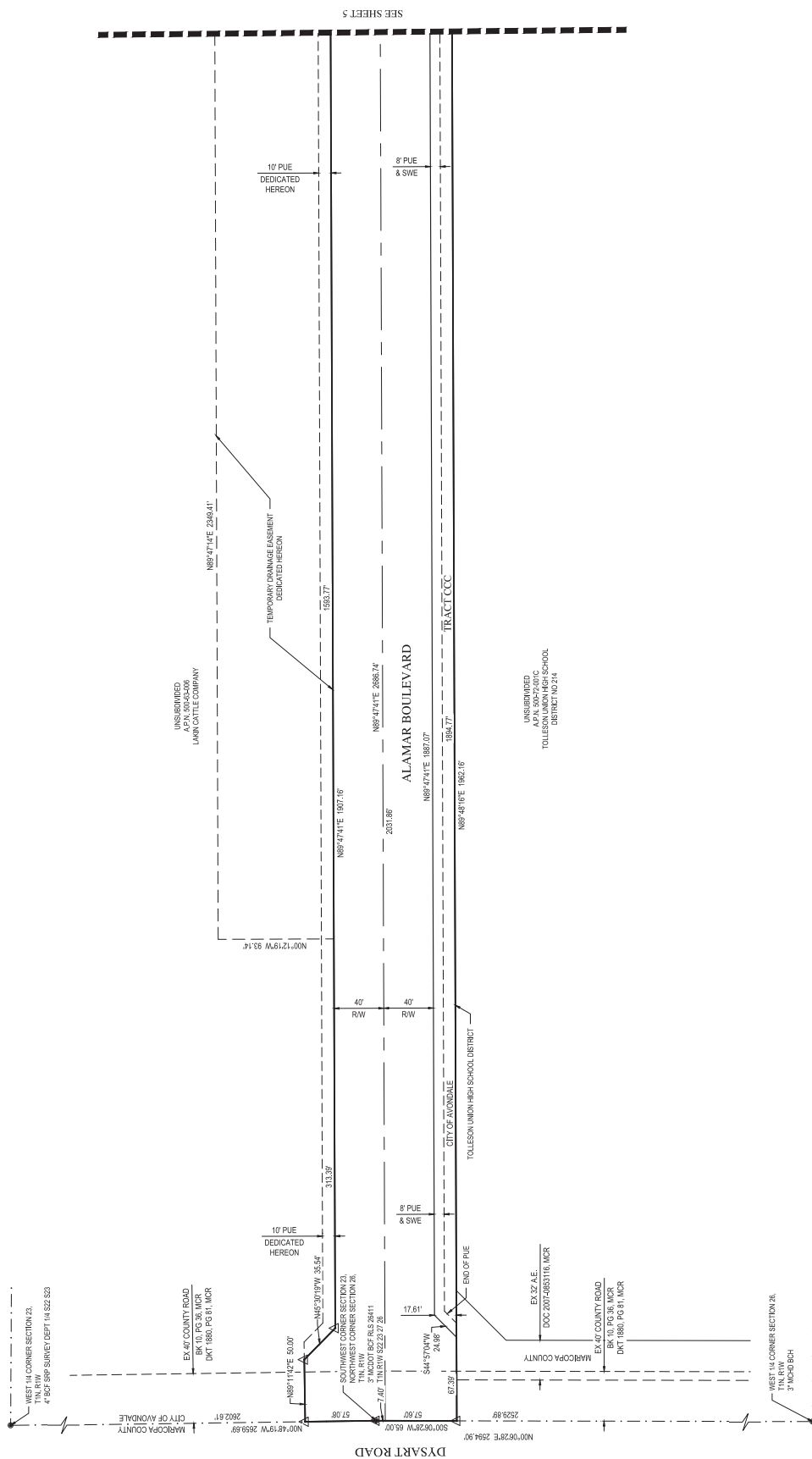
CHECKED BY	BJD
ROAD TECHNICIAN	JKP
SCALE	1" = 40'
DATE	5/7/2021
JOB NUMBER	WP# 174612.09
SHEET	4 OF 18



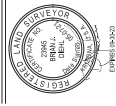
Horz. 1 in. = 40 ft.

LEGEND

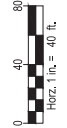
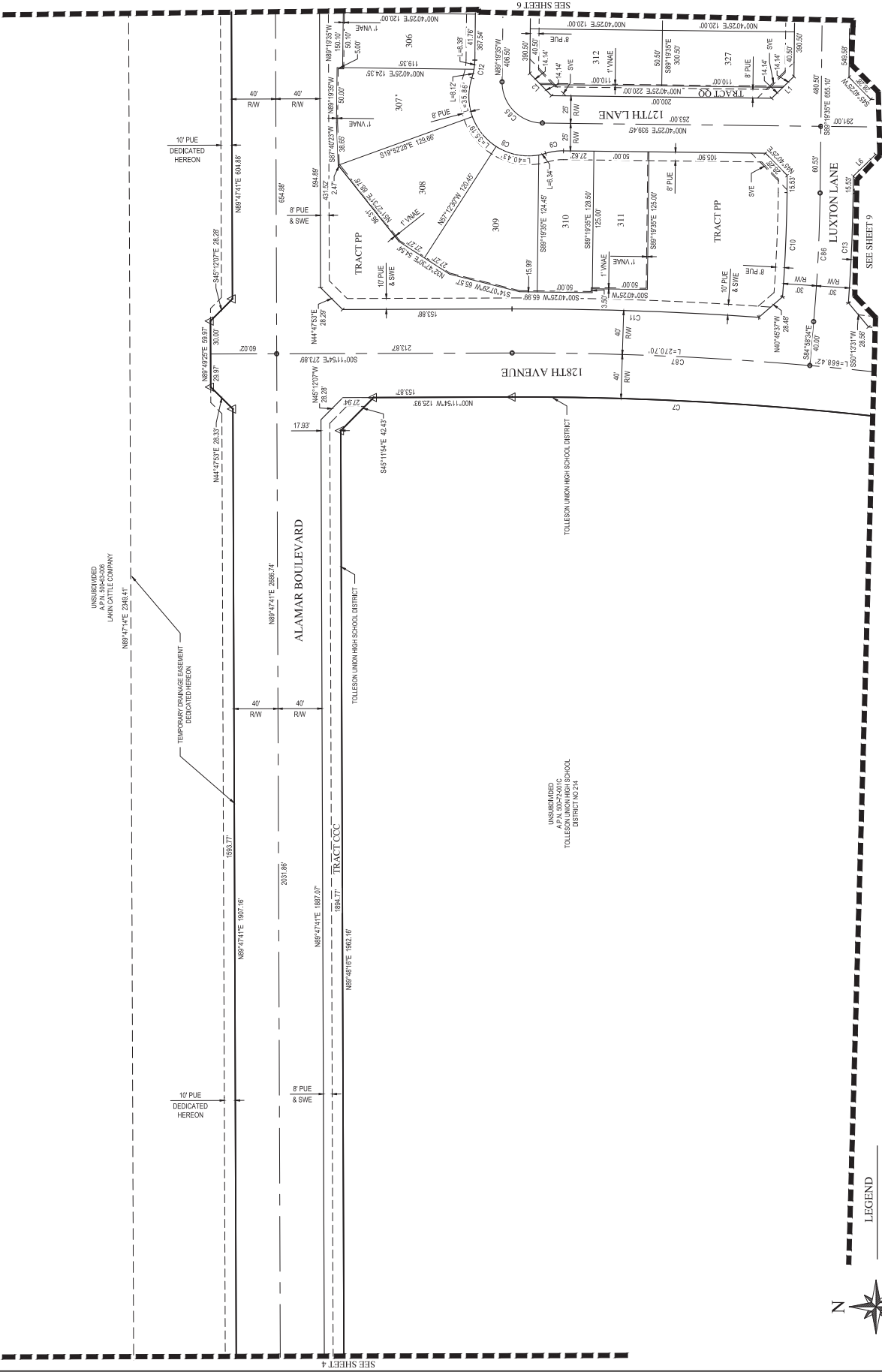
SEE SHEET 3



FINAL PLAT
ALAMAR - PHASE 4
AVONDALE, ARIZONA



CHECKED BY	B.D.
DRAWN BY	J.P.
SCALE	1" = 40'
DATE	5/7/2021
CDS NUMBER	174692109
SHEET	5 OF 18



LEGEND
SEE SHEET 3

SEE SHEET 4

UNSUBDIVIDED
APN 800-2501C
TOLLESON UNION HIGH SCHOOL
DISTRICT NO. 214

TOLLESON UNION HIGH SCHOOL DISTRICT

128TH AVENUE

ALAMAR BOULEVARD

SEE SHEET 9

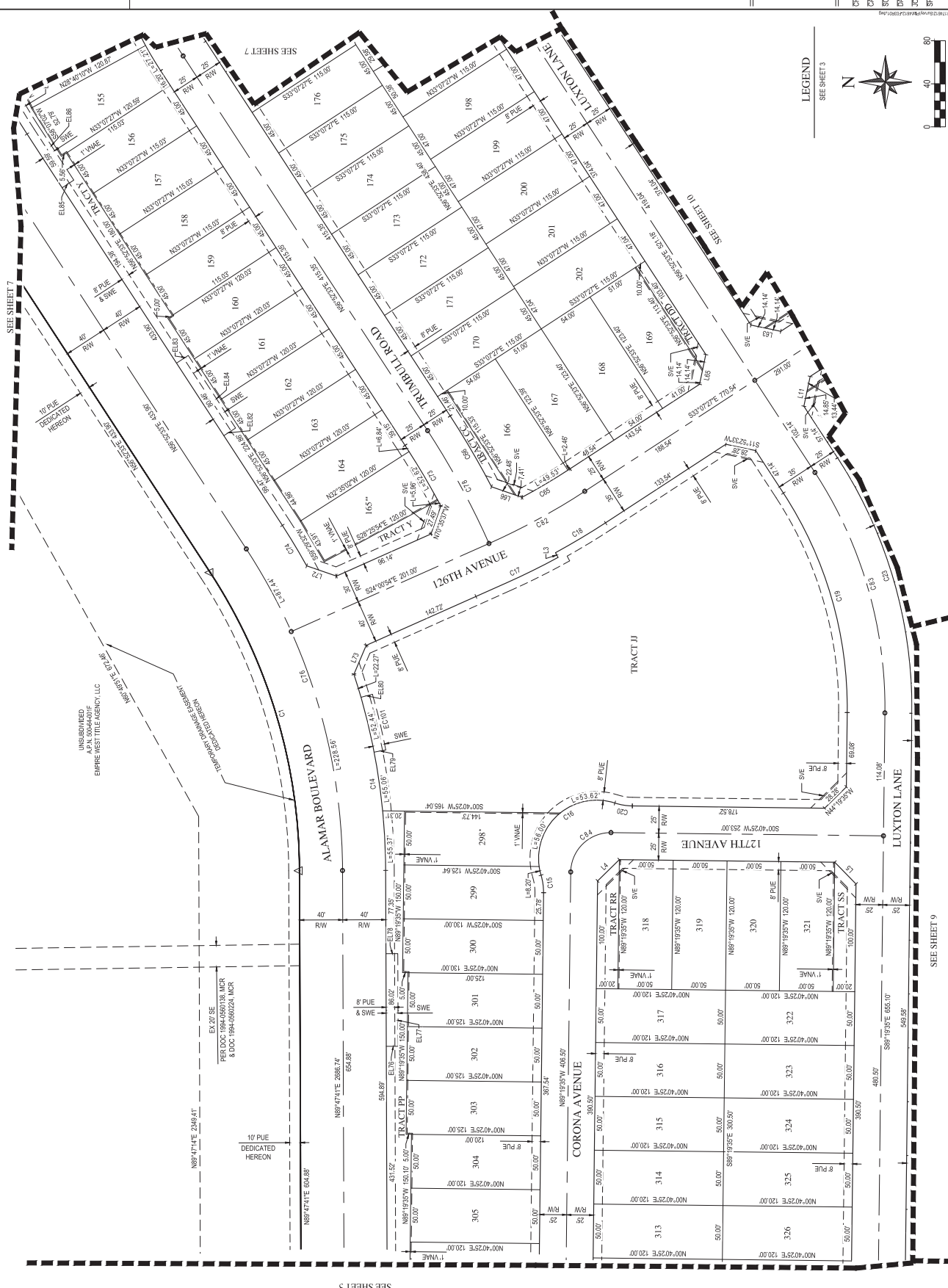
SEE SHEET 6



CHECKED BY	B.D.
DRAWN BY	J.P.
SCALE	1" = 40'
DATE	5/7/2021
CAD NUMBER	174972109
SHEET	6 OF 18



LEGEND
SEE SHEET 3

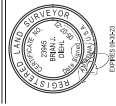


SEE SHEET 3

SEE SHEET 9

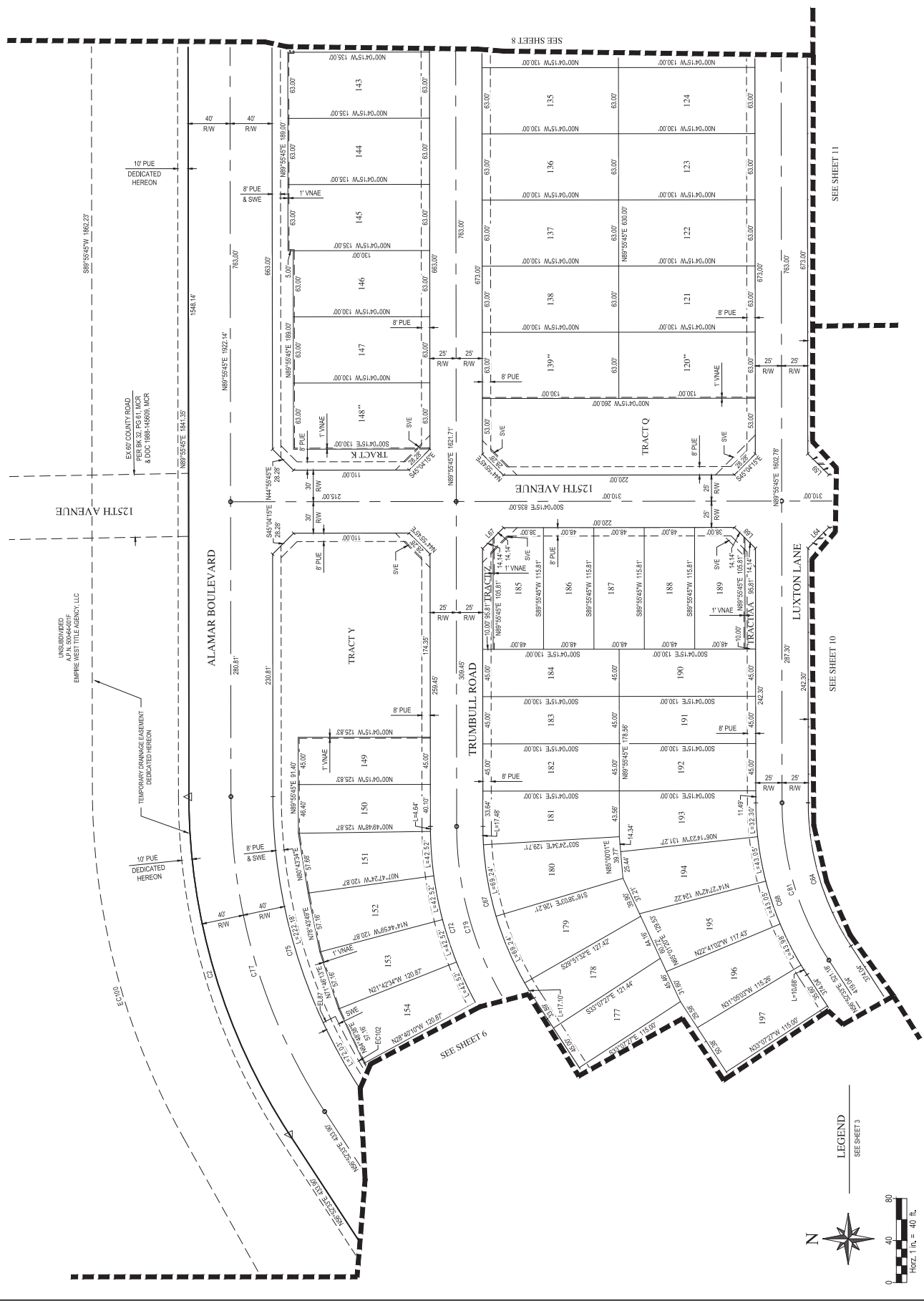
UNRECORDED
A.P.N. 50044001F
EMPIRE WEST TITLE AGENCY, LLC

EX 27 SE
1/4 SEC 13
8.000184-560024 MCR



CHECKED BY	B.D.
DRAWN BY	J.P.P.
SCALE	1" = 40'
DATE	5/7/2021
JOB NUMBER	17-0912-09
SHEET	7 OF 18

04/10/2021 10:09 AM 17-0912-09 11.01.02.7

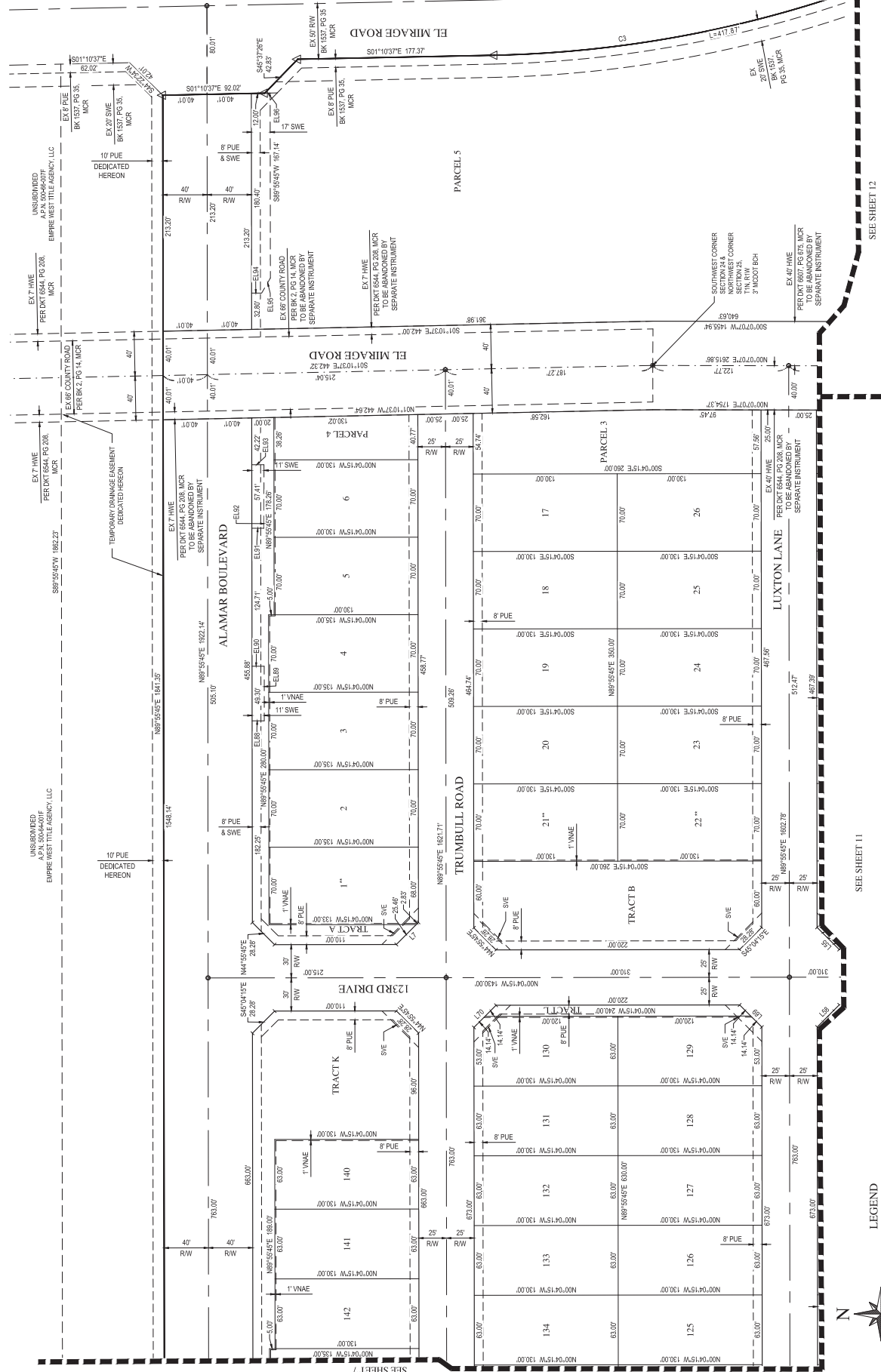


ALAMAR - PHASE 4 FINAL PLAT



CHECKED BY	B.D.
DRAWN BY	J.P.
SCALE	1" = 40'
DATE	5/7/2021
SHEET	8 OF 18

04/10/2021 10:09 AM 17.4972109



SEE SHEET 11

LEGEND
SEE SHEET 3

SEE SHEET 12

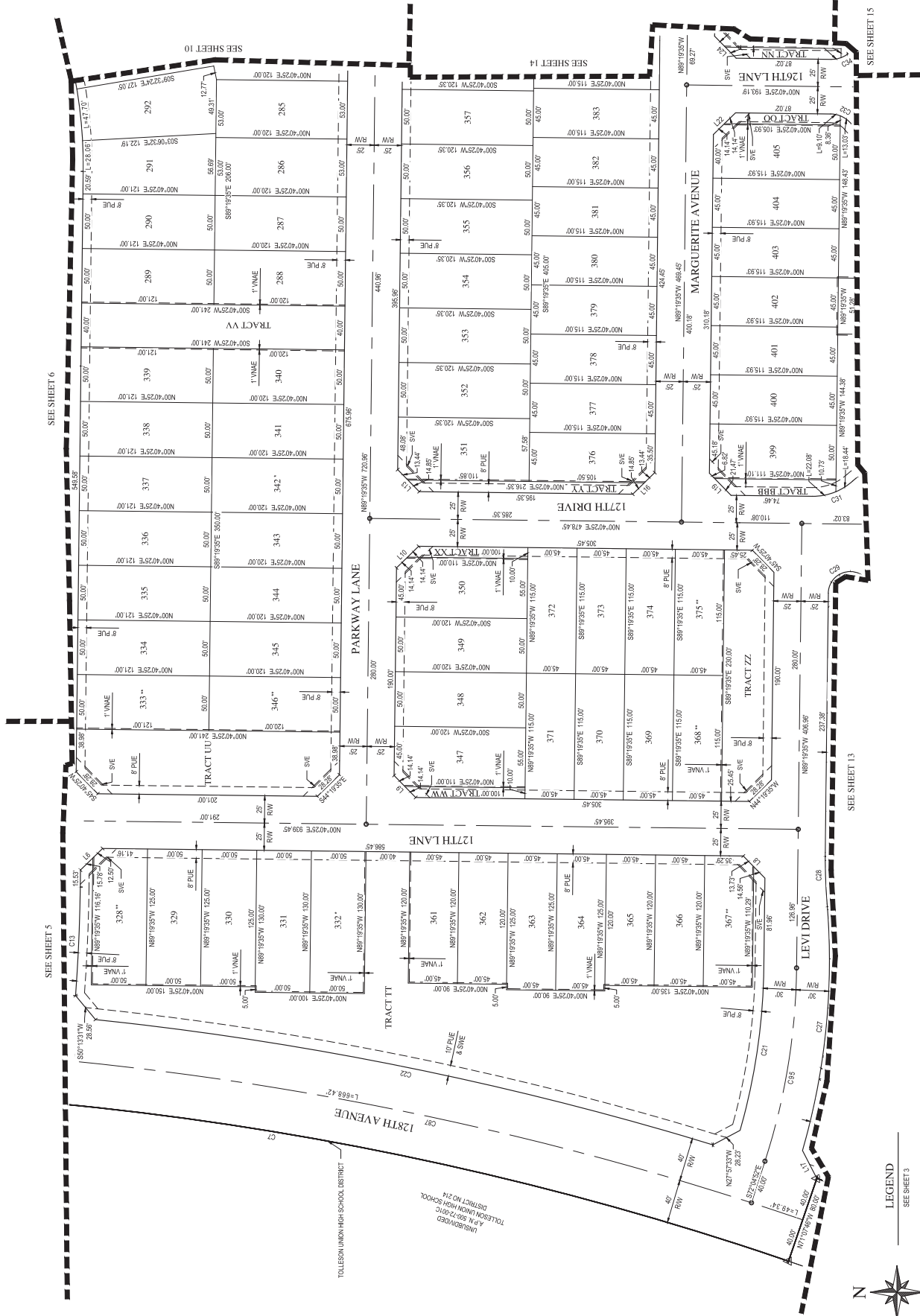
SEE SHEET 7

FINAL PLAT
ALAMAR - PHASE 4
AVONDALE, ARIZONA



CHECKED BY	B.D.
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SCALE	1" = 40'
DATE	5/7/2021
SUB NUMBER	57/2021
SHEET	9 OF 18

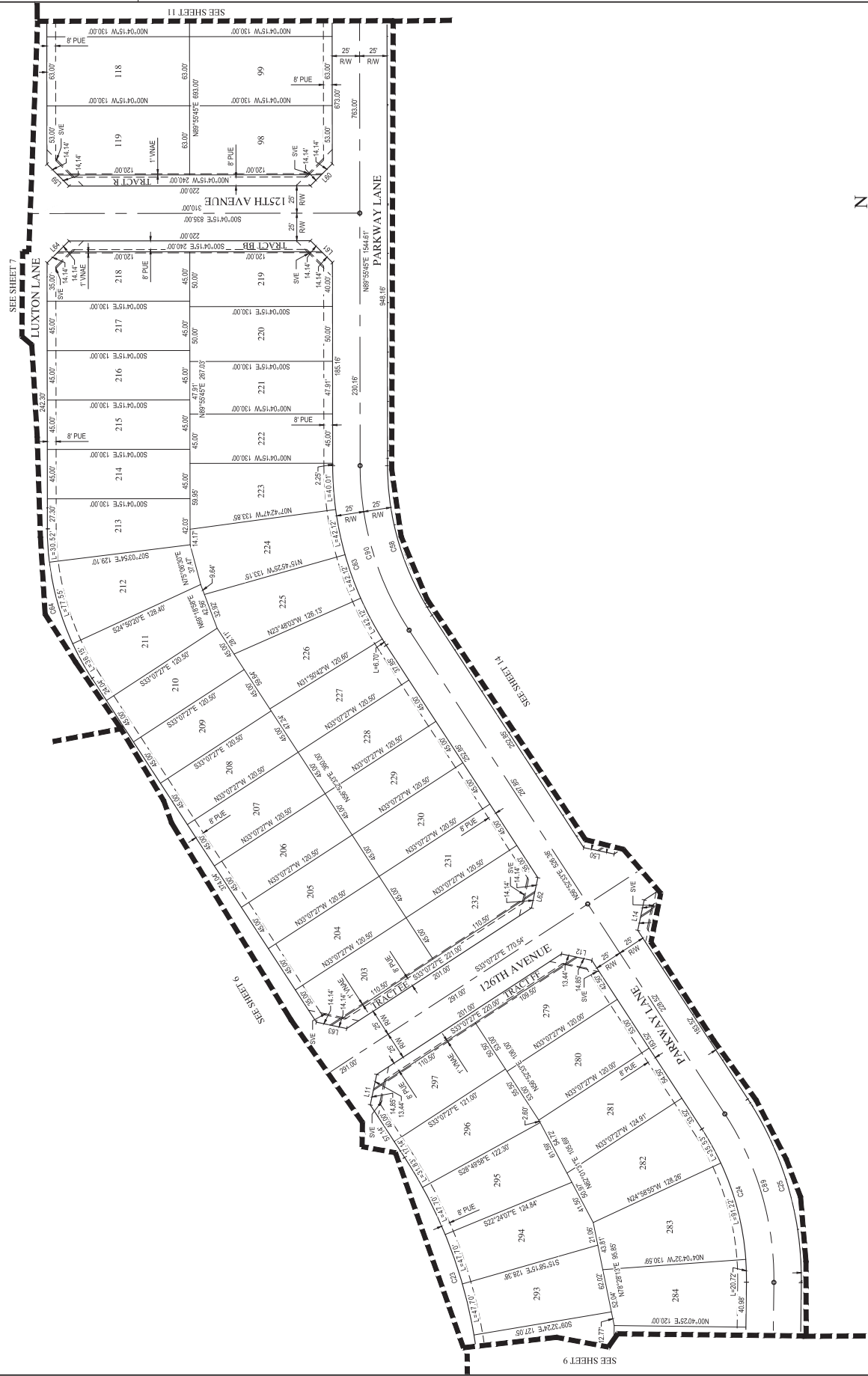
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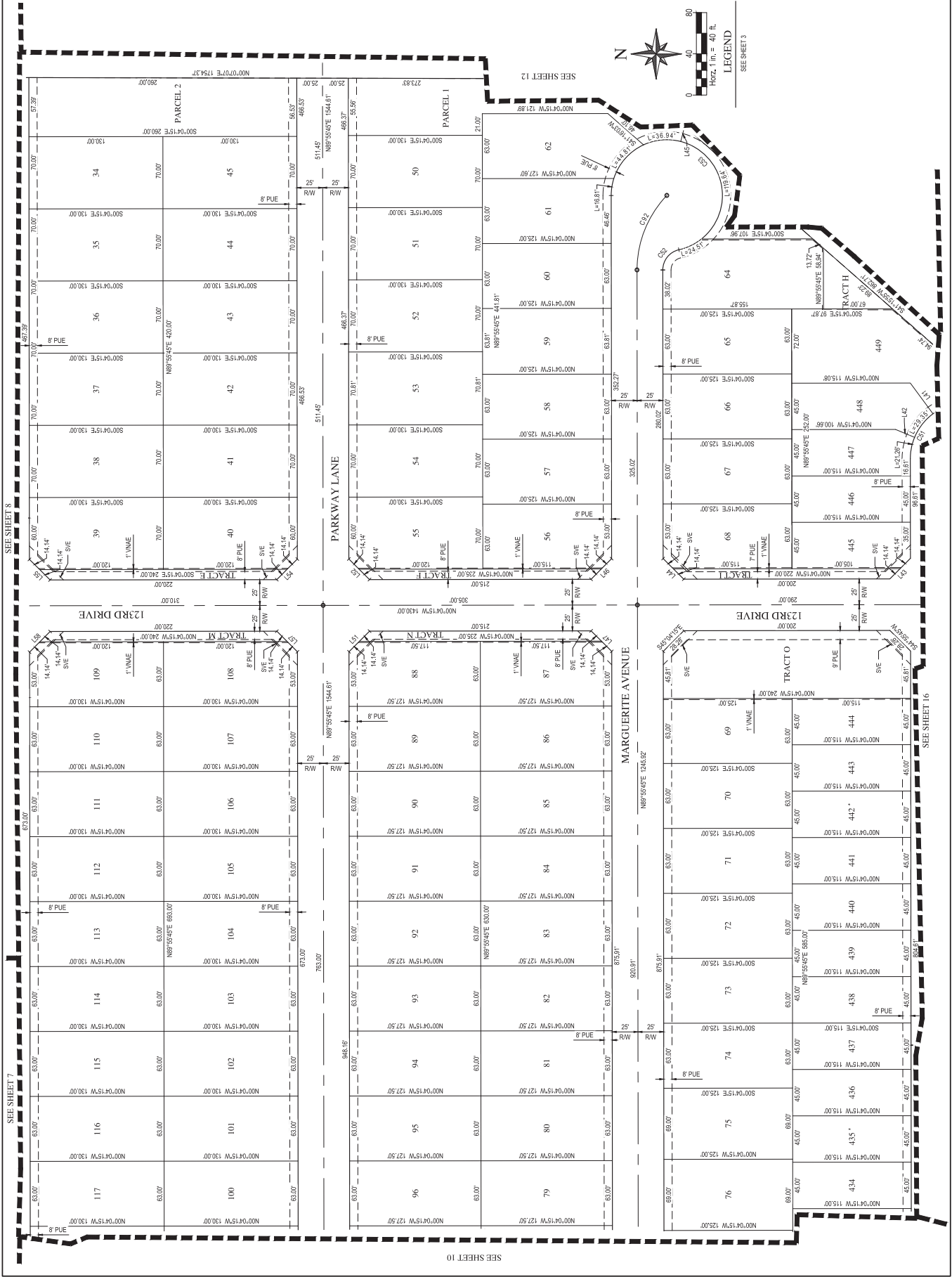




CHECKED BY	BJD
CAD/TECHNICIAN	JRP
SCALE	1" = 40'
DATE	5/7/2021
CDS NUMBER	WFA 174912.09
SHEET	10 OF 18

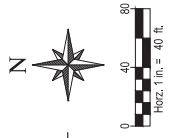
LEGEND
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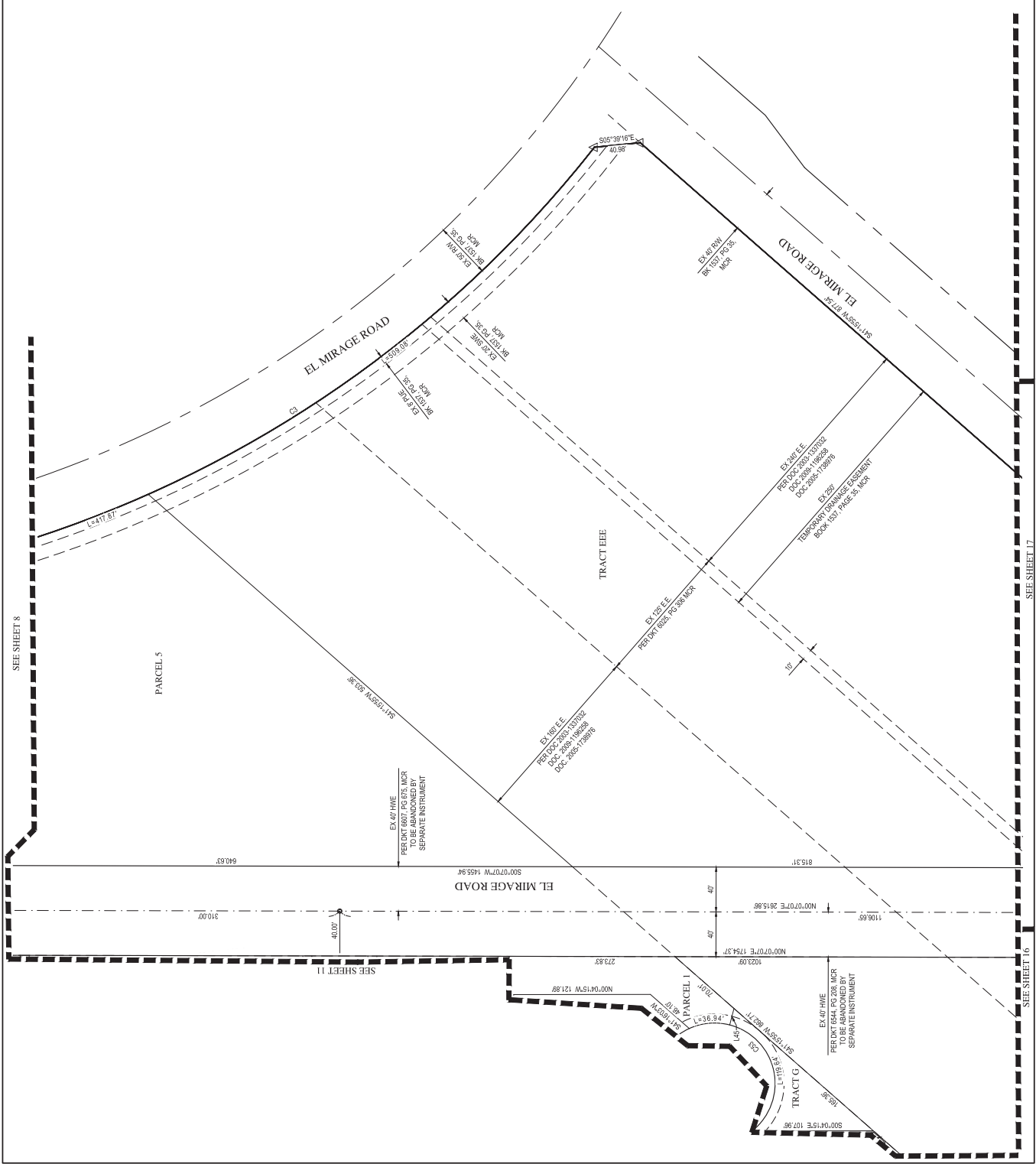


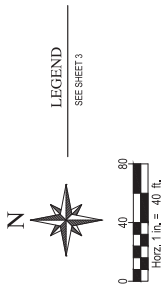


CHECKED BY	BJD
DRAWN BY	JRP
SCALE	1" = 40'
DATE	5/7/2021
PROJECT NUMBER	17-0672.09
SHEET	12 OF 18



LEGEND
SEE SHEET 3





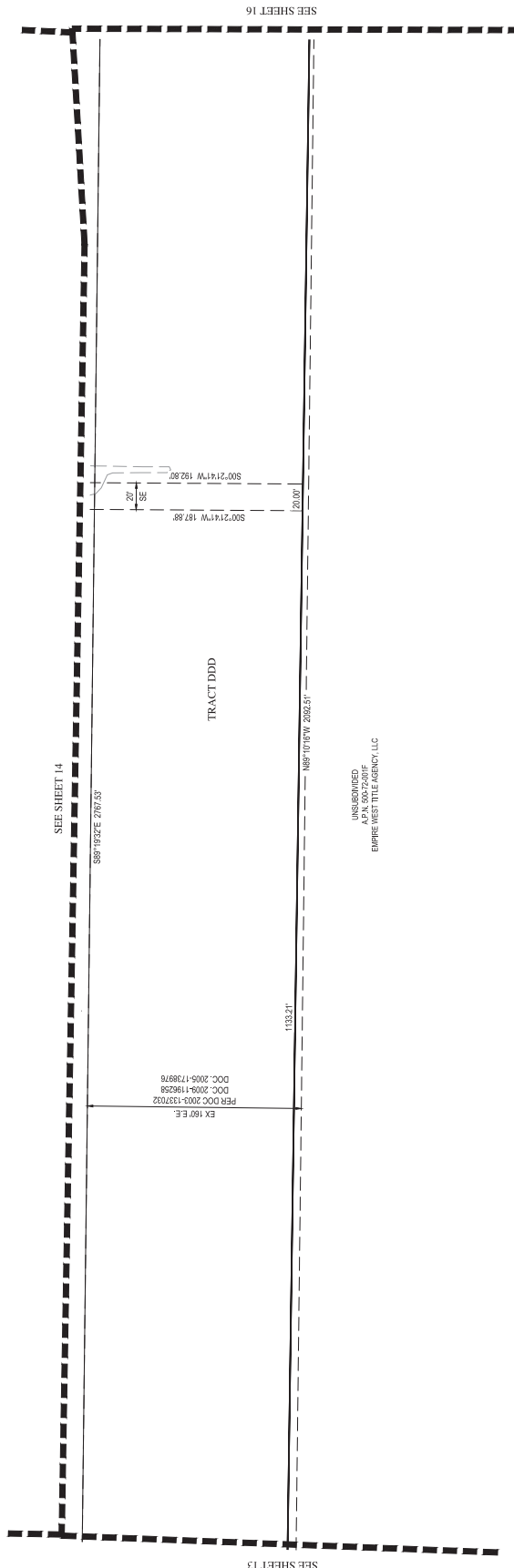


LEGEND
SEE SHEET 3



AMAR - PHASE 4
AVONDALE, ARIZONA

CHECKED BY	BJD
ROAD TECHNICIAN	JKP
SCALE	1" = 40'
DATE	5/7/2021
JOB NUMBER	WP# 174612.09
SHEET	15 OF 18



UNSUBSIDIZED
A.P.N. 500-72-001F
EMPIRE WEST TITLE AGENCY, LLC

LEGEND

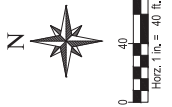
SEE SHEET 3



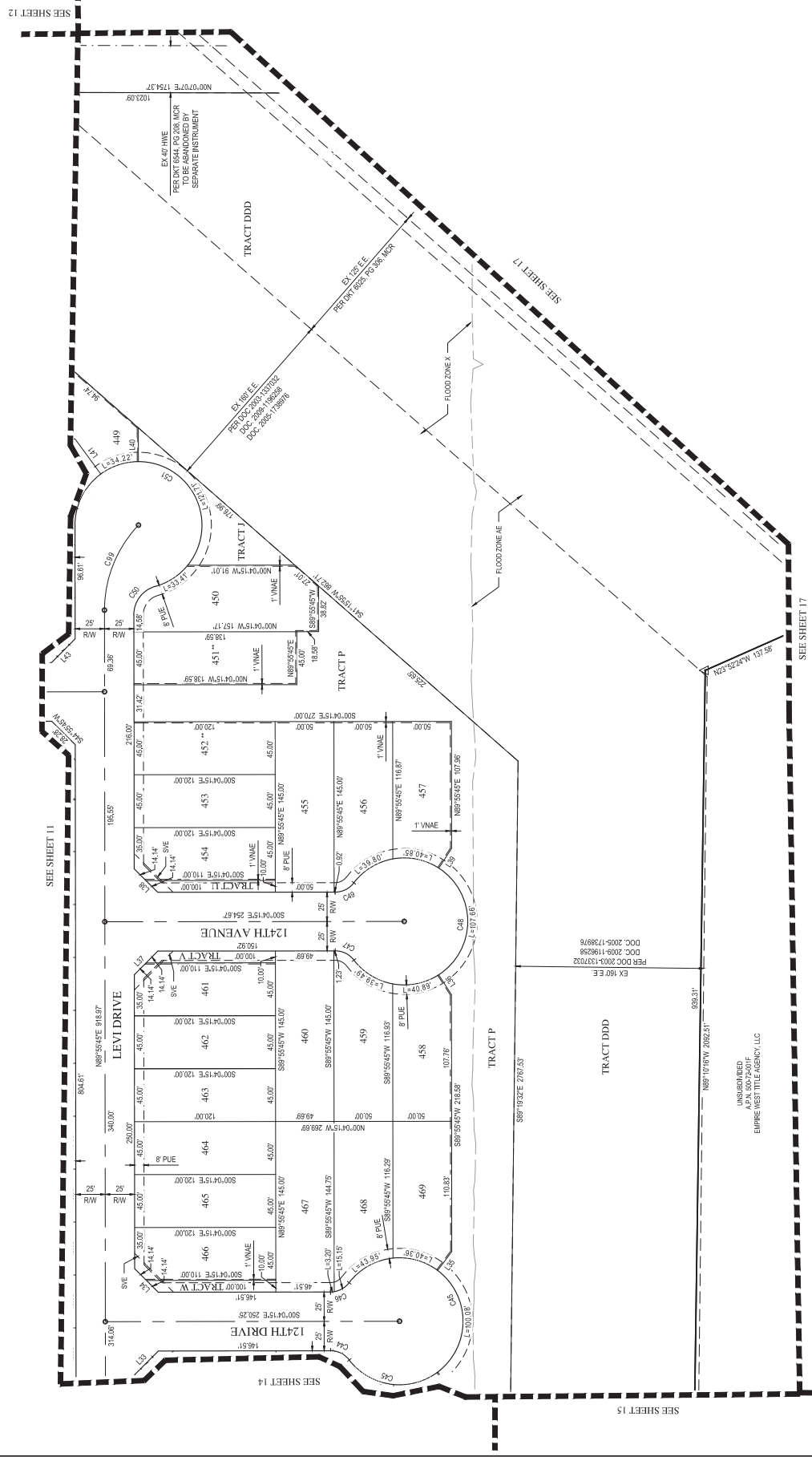
Horz. 1 in. = 40 ft.



CHECKED BY	B.J.D.
CAD TECHNICIAN	J.P.P.
SCALE	1" = 40'
DATE	5/7/2021
CDS NUMBER	174912.09
SHEET	16 OF 18



LEGEND
SEE SHEET 3

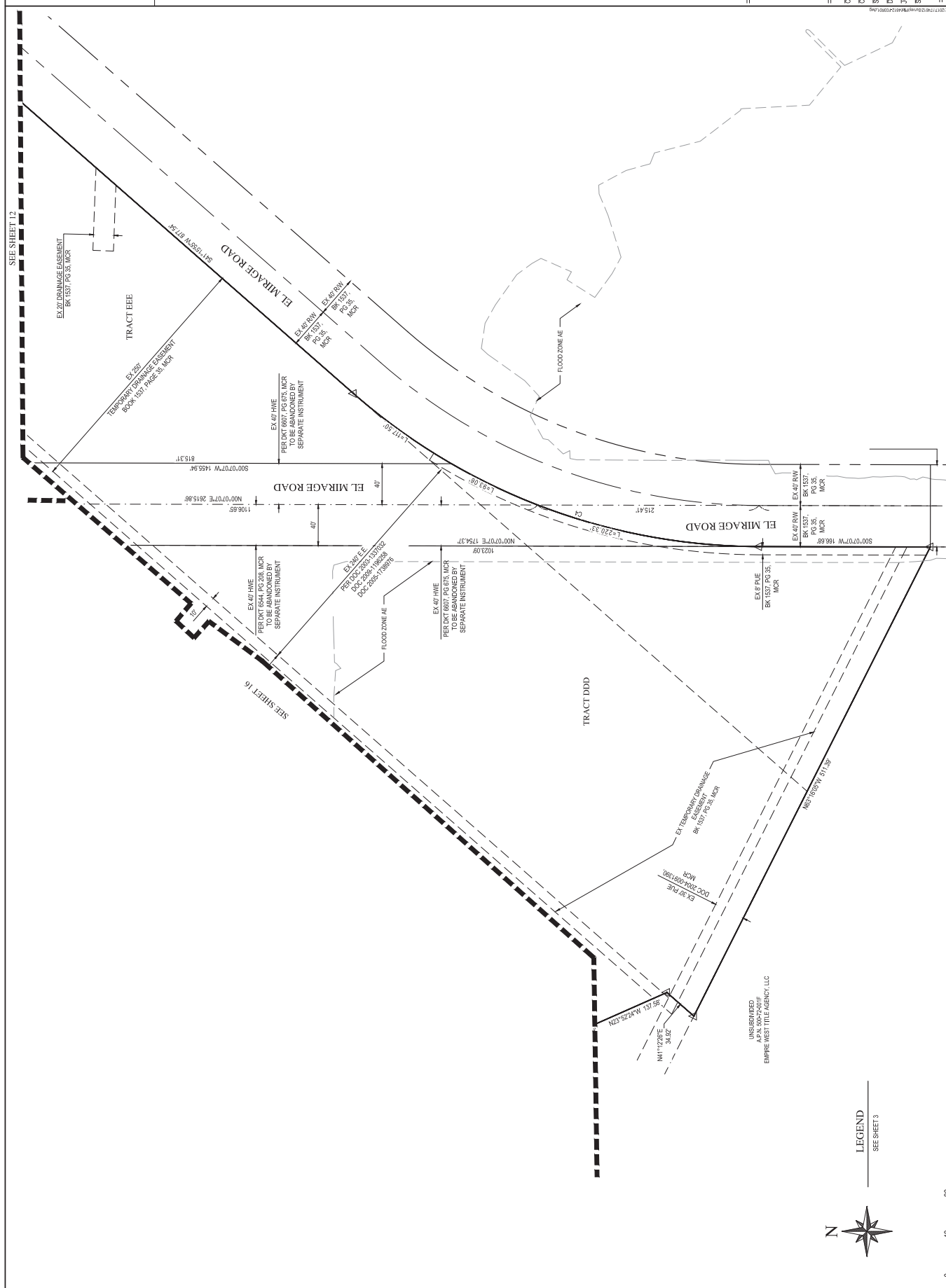


EX 1807 E
PER DOC 2003-1337032
DOC 2003-1198258
DOC 2005-1738876

UNSUBDIVIDED
OF
EMPIRE WEST TITLE AGENCY, LLC

ALAVIAR - PHASE 4
AVONDALE, ARIZONA

CHECKED BY	BJD
DRAWN BY	JKP
SCALE	1" = 40'
DATE	5/7/2021
JOB NUMBER	WP# 174612.09
SHEET	17 OF 18



LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE		
LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES	LOT NO.	LOT AREA SQUARE FEET	LOT AREA ACRES
LOT 1	9,448	0.2169	LOT 79	8,033	0.1844	LOT 135	8,190	0.1880	LOT 247	6,010	0.1380	LOT 303	6,250	0.1435	LOT 359	6,840	0.1570	LOT 415	6,555	0.1964	LOT 471	6,365	0.1468	LOT 527	6,555	0.1964	LOT 583	6,365	0.1468
LOT 2	9,450	0.2169	LOT 80	8,033	0.1844	LOT 136	8,190	0.1880	LOT 248	6,000	0.1377	LOT 304	6,000	0.1377	LOT 360	6,861	0.1580	LOT 416	6,519	0.1784	LOT 472	7,250	0.1664	LOT 528	6,519	0.1784	LOT 584	7,250	0.1664
LOT 3	9,450	0.2169	LOT 81	8,033	0.1844	LOT 137	8,190	0.1880	LOT 249	6,000	0.1377	LOT 305	6,000	0.1377	LOT 361	6,391	0.1467	LOT 417	6,169	0.1594	LOT 473	5,350	0.1228	LOT 529	6,169	0.1594	LOT 585	5,350	0.1228
LOT 4	9,450	0.2169	LOT 82	8,033	0.1844	LOT 138	8,190	0.1880	LOT 250	6,000	0.1377	LOT 306	6,010	0.1380	LOT 362	6,400	0.1400	LOT 418	6,210	0.1569	LOT 474	5,400	0.1240	LOT 530	6,210	0.1569	LOT 586	5,400	0.1240
LOT 5	9,100	0.2089	LOT 83	8,033	0.1844	LOT 139	8,190	0.1880	LOT 251	6,000	0.1377	LOT 307	6,049	0.1380	LOT 363	6,626	0.1521	LOT 419	6,210	0.1569	LOT 475	5,400	0.1240	LOT 531	6,210	0.1569	LOT 587	5,400	0.1240
LOT 6	9,100	0.2089	LOT 84	8,033	0.1844	LOT 140	8,190	0.1880	LOT 252	6,000	0.1377	LOT 308	6,153	0.2101	LOT 364	6,626	0.1521	LOT 420	6,210	0.1569	LOT 476	5,905	0.1376	LOT 532	6,210	0.1569	LOT 588	5,905	0.1376
LOT 17	9,100	0.2089	LOT 85	8,033	0.1844	LOT 141	8,190	0.1880	LOT 253	6,000	0.1377	LOT 309	6,008	0.2075	LOT 365	6,400	0.1400	LOT 421	6,210	0.1569	LOT 477	6,515	0.1466	LOT 533	6,210	0.1569	LOT 589	6,515	0.1466
LOT 18	9,100	0.2089	LOT 86	8,033	0.1844	LOT 142	8,190	0.1880	LOT 254	6,000	0.1377	LOT 310	6,391	0.1467	LOT 366	6,400	0.1400	LOT 422	6,210	0.1569	LOT 478	6,558	0.1965	LOT 534	6,210	0.1569	LOT 590	6,558	0.1965
LOT 19	9,100	0.2089	LOT 87	7,983	0.1823	LOT 143	8,505	0.1952	LOT 255	7,240	0.1582	LOT 311	6,250	0.1435	LOT 367	6,393	0.1435	LOT 423	6,210	0.1569	LOT 479	6,676	0.1533	LOT 535	6,210	0.1569	LOT 591	6,676	0.1533
LOT 20	9,100	0.2089	LOT 88	7,982	0.1823	LOT 144	8,505	0.1952	LOT 256	7,616	0.1754	LOT 312	6,010	0.1380	LOT 368	6,626	0.1521	LOT 424	6,210	0.1569	LOT 480	11,208	0.2573	LOT 536	6,210	0.1569	LOT 592	11,208	0.2573
LOT 21	9,100	0.2089	LOT 89	8,032	0.1844	LOT 145	8,505	0.1952	LOT 257	6,568	0.1508	LOT 313	6,000	0.1377	LOT 369	6,175	0.1188	LOT 425	6,210	0.1569	LOT 481	6,569	0.1508	LOT 537	6,210	0.1569	LOT 593	6,569	0.1508
LOT 22	9,100	0.2089	LOT 90	8,032	0.1844	LOT 146	8,190	0.1880	LOT 258	6,002	0.1396	LOT 314	6,000	0.1377	LOT 370	6,175	0.1188	LOT 426	6,075	0.1395	LOT 482	6,941	0.1593	LOT 538	6,075	0.1395	LOT 594	6,941	0.1593
LOT 23	9,100	0.2089	LOT 91	8,032	0.1844	LOT 147	8,190	0.1880	LOT 259	6,002	0.1396	LOT 315	6,000	0.1377	LOT 371	6,175	0.1188	LOT 427	6,245	0.1434	LOT 483	5,350	0.1228	LOT 539	6,245	0.1434	LOT 595	5,350	0.1228
LOT 24	9,100	0.2089	LOT 92	8,032	0.1844	LOT 148	8,190	0.1880	LOT 260	6,002	0.1396	LOT 316	6,000	0.1377	LOT 372	6,175	0.1188	LOT 428	6,226	0.1429	LOT 484	5,400	0.1240	LOT 540	6,226	0.1429	LOT 596	5,400	0.1240
LOT 25	9,100	0.2089	LOT 93	8,032	0.1844	LOT 149	8,505	0.1952	LOT 261	7,566	0.1735	LOT 317	6,000	0.1377	LOT 373	6,175	0.1188	LOT 429	6,046	0.1366	LOT 485	5,400	0.1240	LOT 541	6,046	0.1366	LOT 597	5,400	0.1240
LOT 26	9,100	0.2089	LOT 94	8,032	0.1844	LOT 150	8,505	0.1952	LOT 262	6,400	0.1400	LOT 318	6,000	0.1377	LOT 374	6,175	0.1188	LOT 430	5,326	0.1223	LOT 486	5,905	0.1357	LOT 542	5,326	0.1223	LOT 598	5,905	0.1357
LOT 34	9,100	0.2089	LOT 95	8,032	0.1844	LOT 151	8,136	0.1849	LOT 263	6,400	0.1400	LOT 319	6,000	0.1377	LOT 375	6,175	0.1188	LOT 431	5,326	0.1223	LOT 487	5,905	0.1357	LOT 543	5,326	0.1223	LOT 599	5,905	0.1357
LOT 35	9,100	0.2089	LOT 96	8,032	0.1844	LOT 152	8,505	0.1952	LOT 264	7,154	0.1542	LOT 320	6,000	0.1377	LOT 376	6,130	0.1178	LOT 432	5,175	0.1188	LOT 488	5,905	0.1357	LOT 544	5,175	0.1188	LOT 600	5,905	0.1357
LOT 36	9,100	0.2089	LOT 97	8,032	0.1844	LOT 153	8,505	0.1952	LOT 265	7,253	0.1665	LOT 321	6,000	0.1377	LOT 377	6,175	0.1188	LOT 433	5,175	0.1188	LOT 489	5,905	0.1357	LOT 545	5,175	0.1188	LOT 601	5,905	0.1357
LOT 37	9,100	0.2089	LOT 98	8,140	0.1869	LOT 154	8,505	0.1952	LOT 266	7,219	0.1657	LOT 322	6,000	0.1377	LOT 378	6,175	0.1188	LOT 434	5,175	0.1188	LOT 490	5,905	0.1357	LOT 546	5,175	0.1188	LOT 602	5,905	0.1357
LOT 38	9,100	0.2089	LOT 99	8,190	0.1880	LOT 155	8,505	0.1952	LOT 267	7,056	0.1613	LOT 323	6,000	0.1377	LOT 379	6,175	0.1188	LOT 435	5,175	0.1188	LOT 491	5,905	0.1357	LOT 547	5,175	0.1188	LOT 603	5,905	0.1357
LOT 39	9,050	0.2078	LOT 100	8,190	0.1880	LOT 156	8,190	0.1880	LOT 268	6,247	0.1434	LOT 324	6,000	0.1377	LOT 380	6,175	0.1188	LOT 436	5,175	0.1188	LOT 492	5,905	0.1357	LOT 548	5,175	0.1188	LOT 604	5,905	0.1357
LOT 40	9,050	0.2078	LOT 101	8,190	0.1880	LOT 157	8,190	0.1880	LOT 269	6,150	0.1412	LOT 325	6,000	0.1377	LOT 381	6,175	0.1188	LOT 437	5,175	0.1188	LOT 493	5,905	0.1357	LOT 549	5,175	0.1188	LOT 605	5,905	0.1357
LOT 41	9,100	0.2089	LOT 102	8,190	0.1880	LOT 158	8,190	0.1880	LOT 270	6,100	0.1400	LOT 326	6,000	0.1377	LOT 382	6,175	0.1188	LOT 438	5,175	0.1188	LOT 494	5,905	0.1357	LOT 550	5,175	0.1188	LOT 606	5,905	0.1357
LOT 42	9,100	0.2089	LOT 103	8,190	0.1880	LOT 159	8,190	0.1880	LOT 271	6,100	0.1400	LOT 327	6,010	0.1380	LOT 383	6,175	0.1188	LOT 439	5,175	0.1188	LOT 495	5,905	0.1357	LOT 551	5,175	0.1188	LOT 607	5,905	0.1357
LOT 43	9,100	0.2089	LOT 104	8,190	0.1880	LOT 160	8,190	0.1880	LOT 272	6,025	0.1383	LOT 328	6,211	0.1426	LOT 384	6,175	0.1188	LOT 440	5,175	0.1188	LOT 496	5,905	0.1357	LOT 552	5,175	0.1188	LOT 608	5,905	0.1357
LOT 44	9,100	0.2089	LOT 105	8,190	0.1880	LOT 161	8,190	0.1880	LOT 273	6,025	0.1383	LOT 329	6,250	0.1435	LOT 385	6,175	0.1188	LOT 441	5,175	0.1188	LOT 497	5,905	0.1357	LOT 553	5,175	0.1188	LOT 609	5,905	0.1357
LOT 45	9,100	0.2089	LOT 106	8,190	0.1880	LOT 162	8,190	0.1880	LOT 274	6,025	0.1383	LOT 330	6,250	0.1435	LOT 386	6,175	0.1188	LOT 442	5,175	0.1188	LOT 498	5,905	0.1357	LOT 554	5,175	0.1188	LOT 610	5,905	0.1357
LOT 50	9,100	0.2089	LOT 107	8,190	0.1880	LOT 163	8,190	0.1880	LOT 275	6,100	0.1400	LOT 331	6,500	0.1462	LOT 387	6,860	0.1545	LOT 443	5,175	0.1188	LOT 499	5,905	0.1357	LOT 555	5,175	0.1188	LOT 611	5,905	0.1357
LOT 51	9,100	0.2089	LOT 108	8,140	0.1869	LOT 164	8,542	0.1952	LOT 276	6,025	0.1383	LOT 332	6,500	0.1462	LOT 388	6,305	0.1216	LOT 444	5,175	0.1188	LOT 500	5,905	0.1357	LOT 556	5,175	0.1188	LOT 612	5,905	0.1357
LOT 52	9,100	0.2089	LOT 109	8,140	0.1869	LOT 165	8,504	0.1932	LOT 277	6,025	0.1383	LOT 333	6,500	0.1462	LOT 389	6,180	0.1391	LOT 445	5,125	0.1177	LOT 501	5,905	0.1357	LOT 557	5,125	0.1177	LOT 613	5,905	0.1357
LOT 53	9,205	0.2113	LOT 110	8,190	0.1880	LOT 166	8,602	0.1932	LOT 278	6,025	0.1383	LOT 334	6,500	0.1462	LOT 390	6,180	0.1391	LOT 446	5,125	0.1177	LOT 502	5,905	0.1357	LOT 558	5,125	0.1177	LOT 614	5,905	0.1357
LOT 54	9,100	0.2089	LOT 111	8,190	0.1880	LOT 167	8,203	0.1845	LOT 279	6,025	0.1383	LOT 335	6,500	0.1462	LOT 391	6,180	0.1391	LOT 447	5,164	0.1165	LOT 503	5,905	0.1357	LOT 559	5,164	0.1165	LOT 615	5,905	0.1357
LOT 55	9,050	0.2078	LOT 112	8,190	0.1880	LOT 168	8,683	0.1932	LOT 280	6,300	0.1400	LOT 336	6,500	0.1462	LOT 392	6,180	0.1391	LOT 448	5,804	0.1332	LOT 504	5,905	0.1357	LOT 560	5,804	0.1332	LOT 616	5,905	0.1357
LOT 56	7,825	0.1796	LOT 113	8,190	0.1880	LOT 169	8,243	0.1843	LOT 281	6,674	0.1532	LOT 337	6,500	0.1462	LOT 393	6,180	0.1391	LOT 449	5,804	0.1332	LOT 505	5,905	0.1357	LOT 561	5,804	0.1332	LOT 617	5,905	0.1357
LOT 57	7,875	0.1808	LOT 114	8,190	0.1880	LOT 170	8,190	0.1880	LOT 282	7,627	0.1751	LOT 338	6,500	0.1462	LOT 394	6,180	0.1391	LOT 450	5,804	0.1332	LOT 506	5,905	0.1357	LOT 562	5,804	0.1332	LOT 618	5,905	0.1357
LOT 58	7,875	0.1808	LOT 115	8,190	0.1880	LOT 171	8,190	0.1880	LOT 283	8,809	0.2022	LOT 339	6,500	0.1462	LOT 395	6,180	0.1391	LOT 451	6,236	0.1432	LOT 507	5,905	0.1357	LOT 563	6,236	0.1432	LOT 619	5,905	0.1357
LOT 59	7,875	0.1808	LOT 116	8,190	0.1880	LOT 172	8,190	0.1880	LOT 284	7,090	0.1628	LOT 340	6,500																



CITY COUNCIL REPORT

SUBJECT: Resolution 1052-0621 - Setting the Fiscal Year 2022 Primary and Secondary Property Tax Levy

MEETING DATE: 6/21/2021

TO: Mayor and Council

FROM: Keith Fallstrom, Interim Finance and Budget Director, (623) 333-2016

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports all Avondale Strategic Outcome Areas. The Strategic Plan guides the allocation of funding to the highest priorities

PURPOSE:

City Council will consider a request to adopt Resolution 1052-0621, setting the primary and secondary property tax levy for the fiscal year ending June 30, 2022 and authorize the Mayor, City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

As required by City Charter, Article VI, Section 6 and A.R.S. §42-17151, the Council must fix, levy and assess the amount to be raised by property taxes as proposed in the annual budget by the third Monday in August. In compliance with A.R.S. §42-17104, a public hearing was held on June 7, 2021 to solicit public input on the final budget and proposed tax levy. The City has also complied with all Truth in Taxation requirements of A.R.S. §42-17107 by publishing the Truth in Taxation notice in the May 20th and May 28th editions of the Southwest Valley edition of the Arizona Republic. In addition, the notice of tax and fee increases for the FY2022 budget was posted prominently on the City's website sixty days prior to the public hearing as required by A.R.S. § 9-499-15.

DISCUSSION:

Based on the amounts presented in the final adopted budget, the City will levy the maximum allowable primary property tax levy for the fiscal year ending June 30, 2022. The primary property tax levy will be utilized to fund general government operations as allowed by State Law. The maximum primary property tax levy is \$3,290,678. Based on the assessed valuation provided by Maricopa County, the primary property tax rate is \$0.6672 per \$100 of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation.

The secondary tax levy will be utilized for the retirement of principal and payment of interest on general obligation bonds of the City as allowed by State Law. The secondary property tax levy is fixed at \$3,724,510. The secondary property tax rate is \$0.7552 per \$100 of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation.

The total estimated tax rate for FY2022 is \$1.4224 per \$100 of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation. The total tax levy is \$7,015,188.

BUDGET IMPACT:

The primary and secondary tax levies provide necessary resources needed to fund operations and pay debt service. The adoption of the primary and secondary tax levies is the final step in adopting the FY2022 city budget

RECOMMENDATION:

Staff is requesting that Council adopt a resolution setting the primary property tax levy in the amount of \$3,290,678 and the secondary property tax levy in the amount of \$3,724,510 the fiscal year ending June 30, 2022.

RESOLUTION NO. 1052-0621

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF AVONDALE SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH \$100.00 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS; AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

WHEREAS, the Council of the City of Avondale (the “City Council”) is required by ARIZ. REV. STAT. §§ 42-17151 and 42-17253 to adopt, by resolution, an annual tax levy based upon the rate to be assessed per each \$100.00 of valuation of property within the corporate limits of the City of Avondale (the “City”); and

WHEREAS, the property taxpayers of the City have been notified of an increase in the primary property tax levy as required by ARIZ. REV. STAT. § 42-17107; and

WHEREAS, by the provisions of State Law, the resolution levying taxes for fiscal year 2021-2022 is required to be finally adopted on or before the third Monday in August and not less than 14 days after a hearing thereon; and

WHEREAS, the required hearing was held and the City’s annual budget was adopted by Resolution No. 1047-0621 at a meeting of the City Council held on June 7, 2021, at least 14 days prior to adoption of this Resolution No. 1053-0621; and

WHEREAS, Maricopa County is the assessing and collecting authority for the City.

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. There is hereby levied on each \$100.00 of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a primary property tax rate of \$0.6672 (or such other amount as deemed necessary by the Maricopa County Treasurer to be sufficient to raise the sum of \$3,290,678), the maximum levy allowed by law for the fiscal year ending on June 30, 2022.

SECTION 3. In addition to the rate set in Section 2 hereof, there is hereby levied on each \$100.00 of assessed valuation of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a secondary property tax rate of \$0.7552 (or such other amount as deemed necessary by the Maricopa County Treasurer to be sufficient to raise the sum of \$3,724,510) for the purpose of providing bond interest and redemption funds for General Obligation Bond debt service for the fiscal year ending June 30, 2022.

SECTION 4. Failure by the officials of Maricopa County, Arizona, to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him or to them shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of the assessment or levy of taxes or of the judgment or sale by which the collection of the same may be enforced shall not affect the lien of the City upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for the collection of taxes or the foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 5. The City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Maricopa County Board of Supervisors.

SECTION 6. If any provision of this Resolution 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 Resolution.

SECTION 7. 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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

CITY COUNCIL REPORT

SUBJECT: Verde Trails Parcel 6 – Preliminary Plat – Application PL-20-0284

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.
-

PURPOSE:

City Council will consider a request by Mr. Paul Haas, HILGARTWILSON, LLC, for approval of a Preliminary Plat for Verde Trails Parcel 6, a proposed 110-unit, gated single-family residential subdivision located on approximately 14.45 gross acres at the northwest corner of 107th Avenue and the Wier Avenue alignment. The subject site is part of the 181-acre Verde Trails Unit I master planned community. The Council will take appropriate action.

BACKGROUND:

The 14.45 gross acre subject property, Parcel 6 of the 181-acre Verde Trails Unit I, is located at the northwest corner of 107th Avenue and the Wier Avenue alignment (Exhibits A and B).

The property was annexed and rezoned to Hillcrest Planned Area Development (PAD) in November 2007. A Major Amendment to the approved PAD, revisiting the project's development plan, modifying lot sizes, adjusting development standards, and renaming the planned community to Verde Trails, was approved by City Council in May 2018. The approved Verde Trails PAD, as amended, allows for development of Parcel 6 with minimum 2,200 square foot lots for single-family residential use arranged in a cluster fashion, where each home's garage access is provided via an auto-court shared by two (2) to six (6) homes.

A Master Final Plat for Verde Trails was approved by City Council in February 2019. The Master Final Plat created the overall development parcels within the Verde Trails Unit I community, including 14.45-acre Parcel 6, in conformance with the Verde Trails PAD. The Master Final Plat did not create individual residential lots on any parcel, including Parcel 6. As such, approval of this Preliminary Plat and a future Final Plat is required to

subdivide Parcel 6 into individual residential lots, tracts to accommodate development of private streets (as the proposed development will be gated), and tracts to accommodate development of the project's open space.

A Pre-Annexation Development Agreement (PADA) was approved in November 2007 and has subsequently been amended six (6) times. The primary functions of the approved PADA are to spell out the developer's responsibility for reimbursing the City for the City's acquisition of the Rigby Water Company, and to assign responsibilities to the construction of off-site public infrastructure adjacent to the Verde Trails development.

The subject property is designated as High Density Residential (HDR) by the General Plan 2030 Land Use Map. The HDR designation allows for development of patio homes, apartments, condominiums, or townhomes with a density ranging between 12 and 30 dwelling units per acre. However, the property's valid Planned Area Development (PAD) zoning supersedes the General Plan land use designation applied to the site and, as such, Parcel 6 may develop at a lower density (7.98 units per acre) than required in the HDR designation.

The Verde Trails Parcel 6 property is surrounded by other portions of the master-planned Verde Trails development on all but its east side, as follows:

NORTH: Verde Trails Unit I Parcel 5, zoned Planned Area Development (PAD). The Verde Trails PAD allows for development of Parcel 5, which is positioned at the southwest corner of 107th Avenue and Broadway Road, with Community Commercial (C-2) uses. No plans have been submitted for development of Parcel 5 to date.

EAST OF 107th AVENUE: Avondale's eastern planning boundary terminates at 107th Avenue south of Van Buren Street. The property east of Parcel 6, east of 107th Avenue, is located within the City of Phoenix, zoned S-1 (Suburban District – Ranch or Farm Residence), and presently in agricultural/farming production.

SOUTH OF WIER AVENUE ALIGNMENT: Verde Trails Unit I Parcel 7, zoned Planned Area Development (PAD). The Verde Trails PAD and approved Verde Trails Unit I Parcel 7 Preliminary Plat allows for development of Parcel 7 with 70 single-family detached residences on lots with a minimum area of 5,175 square feet (45'x115'). Grading and underground utility installation is in progress on Parcel 7.

WEST: Verde Trails Unit I Parcel 4, zoned Planned Area Development (PAD). The Verde Trails PAD and approved Verde Trails Unit I Preliminary Plat allows for development of Parcel 4 with 115 single-family detached residences on lots with a minimum area of 5,175 square feet (45'x115'). Grading and underground utility installation is in progress on Parcel 4.

SUMMARY OF REQUEST:

On behalf of property owner Hillcrest Residential 1, LP, the applicant is requesting approval of a Preliminary Plat for Verde Trails Parcel 6 (Exhibit E). In conformance with the approved Verde Trails Planned Area Development, the proposed Preliminary Plat (Exhibit F) divides the 14.45 gross acre site into 110 alley-loaded single-family residential "cluster" lots featuring a minimum area of 2,475 square feet, minimum width of 40 feet, and minimum depth of 55 feet.

The proposed subdivision will be gated and feature private internal streets. Resident access to Parcel 6 will be provided via a single local street connection to Wier Avenue, a collector roadway paralleling the site's southern boundary which intersects with 107th Avenue immediately east of the site. An additional emergency-only access into the proposed subdivision is provided to 107th Avenue near the northeast corner of the site. Internal to the site, all homes will feature minimum two-car garages accessible via private auto-courts shared by clusters of two (2) to six (6) homes. In addition to each residence featuring garage parking, the private ring road encircling the site has been designed of sufficient width to safely accommodate 114 guest and overflow

parking spaces for use by residents and visitors. The developer will be responsible for the construction of all water, sewer, and street infrastructure needed to serve the planned development. Both Wier Avenue and 107th Avenue adjacent to the site are in the initial stages of construction by the developer of Verde Trails.

Landscape, Open Space, Hardscape, Wall, and Lighting Plans are provided as part of the Preliminary Plat application (Exhibit G). Approximately 3.23 acres of open space, roughly 23 percent of the Parcel 6 site, will be developed with usable open space accessible by residents within the community. Proposed amenities are centralized within the planned development and include a large park with turf to accommodate open play, a clubhouse featuring an indoor gym, restrooms, and an on-site leasing/management office, a community pool, picnic tables, and outdoor grilling stations. Lawn game equipment and “easy-up” portable shade canopies will be made available for resident checkout at the on-site management office. Sidewalks are provided throughout the community to easily connect all residences to the planned amenity area.

The overall planting design for Verde Trails is designed with a lush desert theme, utilizing a variety of low water use trees, shrubs and groundcovers to provide shade and visual interest. All plant materials used within public right-of-way shall conform to the Arizona Department of Water Resources (ADWR) low water use plant list. The landscape design focuses on enhanced desert plantings that provide ample shade, variation in color throughout the year and textural elements.

Walls and monumentation at Verde Trails Parcel 6 will be consistent with the walls and monumentation to be constructed in the remainder of the Verde Trails master planned community. Where the site abuts the future commercial parcel to the north and future back yards of single-family residences in Verde Trails Parcel 4 to the west, solid walls separating those uses will be provided. Along the property’s Wier Avenue and 107th Avenue frontages, view fencing featuring repeating masonry pilasters will be provided allowing for views into and out of the community. The community’s entry monument, located on the west side of the site entry drive, features similar materials to the walls while also incorporating a raised, weathered steel planter.

PUBLIC PARTICIPATION:

Preliminary Plats are not public hearing items; thus, no public notifications are required. However, as is the City’s policy, all property owners within 1,000 feet of the project boundaries were notified that the proposed development was in for City review. No residents have contacted Staff regarding the proposed Preliminary Plat.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:

The property is in the service areas of the Littleton Elementary School District (LESD) and the Tolleson Union High School District (TUHSD).

The LESD does not assign students to elementary schools based upon geographical location. As such, elementary age students living in Verde Trails Parcel 6 will have an opportunity to choose which school they will attend within the LESD system. The nearest district school is Quentin Elementary School, located within the Sanctuary neighborhood at the northwest corner of Lower Buckeye Road and 107th Avenue. A future new LESD school is planned at the southwest corner of Miami Avenue and 111th Avenue; upon construction of that new school, it will be the closest elementary school to Verde Trails Parcel 6.

High school students will attend La Joya Community High School located at the southwest corner of Avondale Boulevard and Durango Street.

Both LESD and TUHSD have provided signed Certificates of Adequate School Facilities (Exhibit H). LESD has indicated that the district does not currently have adequate capacity but is working with the developer to rectify that inadequacy through a donation agreement. TUHSD has indicated that the district does have adequate capacity for the estimated enrollment.

PLANNING COMMISSION ACTION:

Planning Commission reviewed the proposed Preliminary Plat on May 19, 2021 and voted 5-0 to recommend approval of the request subject to four (4) Staff recommended conditions. The Commission had the following questions of Staff and/or the project applicant:

- Commissioner Osborne asked if the homes in Parcel 6 would be single-family rental homes. The applicant, Carolyn Oberholtzer, responded that Parcel 6 will be developed in form and function as a single-family platted subdivision. The developer, Harvard Investments, will build all 110 homes within the parcel (each on its own lot), maintain ownership of the lots/homes for lease, and manage the community including maintenance of the private streets and amenities.
- Commissioner Osborne inquired about the average size of home that will be developed in Parcel 6. The applicant, Carolyn Oberholtzer, indicated that floor plans had not been finalized, which will occur when an application for House Plan Design Review is submitted. However, she estimated that the homes will be traditionally sized, likely ranging from 1,400 square feet to upwards of 2,000 square feet.
- Chair Iwanski asked if the City would provide sanitation services to the homes in Parcel 6. Staff responded that the topic had been discussed with the City's Public Works Department and the final determination was made that the City would not provide sanitation services and that the developer would contract with a third party provider in that regard.
- Chair Iwanski asked if the open space area immediately west of the project's Wier Avenue entrance would be amenitized. Staff responded that the area in question serves a landscape and retention function and that the majority of the usable, amenitized open space in the project was provided in the vicinity of the clubhouse and the large area to the northeast of the clubhouse.

ANALYSIS:

The proposed Verde Trails Parcel 6 Preliminary Plat and Landscape, Open Space, Hardscape, Wall and Lighting Plans are in conformance with the Verde Trails PAD, as amended, as well as the City's Subdivision Ordinance, Zoning Ordinance, and Single-Family Residential Design Manual. The proposed 110-lot gated single-family residential cluster home subdivision adheres to the requirements of the approved PAD and will result in development of a community consistent with the desired character for development in this area of the City. Though smaller than conventional lots, the proposed lot sizes in Parcel 6 are consistent with a "cluster home" community, where smaller lot sizes are intentionally designed to minimize the size of private yards, reducing maintenance and fostering an active social scene by encouraging resident use of the community's common, shared amenities.

Open space and amenities within Parcel 6 exceed minimum requirements and will offer residents a range of recreational options in proximity to their homes. Design elements, such as monument signs and walls, are consistent with the approved PAD and will continue theming from the remainder of the Verde Trails development.

Floor plans and elevations for single-family house products in the development will require City administrative approval. As with all new residential development, the City will expect any proposed housing product to meet all requirements of the City's Single-Family Residential Design Manual create visually interesting streetscapes.

DISCUSSION:

Staff recommends approval of this application for the following reasons:

- The proposed Verde Trails Parcel 6 Preliminary Plat, including the Landscape, Open Space,

Hardscape, Wall, and Lighting Plans, are in conformance with the approved Verde Trails PAD, as amended.

- The proposed Verde Trails Parcel 6 Preliminary Plat, including the Landscape, Open Space, Hardscape, Wall, and Lighting Plans, meet or exceed requirements within the City of Avondale Zoning Ordinance, Subdivision Regulations, and Single-Family Residential Design Manual.
- Through provision of a clubhouse, indoor fitness center, community pool and a range of other amenities, the proposal achieves City objectives related to provision of open space, trails, and parks.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

No public hearing is required. City Council will **APPROVE** Application PL-20-0284 Verde Trails Parcel 6, a request for Preliminary Plat approval for the proposed 110-lot Verde Trails Parcel 6 subdivision, subject to the following four (4) conditions of approval:

1. Development of Verde Trails Parcel 6 shall conform to the following documents, except as modified by these conditions of approval:

- a. Preliminary Plat Narrative, electronically date stamped January 27, 2021
- b. Preliminary Plat, electronically date stamped March 11, 2021
- c. Landscape, Wall, and Open Space Plan, electronically date stamped February 24, 2021

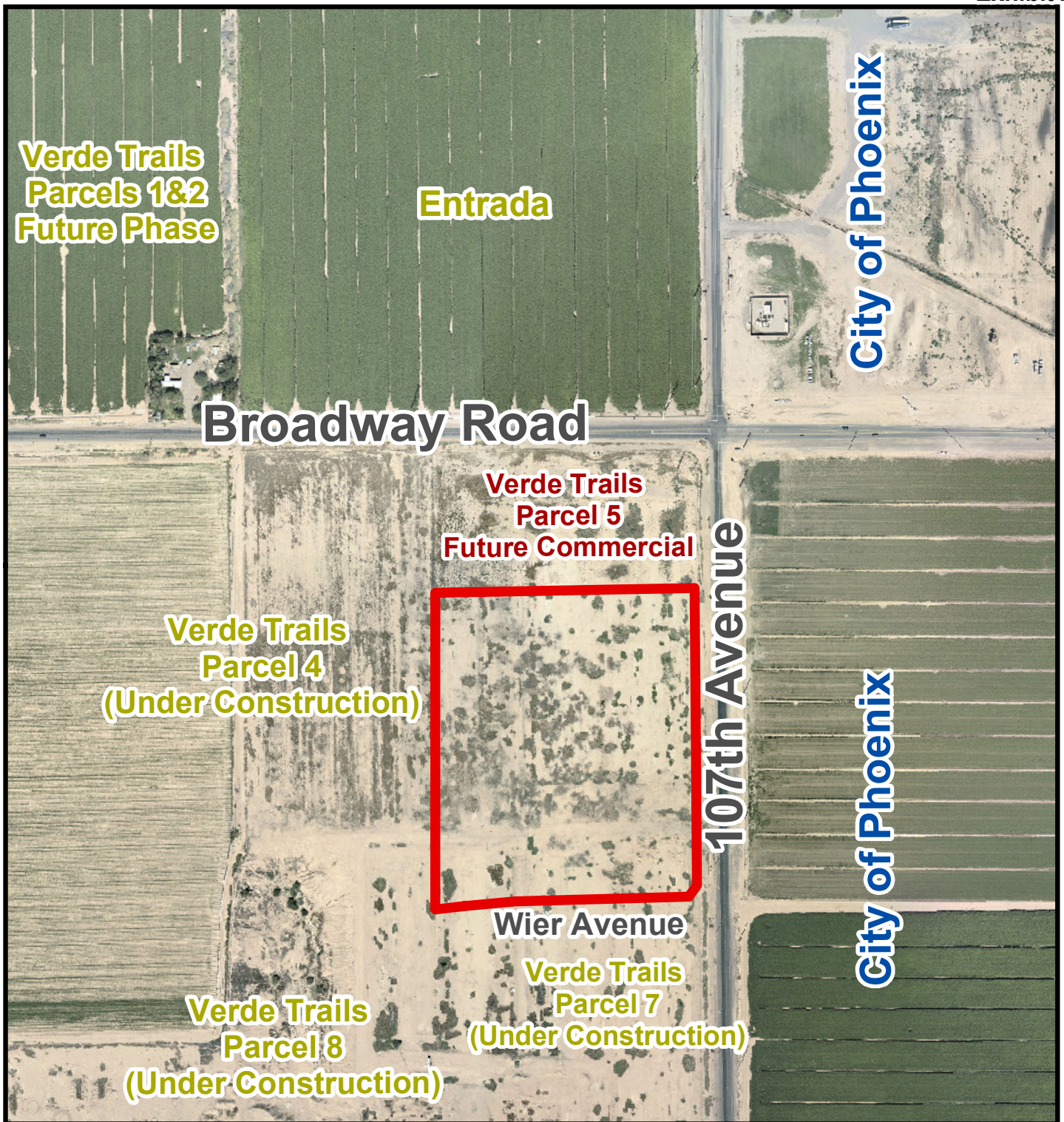
2. In accordance with the City of Avondale Subdivision Regulations, approval of the Preliminary Plat shall expire in two (2) years from the date of approval unless a Final Plat has been approved and recorded.

3. Development shall be completed in accordance with the City of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.

4. Development shall occur in accordance with the approved PAD and Pre-Annexation Development Agreement, including any amendments thereto. Off-site improvements must be completed by the developer as stipulated with those approvals.

PROPOSED MOTION:

I move that City Council accept the findings and **APPROVE** Application PL-20-0284 Verde Trails Parcel 6, a Preliminary Plat for the proposed 110-lot Verde Trails Parcel 6 subdivision, subject to four (4) recommended conditions of approval as listed in the staff report.

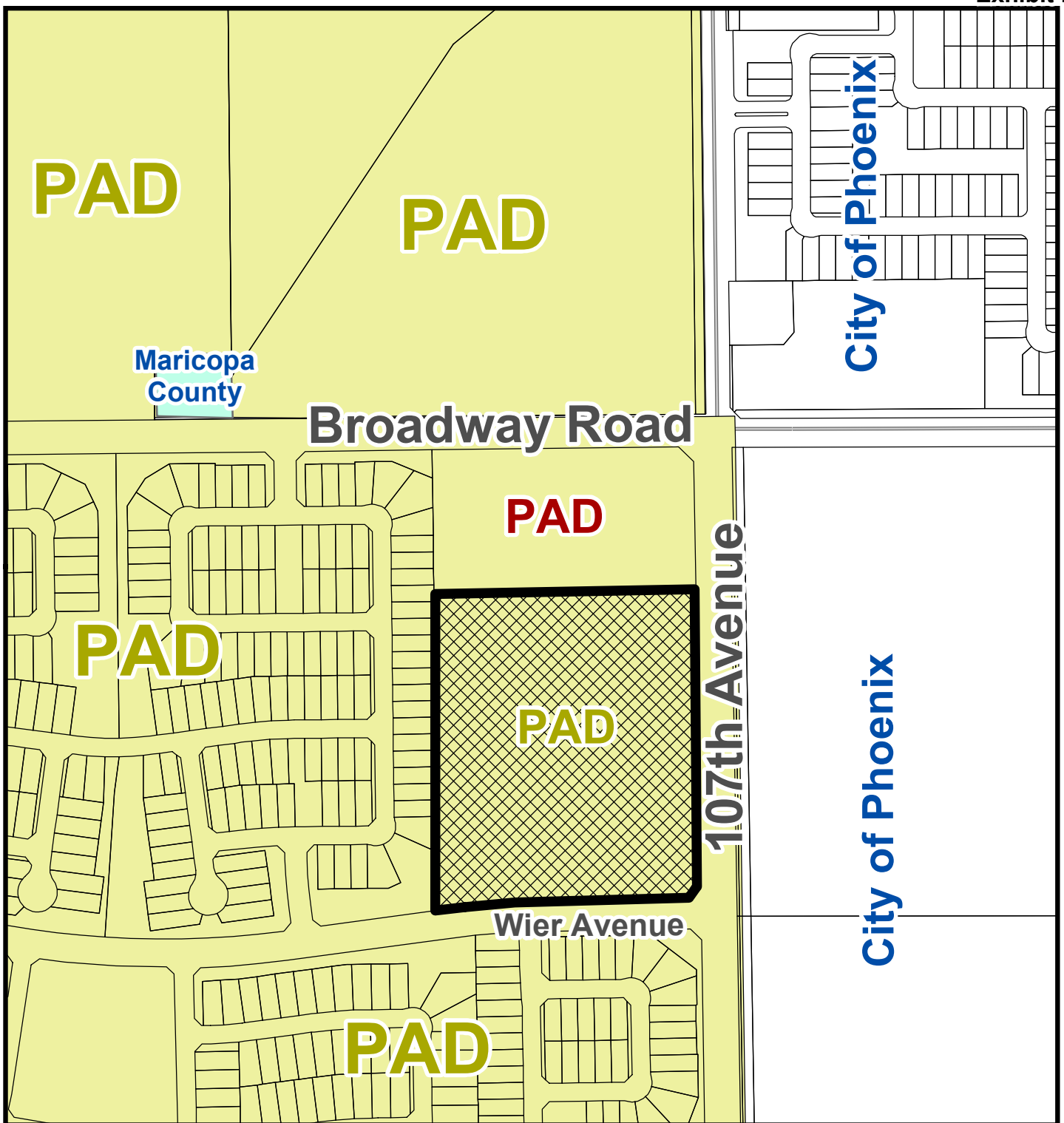


Aerial Photograph



Subject Property



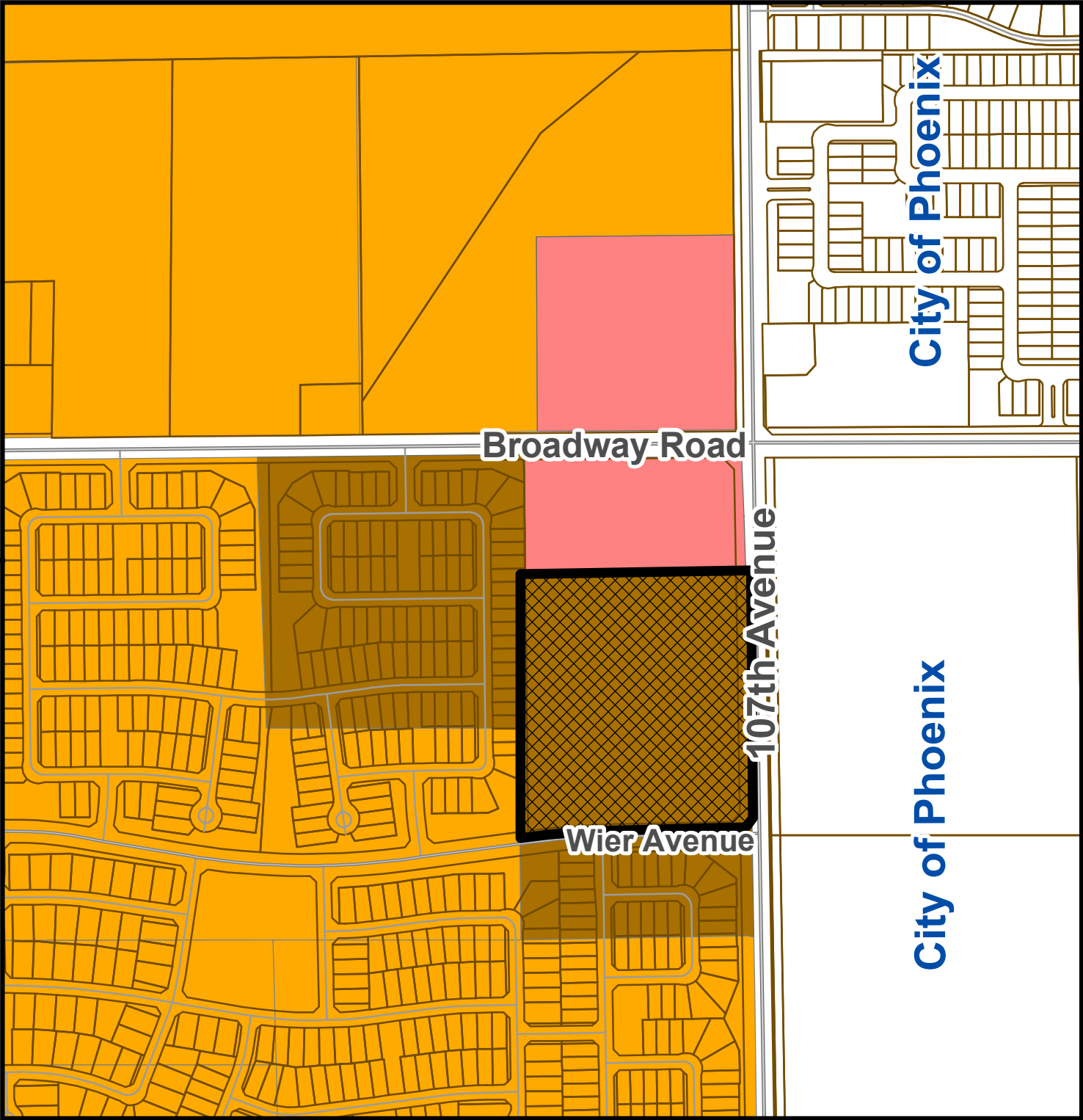


Zoning Vicinity Map



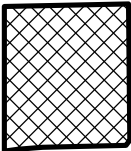
 Subject Property





General Plan Land Use Map

-  Medium Density Residential
-  High Density Residential
-  Local Commercial



Subject Property

*SUMMARY OF RELATED FACTS
APPLICATION PL-20-0284*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 14.45 gross acres; 13.78 net acres
LOCATION	Northwest corner of 107 th Avenue and the Wier Avenue alignment
EXISTING LAND USE	Agricultural
EXISTING ZONING	Verde Trails Planned Area Development (PAD)
ZONING HISTORY	The property was annexed and rezoned to the Hillcrest Planned Area Development (PAD) in November 2007. A Major Amendment to the PAD, revisiting the project's development plan, modifying lot sizes, adjusting development standards, and renaming the planned community to Verde Trails was approved by City Council in May 2018. The approved Verde Trails PAD, as amended, allows for development of Parcel 6 with minimum 2,200 square foot lots for single-family residential use arranged in a cluster fashion, with each home's garage access provided via a shared alleyway that connects to a circular private street system. The private street system internal to Parcel 6 then connects to Wier Avenue along the property's south boundary. A Master Final Plat for Verde Trails was approved by City Council in February 2019. The Master Final Plat created the overall development parcels within the community, including Parcel 6, in conformance with the approved Verde Trails PAD, as amended. A future Final Plat for Parcel 6, creating individual residential lots, private street tracts, and open space tracts within Parcel 6, will be required prior to development on the property.
DEVELOPMENT AGREEMENT	A Pre-Annexation Development Agreement (PADA) was approved in November 2007 and has subsequently been amended six (6) times. The primary functions of the PADA are to spell out the developer's responsibility for reimbursing the City for the City's acquisition of the Rigby Water Company and assign responsibilities to the construction of off-site public infrastructure adjacent to the Verde Trails development.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Verde Trails Unit I Parcel 5, zoned Planned Area Development (PAD). The Verde Trails PAD allows for development of Parcel 5, which is positioned at the southwest corner of 107 th Avenue and Broadway Road, with Community Commercial (C-2) uses. No plans have been submitted for development of Parcel 5 to date.
EAST OF 107 TH AVENUE	Avondale's eastern planning boundary terminates at 107 th Avenue south of Van Buren Street. The property east of Parcel 6, east of 107 th Avenue, is located within the City of Phoenix, zoned S-1 (Suburban District – Ranch or Farm Residence), and presently in agricultural/farming production.
SOUTH OF	Verde Trails Unit I Parcel 7, zoned Planned Area Development (PAD). The

WIER AVENUE ALIGNMENT	Verde Trails PAD and approved Verde Trails Unit I Parcel 7 Preliminary Plat allows for development of Parcel 7 with 70 single-family detached residences on lots with a minimum area of 5,175 square feet (45'x115'). Grading and underground utility installation is in progress on Parcel 7.
WEST	Verde Trails Unit I Parcel 4, zoned Planned Area Development (PAD). The Verde Trails PAD and approved Verde Trails Unit I Preliminary Plat allows for development of Parcel 4 with 115 single-family detached residences on lots with a minimum area of 5,175 square feet (45'x115'). Grading and underground utility installation is in progress on Parcel 4.

GENERAL PLAN

Parcel 6 features the High Density Residential (HDR) General Plan 2030 Land Use designation. The HDR designation allows for development of patio homes, apartments, condominiums, or townhomes with a density ranging between 12 and 30 dwelling units per acre. ***The property's valid Planned Area Development (PAD) zoning supersedes the General Plan designation applied to the site. As such, Parcel 6 may develop at a lower density (7.98 units per acre) as proposed in the Parcel 6 Preliminary Plat.***

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Littleton Elementary School District (LESD); Tolleson Union High School District (TUHSD)
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest district school is Quentin Elementary School, located within the Sanctuary neighborhood at the northwest corner of Lower Buckeye Road and 107 th Avenue. A future new LESD school is planned at the southwest corner of Miami Avenue and 111th Avenue; upon construction of that new school, it will become the closest elementary school to the subject site.
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Avondale Boulevard and Durango Street.

STREETS

107th Avenue

Classification	Arterial (Maricopa County)
Existing half-street right-of-way	33 feet
Standard half-street right-of-way	65 feet
Existing half-street improvements	One (1) travel lane
Standard half-street improvements	Two (2) travel lanes, half center turn lane, bike lane, curb and gutter, detached sidewalk, streetlights and landscaping

Wier Avenue

Classification	Minor Collector
Existing half-street right-of-way	40 feet
Standard half-street right-of-way	40 feet
Existing half-street improvements	None

Standard half-street improvements	One (1) travel lane, half center turn lane, bike lane, curb and gutter, detached sidewalk, streetlights and landscaping
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<i>UTILITIES</i>

Water service to Parcel 6 will be provided via an 8-inch water line in Weir Avenue currently being constructed by the developer of Verde Trails.

Sewer service to Parcel 6 will be provided via an 8-inch sewer line in Weir Avenue currently being constructed by the developer of Verde Trails.

Salt River Project (SRP) provides electricity in this portion of Avondale.

Exhibit E

Preliminary Plat Narrative

Verde Trails Parcel 6

Received
Electronically
January 27, 2021

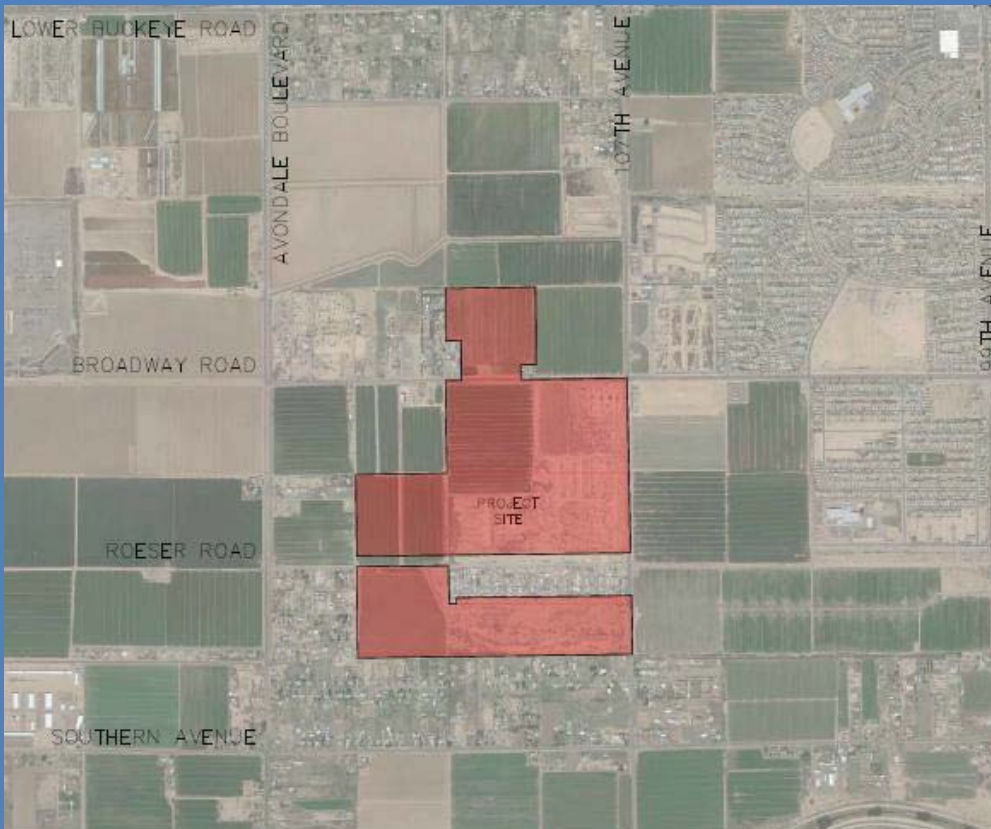


VERDE TRAILS UNIT I PARCEL 6

107th Avenue and Broadway Road
Avondale, Arizona

PRELIMINARY PLAT NARRATIVE

Case # PL-20-0284



January 2021

Prepared For:
Hillcrest Residential 1, LP
17700 Pacesetter Way,
Suite 100
Scottsdale, AZ 85255

Prepared by:
HILGARTWILSON
2141 E. Highland Ave.
Suite 250
Phoenix, AZ 85016
Phone: (602) 490-0535

HW Project No. 1377.04

VERDE TRAILS UNIT I – PARCEL 6

Preliminary Plat Narrative

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Figures

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- Figure 2 – Proposed Land Use Plan
- Figure 3 – Water System Improvements
- Figure 4 – Wastewater System Improvement

1.0 INTRODUCTION

Verde Trails is a 310-acre Master Planned Community. The name, Verde Trails, pays homage to the site's proximity to the Agua Fria River, Salt River and Gila River, as well as the Tres Rios Wetlands. Verde Trails Unit I is a 220-acre part of the overall Community that is comprised of a variety of land uses. The Project is located at 107th Avenue and Broadway Road. A preliminary plat for this project was approved in August 2018 (PP-07-3).

Parcel 6 (Project) was included in the Verde Trails Unit 1 preliminary plat and is within the residential District 2200 with a required minimum lot size of 40'x55'. The lot sizes included in the Project exceed the minimum width with 110 lots at 45'x55'.

2.0 PRELIMINARY PLAT SUMMARY

2.1 PROPOSED LAND USES

The Project is a residential subdivision comprised of 110 lots over 13.8-acres. The neighborhood residential district incorporate various product types and market segments, providing a variety of home options with varying architectural styles throughout Verde Trails. The Project is comprised of 45'x55' lots.

2.2 AMENITIES

The Project open space totals approximately 23% and as a result is compliant with the PAD requirements. This open space program incorporates an amenity package that provides both passive and active recreation opportunities for all age groups within the Project in a central location that is easily accessible by a network of on-street and off-street sidewalks. The amenities include a swimming pool, fitness facility, and BBQ area with tables and benches. There is a large open play turf area in the center of the Project, flanked with benches for seating that will provide a location for community gathering and lawn games such as, but not limited to, croquet, bocce, corn hole, frisbee, and soccer. Lawn game equipment and easy-up shade canopies will be made available for checkout at the management office and will be maintained and replaced by the management group as necessary. In addition to the open space amenities unique to Parcel 6, the Project is within a short walk to the Verde Trails Community Park located in Parcel 9, adjacent to Wier Avenue.

The walls and monumentation at Verde Trails are designed to convey the contemporary desert theme throughout the community by consistent use of materials and simple detailing. Theme walls are provided along the north boundary and the southwest corner of the Project adjacent to the open space in Parcel 4. Integral color masonry with a ground face block and split faced masonry block combination accent band along the top will be used on the theme walls. The accent band along the theme wall represents the linear open space and trail system that runs through the entire length of the Verde Trails community. Piers will be constructed of the ground face block to match the accent band and have a decorative four inch (4") precast concrete cap. Full view fences will be provided along Wier Avenue and 107th Avenue and will consist of a combination of metal fencing and piers spaced at a maximum 150-feet apart and at the end of wall runs. The piers will incorporate decorative caps. The view fencing will meet all applicable pool codes. In conditions when a wall lies on the perimeter of the

Verde Trails property directly adjacent to another parcel, a six-foot (6') property wall constructed of integral color masonry will be provided.

The entry monument for Parcel 6 is located at the intersection of 107th Lane and Wier Avenue on the west side of the entry road into the community. The monument is of similar materials as the walls and incorporates a raised weathered steel planter with plantings. At the terminus of the entry road (107th Lane) is the clubhouse/office building, flanked by the vehicular and pedestrian gates into the community. Guest parking is accessible outside the gates at the main entry.

The overall planting design for Verde Trails is designed to enhance the lush desert theme, utilizing a variety of low water use trees, shrubs and groundcovers to provide shade and visual interest. All plant materials used within public right-of-way shall conform to the Arizona Department of Water Resources (ADWR) low water use plant list. All plant material will be low maintenance and irrigated by an automatic irrigation system. The landscape design focuses on enhanced desert plantings that provide ample shade, variation in color throughout the year and textural elements.

3.0 PROJECT BACKGROUND

3.1 SURROUNDING LAND USES

The adjacent land to the east is located in the City of Phoenix and consists of agricultural land zoned S-1. The land to the north, south, and west of Parcel 6 is situated in the Verde Trails Unit I project. Parcel 4 to the west is District 5175, Parcel 5 to the north is commercial, and Parcel 7 to the south is District 5175.

There are several master planned communities in the immediate vicinity in various stages of planning and development. To the north and west, these communities include Entrada, Shadow Ridge, and Alamar, which is located due west of the Project on the west side of Avondale Boulevard. Fleming Farms is a 67-acre planned community located due north of the Project, just south of Lower Buckeye Road. To the northeast, planned communities in the City of Phoenix include Sunset Farms and Country Place.

3.2 ROADWAY SYSTEM

The traffic circulation pattern within the Project is easily accessed from Wier Avenue off of 107th Avenue with an emergency access road off of 107th Avenue. The onsite private street section shall be within a 50-foot tract with 5-foot sidewalks along both sides of the street.

The collector street, Wier Avenue, will be fully improved with an earlier phase to provide service to Parcel 6. 107th Avenue half-street improvements will be constructed with an earlier phase. MCDOT will be responsible for the maintenance of 107th Avenue, so 65-feet of right of way has been dedicated to the County. The MCDOT street section includes 15-feet of width for landscaping. Because of this, the City will only require a minimum 15-foot wide landscape tract along 107th Avenue.

3.3 WATER SYSTEM

The Project will have a looped water system consisting of internal 8-inch waterlines, a 12-inch waterline in Wier Avenue, and a 16-inch waterline in 107th Avenue. The line sizes are confirmed by the approved Master Water Report as well as the Preliminary Water Report for Parcel 6 for the internal water system. See Figure 3 for the proposed water distribution system.

The Project waterline sizes have been modeled in the approved Master Water Report to match the Avondale Master Water Report.

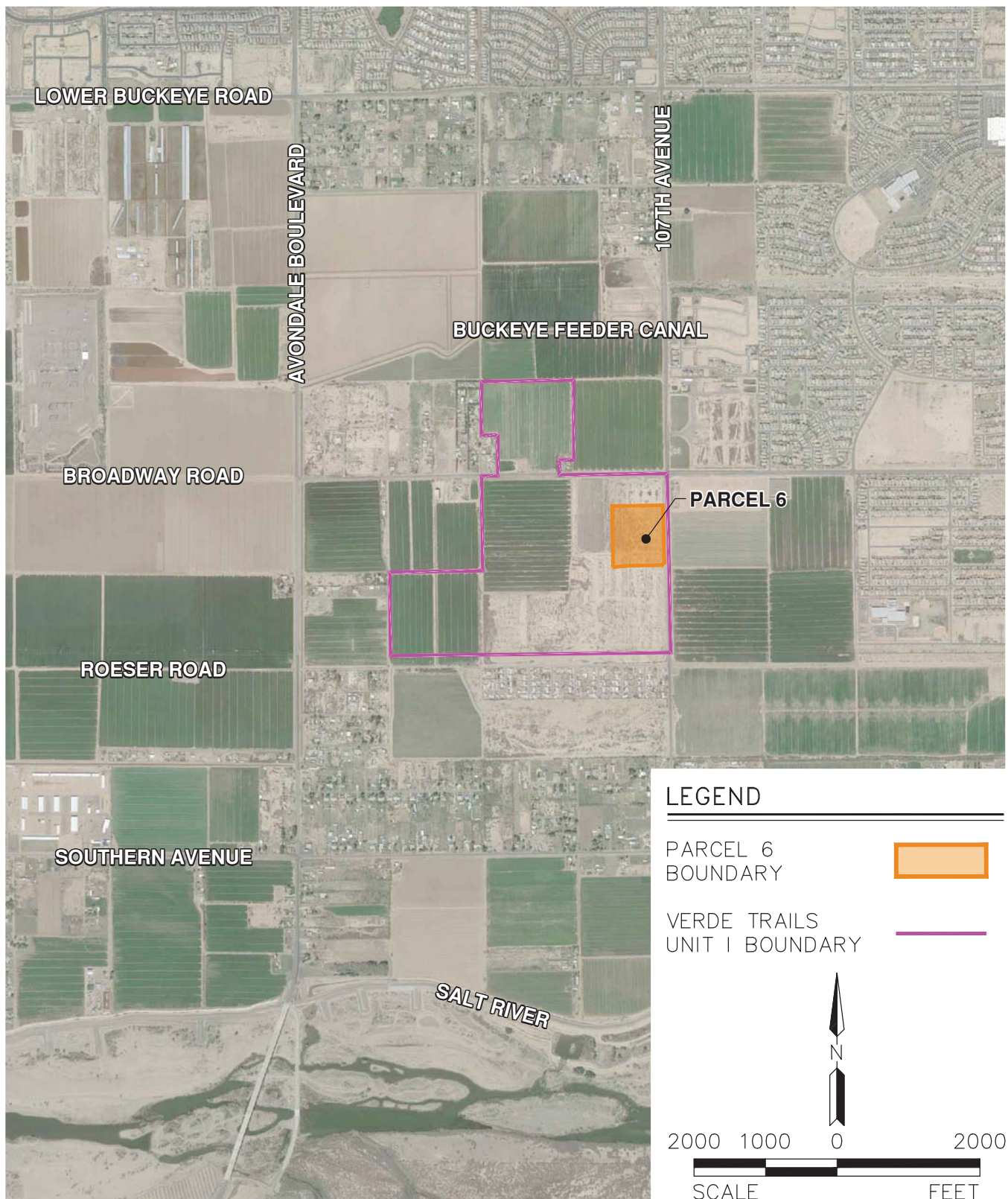
3.4 WASTEWATER SYSTEM

Parcel 6 will have an internal network of 8-inch sewer lines that will connect to a proposed 8-inch sewer in Parcel 7. The line sizes are confirmed by the approved Master Wastewater Report as well as the Preliminary Wastewater Report specific to Parcel 6. See Figure 4 for the proposed wastewater collection system.

The Project sewer sizes have been modeled in the approved Master Wastewater Report to match the Avondale Master Wastewater Report.

APPENDIX A

FIGURES

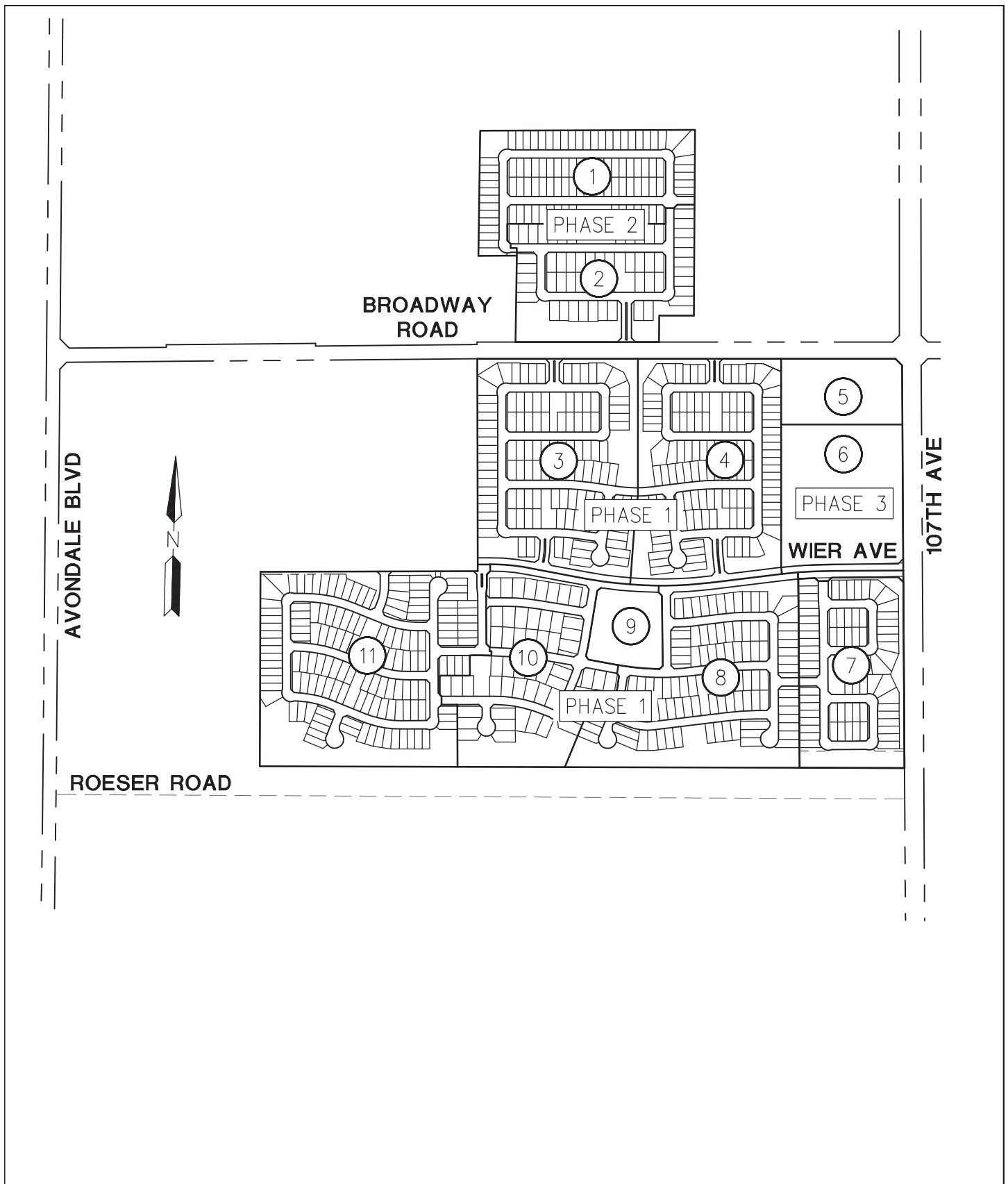


PROJ.NO.:	1377
DATE:	SEP 2020
SCALE:	1" = 2,000'
DRAWN BY:	SL
CHECKED BY:	AT

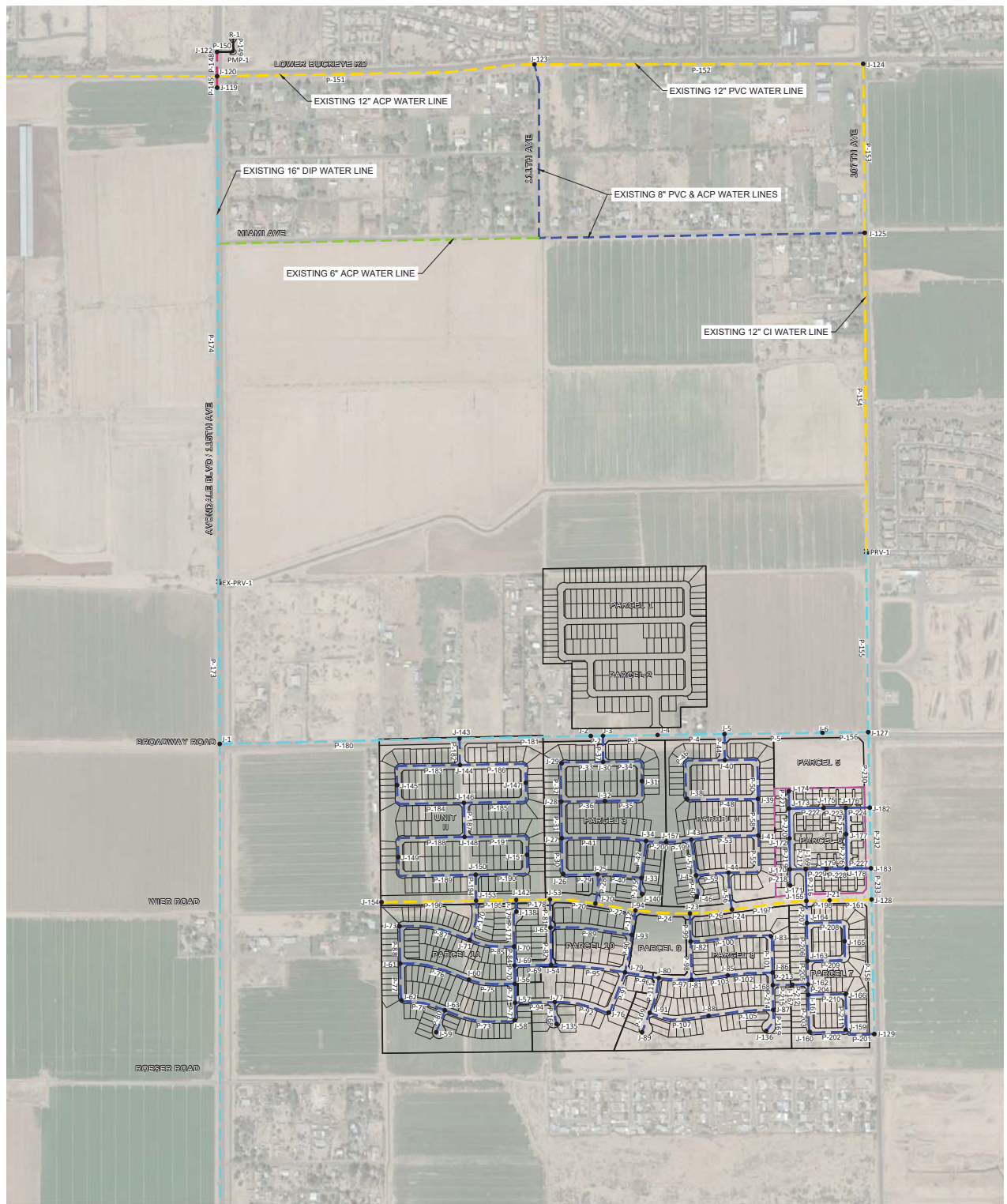
VERDE TRAILS – PARCEL 6
 BROADWAY ROAD & 107TH AVENUE
 CITY OF AVONDALE, ARIZONA

FIG 1: VICINITY MAP

HILGARTWILSON
 2141 E. HIGHLAND AVE., STE. 250
 PHOENIX, AZ 85016
 P: 602.490.0535 / F: 602.368.2436



PROJ.NO.: 1377	VERDE TRAILS BROADWAY RD & 107TH AVE AVONDALE, ARIZONA PROPOSED LAND USE PLAN - FIGURE 2	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: AUG 2018		
SCALE: 1"=800'		
DRAWN BY: DF		
CHECKED BY: PH		

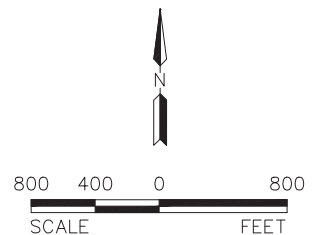


LEGEND

PROJECT BOUNDARY	
PROPOSED WATER LINE	
EXISTING WATER LINE	
JUNCTION	
RESERVOIR	
PUMP	
PRESSURE REDUCING VALVE	

PIPE DIAMETER LEGEND

	6.0 INCHES
	8.0 INCHES
	12.0 INCHES
	16.0 INCHES
	24.0 INCHES

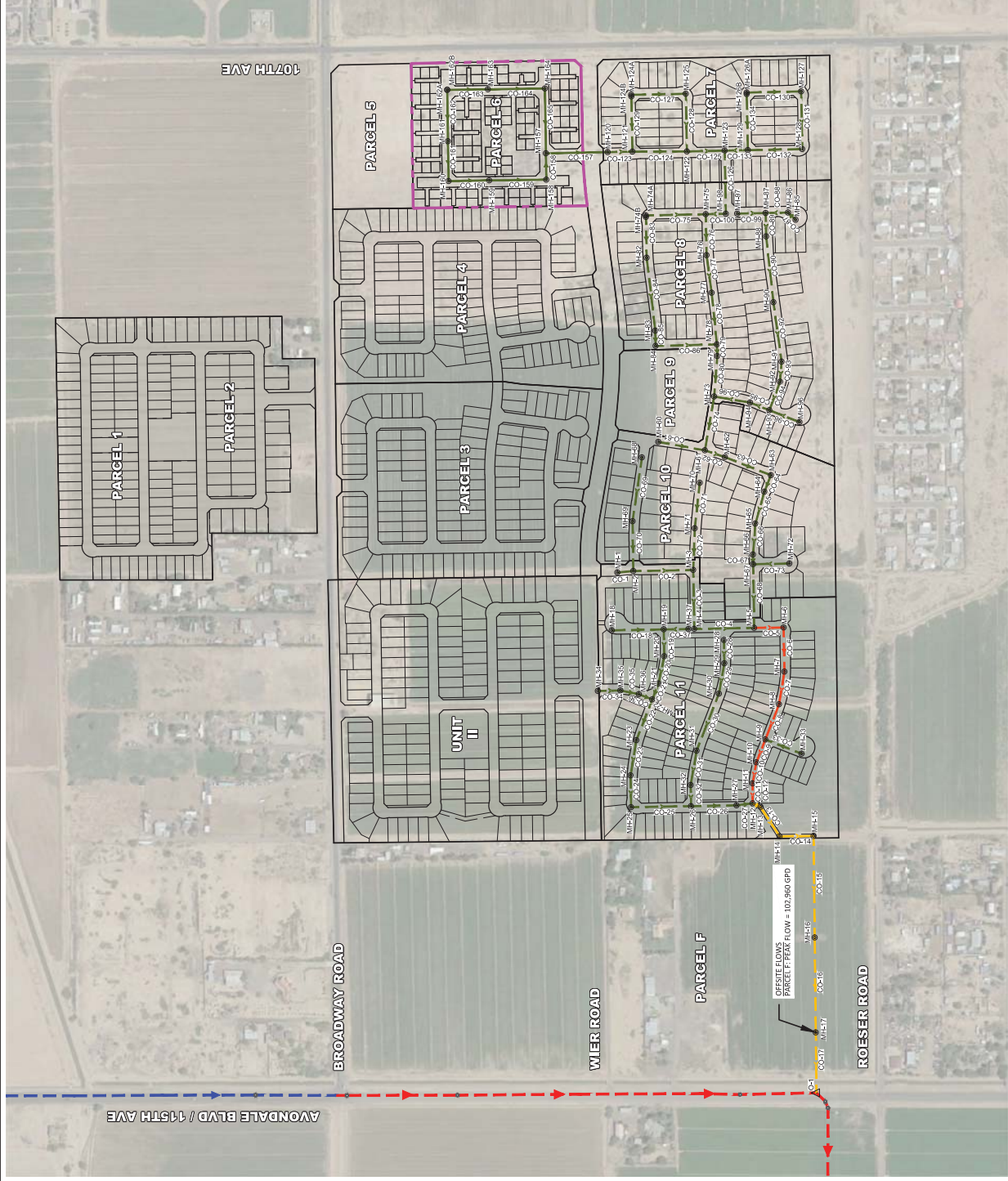


PROJ. NO.:	1377
DATE:	SEPTEMBER 2020
SCALE:	1" = 800'
DRAWN BY:	AP
CHECKED BY:	MI

VERDE TRAILS — PARCEL 6
BROADWAY ROAD & 107TH AVENUE
AVONDALE, ARIZONA

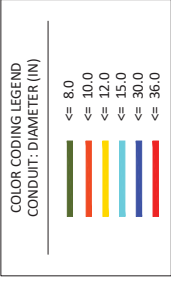
FIG 2: WATER SYSTEM IMPROVEMENTS

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436



LEGEND

- PROJECT BOUNDARY
- PROPOSED GRAVITY MAIN
- EXISTING GRAVITY MAIN
- PROPOSED SEWER MANHOLE
- PROPOSED SEWER OUTFALL



VERDE TRAILS - PARCEL 6
WIER ROAD & 107TH AVENUE
AVONDALE, ARIZONA

FIG 2: WASTEWATER SYSTEM IMPROVEMENTS

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

PROJ. NO.: 1377
DATE: SEP 2020
SCALE: 1"=500'
DRAWN BY: AP
CHECKED BY: MI

Exhibit F

Preliminary Plat

Verde Trails Parcel 6

Received
Electronically March
11, 2021

LEGAL DESCRIPTION

LOT 6 OF THE MASTER PLAT FOR VERDE TRAILS UNIT 1, PHASE 1, AS FILED IN BOOK 1452, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID LOT 6 BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, MERIDIAN MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HAND JOLE ACCEPTED AS THE NORTHEAST CORNER OF SAID SECTION 30 FROM WHICH A FOUND BRASS CAP FLUSH ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 30 THEREOF BEARS SOUTH 01°09'51" EAST, 265.67 FEET;

THENCE SOUTH 01°09'51" EAST, 445.01 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 01°09'51" EAST, 835.02 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89°51'09" WEST, 483.32 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 264.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°50'42", AN ARC LENGTH OF 300.04 FEET TO A NON-TANGENT LINE;

THENCE NORTH 09°47'21" WEST, 856.92 FEET;

THENCE NORTH 89°23'39" EAST, 777.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 654,899 SQ. FT. (15,034 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREIN IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY LAND DIVISION RESTRICTIONS.

NOTE: THIS SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT.

NOTES:

1. THE HOMEOWNERS ASSOCIATION WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL PRIVATE STREETS, ALL COMMON AREAS NOTED AS "TRACTS" OR "EASEMENTS", INCLUDING, LANDSCAPED AREAS AND DRAINAGE FACILITIES.
2. A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE PROPERTY FOR SEWER AND WATER PIPES AND OTHER RELATED FACILITIES, AND FOR CONSTRUCTION, MAINTENANCE, REPAIR, MODIFICATION AND REPLACEMENT OF PIPES AND OTHER RELATED FACILITIES.
3. EMERGENCY AND SERVICE ACCESS (ESA): A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE PROPERTY, FOR ACCESS FOR EMERGENCY, PUBLIC SAFETY, REFUSE COLLECTION, UTILITY, AND OTHER PURPOSES. THE EASEMENT SHALL BE A MINIMUM OF 4.5' WIDE AND SHALL BE MAINTAINED FOR REPAIR AND REPLACE IMPROVEMENTS RELATED TO ACCESS AS CITY DEEMS NECESSARY FOR ACCESS PURPOSES.

NOTE: THE REQUIRED 30' LANDSCAPE BUFFER IS PERMITTED TO BE REDUCED TO A MINIMUM OF 15' ADJACENT TO THE COUNTY DEDICATED ARTERIAL, PROVIDED THAT THE REDUCED BUFFER IS MAINTAINED AND THE REDUCED BUFFER IS THE EQUIVALENT TO A 30' LANDSCAPE BUFFER ADJACENT TO A CITY DEDICATED MINOR ARTERIAL ROADWAY.

PRELIMINARY PLAT FOR VERDE TRAILS PARCEL 6 A REPLAT OF VERDE TRAILS UNIT 1, PHASE 1, LOT 6 AS RECORDED IN BOOK 1452, PAGE 15, MARICOPA COUNTY AVONDALE, ARIZONA

A PORTION OF THE NORTHEAST QUARTER OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 1 EAST,
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

BROADWAY ROAD

VERDE TRAILS
PARCEL 5
(COMMERCIAL)

VERDE TRAILS
PARCEL 4

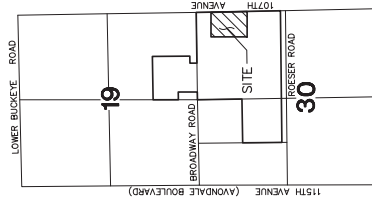
PARCEL 6

WIER AVENUE

VERDE TRAILS
PARCEL 8

VERDE TRAILS
PARCEL 7

SEWER	UTILITY PROVIDERS
WATER	AVONDALE
FIRE	AVONDALE
TELEPHONE	SWI GAS
NATURAL GAS	COX COMMUNICATIONS



VICINITY MAP
NOT TO SCALE

ENGINEER
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85026
PHONE: 602.480.0535
FAX: 602.362.2436
WWW.HILGARTWILSON.COM

OWNER/DEVELOPER
VERDE TRAILS, LLC
17700 PACESETTER WAY, SUITE 100
SCOTTSDALE, AZ 85255
PHONE: 480.344-1616
FAX: 480.344-8976
CONTACT: TIM BRISLIN

BASIS OF BEARING
BASIS OF BEARING IS NORTH 25° 27' 00" ALONG THE WEST LINE
OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1
NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA.

BENCHMARK
CITY OF AVONDALE BENCHMARK: "BWAY 107 2008"
85' NAD 83 EAST ADJUSTED FLUSH
85' NAD 83 EAST OF 107TH AVENUE
3151+/- NORTH OF BROADWAY ROAD
ELEV= 973.93 (NAD83 DATUM)

PROJECT DESCRIPTION
VERDE TRAILS PARCEL 6
SINGLE FAMILY RESIDENTIAL PRELIMINARY PLAT IN THE PAD ZONING DISTRICT

FLOODPLAIN DESIGNATION
THE SUBJECT PROPERTY LIES WITHIN SHADDED ZONE "X" WITH A
DEFINITION OF: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF
1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN
1.0 FEET; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE
DEPTHS OF 1.0 FEET OR MORE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE
FLOOD.

DESIGNATION DETERMINED BY FEMA FLOOD ZONE MAP
04032770M, PANEL NUMBER 2170 OF 4425, EFFECTIVE DATE
NOVEMBER 4, 2015.

SHEET INDEX
COVER SHEET
DETAILS & TABLES
PRELIMINARY PLAT

VERDE TRAILS SUMMARY TABLE						
PARCEL NUMBER	AREA NET (AC)	NUMBER OF UNITS	MIN LOT AREA (SF)	MIN LOT WIDTH (FT)	MIN LOT DEPTH (FT)	REMARKS DISTRICT
6	13.78	110	2200	40'	95'	SINGLE-FAMILY 2200

LAND USE TABLE

EXISTING ZONING	PAD
TOTAL GROSS AREA	14.45 AC
TOTAL NET AREA	13.78 AC
TOTAL NUMBER OF LOTS	110 LOTS
NET DENSITY	7.88 DU/AC
TOTAL OPEN SPACE TRACT AREA	3.25 AC
NET OPEN SPACE PERCENTAGE	23.6 %
MINIMUM LOT AREA	2475 SF
MAXIMUM LOT AREA	2866 SF



KEYMAP
1" = 100'

VERDE TRAILS PARCEL 6
BROADWAY ROAD & 107TH AVENUE
AVONDALE, ARIZONA
PRELIMINARY PLAT - COVER SHEET

HILGARTWILSON
PROJ NO.: 1377
DATE: MAR 2021
SCALE: 1" = 100'
DESIGNED: DR
APPROVED: PH

1041
DWS: NO
SHT. 1 OF 3

\\0305137\ADMIN\PARCEL\AVONDALE\VERDE-TRAILS\PARCEL 6\PRELIMINARY PLAT-0305137.dwg 3/10/2021 5:01 PM

PRELIMINARY PLAT



NORTH QUARTER CORNER
SECTION 30, T1N, R1E
FOUND BRASS CAP IN
HAND HOLE

NORTHEAST CORNER
SECTION 30, T1N, R1E
FOUND BRASS CAP IN
HAND HOLE

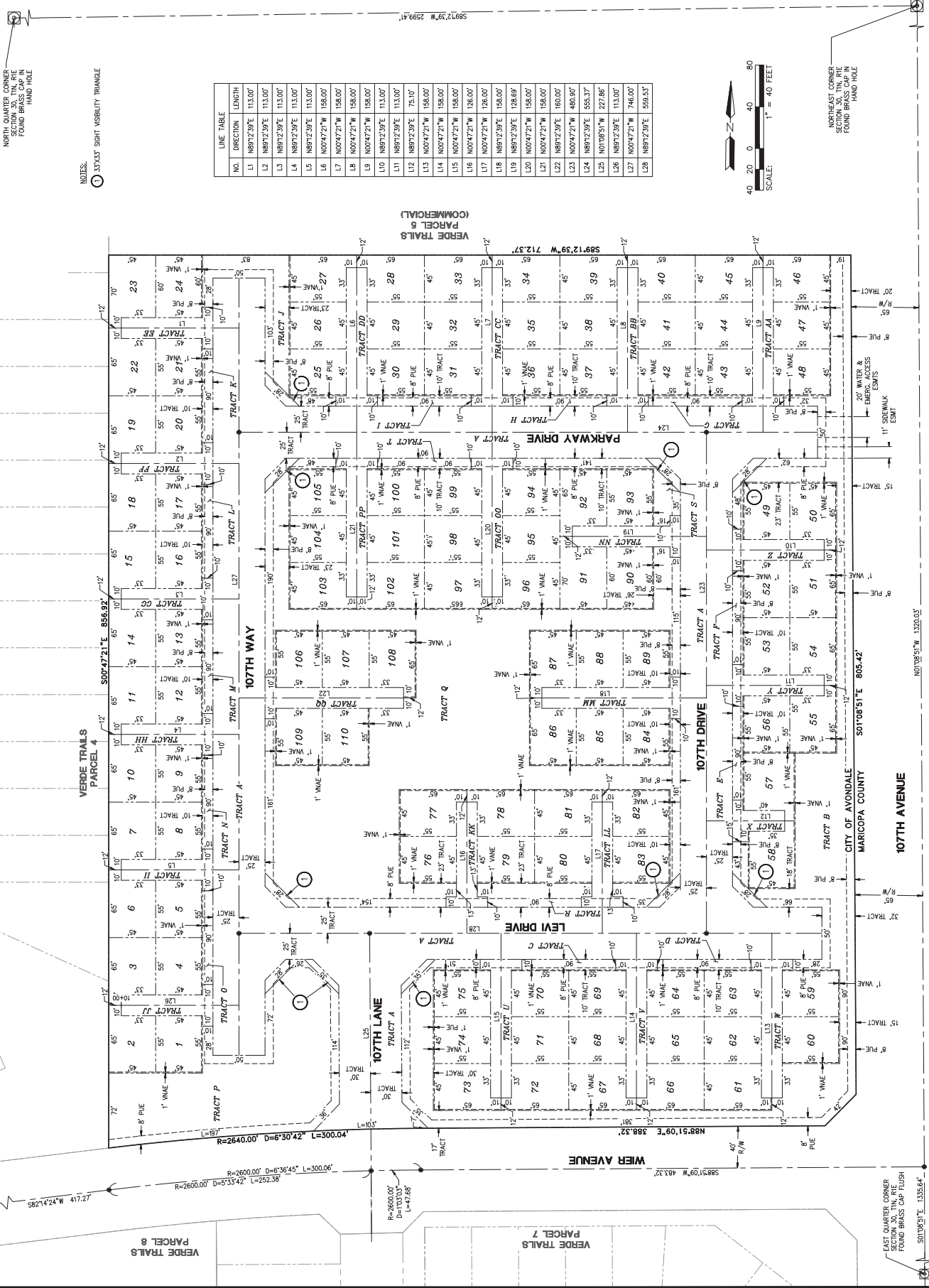


Exhibit G

Landscape, Open Space, Hardscape, Wall and Lighting Plans

Verde Trails Parcel 6

LANDSCAPE GENERAL NOTES

1. ALL SINGLE TRUNK TREES SHALL BE 3-INCH CALIPER MINIMUM AT TIME OF INSTALLATION. MULTI-TRUNK TREES SHALL BE 1.25-INCH CALIPER MINIMUM AT TIME OF INSTALLATION. CALIPER FOR STANDARD SINGLE TRUNK TREES SHALL BE MEASURED AT THE WIDEST POINT WITHIN THE FIRST 14' TO 16' ABOVE THE SOIL LINE. TREES WITH MULTIPLE TRUNKS SHALL BE MEASURED AT THE WIDEST POINT WITHIN THE FIRST 6' ABOVE THE SOIL LINE. TREES SHALL BE MEASURED AT THE WIDEST POINT WITHIN THE FIRST 6' INCHES ABOVE ORIENTATION POINT OF THE SECOND LARGEST TRUNK OR 6 INCHES ABOVE GROUND IF ALL TRUNKS ORIGINATE FROM THE SOIL. CALIPER OF MULTIPLE TRUNK TREES SHALL BE DETERMINED BY TAKING THE AVERAGE CALIPER OF ITS TWO LARGEST TRUNKS. TREES SPECIFIED IN THE DRAWINGS, TREES SPECIFIED BY CONTAINER SIZES ONLY SHALL NOT BE ACCEPTED.
2. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY. LANDSCAPING SHALL BE MAINTAINED AS SPECIFIED IN THE DRAWINGS. TREES SHALL BE MAINTAINED AS SPECIFIED IN THE DRAWINGS. A 3-FOOT CLEAR SPACE IS REQUIRED AROUND ALL AIR CONDITIONING EQUIPMENT. PLANTS MAY BE INSTALLED THAT WILL ENCLOSE AROUND THIS CLEAR SPACE WHEN MATURE. PLANTINGS WITHIN THE SITE VISIBILITY TRIANGLE SHALL BE MAINTAINED SO THAT NO LIMBS HANG LONGER THAN SEVEN(7) FEET AND SHRUBS OR OTHER PLANTS PLANTED WITHIN ANY PLANTING AREA SHALL BE MAINTAINED SO AS NOT TO EXCEED TWO (2) FEET IN HEIGHT. THE CITY APPROVES THE USE OF PLANTS FOR LANDSCAPING THAT ARE SUITABLE FOR THE CLIMATE, SOIL CONDITIONS, OR OTHERWISE.

NOTE: ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AVONDALE SUPPLEMENT TO MAG SPECIFICATIONS.

LANDSCAPE THEME STATEMENT AND

GENERAL DESCRIPTION OF OPEN SPACES

THE CONCEPTUAL LANDSCAPE PLAN FOR VERDE TRAILS PARCEL 6 CONTINUES THE OVERALL DESIGN SET FORTH FOR THE VERDE TRAILS COMMUNITY. ALTHOUGH PARCEL 6 WILL BE GATED, THE VISION INTENT IS TO CREATE A LANDSCAPE THAT IS HARMONIOUS WITH THE REST OF VERDE TRAILS. THE FULL VIEW PROVIDED ALONG THE EASTERN AND SOUTHERN EDGES OF THE PARCELS, ALLOW NEWSPACES TO BE CREATED. ENHANCED OPEN SPACE, PEDESTRIAN CONNECTIVITY AND BOTH ACTIVE AND PASSIVE OPEN SPACE AMENITIES WILL BE PROVIDED WITH THIS PARCEL.

THE OVERALL PLANTING DESIGN FOR VERDE TRAILS IS DESIGNED TO ENHANCE THE LUSH DESERT THEME, UTILIZING A VARIETY OF LOW WATER USE TREES, SHRUBS AND GROUNDCOVERS TO PROVIDE SHADE AND VISUAL INTEREST. ALL PLANT MATERIALS USED WITHIN PUBLIC RIGHT-OF-WAYS SHALL CONFORM TO THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) LOW WATER USE BY PLANT LIST. TREES WILL INCLUDE DESERT WILLOW AND MESQUITE AS REQUIRED BY THE CITY OF AVONDALE. STREET TREE MASTER PLAN. ALL PROPOSED PLANT MATERIAL WILL BE LOW MAINTENANCE AND IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM. TURF IS PROVIDED, WHERE APPROPRIATE, FOR ACTIVE RECREATION AND RETENATION PURPOSES.

NOTE: THE REQUIRED 30' LANDSCAPE BUFFER IS PERMITTED TO BE REDUCED TO A MINIMUM OF 15' ADJACENT TO THE COUNTY DEDICATED MINOR ARTERIAL RIGHT-OF-WAY FOR 10TH AVENUE. THE OVERALL LANDSCAPE AREA PROVIDED FROM BACK OF CURB TO PROPERTY WALL MUST BE A MINIMUM OF 43'. THIS IS THE EQUIVALENT TO A 30' LANDSCAPE BUFFER ADJACENT TO A CITY DEDICATED MINOR ARTERIAL ROADWAY.

OPEN SPACE CALCULATIONS

A.) TOTAL OPEN SPACE, NOT INCLUDING RIGHT-OF-WAY:	323 ACRES	23% OF NET SITE AREA
B.) TOTAL OPEN SPACE LOCATED OUTSIDE OF RETENTION BASINS, NOT INCLUDING RIGHT-OF-WAY:	280 ACRES	21% OF NET SITE AREA
C.) TOTAL OF USABLE OPEN SPACE, NOT INCLUDING RIGHT-OF-WAY:	287 ACRES	21% OF NET SITE AREA

VERDE TRAILS PARCEL 6

CITY OF AVONDALE, AZ

PROJECT TEAM:

DEVELOPER | HILLCREST RESIDENTIAL 4, LP

17700 NORTH PACESETTER WAY, SUITE 100

SCOTTSDALE, AZ 85255
PH: 480.348.1118
CONTACT: TIM BRISLIN
EMAIL: tbrislin@harvardinvestments.com

CIVIL ENGINEER | HILGART WILSON, LLC LANDSCAPE ARCHITECT | NORRIS DESIGN

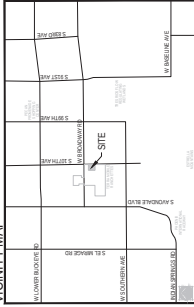
2141 EAST HIGHLAND AVENUE, SUITE 250
PHOENIX, AZ 85016
PH: 602.490.0535
CONTACT: PAUL HAAS
EMAIL: rhaas@hillgartwilson.com

901 EAST MADISON STREET
PHOENIX, AZ 85034
PH: 602.254.9600
CONTACT: MARY ESTES
EMAIL: mestes@narris-design.com

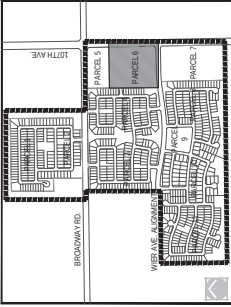
SHEET INDEX

SHEET #	DESCRIPTION	10/15/2020 ISSUED FOR PRELIMINARY PLAT APPLICATION	01/26/2021 ISSUED FOR PRELIMINARY PLAT RESUBMITTAL
LA-100	LANDSCAPE COVER	X	
LA-101	LANDSCAPE PLANT	X	
LA-102	WALL PLANT	X	
LA-103	GATE & MONUMENT DETAILS	X	
LA-104	HARDSCAPE DETAILS	X	
LA-201	LANDSCAPE DETAILS & CO-OPS	X	
LA-401	LANDSCAPE MAINTENANCE SCHEME	X	

VICINITY MAP



KEY MAP



OWNER:
HILLREST RESIDENTIAL 4, LP
CONTACT: TIM BRISLIN
17700 N. PACESETTER WAY
SUITE 100
SCOTTSDALE, AZ 85255
T 480.348.1118



DATE:
10/15/2020
PRELIMINARY PLAT
SUBMITTAL
01/26/2021
PRELIMINARY PLAT
RESUBMITTAL

Received
Electronically
February 24, 2021

LA-100

VERDE TRAILS PARCEL 6

AVONDALE, ARIZONA

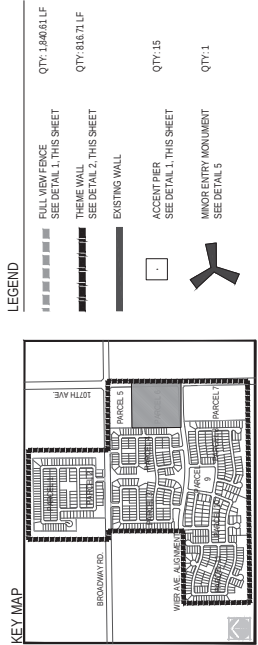
OWNER
 HILGREN SUBSIDIARY, L.P.
 CONTRACT ADDRESS: N
 1700 N PACESTER WAY
 SUITE 300
 SCOTTSDALE, AZ 85255
 1.480.348.1138



DATE:
 10/15/2020
 PRELIMINARY PLAT
 SUBMITTAL
 07/26/2021
 PRELIMINARY PLAT
 RESUBMITTAL

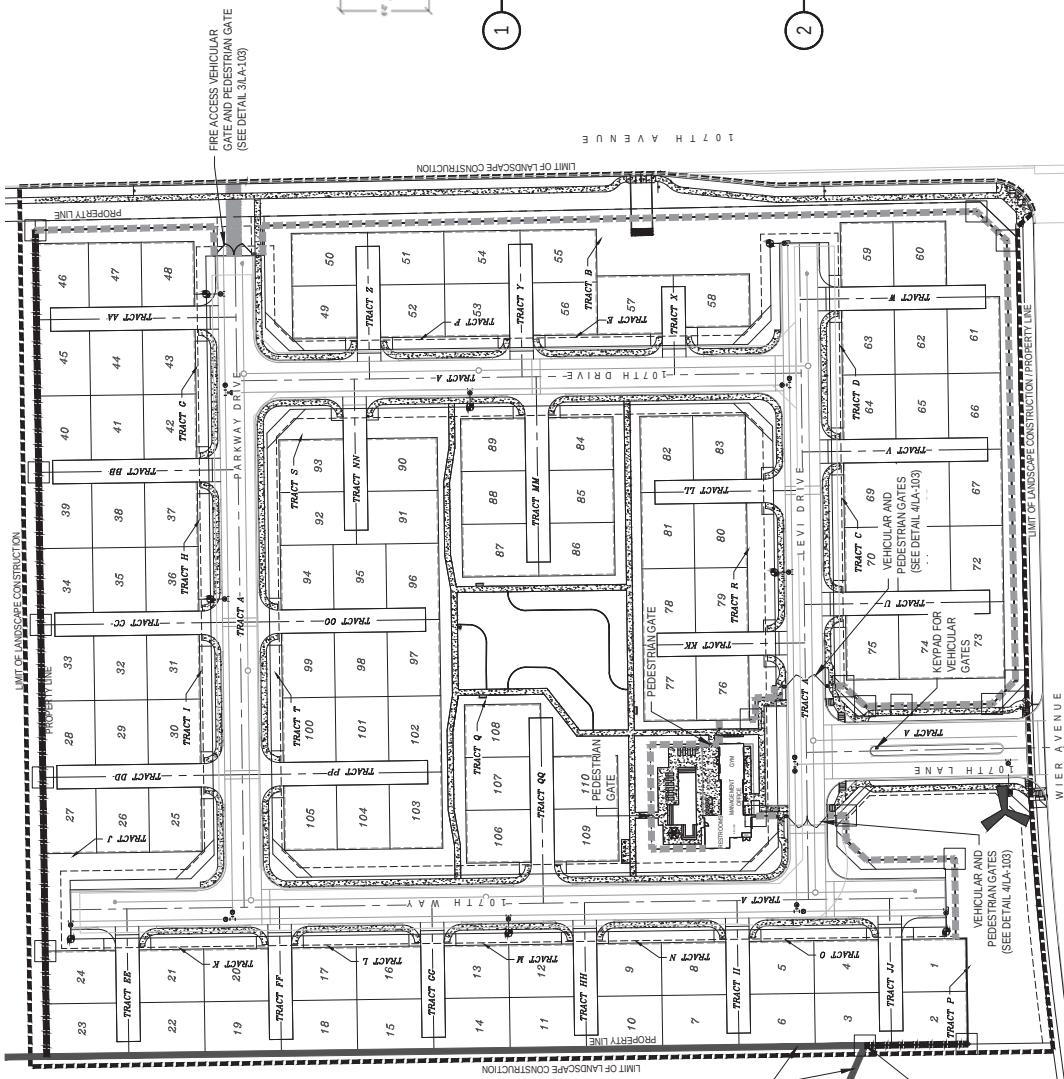
SHEET TITLE:
 WALL
 PLAN

LA-102



LEGEND

- FULL VIEW FENCE
SEE DETAIL 1, THIS SHEET
- THEME WALL
SEE DETAIL 2, THIS SHEET
- EXISTING WALL
- ACCENT PIER
SEE DETAIL 1, THIS SHEET
- MINOR ENTRY MONUMENT
SEE DETAIL 5



FIRE ACCESS VEHICULAR
 GATE AND PEDESTRIAN GATE
 (SEE DETAIL 3, LA-103)

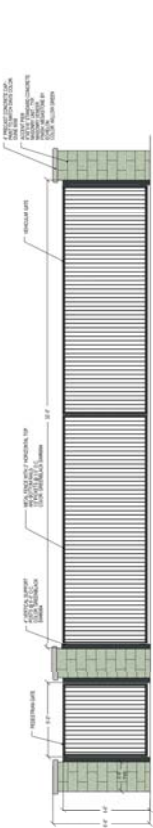
1
 FULL VIEW FENCE
 SCALE: 1/4" = 1'-0"

2
 THEME WALL
 SCALE: 1/4" = 1'-0"

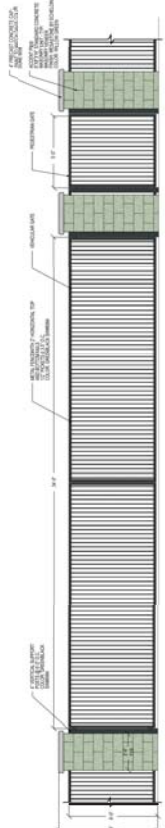


WALL PLAN

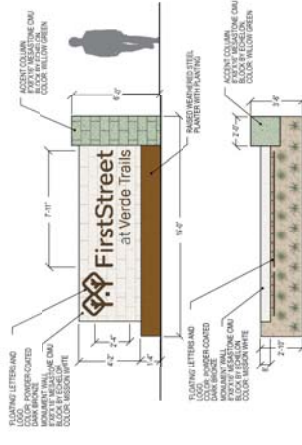
3 FIRE ACCESS VEHICULAR GATE
SCALE: 1/4" = 1'-0"



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



5 MINOR ENTRY MONUMENT
SCALE: 1/4" = 1'-0"



VERDE TRAILS PARCEL 6
AVONDALE, ARIZONA

OWNER
HILGREN SUBSIDIARY, LLP
CONTRACT MANAGER
1770 N PACESETTER WAY
SUITE 100
SCOTTSDALE, AZ 85255
760.346.1138



DATE:
10/15/2020
PRELIMINARY PLAT
SUBMITTAL
07/26/2021
PRELIMINARY PLAT
RESUBMITTAL

SHEET TITLE:
GATE & MONUMENT
DETAILS

LA-103



MANUFACTURED BY: WABASH VALLEY
MODEL: W1111C- FAUX WOOD
COLOR: WHEAT (BENCH), HUNTER (FRAMEWORK). SEE MATERIALS BOARD
QUANTITY: 3

1 BENCH

NTS
MANUFACTURED BY: WABASH VALLEY
MODEL: SERPENTINE BIKE LOOP - BRASS
COLOR: GREEN- SEE MATERIALS SCHEDULE



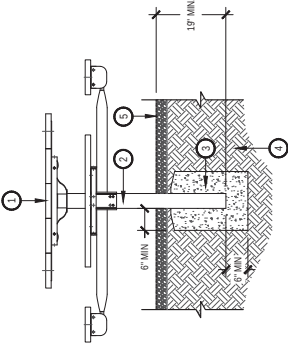
4 BIKE RACK



MANUFACTURED BY: WABASH VALLEY
MODEL: GREEN VALLEY - 32
GALLON RECYCLE SLAT
RECEPTACLE W/ INNER - 07300G
COLOR: GREEN (RECYCLES PLASTIC), HUNTER (FRAME). SEE MATERIALS BOARD
QUANTITY: 1

2 TRASH RECEPTACLE

NTS
1 PICNIC TABLE MANUFACTURED BY WABASH VALLEY
MODEL: 0222G - INGROUND. COLOR: GREEN (RECYCLED PLASTIC), GREEN (FRAME).
2 STEEL POST PER MANUFACTURER'S RECOMMENDATION
3 CONCRETE FOOTING PER MANUFACTURER'S RECOMMENDATION
4 COMPACTED SUBGRADE PER GEOTECH REPORT
5 FINISH GRADE



5 PICNIC TABLE 3 OR 4 PERSON

SCALE 3/4" = 1'-0"



MANUFACTURED BY: DOGROT
MODEL: #303-L
COLOR: GREEN
QUANTITY: 1

3 PET STATION

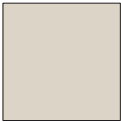
NTS



WILLOW GREEN



MISSION WHITE



KESTREL WHITE

1 CMU BLOCK



HUNTER



WHEAT

4 BENCH



HUNTER



CEDAR

5 TRASH RECEPTACLE



OUTBACK
DAVIS COLOR: #677

2 PRECAST CONCRETE CAP



3/4" SCREENED EXPRESS BROWN

3 DECOMPOSED GRANITE

PLANT LEGEND				
SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE/ GAL	MAINTENANCE NOTES
TREES				
	<i>Cercidium x Thesert Museumi</i>	Desert Museum Palo Verde	24" Box 2" CAL MIN.	STAKE AS REQUIRED. TRIM CANOPY TO 30% HEIGHT OF TREE.
	<i>Cercignone coccineo</i>	Thornless Coccineo	24" Box 2" CAL MIN.	STAKE AS REQUIRED. TRIM CANOPY TO 30% HEIGHT OF TREE.
	<i>Chilopsis linearis</i>	Desert Willow	24" Box 2" CAL MIN.	STAKE AS REQUIRED. TRIM CANOPY TO 30% HEIGHT OF TREE.
	<i>Olea europaea 'Wilsoni'</i>	Fruitless Olive	24" Box 2" CAL MIN.	STAKE AS REQUIRED. TRIM CANOPY TO 30% HEIGHT OF TREE.
	<i>Prosopis spp</i>	Thornless Mesquite Species	24" Box 2" CAL MIN.	STAKE AS REQUIRED. TRIM CANOPY TO 30% HEIGHT OF TREE.
	<i>Ulmus parvifolia</i>	Chinese Elm	24" Box 2" CAL MIN.	STAKE AS REQUIRED. TRIM CANOPY TO 30% HEIGHT OF TREE.
SHRUBS				
	<i>'La Jolla Bougainvillea'</i>	'La Jolla Bougainvillea'	5 GAL	PRUNE TO SHAPE AND CONTROL SPREAD.
	<i>Ceanothus pulcherrima</i>	Red Bird of Paradise	5 GAL	PRUNE TO SHAPE AND CONTROL SPREAD.
	<i>Calliandra eriophylla</i>	Fairy Duster	5 GAL	DO NOT SHEAR. INFREQUENTLY PRUNE TO SHAPE IF NECESSARY.
	<i>Dodonaea viscosa</i>	Hopseed Bush	5 GAL	DO NOT SHEAR. PRUNE TO SHAPE IF NECESSARY.
	<i>Eranophila maculata 'Valentine'</i>	Valentine Eru Bush	5 GAL	DO NOT SHEAR. PRUNE TO SHAPE IF NECESSARY.
	<i>Lantana x 'New Gold'</i>	Gold Lantana	1 GAL	PRUNE HARD EARLY SPRING AFTER FROST TO REJUVENATE.
	<i>Ruellia brittoniana</i>	Brittons Wild Petunia	5 GAL	PRUNE TO SHAPE WHEN NECESSARY. ANY TIME OF THE YEAR.
	<i>Ruellia brittoniana 'Kaler'</i>	Dwarf Ruellia	1 GAL	PRUNE HARD EARLY SPRING AFTER FROST TO REJUVENATE.
	<i>Tecoma alkata</i>	Orange Jubilee	5 GAL	PRUNE HARD IN WINTER TO CONTROL HEIGHT AND TO REINFORCE UPRIGHT CHARACTER.
	<i>Tecoma stans x 'Yellow Bells'</i>	Yellow Bells	5 GAL	PRUNE HARD IN WINTER TO CONTROL HEIGHT AND TO REINFORCE UPRIGHT CHARACTER.
ACCENTS				
	<i>Agave americana var. 'Majestica'</i>	Varegated Century Plant	5 GAL	REMOVE OFFSHOOTS WHEN NECESSARY.
	<i>Daylily quadrangulum</i>	Thornless Desert Spoon	5 GAL	REMOVE OLDER AND DEADDING LEAVES.
	<i>Echinocactus grusoni</i>	Golden Barrel Cactus	5 GAL	NO MAINTENANCE REQUIRED.
	<i>Hesperaloe parviflora</i>	Giant Hesperaloe	5 GAL	DO NOT SHEAR. REMOVE OLD FLOWER STALKS IN JUNE.
	<i>Hesperaloe parviflora</i>	Red Yucca	5 GAL	DO NOT SHEAR. REMOVE OLD FLOWER STALKS IN SUMMER.
	<i>Muhlenbergia capillaris 'Regal Mist'</i>	Regal Mist Muly	5 GAL	SHEAR TO GROUND IN WINTER AND REMOVE THATCH.
	<i>Muhlenbergia laetiflora 'Autumn Glow'</i>	Muhlenbergia's Muly	5 GAL	SHEAR TO GROUND IN LATE WINTER OR EARLY SPRING AND REMOVE THATCH.
GROUNDCOVERS				
	<i>Acacia robusta</i>	Tallied Acacia	1 GAL	NO PRUNING NECESSARY.
	<i>Eremophila gabra 'Mingnew Gold'</i>	Gold Eru Bush	1 GAL	SHEAR LIGHTLY AFTER FLOWERING IN EARLY MAY IF NECESSARY. CONTROL GROWTH BY REGULATING IRRIGATION SCHEDULE.
	<i>Lantana montevidensis</i>	Tallied Lantana	1 GAL	PRUNE HARD EARLY SPRING AFTER FROST TO REJUVENATE.
NATURAL TURF				
	<i>Melilot Sol</i>			SEE MONTHLY MAINTENANCE SCHEDULE.

DRIP IRRIGATION SCHEDULE FOR ESTABLISHED PLANTS

		SEASONAL FREQUENCY - DAYS BETWEEN WATERINGS					WATER TO GIVEN DEPTH	
TREES	DESERT ADAPTED	SPRING	SUMMER	FALL	WINTER	24" - 38"	24" - 38"	
		MAR - MAY	MAY - OCT	OCT - DEC	DEC - MAR			
SHRUBS	DESERT ADAPTED	14 - 30 Days	7 - 21 Days	7 - 12 Days	14 - 30 Days	14 - 30 Days	14 - 30 Days	
	DESERT ADAPTED	7 - 10 Days	7 - 21 Days	14 - 30 Days	30 - 45 Days	18" - 24"	18" - 24"	
GROUNDCOVERS	DESERT ADAPTED	7 - 10 Days	5 - 7 Days	7 - 10 Days	10 - 14 Days	18" - 24"	18" - 24"	
	DESERT ADAPTED	14 - 30 Days	7 - 21 Days	14 - 30 Days	21 - 45 Days	8" - 12"	8" - 12"	
CACTI & SUCCULENTS	DESERT ADAPTED	7 - 10 Days	2 - 5 Days	7 - 10 Days	10 - 14 Days	8" - 12"	8" - 12"	
	DESERT ADAPTED	21 - 45 Days	14 - 30 Days	21 - 45 Days	If Needed	8" - 12"	8" - 12"	

NOTE:
ALL PLANT AND TURF IRRIGATION INFORMATION WAS TAKEN FROM WATERSETWISELY.COM

TURF IRRIGATION SCHEDULE

		SEASONAL FREQUENCY - DAYS BETWEEN WATERINGS				WATER TO GIVEN DEPTH	
WARM SEASON GRASS - BERMUDA	SPRING MAR-APR	4 - 14 Days	3 - 5 Days	6 - 21 Days	15 - 30 Days	6" - 10"	6" - 10"
		4 - 14 Days	3 - 5 Days	6 - 21 Days	15 - 30 Days		
COOL SEASON GRASS - RYE	SPRING MAR-APR	3 - 7 Days	None	3 - 10 Days	7 - 14 Days	6" - 10"	6" - 10"
		3 - 7 Days	None	3 - 10 Days	7 - 14 Days		

LANDSCAPE MAINTENANCE INTENT

THE PLANT PALETTE FOR VERDE TRAILS WAS SELECTED FOR THE NATURAL CHARACTERISTICS OF EACH SPECIES, THE SIZE, TEXTURE, SEASONAL COLOR, AND SHAPE OF EACH PLANT ARE ALL INTEGRAL ELEMENTS TO THE LANDSCAPE DESIGN. TO ENSURE THAT THE INTEGRITY OF THE DESIGN IS MAINTAINED AND NATURAL CHARACTERISTICS OF THE PLANTS ARE PRESERVED, THE PROVIDED LANDSCAPE MAINTENANCE PROGRAM MUST BE IMPLEMENTED. IT IS RECOMMENDED THAT LANDSCAPE MAINTENANCE BE PERFORMED ON A REGULAR BASIS TO MAINTAIN THE NATURAL FORM AND SHAPE OF EACH PLANT. LANDSCAPE MAINTENANCE IS A CONTINUING PROCESS THAT WILL ENSURE SUFFICIENT FLOWERING DURING EACH SPECIES' FLOWERING SEASON, WHILE PROVIDING ENOUGH TIME BETWEEN PRUNING FOR THE PLANT TO REJUVENATE AND FLOURISH. BY IMPLEMENTING THIS LANDSCAPE MAINTENANCE PROGRAM, ANNUAL MAINTENANCE COSTS ON ALL SHRUBS AND GROUNDCOVERS SHOULD BE REDUCED WHILE BALANCING THE MAINTENANCE REQUIREMENTS FOR EACH MONTH. PLEASE REFER TO THE PLANT SCHEDULE FOR THE MAINTENANCE REQUIREMENTS OF EACH INDIVIDUAL PLANT.

MONTHLY MAINTENANCE SCHEDULE

JANUARY	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO.	
FEBRUARY	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. PRE-EMERGENT TO CONTROL WEEDS IN SPRING/EARLY SUMMER. APPLY ONCE FEB 25 - MARCH 15. PRUNE BOGANVILLEA, PARY DUSTER, HORSEBUSH, CREOSOTE, RIO BRAVO SAGE, BRITTONS WILD PETUNIA, BALA RUELLIA, AND JUBILEE IF NECESSARY. SHEAR REGAL MIST MOUNT, LINDHEIMER'S MOUNT, AND DEER GRASS MID FEBRUARY.	
MARCH	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. PRUNE ANTANNA TO 8" DIAMETER EARLY MARCH.	
APRIL	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. MOW GRASS 4" OR LESS TO ENCOURAGE TRANSITION FROM RYE TO SPRING BERMUDA GRASS.	
MAY	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. MOW GRASS TO 2" OR LESS WITH A REEL LAWN MOWER UNTIL OVERSEED DIES.	
JUNE	
LAWN MAINTENANCE: BERMUDA GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. MOW WHEN NEEDED. REMOVE THATCH AS ABOVE. APPLY IF NECESSARY FOR FOUR MONTHS. REPAIR SHEAR STALKS IN JULY. YUCCA AND GRANT PEPERIDGE TO BASE OF PLANT. DO NOT PRUNE SHEAR FOLAGE.	
JULY	
LAWN MAINTENANCE: BERMUDA GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. MOW AS NECESSARY.	
AUGUST	
LAWN MAINTENANCE: BERMUDA GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. MOW AS NECESSARY. MAINTAIN RECOMMENDED HEIGHT TO REDUCE STRESS DURING SUMMER MONTHS.	
SEPTEMBER	
LAWN MAINTENANCE: BERMUDA GRASS - DO NOT FERTILIZE. MOW TO MAXIMUM RECOMMENDED HEIGHT TO REDUCE STRESS DURING SUMMER MONTHS. TURN OFF IRRIGATION TO DRY ONE WEEK PRIOR TO SCALPING.	
OCTOBER	
LAWN MAINTENANCE: REINTRODUCTION OF PERENNIAL RYE GRASS - DURING THE FIRST WEEK OF OCTOBER DETATCH AND SCALP BERMUDA GRASS. REPAIR AND ADJUST ROTOR HEADS IF NECESSARY. PLANT PERENNIAL RYE GRASS. USE RATE OF 15 POUNDS TO 1,000 SQUARE FEET FOR QUANTITY OF SEED. ONLY FERTILIZE AFTER FIRST MOWING.	
NOVEMBER	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - WHEN OVERSEEDED RYE GRASS IS MINIMUM OF 2", MOW THE RYE GRASS NO LESS THAN 1.5". LOWER MOWER HEIGHT ONCE GRASS IS ESTABLISHED, OR WHEN EACH PLANT HAS AT LEAST 3 BLADES.	
DECEMBER	
LAWN MAINTENANCE: PERENNIAL RYE GRASS - FERTILIZE ONCE WITH A 3-1-2 RATIO. APPLY PRE-EMERGENT (SURREPLAN) IN ALL DECOMPOSED GRANITE PLANTING AREAS FOR WEED CONTROL.	

NOTES:
TRIM ALL TREES ONCE DURING THE SPRING MONTHS TO THIN CANOPY AND SHAPE. SOME SPECIES MAY REQUIRE ADDITIONAL PRUNING DURING WINTER AND FALL MONTHS IF OVERGROWN. MAINTAIN ACCESS TO DECOMPOSED GRANITE AREAS AT LEAST ONCE A MONTH. DO NOT SHEAR OR REMOVE HEALTHY LEAVES OF ACCENT PLANTS.

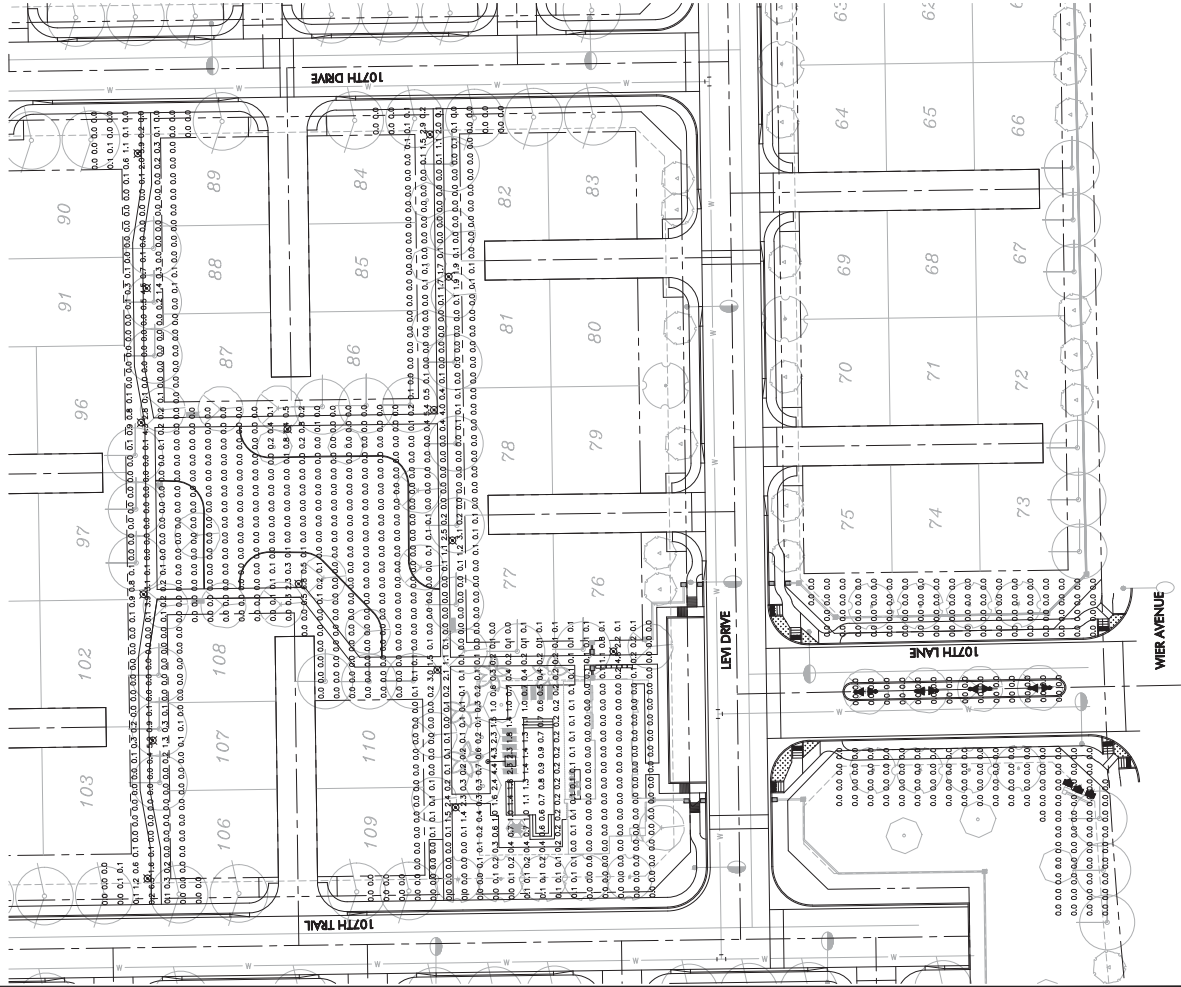


DATE:
10/15/2023
EXPIRES: 12/31/23
PRELIMINARY PLAT
SUBMITTAL
07/26/2023
PRELIMINARY PLAT
RESUBMITTAL

SHEET TITLE:
LANDSCAPE
MAINTENANCE
SCHEDULE

LA-401

VERDE TRAILS UNIT 1
PARCEL 6 - PHOTOMETRIC PLAN
AVONDALE, ARIZONA



CALCULATIONS

Pathway Lighting		Exterior Lighting	
916 points at z=0, sp. 8ft by 8ft			
HORIZONTAL FOOTCANDLES			
Average	0.2		
Maximum	6.8		
Minimum	0.0		
Avg:Min	N/A		
Max:Min	N/A		
Coef Var	3.11		
UnifGrad	N/A		

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LIGHT FIXTURE SCHEDULE									
SYMBOL	ID	MANUFACTURER	CATALOG #	VOLTS	LAMP(S)	LUMENS	CCT	MOUNTING QTY	CUT SHEET
	A	VISTA PROFESSIONAL LIT: HOULMAN ALT: PACIFIC	GM-SKA-730-U-SL-BZ	120-277	34W LED	4,879	3000K	15'	1 SHEET PH3
	B	VISORARE LIGHTING ALT: PACIFIC	EDS-1A-COG-20L-3-3K-UNV-4B-BZ-MD	120-277	23W LED	804	3000K	3'	15 ROLLAND LIGHT SHEET PH3
	C	VISTA PROFESSIONAL LIT: HOULMAN ALT: PACIFIC	GR-3106-02-13-W-WF	12	33W LED	686	3000K	GROUND	3 MONUMENT LIGHT SHEET PH3
	D	VISTA PROFESSIONAL LIT: HOULMAN ALT: PACIFIC	GR-3106-02-9.5-W-WF	12	10W LED	487	3000K	GROUND	8 SHEET PH3

NOTES:
1. CONTRACTOR SHALL VERIFY ALL QUANTITIES.
2. SHOP DRAWINGS FOR EQUAL ALTERNATE FIXTURES SHALL BE SUBMITTED TO ENGINEER FOR REVIEW AND APPROVAL.

Exhibit H

Certificates of Adequate School Facilities

Littleton Elementary School District

Tolleson Union High School District



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for Hillcrest has been submitted to the City of Avondale, Department & Engineering Services Department, for review.

Project: Hillcrest Assigned Planner: Ken Galica
Request: PAD Amendment Acreage/Parcel Size: Approx. 307 acres
Zoning: Existing PAD Proposed (if applicable): PAD
Density Allowed: _____ Density Proposed (if applicable): _____

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



If there is inadequate capacity, the District is currently working with the applicant/developer to provide or help provide adequate school facilities



No

Date Reviewed: 9/14/17
School District: Littleton 280
Authorized District Representative Name/Title: Roger Freeman, Supt.
Phone #: 623 478 5411
E-mail: rfreeman@littleton280.org
Signature: _____



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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Project: Hillcrest Assigned Planner: Ken Galica
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Zoning: Existing PAD Proposed (if applicable): PAD
Density Allowed: _____ Density Proposed (if applicable): _____

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: 12/11/17
School District: TOLLESON UNION
Authorized District Representative Name/Title: JEREMY CALLES, CFO
Phone #: 623-479-4003
E-mail: JEREMY.CALLES@TUSD.ORG
Signature: _____

CITY COUNCIL REPORT

SUBJECT: Public Hearing - Extra Space Storage - Conditional Use Permit - Application PL-21-0003

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.
-

PURPOSE:

City Council will hold a public hearing and consider a request by Paul Hedges (on behalf of Extra Space Storage), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) mini-storage personal warehouse use. The 2.28-acre subject property is located at the southwest corner of Indian School Road and Osborn Road. The Council will take appropriate action.

BACKGROUND:

The 2.28-acre subject property (Exhibits A, B, & C) is located at the southwest corner of Indian School Road and Osborn Road. The site is located within the North Avondale Specific Plan area. It is mostly rectangular in shape, relatively flat, undeveloped, and features no unusual physical characteristics.

The property was annexed in June 1981 and rezoned to Planned Area Development (PAD), part of the Palm Valley Avondale PAD (Exhibit B), on September 6, 1994. The approved Palm Valley PAD was unclear as to the permitted uses and development standards to be used to regulate development of the property; as such, the third amendment to the Palm Valley Development Agreement clarified that the subject property was to be developed with C-2 (Community Commercial) uses and development standards. Mini-storage warehouses and personal storage use requires zoning approval of a Conditional Use Permit (CUP) in the C-2 district and, by extension, the Palm Valley PAD as it applies to the subject site.

The property is designated by the General Plan 2030 Land Use Map as Local Commercial (Exhibit C). This land use category is primarily intended to provide for 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 residing in adjacent residential areas, which promotes a walkable community. The Palm Valley PAD'S C-2 zoning of this property is consistent with the Local Commercial designation.

The existing uses and zoning of surrounding properties include:

NORTH OF INDIAN SCHOOL ROAD: Litchfield Park Subdivision No. 15-A, a developed single-family residential subdivision located with Litchfield Park, zoned Medium Density Residential (R1-8).

EAST OF OSBORN ROAD: Coldwater Station, a commercial condominium complex containing retail, restaurant, office, and service uses on approximately three (3) acres. The Coldwater Station site is zoned Palm Valley Planned Area Development (PAD) with allowances for C-1 (Neighborhood Commercial) uses.

SOUTH: Multiple land uses are occurring south of the subject property. From east to west, these include:

- The Litchfield Park branch of the United States Postal Service (USPS). The 1.20-acre USPS parcel is zoned Palm Valley PAD with allowances for C-2 (Community Commercial) uses, though federal facilities (such as post offices) are exempt from local zoning regulations.
- Litchfield Park Plaza, a 7-building garden-style office complex on approximately 4.0 acres. The office complex property is zoned Palm Valley PAD with allowances for C-2 (Community Commercial) uses.

WEST: Over seven (7) acres of vacant/undeveloped land zoned Palm Valley PAD with allowances for C-2 (Community Commercial) uses. The undeveloped land consists of multiple parcels owned by the same entity (Little Guy Investments LLC).

SUMMARY OF REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow for operation of a mini-storage facility in the Palm Valley PAD (Exhibit E).

The proposed development will involve the construction of a two-story, 109,720 square foot mini-storage personal warehouse building with 900 square feet of attached office on 2.28 acres at the southwest corner of Indian School Road and Osborn Road (Exhibit F). A new driveway allowing full access to the site is proposed at the southeast corner of the property, along Osborn Road. The parking area will consist of ten (10) parking spaces for both employee and customer parking and two separate covered loading areas to facilitate movement of goods to and from the building. Because the City does not have a parking standard for mini-storage uses, the applicant has provided a parking demand study showing, during peak hours, a maximum of 6.99 vehicles will be parked on the site at any one time by customers and employees. Mini-storage personal warehouse businesses are a low traffic generating land use and will generate less traffic compared to the existing surrounding commercial developments including a post office facility.

All storage units will be accessed solely from within the climate-controlled facility with no exterior access to any unit provided. The proposed architecture is contemporary with a combination of stucco and metal panel exterior materials in desert earth tone colors, green cornices and accent trim for contrast. The building design uses both horizontal and vertical elements as well as material variation to break up the wall planes, rooflines, and overall building massing (Exhibit G). Low emittance lighting will be used for security purposes and will comply with the City's photometric requirements.

The proposed office hours of operation will be: 9:30 A.M. to 6:00 P.M. (Monday through Friday) and 9:30 A.M. to 5:30 P.M. on Saturday, with the office closed on Sunday. The proposed storage access hours of operation will be from 6:00 A.M. to 10:00 P.M. Monday through Sunday.

Following approval of the Conditional Use Permit, administrative approval of a Site Plan and Design Review application will be required to further evaluate and refine the proposed site design (including landscape design) and building architecture. Additionally, City Council approval of a Re-Plat (Final Plat), adjusting the property's west lot line to reflect the proposed site plan, will be required.

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, April 20, 2021. 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 at least fifteen (15) days prior to the meeting as required. In addition to City staff and the applicant's team, Councilmember Pat Dennis, Planning Commission Vice Chair Chris Thompson, Planning Commissioner Larry White, and resident Michael DiMaria attended the virtual meeting (Exhibit H). Discussion was primarily related to the following topics:

- **Zoning allowances for mini-storage use on this site:** The applicant responded that the site allows for C-2 (Community Commercial) uses and within the C-2 district mini-storage facilities are allowed subject to City Council consideration and approval of a Conditional Use Permit.
- **The proposed contemporary architecture of the building is in an area that is more Spanish Colonial:** The applicant responded that the developer and designer coordinated with City Staff on how best to meet the City's Commercial and Industrial Design Manual and that the building was designed and oriented to screen the operational side of the project.
- **Traffic impacts of this use and traffic generated by the Post Office adjacent to this site:** The applicant noted that mini-storage uses are one of the lowest traffic generating commercial use types. Further the traffic report indicated no improvements to adjacent streets are necessary to serve this site.
- **Need for additional mini-storage in the area and competitive advantages of the proposed site:** The applicant responded that while there are other storage facilities in the general area, many are not climate controlled. Their market analysis showed that an internal, secure facility, such as is proposed, is viable, especially given its proximity to Indian School Road. The applicant indicated customers prefer to have storage facilities nearer their homes and that many of the other storage options in the area have low vacancy rates. The applicant indicated that due to the restriction of direct access to Indian School Road this site is less suitable for many other commercial uses that demand better access.

Two (2) comments related to the proposal have been posted on the City's aVOICE digital forum in support of the project with one comment stating that while they are supportive, large trucks should be prohibited.

All required notifications for the Planning Commission and City Council public hearings were completed at least fifteen (15) days prior to the meeting as required 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. No additional comments have been received to date.

PLANNING COMMISSION ACTION:

On May 19, 2021, Planning Commission conducted a public hearing and voted 3-2 to recommend approval of the proposed Conditional Use Permit, which is recorded as a recommendation for denial. Although a majority of Commissioners present and voting voted in favor of the proposal, a minimum of four (4) affirmative votes are needed when only five (5) Commission members are present, in order to secure a recommendation for approval. Thus, in accordance with Planning Commission's rules of procedure the recommendation was

recorded as a recommendation for denial. Commission had the following questions or comments:

- Commissioner Osborne asked whether there are any two-story buildings in the immediate area around the subject site. Staff indicated that the retail to the north of this site is not true two-story structures, although the buildings have enhanced facades that give the appearance of being taller than one-story. Additionally, staff indicated the residential in Litchfield Park and in Avondale are a mix of one-story and two-story homes.
- Commissioner Osborne asked how many storage facilities currently exist within the City of Avondale. The applicant indicated that the facilities within the three (3) to five (5) mile market area are more than 90 percent occupied, but he did not have the final number on storage locations. Vice Chair Thompson indicated that he estimated there are five (5) storage facilities within five (5) miles of the subject property, but not all are located within Avondale.
- Chair Iwanski asked if the entire facility is climate controlled. The applicant responded the entire facility is climate controlled and designed for passive cooling, with specialty glass to maintain temperature at appropriate levels.
- Commissioner Osborne asked if there was a traffic study submitted with this project. Staff responded that a Traffic Impact Statement was provided with the application and was approved by the City's Traffic Engineer as not necessitating any off-site improvements to the adjacent streets due to the low traffic volume associated with this use.

ANALYSIS:

To grant a Conditional Use Permit, five (5) findings must be met as outlined in Zoning Ordinance Section 108.B. Each finding is presented below along with Staff's analysis.

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

The subject site is within the North Avondale Specific Plan area and is designated as Local Commercial by the General Plan. This land use category is intended to provide for 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 residing in adjacent residential areas, which promotes a walkable community. The proposed mini-storage use, a service use that meets a need of residents in the surrounding area, is consistent with the type of neighborhood-serving commercial uses desired in the Local Commercial designation.

Furthermore, Objective #1 of the North Avondale Specific Plan is to, "Facilitate the full buildout of North Avondale". The subject property has remained undeveloped for over 25 years since being zoned for commercial use as part of the Palm Valley PAD. Approval of this request, paving the way towards development of the site, will further this objective of the North Avondale Specific Plan.

The building's architectural design includes, stucco, masonry, and earth tone color schemes complementary with the surrounding built environment.

This finding has been met.

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

The adjacent uses include commercial uses at the east and south, with a small shopping mall containing various personal services and restaurants to the east, and a shopping plaza with a combination of personal services and medical and professional office uses to the south. Vacant land zoned for commercial use lies to the west, with single-family residential at the north.

Mini-storage personal warehouse uses, especially fully-enclosed storage facilities, are amongst the least impactful commercial uses in regards to traffic, noise, crime, and other factors that may be detrimental to nearby residents and businesses. The planned hours of operation (public access between 6:00 AM and 10:00 PM) will help ensure all loading and unloading activity occurs at a reasonable hour, minimizing potential noise impacts on existing homes or businesses in the vicinity even further.

This finding has been met.

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

Following approval of a Re-Plat to relocate the site's west lot line, the proposed new development will meet or exceed all applicable City of Avondale development standards including setbacks, landscape area, parking, and screening. Additionally, access to the site and on-site circulation has been reviewed by the City Traffic Engineer and found to be of sound design.

This finding has been met.

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

The subject property will enjoy full access to and from Osborn Road, a Minor Collector, at the east end of the site. As presently built, Osborn Road is designed to accommodate the traffic anticipated from the proposed mini-storage facility, a very low traffic generating use relative to other commercial uses.

This finding has been met.

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

Four (4) conditions of approval are recommended, two (2) of which are standard for development of this type (see "Conditions of Approval" section, below).

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

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

Condition #3 is a stipulation that there will be no sale or rental of any goods or materials from the rented units.

Condition #4 is a stipulation that this facility will prohibit the storage of hazardous or flammable materials within the facility.

This finding has been met.

DISCUSSION:

Planning Commission recommends denial of the request.

Staff recommends approval of the request for the following reasons:

1. The proposed land use meets the five (5) required findings for a CUP in Section 108.B.
2. Approval of the proposal will result in a development compatible with Local Commercial General Plan designation, the Palm Valley PAD, existing development in the area, and complies with the City's Commercial and Industrial Design Manual adopted in August 2019.
3. The proposed land use will not be detrimental to persons residing or working in the area, on adjacent properties, or to the public welfare in general.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and **APPROVE** Application PL-21-0003, a request for approval of a Conditional Use Permit to allow for the operation of Extra Space Storage mini-storage personal warehouse use at the southwest corner of Indian School Road and Osborn Road, subject to the following four (4) conditions of approval:

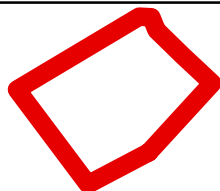
1. Development and use of the site shall conform to the Extra Space Storage Conditional Use Permit narrative and site plan date stamped February 22, 2021, and the building elevations date stamped May 4, 2021, attached to the staff report as Exhibits E, F, and G, respectively.
2. In accordance with Section 108 of the Zoning Ordinance, the Conditional Use Permit shall expire two (2) years from the date of approval if the use has not commenced.
3. The facility manager shall ensure that no unit is used as a point of sale for any goods, materials, or services.
4. The storage of hazardous or flammable materials within the facility shall be prohibited.

PROPOSED MOTION:

I move that City Council accept the findings and **APPROVE** Application PL-21-0003, a request for approval of a Conditional Use Permit to allow for the operation of Extra Space Storage mini-storage facility at the southwest corner of Indian School Road and Osborn Road, subject to the four (4) conditions of approval as listed in the staff report.

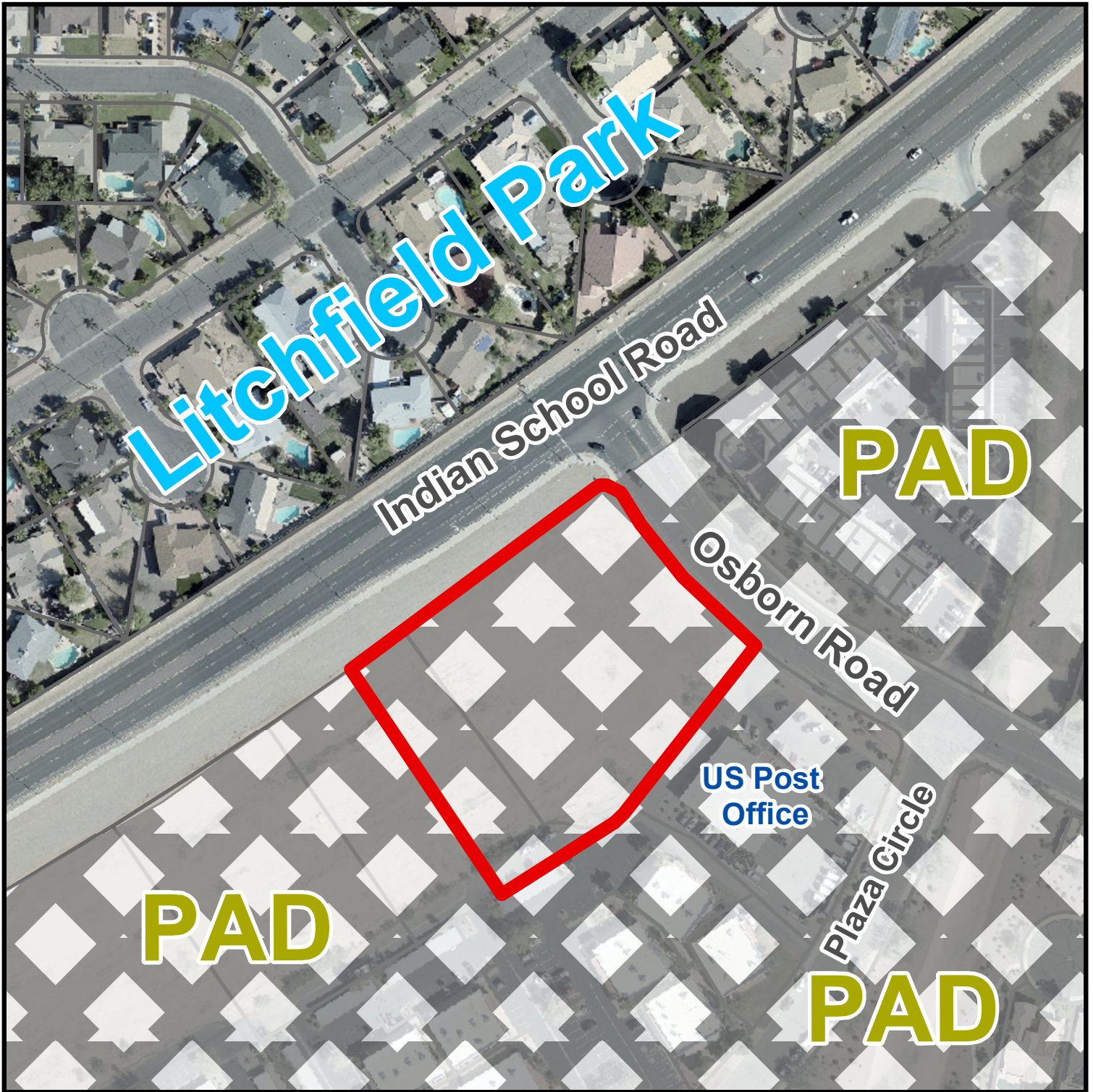


Aerial Photograph

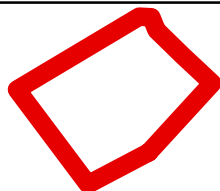


Project Location



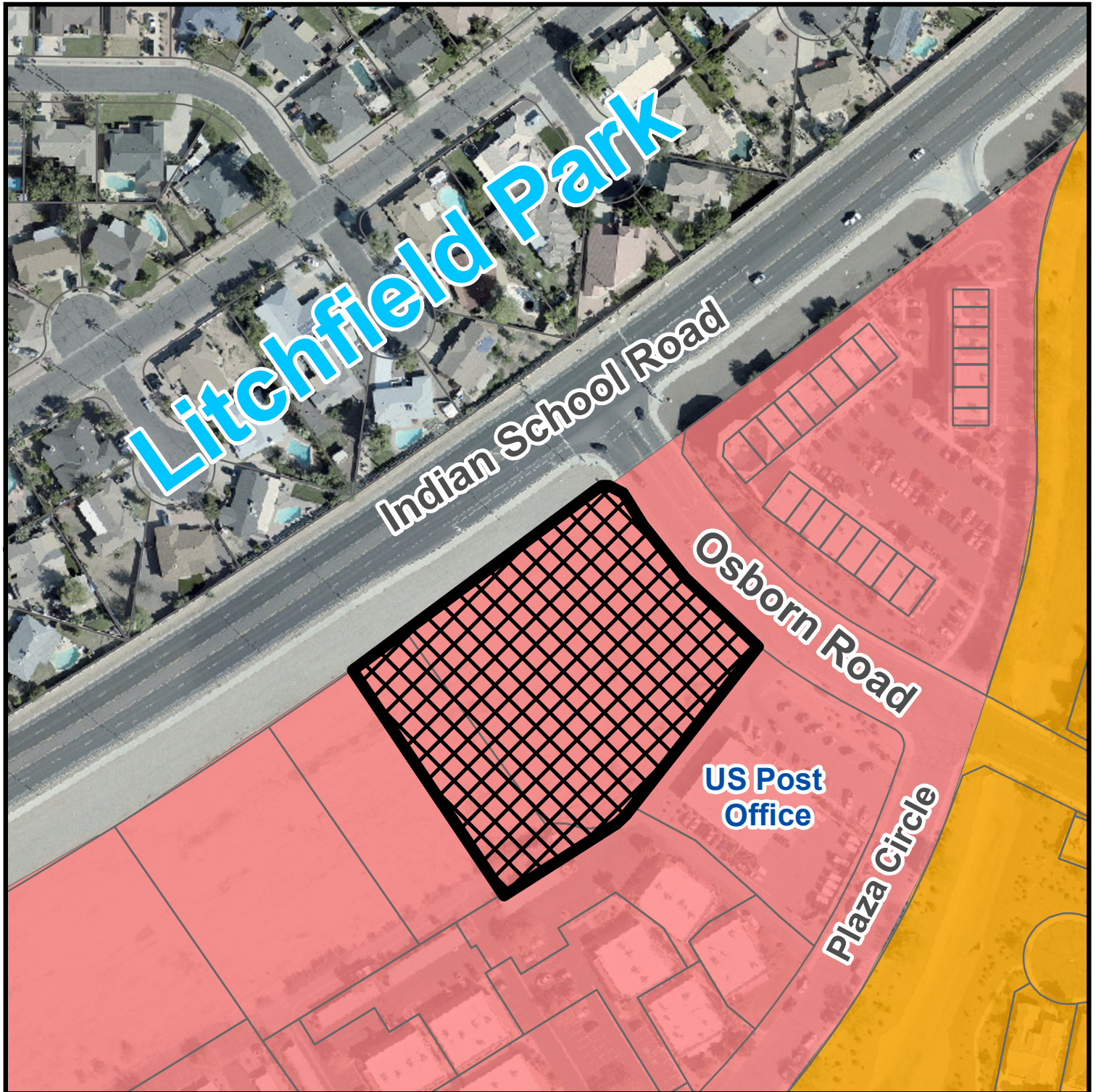


Zoning Vicinity Map



Project Location





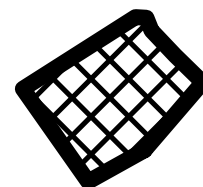
General Plan Land Use Map



Local Commercial



Medium Density Residential



Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-21-0003*

<i>THE PROPERTY</i>	
PROPERTY SIZE	Approximately 2.28 acres
LOCATION	Southwest corner Indian School Road and Osborn Road
PHYSICAL CHARACTERISTICS	The subject property is vacant, undeveloped and not in agricultural production.
GENERAL PLAN LAND USE DESIGNATION	Local Commercial. The Local Commercial designation provides for the daily needs of goods and services to residents within the surrounding area.
EXISTING ZONING	Palm Valley Avondale Planned Area Development (PAD)
ZONING HISTORY	The subject property was annexed in June 1981 and rezoned to Planned Area Development (PAD), part of the Palm Valley Avondale PAD, on September 6, 1994. The approved Palm Valley PAD was unclear as to the permitted uses and development standards to be used to regulate development of the property; as such, the third amendment to the Palm Valley Development Agreement clarified that the subject property was to be developed with C-2 (Community Commercial) uses and development standards.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH OF INDIAN SCHOOL ROAD	Litchfield Park Subdivision No. 15-A, a developed single-family residential subdivision located with Litchfield Park, zoned Medium Density Residential (R1-8).
EAST OF OSBORN ROAD	Coldwater Station, a commercial condominium complex containing retail, restaurant, office, and service uses on approximately three (3) acres. The Coldwater Station site is zoned Palm Valley Planned Area Development (PAD) with allowances for C-1 (Neighborhood Commercial) uses.
SOUTH	Multiple land uses are occurring south of the subject property. From east to west, these include: • The Litchfield Park branch of the United States Postal Service (USPS). The 1.20-acre USPS parcel is zoned Palm Valley PAD with allowances for C-2 (Community Commercial) uses, though federal facilities (such as post offices) are exempt from local zoning regulations. • Litchfield Park Plaza, a 7-building garden-style office complex on approximately 4.0 acres. The office complex property is zoned Palm Valley PAD with allowances for C-2 (Community Commercial) uses.
WEST	Over seven (7) acres of vacant/undeveloped land zoned Palm Valley

	PAD with allowances for C-2 (Community Commercial) uses. The undeveloped land consists of multiple parcels owned by the same entity (Little Guy Investments LLC).
--	---

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Litchfield Elementary School District (LESD) Agua Fria Union High School District
ELEMENTARY SCHOOL	Litchfield Elementary School, located at the southeast corner of Old Litchfield Road and Wigwam Boulevard in the City of Litchfield Park.
HIGH SCHOOL	Millennium High School, located at the northwest corner of Wigwam Boulevard and Park Avenue in the City of Litchfield Park.

<i>STREETS</i>	
Indian School Road	
Classification	Minor Arterial
Existing half street right-of-way	95 feet
Standard half street right-of-way	50 feet
Existing half street improvements	Two (2) travel lanes, eastbound to southbound right-turn lane approaching Osborn Road, half center turn lane, bike lane, curb, gutter, detached sidewalk, and streetlights
Standard half street improvements	Two (2) travel lanes, eastbound to southbound right-turn lane approaching Osborn Road, half center turn lane, bike lane, curb, gutter, detached sidewalk, streetlights, and landscaping
Osborn Road	
Classification	Minor Collector
Existing half-street ROW	40 feet
Standard half-street ROW	40 feet
Existing half-street improvements	One (1) through lane, bike lane, curb, gutter, attached sidewalk, and streetlights
Standard half-street improvements	One (1) through lane, half center turn lane, bike lane, curb, gutter, detached sidewalk, streetlights, and landscaping

<i>UTILITIES</i>
Liberty Utilities is the water and sewer provider for this parcel. Arizona Public Service (APS) provides electrical service to this area.

Exhibit E

Extra Space Storage CUP Narrative



February 18, 2021

Submitted Electronically February 22, 2021

City of Avondale
ATTN: Mr. Rick Caswell
Development & Engineering Service Dept
11465 W. Civic Center Drive, #110
Avondale, AZ. 85323

Subject: CUP Narrative for PL-20-0253_REVISION_1

Dear Mr. Caswell,

The proposed project is located at the Southwest corner of Indian School Road and Osborn Road in the City of Avondale. This request is for an approval of a Conditional Use application to allow a mini storage warehouse, currently named Extra Space Storage (subject to change), in the C-2 zoning. The project is consistent with the General Plan of the area. The project will serve as a buffer from the shopping center to the South and the single family residences to the North.

The hours of operation are assumed to be as follows:

Office

Monday through Friday	9:30am-6:00pm
Saturday	9:30am-5:30pm
Sunday	Closed

Storage Access Hours

Monday through Sunday 6:00am-10:00pm

The site is a proposed 2.28 acres with adequate area to ensure all development standards for the C-2 zoning are being met including landscaping, setbacks and building coverage. Two points of access are being proposed with the main entry/exit being located off of Osborn Road. A secondary Emergency Vehicle Access point is proposed off of the shared access to the South. Both of these points of entry are located away from the Indian School Road intersection by over 200 feet.

Traffic

The inherent low traffic generation of self storage will bode well for the area and present a much needed service to the surrounding area without the impacts on traffic or draw on emergency services. The volume of traffic (see Parking Demand Study included with this submittal) for the site is minimal and consists mostly of passenger vehicles and small, client-leased residential

moving vans (i.e. Uhaul). The omittance of noise, smoke, odor, dust, vibration and illumination is limited due to the circulation being blocked from the neighboring residential and Indian School Road.

The onsite circulation allows for the volume of traffic to be accommodated as well as access for emergency services vehicles with knox devices for gate operations. Security gates located at the entrances will require clientele to input their personal code to enter and exit the facility. These gates leave plenty of stacking room to ensure that there is no traffic back up onto Osborn. Currently, office hours are planned to be 8am to 6pm with access hours being the same.

Design

The building has been designed to screen all loading operations from the rights-of-way and surrounding residences. This includes the screening of security lighting needed in the areas of circulation as the building will mass will restrict spill over to the to the residences to the North. Low emittance lighting will be used for security purposes and accent lighting will be utilized at the office during off hours and will not spill over onto adjacent properties.

The faux units facing Indian School Road will have low wattage accent lighting that will be placed on a timer and set to turn off around 9 or 10pm.

The design team has utilized both horizontal and vertical building articulation as well as varying materials to add to the character of the structure. The use of high-end architectural materials will ensure the project is not only delivered looking good, but that it remains so throughout the life of the facility. The materials selected can withstand the elements while being environmentally conscious.

Low Impact Development

The site is proposing drought tolerant landscaping that will drastically reduce the need for irrigation that results in urban runoff.

Findings Subject pursuant to Sections 108.B and 305.D of the Zoning Ordinance

Section 108.B

1. The proposed use is consistent with the land use designation set forth in the General Plan and will further the objectives for development with a needed service in the area of an underserved market. The architecture will ensure that the character of the surrounding area is met.
2. The use will be compatible with adjacent land uses and will not be detrimental to persons either living or working in the surrounding area. Due to its low traffic and quiet nature, it will serve as a buffer to the neighboring residential to the North and the traffic of the commercial center to the South.
3. The site is adequate in size and shape to accommodate the use, its circulation and exceed the development standards for the C-2 zone.

4. The site has appropriate primary access from Osborn and allows the low-traffic for the use to access the site safely. The onsite gates provide adequate stacking and staging so as not to impact the ROW.
5. All conditions have been accounted for in the design of this facility. Our firm has designed thousands of facilities nationwide and are aware of the pitfalls to avoid and the required items to ensure a safe, successful development.

Section 305.D

1. *No storage doors have been proposed on the exterior of the building. All units will be internally loaded.*
2. *There will be no sale or rental of any goods or materials from the rented units. The office will have a small retail section for the purchase of locks and packing supplies. The operator will also offer insurance to its tenants.*
3. *This facility will prohibit the storage of hazardous or flammable materials.*
4. *The project will comply with setback standards.*
5. *The building currently wraps the North and West property lines. The Eastern property line does not propose a site wall at this time. The Southern property line will propose a 6' wall in compliance with this section.*

If you should have any additional questions or comments, please do not hesitate to ask. Thank you for your time and consideration.



David Meinecke
Vice President



February 18, 2021

City of Avondale
Development & Engineering Services Department
ATTN: Rick Casswell
11465 West Civic Center Drive
Avondale, AZ 85323

Subject: Parking Demand Study

Dear Mr. Casswell,

Jordan Architects draws upon over 35 years of self storage, industry-specific knowledge with over 3,000 facilities designed nationwide. In our experience we have seen a variety of project types and an even greater variety of jurisdictional requirements. It is our intention with this letter to provide some additional insight to the use of self storage, its traffic generation and the parking needed.

This project consists of the construction of a new storage facility located at Indian School Road and Osborn Road in the Town of Avondale, Arizona. The project is a state-of-the-art, neighborhood-oriented facility comprised of a 900 square foot management office and 109,720 gross square feet (approximately 82,300 net rentable square feet) of self-storage located within one, two-story building. The following is an analysis of the traffic and subsequent parking needed to adequately serve the project.

Professional management personnel for the self storage facility will be on site during regular business hours. Office hours are tentatively scheduled from 9:30 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:30 p.m. Saturday and closed on Sundays. The security gate access for established self storage customers with current account status will be from 6:00 a.m. to 10:00 p.m., 7 days-a-week.

Project Details

Self Storage:	± 109,720 gross sq. ft.
Office:	± 900 gross sq. ft.
Total Gross Storage Building Area:	± 110,620 gross sq. ft. (±82,300 net rentable)

Traffic Statistics

Due to its inherent nature, low traffic frequency and unique clientele, self-storage parking needs are significantly less than traditional warehouse, storage and other manufacturing uses. Self storage as a land use generates the lowest level of traffic compared to commercial, retail, office or industrial projects. According to the ITE 10th Edition Trip Generation Manual, the use of “mini warehouse” would generate trips at a rate of 0.10 AM trips/TSF, 0.17 PM trips/TSF and 1.51 ADT/TSF.

Trip Generation Rate

“Mini Warehouse” trip generation rate is 1.51 trips/1000 square feet of net rentable area.

Self Storage: $82,300 / 1000 = 82.3 \times 1.51 = 124.27$ trips/24 hrs
Total trips **125** **trips/24 hrs**

Peak Hours

The peak AM hour for self storage is 0.10 of the total trips/24hours. In this case that is 8.23 trips per peak AM hour, while the peak PM hour is 0.17 or 13.99 trips per peak PM hour.

Distribution of Traffic and Onsite Parking

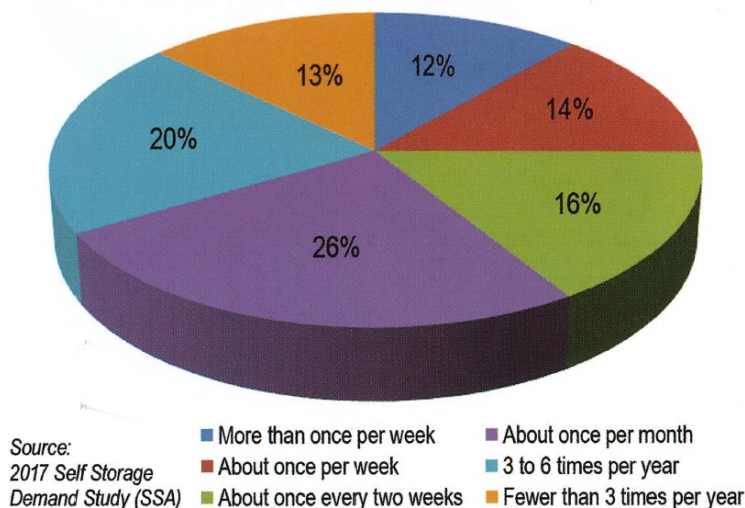
Since the peak AM and PM hours are expressed in “trips” which indicates an entry and an exit of a vehicle the actual combined onsite parking demand is half of the peak AM and PM trip rate, or in this case;

- **AM Peak hour 4.12 vehicles on site per hour.**
- **PM Peak hour 6.99 vehicles on site per hour.**

Given the above information, it would be reasonable to provide 7 parking spaces for the project to accommodate the peak PM hours' onsite traffic. The current site plan contains 10 spaces.

For self storage, it is also worth noting that approximately 74% of tenants access their unit less than **once a week** as indicated in the chart below (from the *2018 Self Storage Almanac*):

Chart 6.8 – Customer Visits to Unit



It is our opinion that the spaces provided are adequate for this project based upon the information above. If you should require additional documentation regarding the above findings, please do not hesitate to ask.

Thank you for your time and consideration.

David Meinecke | Jordan Architects, Inc.

Exhibit F

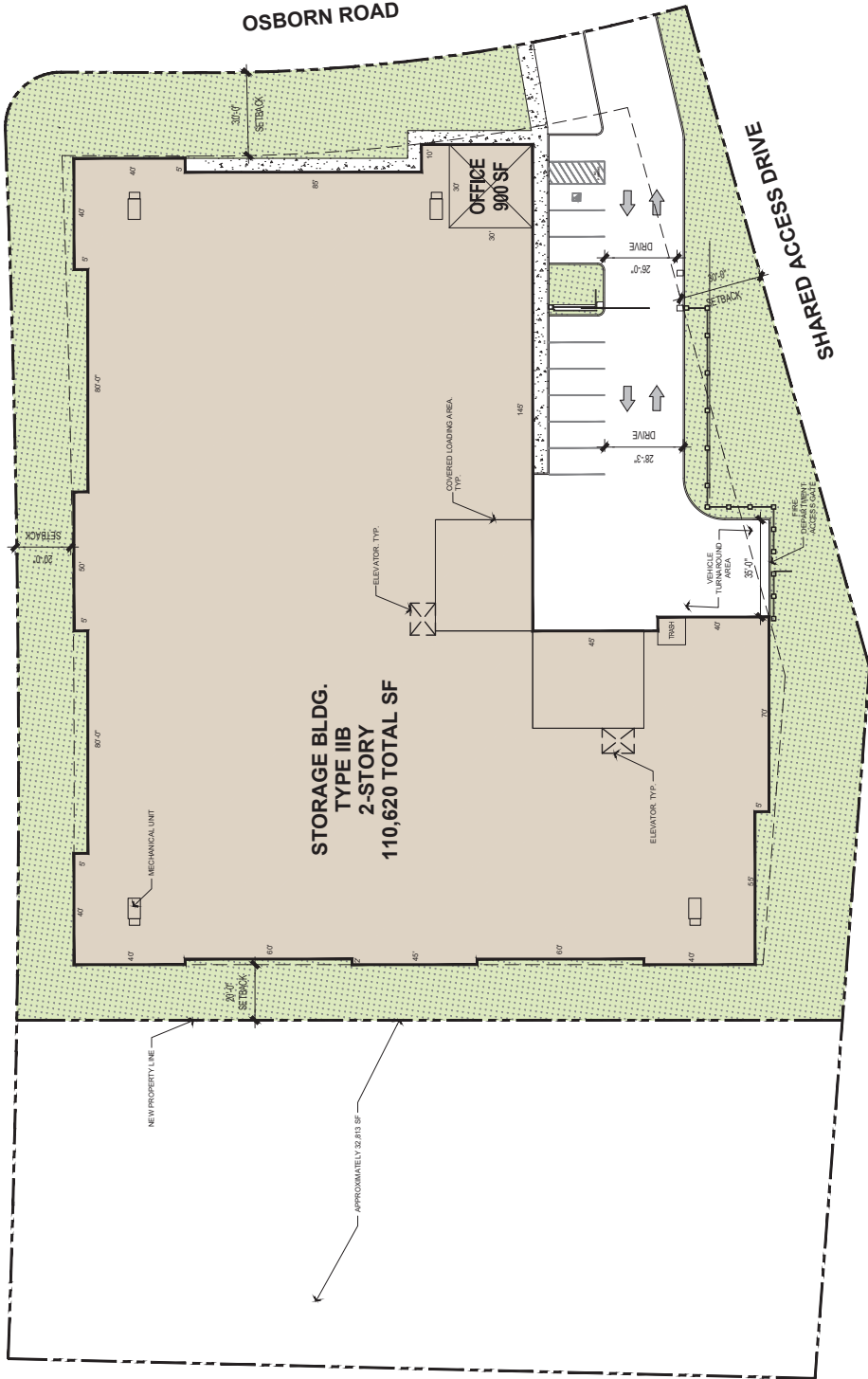
Extra Space Storage Site Plan

Submitted Electronically
February 22, 2021

INDIAN SCHOOL ROAD

SITE DATA			
LOT AREA	135,973	SQ. FT.	ACRES
ADJUSTED LOT AREA	99,192	SQ. FT.	ACRES
LANDSCAPED AREA	28,952	SQ. FT.	
PARKING SPACES PROVIDED			
STANDARDS ACCESSIBLE	9		
TOTAL	10		
BUILDING AREA TABULATIONS (Square Feet)			
BUILDING A	SELF STORAGE	OFFICE	TOTAL
1ST FLOOR	53,010	900	53,910
2ND FLOOR	56,710		56,710
TOTAL AREA:	109,720		110,620

ESTIMATED NET RENTABLE @ 95% 82,275 SQ. FT.
BUILDING CONSTRUCTION TYPE: IIB
OCCUPANCY CLASSIFICATION: S-1, TOP STORAGE IN NOT GREATER THAN 8'
BUILDINGS ARE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13.



SITE PLAN

JOB NUMBER: 20-1103
SCALE: 1"=40'-0"
DATE: 02/18/2021

EXTRA SPACE STORAGE AVONDALE, AZ

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SHEET A1

Exhibit G

Extra Space Storage Building Elevations
and Conceptual Renderings



EXTRA SPACE STORAGE AVONDALE, AZ

RENDERING

JOB NUMBER: 20-1103
SCALE: N.T.S.
DATE: 05/04/2021



SHEET A7



EXTRA SPACE STORAGE
AVONDALE, AZ

RENDERING

ja

JORDAN
ARCHITECTS
131 CALLE IGLESIA SUITE 100
SAN CLEMENTE, CA 92672
949.388.8090

JOB NUMBER: 20-1103
SCALE: N.T.S.
DATE: 05/04/2021

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EXTRA SPACE STORAGE PRELIMINARY ELEVATIONS

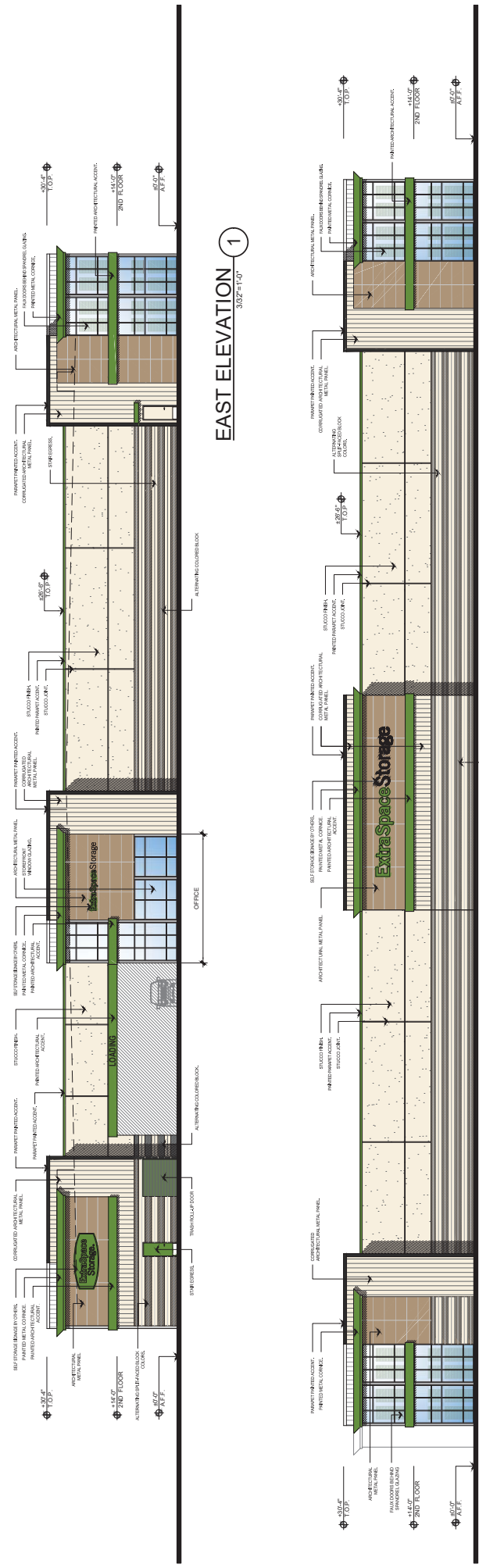
AVONDALE, AZ



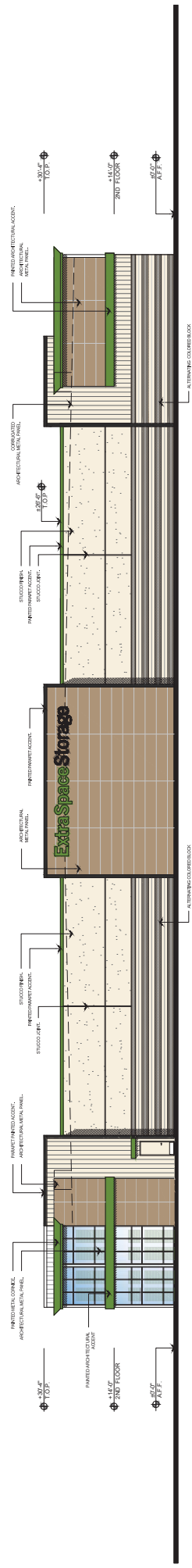
JORDAN
ARCHITECTS
131 CALLE GIESIA SUITE 100
SAN CLEMENTE, CA 92672
949.388.8090

JOB NUMBER: 20-1103
SCALE: 3/32"=1'-0"
DATE: 05/04/2021

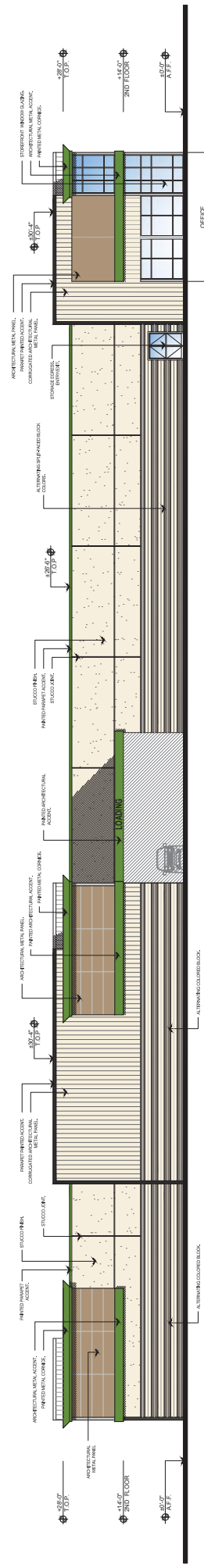
SHEET A5



MATERIAL/COLOR LEGEND		KEYPLAN
	ARCHITECTURAL METAL PANEL MANUFACTURER: SHERWIN WILLIAMS COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	
	CORRUGATED METAL PANEL MANUFACTURER: SHERWIN WILLIAMS COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	
	STUCCO MANUFACTURER: SHERWIN WILLIAMS COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	
	ACCENT BAND MANUFACTURER: SHERWIN WILLIAMS COLOR: TROPIC BLACK (OR APPROVED EQUAL)	
	COMBI-ADJACENT MANUFACTURER: SHERWIN WILLIAMS COLOR: VANGUARD GREEN (OR APPROVED EQUAL)	
	CLAU BLOCK MANUFACTURER: SHERWIN WILLIAMS COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	
	CLAU BLOCK MANUFACTURER: SHERWIN WILLIAMS COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	



WEST ELEVATION 1
3.32' = 1'-0"



SOUTH ELEVATION 2
3.32' = 1'-0"

MATERIAL/COLOR LEGEND		KEYPLAN	
ARCHITECTURAL METAL PANEL COLOR: CAPTAIN'S BROWN (OR APPROVED EQUAL)	CORRUGATED METAL PANEL COLOR: CAPTAIN'S BROWN (OR APPROVED EQUAL)	CAUL BLOCK MANUFACTURER: DICK BLOCK CONGRUENT COLOR SCHEDULE (OR APPROVED EQUAL)	KEYPLAN
ACCENT BAND MANUFACTURER: SHERMAN WILLIAMS COLOR: EXTRA SPACE SW 6528 (OR APPROVED EQUAL)	STUCCO MANUFACTURER: SHERMAN WILLIAMS COLOR: CAPTAIN'S BROWN (OR APPROVED EQUAL)	CAUL BLOCK MANUFACTURER: DICK BLOCK CONGRUENT COLOR SCHEDULE (OR APPROVED EQUAL)	
CORNER/ACCENT COLOR: EXTRA SPACE SW 6528 (OR APPROVED EQUAL)	ARCHITECTURAL METAL PANEL COLOR: CAPTAIN'S BROWN (OR APPROVED EQUAL)	CAUL BLOCK MANUFACTURER: DICK BLOCK CONGRUENT COLOR SCHEDULE (OR APPROVED EQUAL)	

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EXTRA SPACE STORAGE

PRELIMINARY ELEVATIONS

AVONDALE, AZ

JOB NUMBER: 20-103
 SCALE: 3/32" = 1'-0"
 DATE: 05/04/2021

SHEET A6

Exhibit H

Neighborhood Meeting Summary
Extra Space Storage



April 21, 2021

Mr. Brian Craig
Planning Manager
Development & Engineering Services Dept.
Planning Division
City of Avondale
11465 W. Civic Center Drive
Avondale, AZ. 85323

Subject: Neighborhood Meeting Notes

Dear Mr. Craig,

Please see the below summary of the Neighborhood Meeting that took place on Tuesday, April 20th, 2021 at 6pm. Thank you for the help in facilitating this meeting.

Neighborhood Meeting
April 20, 2021 at 6pm via Zoom

Link to audio recording of Zoom meeting:

<https://www.dropbox.com/sh/f91x1fsg6rn09dq/AAD-PEIORP-mOvUImUpKeVjBa?dl=0>

Attendees

Paul Hedges (PH) – Owner/Applicant
Dawson Hedges (DH) – Owner/Applicant
David Meinecke (DM) – Architect
Brian Craig (BC) – Planning Manager
Patricia Dennis (PD) – Councilmember
Chris Thompson (CT) – Planning Commissioner Vice Chair
Larry White (LW) – Planning Commissioner
Michael DiMaria (MD) - Citizen

Michael DiMaria

- Questioned if zoning allows for this use. Both BC and DM state that the project is a conditionally permitted use to allow for discretionary input in the approval process.
 - o The site has drawn little commercial interest
- Concerned that the project's industrial/modern design is in conflict with the surrounding "Spanish Colonial Revival" theme. DM explains that the applicant and architect worked within the parameters of the design guidelines and with staff to develop the proposed theme.

- In general, MD would like to see the project blend more with its surroundings.

Patricia Dennis

- PD also would like to see the project blend better with its surroundings.
- PD asked BC to read what the acceptable uses are in the zone
- PD is concerned with the traffic line up for the adjacent post office
 - o DM reviews the traffic stats from the presentation and talks about the vehicle stacking that is allowed in front of the gate

Chris Thompson

- CT was involved in an accident at the corner of Indian School and Osborn
- Concerned about the traffic around the post office.
 - o DM reviews the traffic stats and contrasts it with other potential uses that would exasperate the traffic problems

Larry White

- LT mainly addressed the fact that there are other competitors in the market area and the market may not support another facility
 - o DM explains how storage works, its growing popularity amongst users from the public, businesses, and government
 - o Market area is elongated due to the fact it is located on a major thoroughfare enroute to the freeway.

Following the meeting, discussion about potentially changing the colors may help to soften the image of the building within the surrounding area.

CITY COUNCIL REPORT

SUBJECT: Public Hearing - Resolution 1053-0621- Cerro Vista - Minor General Plan Amendment - Application PL-18-0079

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.
-

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Resolution 1053-0621, approving a request by Virtua Avondale Eleven Owner, LLC, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Cerro Vista, a proposed high-density multi-family residential development with 249 units on 11.51 gross acres located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street. The request is to amend the General Plan Land Use Map from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre). City Council will consider a concurrent request to rezone the property from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4). The Council will take appropriate action.

BACKGROUND:

The 11.51-acre subject site (Exhibits A, B, and C) was annexed into the City in June 1978 as part of a larger annexation. Records indicate the westernmost 10.27 acres of the subject site were initially given an equivalent zoning of Agricultural (AG) while the easternmost 1.24 acres were given an equivalent zoning of Community Commercial (C-2). The zoning on the site has not changed since annexation in 1978. The subject site is vacant and is currently used for farming purposes.

The property is presently designated by the General Plan 2030 Land Use Map as Urban Residential (UR). The UR designation accommodates residential development exceeding 30 units per acre, served by underground or structured parking. The applicant is requesting a Minor General Plan Amendment to change the Land Use designation of the property to High Density Residential (HDR), allowing the property to be developed at a lower density than currently allowed. The requested HDR designation allows for development

of multi-family residential including patio homes, apartments, condominiums, and townhomes with a density of 12 to 30 dwelling units per acre with a target density of 12 units per acre. There is no structured or underground parking requirement in the HDR designation.

Cerro Vista lies within the boundaries of the Freeway Corridor Specific Plan (FCSP). The primary goal of the FCSP is to ensure new development is pedestrian/bicycle-friendly, enhances the City's appearance from the freeway, provides a seamless transition between The BLVD and the Freeway Corridor area, establishes specifications for planned improvements projects, and minimizes visible warehouse uses that compromise the aesthetic character of the area.

The existing uses and zoning of the surrounding properties are as follows:

NORTH: Approximately 25.46 acres of vacant and undeveloped property zoned Agricultural (AG) and in agricultural production. An application for a Minor General Plan Amendment and Rezoning of the property to accommodate light industrial development of the site has been submitted and is in review by the City.

EAST: An approximately 7.9-acre property zoned Community Commercial (C-2) and developed with River Crossing mini-storage/RV storage. Conditional Use Permit and Site Plan and Design Review applications permitting the expansion of the facility with additional indoor storage space on the currently undeveloped portion of the site was approved in 2020. Construction of the expansion has not yet started.

SOUTH OF VAN BUREN STREET: Multiple uses are occurring south of the site across Van Buren Street. From east to west, these include:

- Coldwater Springs Apartments, a 301-unit garden-style multi-family residential community on 16.47 acres zoned Coldwater Springs Planned Area Development (PAD). The Coldwater Springs PAD identifies the property for multi-family residential use.
- An approximate 12-acre parcel which is undeveloped and not presently in agricultural production. The undeveloped parcel is zoned Coldwater Springs Planned Area Development (PAD) which allows for development of the property in accordance with the Community Commercial (C-2) district.

WEST: A 4.59-acre property, zoned Agricultural (AG), developed with a single-family residence. The undeveloped portion of the property is in active agricultural production.

SUMMARY OF REQUEST:

The applicant is requesting a Minor General Plan Amendment (Exhibit E) to change the Land Use designation of the 11.51-acre subject property from Urban Residential (UR) to High Density Residential (HDR). As noted above, the property's existing UR designation requires development of the site with a minimum of 30 units per acre, served by structured or underground parking. The proposed amendment to HDR, a category that allows between 12 and 30 units per acre consisting of apartments, townhomes, and the like, will allow the property to be developed with Cerro Vista, a planned 249-unit multi-family residential apartment community with a density of 23.94 units per acre, a lower density than what is required under the existing UR designation.

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 site from Agricultural (AG) and Commercial (C-2) to Multi-Family Residential (R-4) is being considered on the same schedule. The staff report for the rezoning application of this project includes additional details on the project's proposed design, including site planning, open space, and architecture.

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).

LESD does not assign students to elementary schools based upon geographical location. As such, elementary age students living in Cerro Vista will have an opportunity to choose which school they will attend within the LESD system. Collier Elementary School, located internal to the Coldwater Springs community at 350 S. 118th Avenue, is the nearest LESD school to the project site. High school students will attend La Joya Community High School located at 11650 W. Whyman Avenue.

TUHSD has provided the City with a Certificate of Adequate School Facilities confirming that the district has adequate facilities to support enrollment generated by the proposed development, whereas LESD has indicated there is not adequate capacity, but the district and developer of Cerro Vista executed an impact agreement, dated March 12, 2019, that will provide the district with needed funds to offset the impact of the development (Exhibit G).

There is an existing public charter school east of this proposed development and another public charter school is planned southwest of this project.

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, April 22, 2021. 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 at least fifteen (15) days prior to the meeting as required. In addition to City Staff and the applicant's team, Vice Mayor Veronica Malone, Councilmember Pat Dennis, and Planning Commissioner Larry White attended the virtual meeting (Exhibit F). Discussion was primarily related to the following topics:

- ***How much of the project is currently zoned for commercial:*** The applicant responded it is about 1-acre of the overall project, the remainder is zoned Agricultural (AG).
- ***What is the current ratio of multi-family to single-family in Avondale:*** The applicant responded that the information is not currently available. Staff responded the information would be researched and prepared for future discussion at Planning Commission and City Council. The City's existing/planned/under construction multi-family residential is approximately 18.8% of total residential uses.
- ***Who will be the builder of this project:*** The applicant responded that they are both the developer and builder of the project and will likely contract with Morgan Construction to construct the project.
- ***What is the reasoning behind the buildings stepping down from 3-stories to 2-stories from Van Buren Street to the north:*** The applicant indicated the goal is an urban-feel fronting Van Buren Street to give brownstone look and feel at the street. It was also noted that commercial property is located across Van Buren Street to the south.
- ***Will there be garages and covered parking:*** The applicant responded garage and covered parking is being provided and will be in compliance with the Avondale requirements.
- ***When is Corporate Drive on the north side of this project being developed:*** Staff responded that Corporate Drive is a Minor Collector and will be partially constructed by the Fairway 10 project to the north (formerly called Avondale 50); Fairway 10 will be responsible for construct two (2) of the three (3) lanes planned. Cerro Vista will be responsible for half-street improvements adjacent to their site, which includes one (1) lane of paving and associated landscaping and other improvements from the project's

eastern boundary to the site's western edge.

- ***Will there be a deceleration lane on Van Buren into the project:*** Staff responded that a deceleration turn lane is included in the traffic report and will be required.
- ***How can the City improve safety of trail users on the multi-use trail that fronts this project on Van Buren Street:*** Staff responded that signage for trail users and for vehicles entering and exiting the project site may be appropriate and can be evaluated.

Three (3) comments related to the proposal have been posted on the City's aVOICE digital forum. One comment was in favor of the project, the other two (2) comments were expressions of concern for the impact on the school capacity, traffic impacts, and availability of affordable housing in the area. The comments are listed below:

- "Build it"
- "I sure hope that the developer is paying enough impact taxes to build all the schools that will be needed for all these housing units!!! Everywhere I look in Avondale we are putting up multi-family units and huge apartment complexes that will have a detrimental effect on our school costs and traffic. Just make sure they are paying enough to cover the costs of the extra schools or classrooms that will be needed to support this growth!!"
- "There should be some units for lower income families. Units should be less than a \$1000 per month. Several families in Goodyear are trying to survive on minimum wage salaries and cannot afford a home in Goodyear. We also need to build units for homeless vets."

All required notification for the Planning Commission and City Council public hearings were completed at least fifteen (15) days prior to the meetings as required 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. No additional public comments beyond what is noted above have been received to date.

PLANNING COMMISSION ACTION:

On May 19, 2021, Planning Commission conducted a public hearing and voted 5-0 to recommend approval of the proposed Minor General Plan Amendment. Commission had the following question:

- Vice Chair Thompson asked for clarification on the Littleton Elementary School District (LESD) impact agreement. The applicant responded that the developer will pay a large stipend to help facilitate future school construction.

ANALYSIS:

City Council must determine that the proposed amendment meets four (4) findings prior to approving the proposed General Plan Amendment. Staff's analysis of each of the required findings is presented below.

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

- The property's Urban Residential land use designation is a part of the transit-oriented development land uses intended for higher density residential of 30+ dwelling units per acre that supports business park, high intensity office, and The BLVD developments. The proposed multi-family residential development meets the intent of the Urban Residential land use; however, the density is lower at 23.94 du/ac, requiring a minor General Plan amendment to a High Density Residential land use. The development is designed as an urban residential style development and provides higher density for the

surrounding employment area meeting the vision of the General Plan.

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.

- Amending the General Plan to allow for High Density Residential, a reduction of 6.06 dwelling units per acre from the minimum required in Urban Residential, makes the subject site marketable and compatible with the surrounding employment area. The development standards of the R-4 (Multi-Family Residential) zoning district and design standards within the City's Multi-Family Design Manual will ensure that the development maintains an urban residential feel given the site's proximity to The BLVD.

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.

- At 11.51 acres, the re-designation of the property from Urban Residential to High Density Residential, both of which call for development of high-density residential uses, will not significantly alter acceptable land use patterns or adversely impact existing land uses.
- The property is currently served by existing infrastructure and surrounded by properties receiving various levels of City services. Amending the land use map to High Density Residential, lowering density of development, will reduce water and sewer demand from the property. Furthermore, any infrastructure improvements required to serve the proposed development will be constructed by the developer at their cost.
- The reduction of allowed density from Urban Residential to a High Density Residential land use designation will not adversely impact surrounding land uses.

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

The proposed amendment is consistent with several goals of the General Plan 2030 and the FCSP, such as:

General Plan

- 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". Cerro Vista will provide a high density, quality community that will be compatible with and support the surrounding employment, commercial, and residential uses.
- 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". Cerro Vista proposes an urban living community that is unique to the City of Avondale. The project's urban design concept will create a sense of place through site and building design, open space, and amenities. Cerro Vista residents are intended to be new professionals, small families, and empty-nesters looking for a vibrant community to live in.
- Housing Element Goal #4, Policy's A, B, C, and D "Require excellence and innovation in residential design and construction". The Cerro Vista PAD incorporates a number of the City's Design Review Manual standards to create a layout with ample open space and recreation areas containing amenities

and trails throughout. Buildings are oriented on the perimeter to front public rights-of-way reducing views of surface parking and creating an urban feel. This building orientation allows the core of the site to be developed with a clubhouse and other amenities, while maintaining an urban residential streetscape along Van Buren Street and the future Corporate Drive alignment.

- Recreational Amenities Element, Goal 4 “Create shared use linkages throughout the community in order to support a healthy lifestyle”. With the development of the Van Buren Street Trail, Cerro Vista will provide the necessary access for shared connections to the City and other transit modes along Van Buren Street.

Freeway Corridor Specific Plan (FCSP)

- Growth Area Element, Goal #4 “Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community”. The Cerro Vista development ensures residents will have full access to pedestrian and bike paths for work, recreation, or access to services with the development of the Van Buren Trail.

DISCUSSION:

Staff finds this request meets the four (4) required findings and recommends approval of the proposed Minor General Plan Amendment.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and **APPROVE** Application PL-18-0079 Cerro Vista, a request for a Minor Amendment to the General Plan 2030 Land Use Map Designation from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre).

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-18-0079 Cerro Vista, a request for a Minor Amendment to the General Plan 2030 Land Use Map Designation from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre).

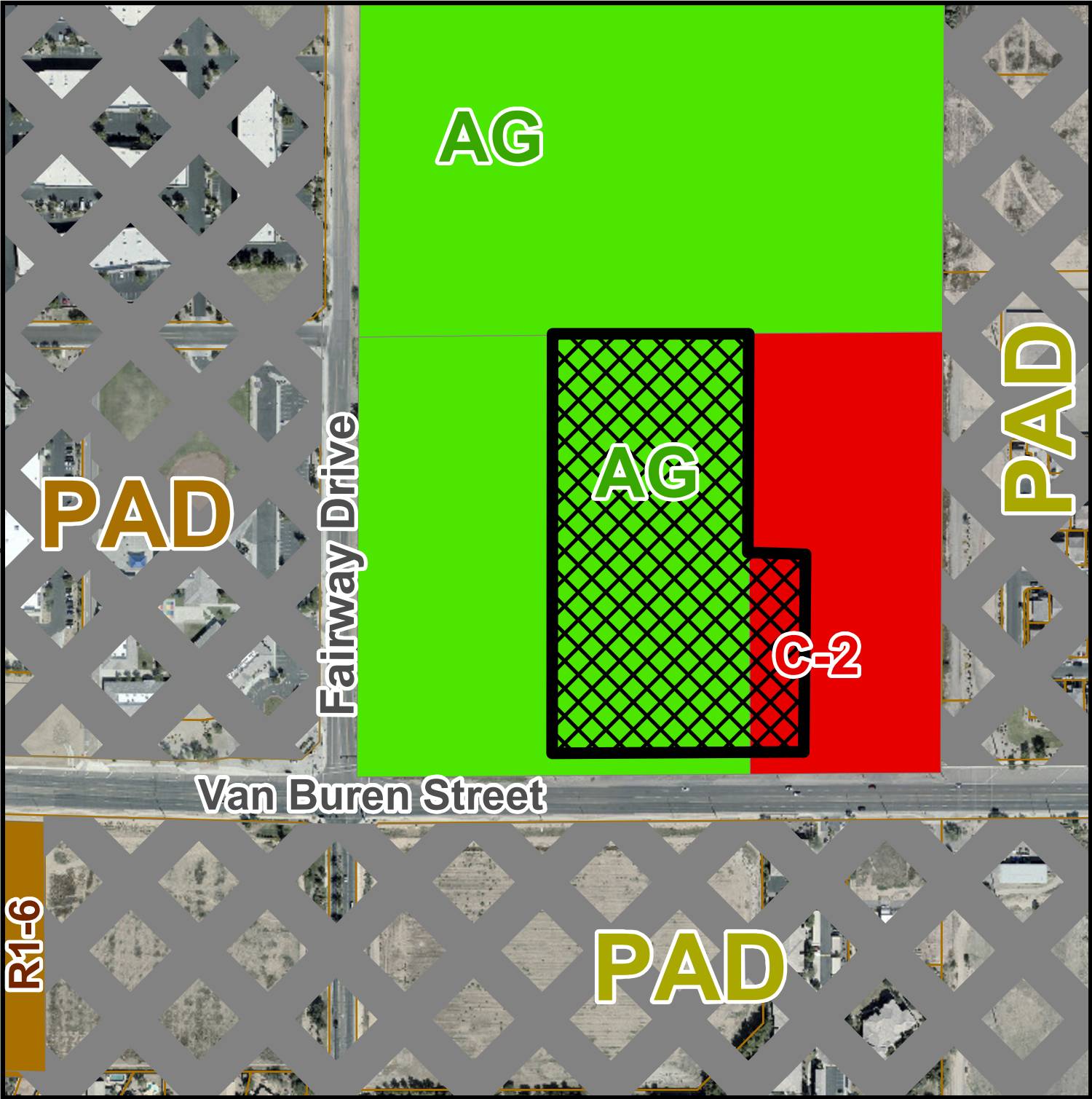


Aerial Photograph

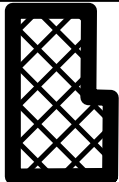


Project Location



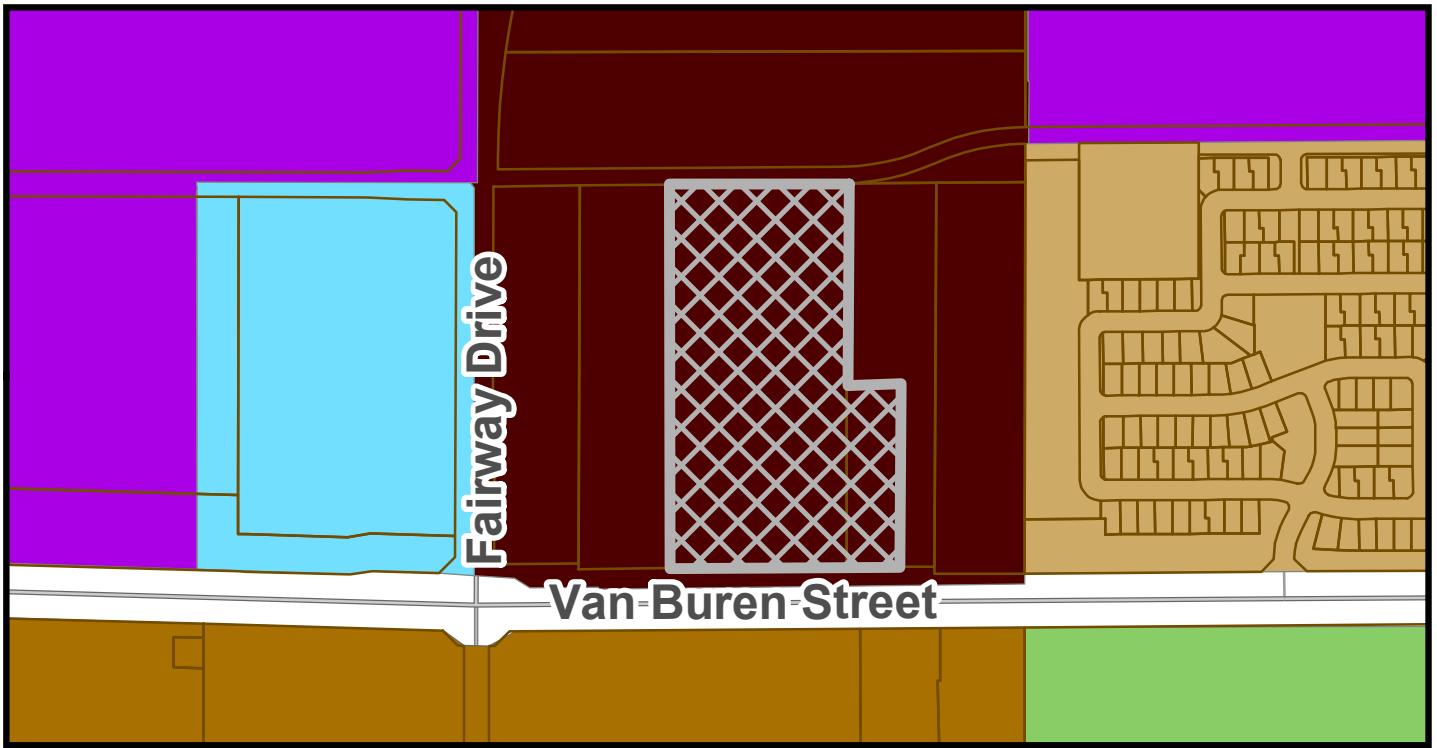


Zoning Vicinity Map

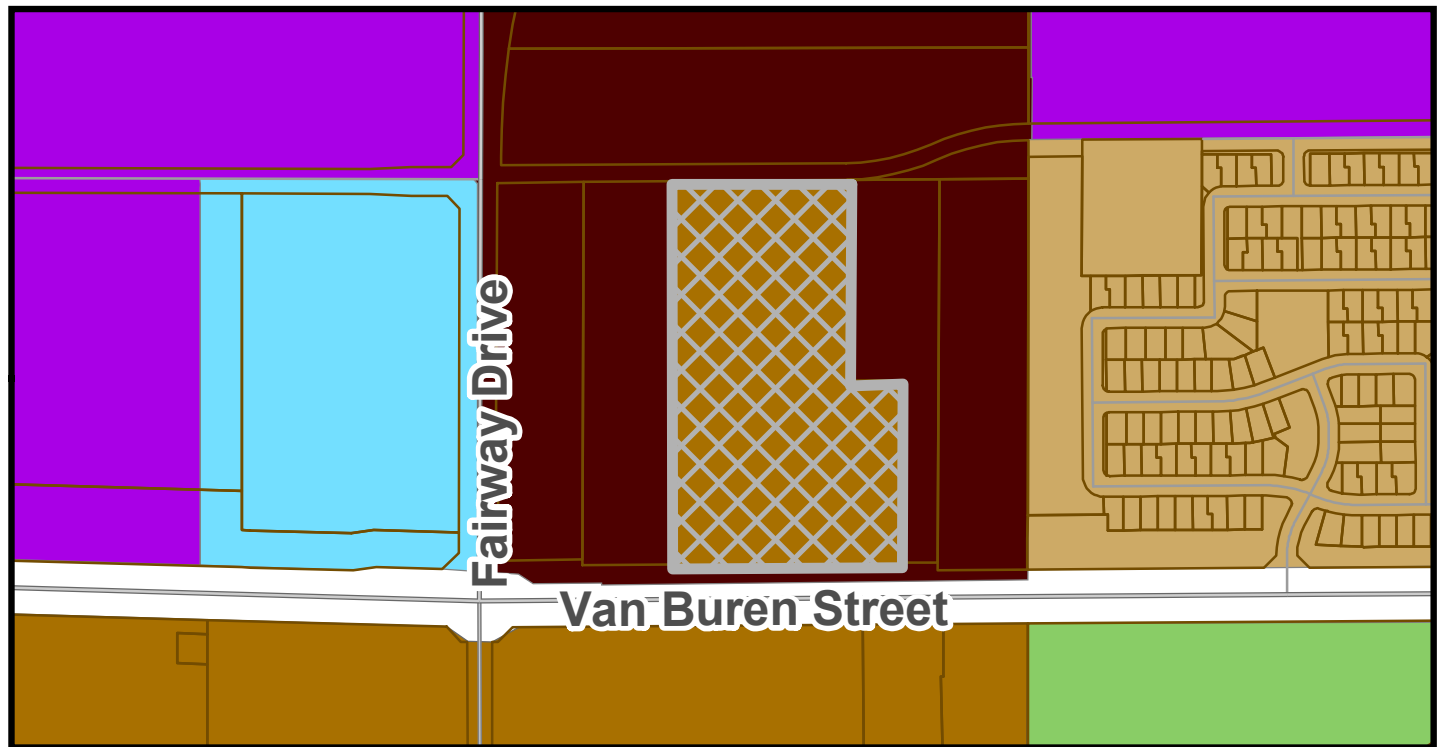


Project Location





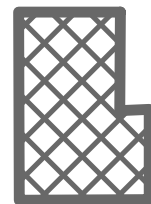
CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- | | |
|---|--|
|  Medium/High Density Residential |  Business Park |
|  High Density Residential |  Open Space and Parks |
|  Urban Residential |  Education |



Subject Property

*SUMMARY OF RELATED FACTS
APPLICATIONS PL-18-0079 & PL-18-0080*

<i>THE PROPERTY</i>	
PROPERTY SIZE	Approximately 11.51 gross acres
LOCATION	Approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street
PHYSICAL CHARACTERISTICS	The subject property is vacant, undeveloped and in agricultural production.
GENERAL PLAN LAND USE DESIGNATION	The property is presently designated by the General Plan 2030 Land Use Map as Urban Residential (UR). The UR designation accommodates residential development exceeding 30 units per acre, served by underground or structured parking. The applicant is requesting a Minor General Plan Amendment to change the Land Use designation of the property to High Density Residential (HDR), allowing the property to be developed at a lower density than currently supported. The requested HDR designation allows for development of multi-family residential including patio homes, apartments, condominiums, and townhomes with a density of 12 to 30 dwelling units per acre with a target density of 12 units per acre. There is no structured or underground parking requirement in the HDR designation.
EXISTING ZONING	The majority of the site, approximately 10.27 acres, is zoned Agricultural (AG). The easternmost 1.24 acres of the site is zoned Community Commercial (C-2).
ZONING HISTORY	The 11.51-acre subject site was annexed into the City by Ordinance No. 238 on June 28, 1978 as part of a larger annexation. Records indicate the westernmost 10.27 acres of the subject site were initially given an equivalent zoning of Agricultural (AG) while the easternmost 1.2 acres were given an equivalent zoning of Community Commercial (C-2). The zoning on the site has not changed since annexation in 1978.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Approximately 25.46 acres of vacant and undeveloped property zoned Agricultural (AG) and in agricultural production. An application for a Minor General Plan Amendment and Rezoning of the property to accommodate light industrial development of the site has been submitted and is in review by the City.
EAST	An approximately 7.9-acre property zoned Community Commercial (C-2) and developed with River Crossing mini-storage/RV storage facility. Conditional Use Permit and Site Plan and Design Review applications permitting the expansion of the facility with additional indoor storage space on the currently undeveloped portion of the site was approved in 2020. Construction of the expansion has not yet started.
SOUTH OF VAN BUREN STREET	Multiple uses are occurring south of the site across Van Buren Street. From east to west, these include:

	• Coldwater Springs Apartments, a 301-unit garden-style multi-family residential community on 16.47 acres zoned Coldwater Springs Planned Area Development (PAD). The Coldwater Springs PAD identifies the property for multi-family residential use. • An approximate 12-acre parcel which is undeveloped and not presently in agricultural production. The undeveloped parcel is zoned Coldwater Springs Planned Area Development (PAD) which allows for development of the property in accordance with the Community Commercial (C-2) district.
WEST	A 4.59-acre property, zoned Agricultural (AG), developed with a single-family residence. The undeveloped portion of the property is in active agricultural production.

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Littleton Elementary School District (LESD) Tolleson Union High School District (TUHSD)
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest LESD school to the subject property is Collier Elementary, located at the southwest corner of Coldwater Springs Boulevard and 118 th Avenue.
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Durango Street and Avondale Boulevard.

<i>STREETS</i>	
Van Buren Street	
Classification	Custom Minor Arterial
Existing half street right-of-way	85 feet
Standard half street right-of-way	Varies (50 feet to 85 feet)
Existing half street improvements	Two (2) travel lanes, half center turn lane, and the landscaped/lighted Van Buren Multi-Use Trail (in right-of-way).
Standard half street improvements	Two (2) travel lanes, half center turn lane, bike lane, curb, gutter, detached sidewalk, streetlights, landscaping, and accommodation of the Van Buren Multi-Use Trail (in easement or right-of-way).
Corporate Drive	
Classification	Minor Collector
Existing half-street right-of-way	None
Standard half-street right-of-way	40 feet
Existing half-street improvements	None
Standard half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, and street lights.

<i>UTILITIES</i>
Future development of the site will access the City's water system via a connection to an existing 16-inch water line in Van Buren Street and a secondary connection to an 12-inch water being installed in Corporate Drive by the developer of Fairway 10 (formerly Avondale 50). Sewer service to the site will be accommodated by an existing 30-inch main line in Van Buren Street. Salt River Project (SRP) provides electrical service to this portion of the City.

Exhibit E

Cerro Vista Minor GPA Narrative

CERRO VISTA

An Urban Living Experience



Minor General Plan Amendment Application Narrative Application Case #: PL-18-0079

City of Avondale

March 2019

August 2020

February 2021

March 2021

April 2021

Electronically submitted April 29, 2021

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Table of Exhibits

Exhibit A – Regional Aerial Context Exhibit
Exhibit B – Aerial Context Exhibit
Exhibit C – Existing Avondale General Plan Map
Exhibit D – Proposed Avondale General Plan Map
Exhibit E – Existing Avondale Zoning Map

I. PROJECT PROFILE

Project Name	Cerro Vista
Property Owner	Virtua Avondale Eleven Owner, LLC
Assessor Parcel Numbers	500-01-001W 500-01-001X
Project Location	12116 W. Van Buren Street, Avondale, AZ 85323 Generally located 500' east of N. Fairway Drive on the north side of W. Van Buren Street
Project Area	Amended Area (inclusive of ROW) 11.5 acres (Gross) Developable Area 10.4 acres (Net)
Current Zoning	Agricultural (AG) & Commercial (C-2)
Proposed Zoning	Multi-Family Residential-4 (R-4) (PL-18-0080)
General Plan Land Use	High Density Residential (12-30 du/ac, Target 12 du/ac)

Development Team



Project Management

Quyp Development Services, LLC
Francisco Lopez
17470 N. Pacesetter Way
Scottsdale, Arizona 85255



Legal Counsel

Beus Gilbert McGroder PLLC
Paul E. Gilbert and Felipe A. Zubia
701 North 44th Street
Phoenix, Arizona 85008



Architectural

BMA Architecture, LLC
Brian M. Andersen
207 N. Gilbert Road, Suite 001
Gilbert, Arizona 85234



Engineering

Vertex Civil Engineering
2131 S. Sabrina
Mesa, Arizona 85209

II. EXECUTIVE SUMMARY

This proposed Minor General Plan Map Amendment includes approximately 11.51 gross acres to the center line, inclusive of the public right-of-way. The net area of the developable site is 10.4 acres located at 12116 W. Van Buren Street, Avondale, AZ 85323, generally located 500' east of N. Fairway Drive on the north side of W. Van Buren Street and identified by Maricopa County Assessors as parcel numbers 500-01-001W and 500-01-001X (the "Property"). The request is to amend the General Plan Map from Urban Residential (30+ du/ac) to High Density Residential (12-30 du/ac, Target Density 12 du/ac).

There is also a concurrent request to rezone the Property from Agricultural (AG) & Commercial (C-2) to Multi-Family Residential-4 (R-4) to allow the development of a high density urban living residential development with a proposed density of approximately 23.94 dwelling units per acre (249 units).

This amendment to the General Plan Map and the accompanying Cerro Vista rezoning will allow a luxury, high-density residential community that will bring an urban living experience in the Van Buren corridor. It is designed to be complementary to other high density developments along Van Buren and the employment areas adjacent to the north and east along the I-10 freeway. The addition of the major interchange at El Mirage Road and the Interstate 10 Freeway in the near future will also bring regional access within close proximity to the Property. It is anticipated that this development will be a catalyst for other urban, high energy uses that are planned in the area.

The development will provide one (1) to three (3) bedroom housing that will be oriented towards enhanced pedestrian amenity and open space experiences within the development. Additionally, complementary walk-up carriage units will be part of the development to provide a varied urban housing type to the urban loft apartments. With its modern design, Cerro Vista will provide loft apartments 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 Avondale's The BLVD, previously known as City Center, will be a mixed-use project to include Class A Office, Multifamily Residential, Public Space, Signature Retail, Dining and Entertainment. Cerro Vista will also complement this future vibrant area by providing supportive housing that will draw residents to the area. This is supported by the Avondale General Plan, which states that housing should *"Entice the development of condominiums, townhomes, and high-rise loft apartments by marketing The BLVD as an exciting urban enclave geared towards professionals."* (See Avondale General Plan, Implementation Strategies-Housing Element, pg. 150.)

At a City Council Work Session in November 2018, the City discussed the market shifts related to providing an urban living experience for the changing demographics in the City and region. Traditionally, Avondale is exporting 90% of its employment to surrounding municipalities. This development is in a prime location with adjacent employment uses

and the nearby BLVD development area, which will attract those who want to live, work, and play in the City of Avondale. Cerro Vista is poised to become a destination that Avondale citizens can call home.

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 located along the Van Buren corridor that is compatible with existing development, supports housing opportunities for The BLVD area, and synergizes with the adjacent employment areas.

III. PROPERTY DESCRIPTION

Site Description

The Cerro Vista property is approximately 10.4 acres located at 12116 W. Van Buren Street, Avondale, AZ 85323, generally located 500' east of N. Fairway Drive on the north side of W. Van Buren Street and identified by Maricopa County Assessors as parcel numbers 500-01-001W and 500-01-001X (the "Property") (See *EXHIBIT A–Regional Aerial Context Map*) The Property is currently vacant. The topography of the site is relatively flat.

As illustrated in *EXHIBIT B – Aerial Context Map*, the Property is comprised of two (2) parcels adjacent to the Van Buren Street corridor. A City regional trail also runs along the south end of the Property along Van Buren Street providing opportunities for the development to connect to this public amenity. The trail will be developed with the project, as required.

The Property currently contains an Avondale General Plan land use designation of Urban Residential (30+ du/ac) (See *EXHIBIT C – Existing Avondale General Plan Map and EXHIBIT D – Proposed Avondale General Plan Map*). The Property is currently zoned primarily with Agricultural (AG) zoning with approximately 1.4 acres having Commercial (C-2) zoning. The Property is currently vacant and has historically been used for agricultural purposes. (See *EXHIBIT E – Existing Avondale Zoning Map*)

The rezoning proposes 249 residential units with a density of approximately 23.94 dwelling units to the acre. This is consistent with the Avondale General Plan proposed designation of High Density Residential (12-30 du/ac) and is above the target density of 12 du/ac.

Property Owner

The Property is currently owned by Virtua Avondale Eleven Owner, LLC and it intends to plan and prepare the Property for future development. The Virtua group offers, manages, and develops the highest quality real estate investments across the country. This includes properties in Arizona, California, Nevada, Texas, Georgia, Connecticut, and Pennsylvania.

Additionally, the Virtua group members are very active in land development in the greater Phoenix area and its management has decades of development experience in Phoenix, particularly in the West Valley. 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 there is a vacant agricultural property with AG zoning and General Plan land use designations of Urban Residential. Additionally, to the northeast there is approximately 145 acres of active employment uses between the I-10 freeway and Van Buren Street. There is also a major interchange planned for El Mirage Road and the Interstate 10 Freeway, which will provide additional regional access to the Property.
- SOUTH:** To the south of the Property across Van Buren Street is a mixture of vacant property, the Coldwater Springs Apartments, and the Coldwater Springs single-family development. These properties are zoned as PAD allowing medium density and high density residential.
- EAST:** Directly to the east of the Property are properties owned by River Crossing Storage. The property is being used for RV and boat storage uses. There is also an approximately 3 acre vacant parcel and we have received information that it will be used for the expansion of the storage uses in the future. These properties have Commercial (C-2) zoning and a General Plan land use designation of Urban Residential.
- WEST:** Directly to the west of the Property are properties being used for a mixture of agricultural and residential uses. These properties have AG zoning and a General Plan land use designation of Urban Residential.

IV. INFRASTRUCTURE

Road improvements, right-of-way, easements.

Surrounding Street Improvements

The Project will construct the adjacent half-street improvements for Van Buren Street, which the City classifies as a collector roadway. All existing power lines that are less than 69kv will be converted underground and the poles will be removed at Corporate Drive. Additional right-of-way and improvements may be required for turn and deceleration lanes.

Utilities

Water

The City is the water service provider for the Property. The proposed water for Cerro Vista will consist of taps into the 16" water main currently in Van Buren Street, which will consist of two (2) separate taps for a domestic water meter and a landscape water meter. A 16" in-line valve will be installed between the two (2) 8" fire line taps for safety purposes. This will accommodate fire flow and residential demand requirements as demonstrated within the Preliminary Master Water Report. All connections will follow the City of Avondale's supplement to MAG Specifications and Details, and American Water Works Association Standards. Since there is an existing water main fronting the property there is no need to construct a new waterline adjacent to the project.

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 sewer for Cerro Vista will consist of approximately 1,648 LF of 8-inch sewer line and 7 manholes as shown within the Preliminary Master Sewer Report for the project. There will be a single connection within Van Buren Street into the 30-inch existing sewer main.

Since there is no existing sewer stub for the project from the existing 30-inch sewer main within Van Buren Street, a new manhole will be constructed within the proposed Van Buren Street right-of-way as part of this project. Since there is an existing sewer main fronting the property there is no need to construct a new sewer line adjacent to the project.

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 Master Drainage Report is provided with the rezoning submittal. The on-site retention requirements shall be per City of Avondale standards and will meet 100-year retention for on-site and adjacent off-site flows. Historic flows may safely pass through or be routed around the site.

Cerro Vista proposes two (2) surface retention basins along the north boundary and two surface basins within open space areas within the property as shown on the Preliminary Master Drainage Report. The remainder of the onsite drainage will be directed to eight (8) feet diameter CMP pipe (approximately 915 LF) under parking stalls so as not to conflict with other onsite utilities. Seven (7) drywells will be required to drain the onsite retention volume within all surface retention basins and underground pipe within the required 36-hour drain time. The actual number of drywells are dependent upon further testing at time of construction.

It is proposed to provide three surface retention basins along the south boundary of the project to capture design flows within the adjacent proposed half-street improvements of Van Buren Street.

Schools

The Applicant has provided the City the executed copies of the Certificate of Adequate Schools Facilities from the Littleton Elementary School District #65 (*Collier Elementary School*) and the Tolleson Union High School District (*La Joya Community High School*).

Tolleson Union High School District has adequate school facilities, so no further action is required. However, Littleton Elementary School District #65 does not have adequate school facilities for the proposed project. Therefore, the current property owner has entered into a Donation Agreement with the Littleton Elementary School District #65 to help mitigate any potential impacts that the Cerro Vista development could have on the school district.

V. PROJECT DESCRIPTION

As noted above, there is a concurrent request to rezone the Property from Agricultural (AG) & Commercial (C-2) to Multi-Family Residential-4 (R-4) to allow the development of a high density urban living residential development with a proposed density of approximately 23.94 dwelling units per acre (249 units). Exhibits are contained in the Cerro Vista rezoning to further demonstrate the quality and configurations described herein.

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.

Cerro Vista is designed to be a high quality, luxury urban living development providing a vibrant community that provides 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, Cerro Vista provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The development will be arranged in building masses with a

prominent frontage presence on Van Buren Street and Corporate Drive (future) with enhanced entry features from Van Buren Street.

With Avondale's The BLVD being approximately ½ mile to the east, Cerro Vista will provide a great opportunity to create higher density housing that will provide further residents and synergy needed to bring the future retail and mixed-use to The BLVD area. While Cerro Vista is proposing a shift in the General Plan land use from Urban Residential to High Density Residential, the Applicant's intent is to still maintain the urban feel that is desired in this area and for the Property. By allowing the land use change to accommodate the 22.71 du/ac on the site, but still maintaining urban loft apartment housing, the developer will be allowed to provide greater open space opportunities on the site.

The current General Plan land use designation of Urban Residential allows 30+ du/acre. In a May 2018 City Council Work Session meeting, City staff presented that this area, including the Property, is envisioned to include the High Density Residential land use category near and along Van Buren Street. In further discussions with City staff, it was discussed that it would be appropriate to have high density residential that was in the mid-range of the 12-30 du/acre allowed under the High Density Residential land use designation. This would allow the Property to develop in a manner that would maintain some of the urbanity envisioned for this area and would be compatible with the intent of the General Plan and Freeway Corridor Specific Plan for development in this area. As such, the Applicant has provided development standards in the accompanying Cerro Vista rezoning that will further allow this vision to be realized.

As the Cerro Vista development demonstrates, the development will provide two (2) different types of high-density housing on the site. The residential buildings on the north and south of the Property are three (3) story and two (2) story buildings consisting of one (1) to three (3) bedroom urban loft apartments. These buildings will be arranged as groupings surrounded by landscaping and vegetation. Greater detail will be placed on those fronting onto Van Buren Street to create a massing frontage that interacts with the adjacent roadway. The other high-density housing will consist of two (2) story carriage units with one car garage parking underneath. These are arranged primarily along the western boundary, with some massing in the center, and on the east boundary of the Property. The rezoning proposes a total of 249 residential units with a density of 23.94 dwelling units to the acre. The Cerro Vista development will be developed in one (1) phase.

The massing of the lots will be complemented by usable open spaces including community gathering areas and vegetated refuge areas. The open spaces are designed to cater to community gatherings and the promotion of interaction among neighbors. Most of the buildings on the site are arranged around open spaces where residents may gather, these courtyards will contain spacious and aesthetically pleasing environments

with various high-quality amenities.

A centrally located open space area will connect the Property from north to south centering on a main core of open space areas with amenities including a clubhouse, BBQ ramada and other shade ramadas, a pool/spa, fire pits, a dog park, and other open spaces areas as shown in the Cerro Vista rezoning. These amenity 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 located at the south end of the development 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.

The overall character and quality that will be provided by this development is greatly justified by this enhanced feature focusing on community, connectivity, neighborhood interaction, walkability, design, and a healthy and livable community.

VI. CONFORMANCE WITH AVONDALE PLANS

The Property is designated as Urban Residential on the City's General Plan Map. The Property is also within the Freeway Corridor Specific Plan (*See EXHIBIT C – Existing Avondale 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 rezoning is consistent with this vision providing 23.94 dwelling units to the acre with connections to surrounding commercial and employment use. Cerro Vista is also consistent with a number of elements within the City's General Plan 2030 as follows.

The following is the review and analysis required by the City for a General Plan Amendment Application:

Minor General Plan Amendment Review and Analysis

1) Availability of current and future watersupplies

The City is the water service provider for the Property. The proposed water for Cerro Vista will consist of approximately 2,215 LF of 8-inch water line with all associated appurtenances to create an onsite loop as required by reviewing agencies. This will accommodate fire flow and residential demand requirements as demonstrated within the Preliminary Master Water Report. There will be two connections within Van Buren Street into the 16-inch existing water main to create an onsite looped water line for safety purposes. The two connections will follow the City of Avondale's supplement to MAG Specifications and Details, and American Water Works Association Standards. Since there

is an existing water main fronting the property there is no need to construct a new waterline adjacent to the project.

Cerro Vista 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 Van Buren Street to the south. Since the proposal is to decrease the density from 30+ du/acre down to 23.94 du/Acre, there will be no increase in traffic congestion by changing the Land Use designation from Urban Residential to High Density.

The approval of a high density housing land use designation in this area would also be appropriate given that it is located along a major arterial, its proximity to employment areas and Avondale's The BLVD, and proximity to the future El Mirage Road and I-10 freeway interchange. This intensity of land use would support the vision of the General Plan to have convenient regional transportation access to new employment, services, and activity centers. (Avondale General Plan, page 105)

There is currently a bus route along Van Buren Street with a bus station on the southeast corner of Van Buren Street and Fairway Road.

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.

Additionally, the Applicant is working with the City of Avondale in providing property to establish a multi-use trail along Van Buren Street. Residential units have been designed to connect onto this multi-use trail to enhance the pedestrian-oriented design of the development. This trail will provide regional connectivity with connections throughout the City of Avondale and along the Agua Fria River. This regional trail promotes pedestrian and bicycle connectivity of the residents to the adjacent employment and recreational uses such as bicycling, jogging and walking that will enhance the quality of Cerro Vista. This trail will be acquired and maintained by City of Avondale.

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 of 0.20 as it is not taking away any employment related uses. The Cerro Vista 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. The proposal reduces the density units per acre on the site and will not contribute to increasing services needed for the proposed Urban Residential land use on the Property. 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 Van Buren Street to service the Property. 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 Cerro Vista 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 that exists in Avondale. Cerro Vista will provide a high density, quality community that will be compatible the existing surrounding employment, commercial, and residential uses and will also provide an added catalyst to creating urbanity adjacent to the Avondale's The BLVD. The type of residents and lifestyle that the Cerro Vista development will attract will be centered on

professionals, millennials, and those wanting to live an urban “lock and leave” lifestyle. Thus, it will provide a well-balanced land use encouraging social interaction and 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.

Cerro Vista will be an urban living community that is unique within the City of Avondale. The luxury urban loft apartments will be designed in a way that creates a cohesive, connected community. Residents to the Cerro Vista can be in the range from new professionals, small families, and empty nesters and are looking for a vibrant community to live in Avondale. The Property design will create more of a sense of place within the area and will encourage more 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.

Cerro Vista incorporates these policies with Goal 4 by focusing on the City’s Design Manuals to create a layout with high-quality open space and recreation areas centrally located on the Property to provide easy access to all residents. Buildings are oriented to face each other, the internal private streets, and open space areas to “eyes” on the community and making it safer. Some of the residential units have also been designed to be connected to the future development of the public access trail along Van Buren Street. Thus, providing the great opportunity for connectivity to this trail, which will promote pedestrian and bicycle access to all surrounding areas of the City.

Open Space Element, Goal 2: Create linkages to parks, trails, rivers, and mountains.

Recreational Amenities Element, Goal 4: Create shared use linkages throughout the community in order to support a healthy lifestyle.

These goals will be met with the development of the public access trail along Van Buren Street. Cerro Vista will provide the necessary access for shared connections to the City and other transit nodes along Van Buren. This will encourage the linking of City area and

promoting physical activity for the well-being of Avondale residents.

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.

Cerro Vista 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.

Cerro Vista is within close proximity to employment, commercial, and the Avondale's The BLVD area. With the connective trails along Van Buren and the creation of this dense, urban core of housing, there will be a great opportunity for residents to utilize bicycles for access to the services and employment that they need access to. This will greatly add to 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.

Cerro Vista meets this goal and all policies by providing a high density urban community that has strong pedestrian access to surrounding employment and commercial uses, and is readily accessible to the Avondale's The BLVD area within a ½ mile to the east. Additionally, a bus transit stop currently exists across the street from Cerro Vista on the southeast corner of Van Buren Street and Fairway Drive creating additional access to transit opportunities the residents. With the combination of these transit and pedestrian opportunities for the Property, Cerro Vista 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.

THE AVONDALE FREEWAY CORRIDOR SPECIFIC PLAN

The Avondale Freeway Corridor Specific Plan covers the majority of land within a ½ mile each way of the freeway located within the Avondale city limits. The major focus of the visibility of the freeway with the City and steering uses that enhance that visibility and encouraging employment, commercial, and mixed uses. The Plan also focus on higher density residential districts that will support these uses.

Objective #3: The Freeway Corridor will be the southwest valley's premier job center.

GP Growth Area Element, Goal #1: "Create destination employment centers in targeted areas of the City that will help to improve balance between jobs and population."

With the creation of a high amount of jobs that this objective envisions, there will be a great need for populations that can fulfill those jobs. Cerro Vista provides a high density development that provides not only additional population near employment areas but will likely attract residents that will need all ranges of employment from the professional to the staff worker.

Objective #4: Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.

The location of Cerro Vista creates a development that ensure residents have full access to opportunities to walk or bike to destinations for work, recreation, or access to services within the City. The development of the trail along Van Buren Street in front of the development will contribute to the Van Buren Street Drainage and Recreational Corridor that provides east/west connectivity for the Freeway Corridor. This allows pedestrians to travel from 99th Avenue to the Agua Fria River in a beautiful, spacious, and landscaped environment for full access throughout the City.

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 Cerro Vista 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 Cerro Vista.

Additionally, the current General Plan land use designation of Urban Residential allows 30+ du/acre, which City staff has noted is too dense for this area. In a May 2018 City Council Work Session meeting, City staff presented that this area, including the Property, is envisioned to include the High Density Residential land use category near and along Van Buren Street. In further discussions with City staff, it was discussed that it would be appropriate to have high density residential that was in the mid-range of the 12-30 du/acre allowed under the High Density Residential land use designation. This would allow the Property to develop in a manner that would maintain some of the urbanity envisioned for this area and would be compatible with the intent of the General Plan and Freeway Corridor Specific Plan for development in this area. As such, the Applicant has provided development standards in the accompanying Cerro Vista rezoning 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.*

The General Plan notes that as of 2010, there was only 1.47% of land uses in Avondale. As stated above and in the narrative, there is a scarcity of the proposed housing for Cerro Vista in the immediate surrounding area. Market conditions and evolving visions for the Freeway Corridor areas have shown that the Urban Residential is not conducive for current development on the Property. The proposed minor general plan amendment will lower the density to something more marketable and the Cerro Vista standards will still promote a development that maintains an urban feel that is appropriate for the Van Buren corridor and the nearby The BLVD 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. With 10.4 acres of property, it is a perfect dose of the housing density in this area and will be compatible with the surrounding existing development and with future land uses that are envisioned for the area. The public infrastructure exists for this development and it will not be a significant burden on the existing systems that are in place. Lastly, the development is designed with landscaped buffering around the perimeter to provide adequate transitioning to the adjacent properties and to connect to the regional trail aspect that provides greater opportunities for an active lifestyle conducive to the housing development provided.

- *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, the Cerro Vista 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:

- Providing 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.
- Focusing all housing units on communal open spaces that are focused on providing an enhanced pedestrian and community experience.
- Enhanced vegetation at entries 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.

VIII. CONCLUSION AND SUMMARY

Cerro Vista is in a unique location adjacent to existing employment areas, the active Van Buren Street corridor, and the Avondale’s The BLVD area to the east. This location provides the perfect site for an urban multi-family community that will synergize with the surrounding area. The proposed general plan amendment allows for the creation and design of development standards that complement the surrounding employment,

commercial, and residential uses while providing a luxury, urban housing development not currently found in Avondale.

The concurrent rezoning and this General Plan Amendment is consistent with many of the policies of the City of Avondale's General Plan 2030 and the Freeway Corridor Specific Plan. The proposed plan intends to develop a vacant site that will provide a vibrant urban feel, reflecting the aspirations and character of Avondale's The BLVD as an up and coming metropolitan hub. Cerro Vista will draw residents such as professionals, millennials, and empty nesters, which will attract a variety of residents to the downtown area of Avondale.

The sense of place and strong design strategies will help Cerro Vista seamlessly integrate into the urban core of Avondale, while also setting itself apart in a distinctive way. The Avondale General states that the City should entice these types of developments, which are geared towards the exciting, urban enclave of the Avondale's The BLVD. Additionally, with the City's focus on the importance of high-quality amenities and interactive social spaces within developments, Cerro Vista provides the framework to realize that vision on the Property. We look forward to Cerro Vista being a unique multi-family development that bring a high quality urban experience to its residents.

Exhibit ‘A’



APN: 500-01-001C & -001L
Acres: 11.05 Acres

Exhibit A - Regional Aerial Context Exhibit
Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘B’

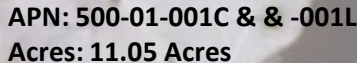


Exhibit B - Aerial Context Exhibit

Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘C’

GENERAL PLAN

Legend

- Planning Boundary
- Growth Area

Land Use

- Rural Low Density Residential
- Estate/Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Local Commercial
- Freeway Commercial
- Historic Avondale District
- Sports and Entertainment
- Office/Professional
- Industrial
- Business Park
- Corporate Park
- Gila River Scenic District
- Open Space and Parks
- Public/Civic
- Education

- Gateway Employment
- Employment Mixed Use
- Residential Mixed Use
- Neighborhood Commercial
- Townhouse Residential

City Center
Specific Plan
Area

TOD

- Urban Residential
- Urban Commercial
- High Intensity Office
- Mixed Use

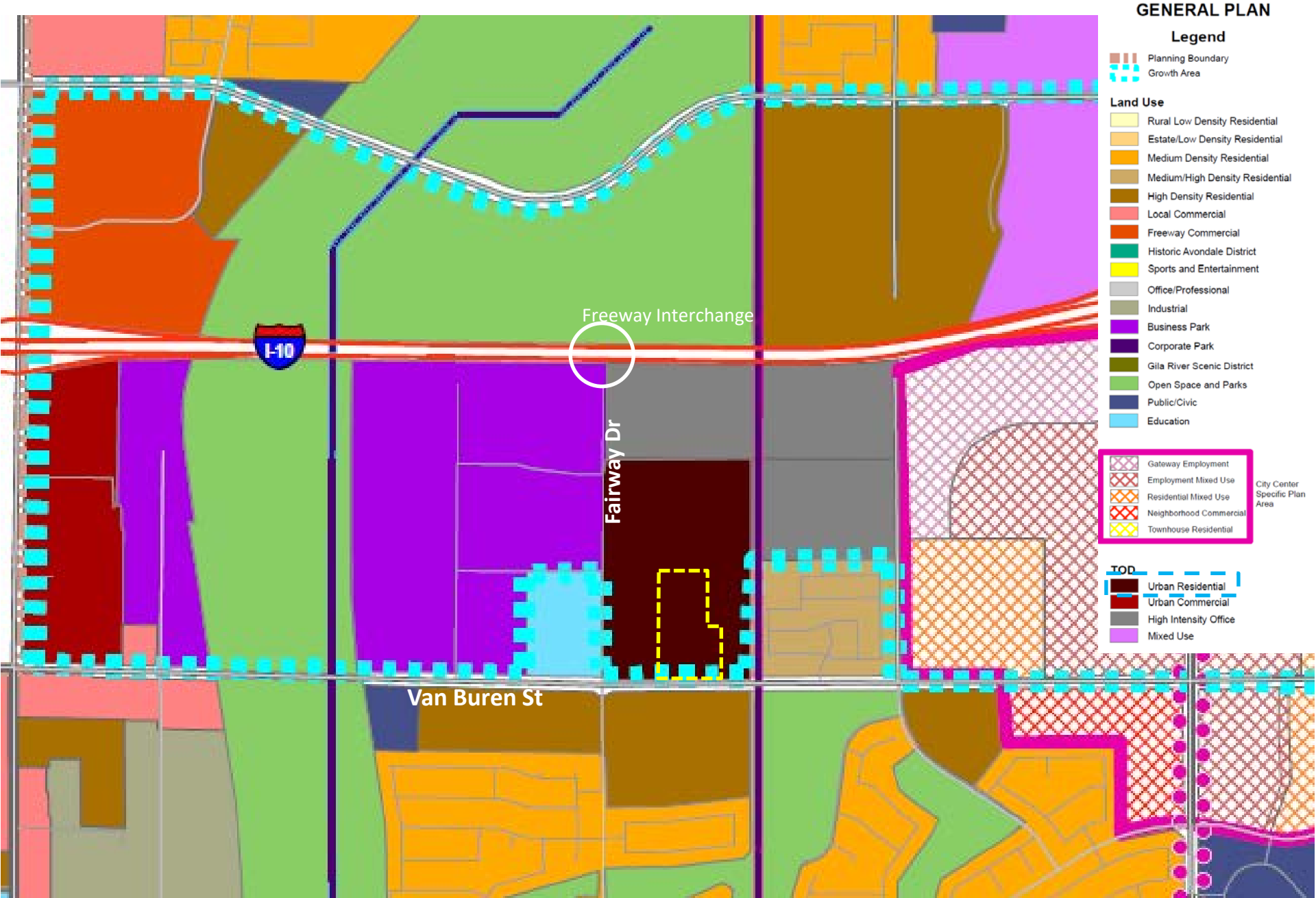


Exhibit C – Existing Avondale General Plan Map
 Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘D’

GENERAL PLAN

Legend

- Planning Boundary
- Growth Area

Land Use

- Rural Low Density Residential
- Estate/Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Local Commercial
- Freeway Commercial
- Historic Avondale District
- Sports and Entertainment
- Office/Professional
- Industrial
- Business Park
- Corporate Park
- Gila River Scenic District
- Open Space and Parks
- Public/Civic
- Education

- Gateway Employment
- Employment Mixed Use
- Residential Mixed Use
- Neighborhood Commercial
- Townhouse Residential

City Center
Specific Plan
Area

TOD

- Urban Residential
- Urban Commercial
- High Intensity Office
- Mixed Use

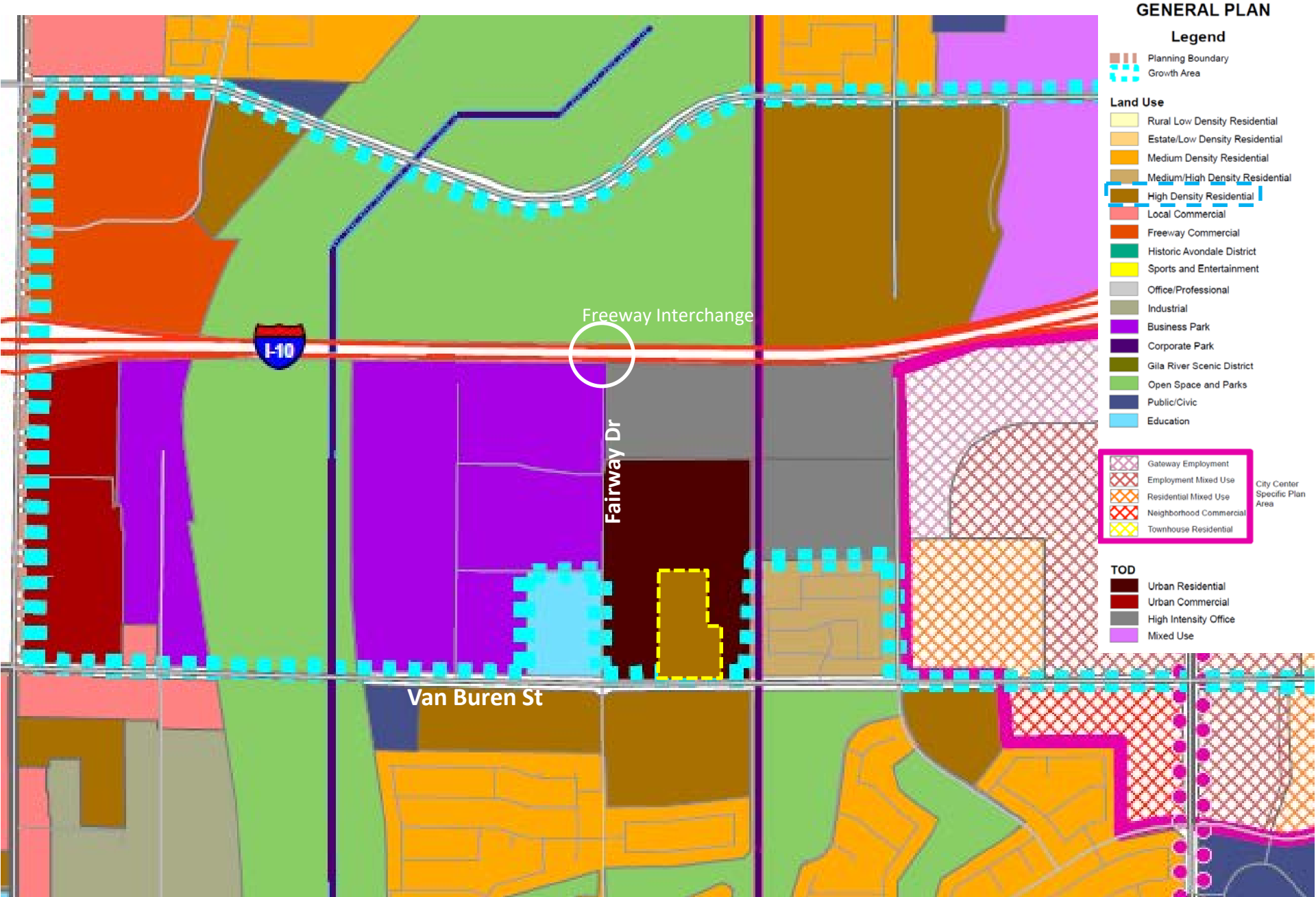


Exhibit D – Proposed Avondale General Plan Map

Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘E’



Exhibit E – Existing Avondale Zoning Map
Cerro Vista – Van Buren St & Fairway Dr

Exhibit F

Neighborhood Meeting Summary Cerro Vista

Summary of Neighborhood Meeting

Thursday, April 22, 2021

Cerro Vista Residential Community

Start: 6:00 PM (approx.); End: 7:00 PM (approx.)

Zoom Virtual Conference

Proposal: High-density, luxury residential community

Location: East of the northeast corner of Van Buren Road and Fairway Drive

Case #: Minor General Plan Amendment and Rezoning; PL-18-0079 and PL-18-0080

Results/Summary of Neighborhood Meeting:

A total of seven (7) people attended the neighborhood meeting, which included:

- the applicant (Jeremy Hall – Virtua)
- two (2) representatives of the applicant (Paul Gilbert, Felipe Zubia – Beus Gilbert McGroder)
- four (4) representatives of the City (Vice Mayor Malone-Council; Councilmember Dennis-Council; Commissioner White-Planning Commission; and Brian Craig-Planning Manager).

The meeting began with a brief, but comprehensive presentation by Mr. Gilbert. This presentation was followed by discussion with the participants. Below is a summary of the discussion/questions that were raised.

Questions:

1. How much commercial acreage is being converted to multi-family? Answer: Less than 1 acre, the remaining vacant commercial zoning/acreage has now been built out by the expanded storage to the east.
2. What the current ratio of multifamily is to single-family in Avondale? Answer: The applicant does not have this citywide info, but staff indicated they would research the issue and report back in time for Council meeting. It was also noted that the site is already zoning for multifamily
3. Who is the builder? Answer: the builder will be the Applicant, Virtua and the contractor to build will be Morgan Construction. It was noted by a participant that they were happy to hear that construction will start in the near future.
4. Why are the 3-story buildings located adjacent to Van Buren and 2-stories in back (north property line (Corporate Drive), why not reverse? Answer: It was noted that the property directly across the street from the proposed Cerro Vista is zoned Commercial and Multifamily. The multifamily to the south is developed and the commercial to the south has been acquired by a Charter School. Additionally, staff added that they are supporting the 3-stories along Van Buren to give an urban brownstone feel/look to the Van Buren corridor which is appropriate given the proximity of the BLVD District.
5. Are there garages and covered parking? Answer: yes, garages and covered parking are provided consistent with Avondale requirements.

6. What is the street on the north side that will be constructed? Answer: staff indicated that a minor collector, Corporate Drive, will be constructed by the Fairway 10 project. Cerro Vista will be responsible for their half-street (1 lane and improvements) along their frontage. Full buildout of Corporate Drive will be 3-lane, (one lane in each direction, plus a center lane).
7. Will there be a deceleration lane on Van Buren into the project? Answer: Staff answered yes, one is called out in the traffic report.
8. One participant suggested that city staff should examine ways to sign the multi-use path so that users of the multi-use path are alerted as they approach driveways that cross the path. Another participant agreed with the request.

Exhibit D

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CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Cerro Vista Project Manager: Jeremy Hall
Request: Minor GPA & PAD Rezone Acreage/Parcel Size: 11.40 Acres
Current Density Allowed: 30+ DU/AC Density Proposed: 23.26 DU/AC
Total number of residential units proposed: 255

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.

The estimated need anticipated is 3.5 classrooms with an
estimated impact of \$ 913,869 or \$3,500 per unit.

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:

Developer had entered into an impact agreement signed/dated
3-12-2019, which Littleton Elementary School District expects will
remain in effect given there are no changes to the project parcel/density.

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

Date Reviewed: 1-26-2021

School District: Littleton Elementary School District #65

District Superintendent: Dr. Roger Freeman

Phone #: 623-478-5611

E-mail: freeman.roger@littetonaz.org

Signature _____

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

www.avondale.org/developmentservices



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Total number of residential units proposed: 255

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

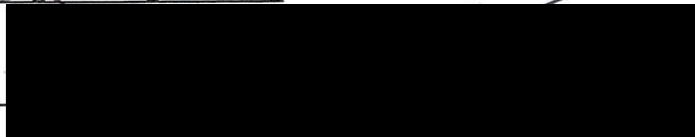
Date Reviewed: January 25, 2021

School District: Tolleson Union High School District #214

District Superintendent: Nora Gutierrez

Phone #: 623-478-4001

E-mail: nora.gutierrez@tuhisd.org

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

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www.avondale.org/developmentservices

RESOLUTION NO. 1053-0621

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 11.51 ACRES GENERALLY LOCATED 500 FEET EAST OF THE NORTHEAST CORNER OF FAIRWAY DRIVE AND VAN BUREN STREET, AS SHOWN IN APPLICATION PL-18-0079 FROM URBAN RESIDENTIAL 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 11.51 acres generally located 500 feet east of northeast corner of Fairway Drive and Van Buren Street, from Urban Residential to High Density Residential, as shown in Application PL-18-0079 (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 in the City Council Chambers on May 19, 2021, 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 June 21, 2021.

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 11.51 acres generally located 500 feet east of northeast corner of Fairway Drive and Van Buren Street, as shown in Application PL-18-0079, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from Urban Residential 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, June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

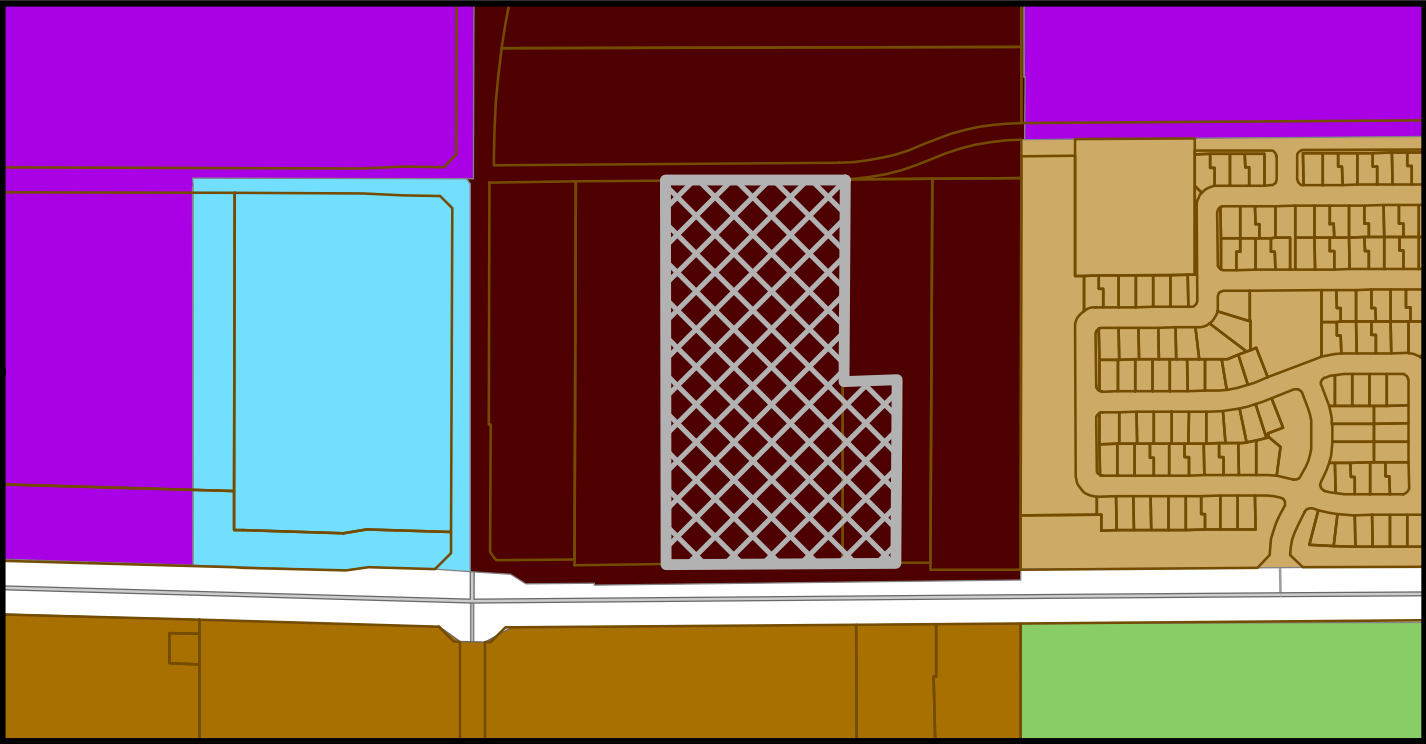
APPROVED AS TO FORM:

Nicholle Harris, City Attorney

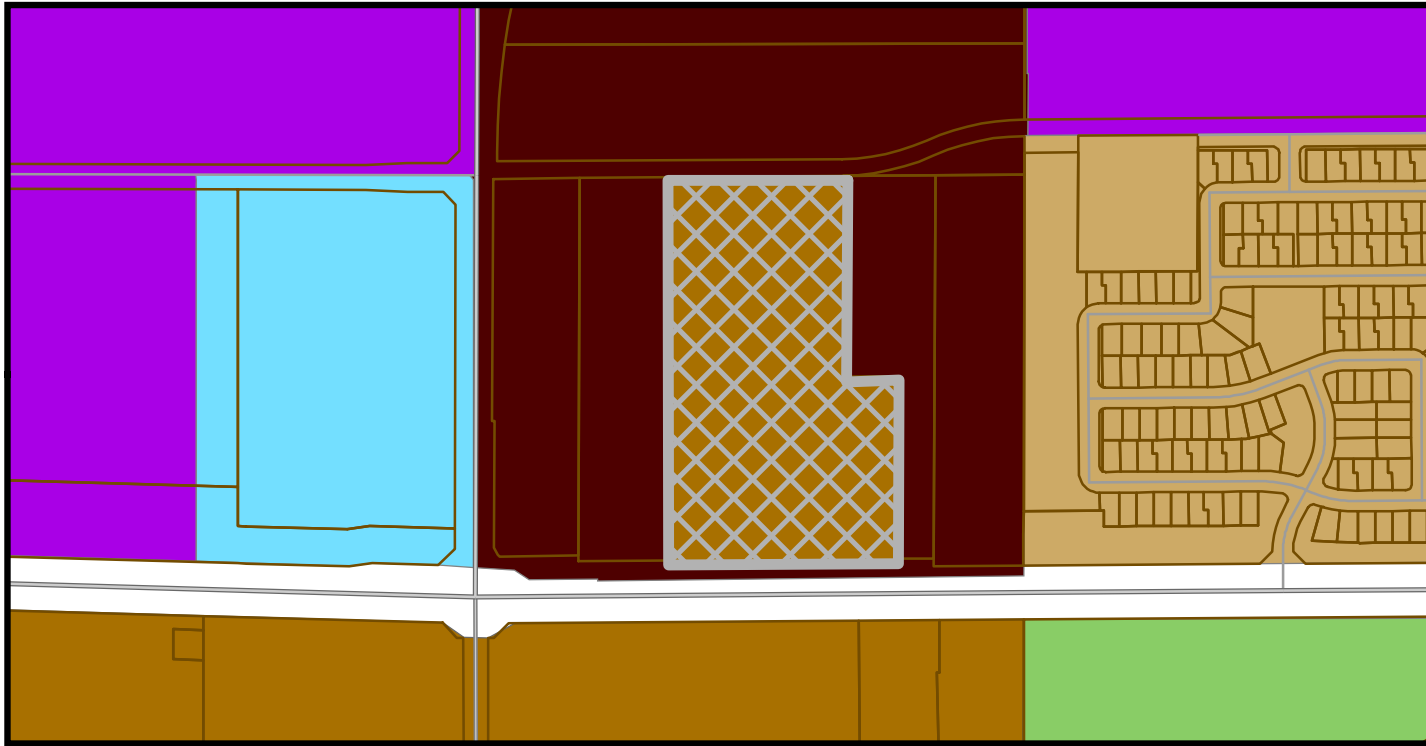
EXHIBIT A
TO
RESOLUTION NO. 1053-0621

[General Plan Amendment Map]

See following pages.



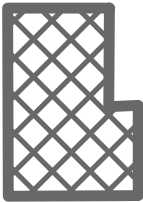
CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- | | |
|---|--|
|  Medium/High Density Residential |  Business Park |
|  High Density Residential |  Open Space and Parks |
|  Urban Residential |  Education |



Subject Property

CITY COUNCIL REPORT

SUBJECT: Public Hearing - Ordinance 2029-0621 - Cerro Vista - Rezoning from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4) - Application PL-18-0080

MEETING DATE: 6/21/2021

TO: Mayor and Council

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

THROUGH: Lindsey Duncan, Deputy City Manager, (623) 333-2011

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- 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.
-

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2029-0621 approving a request by Virtua Avondale Eleven Owner, LLC, to rezone 11.51 acres of land located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4). City Council will consider a concurrent request to amend the General Plan Land Use Map from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre). These requests will allow for the development of the subject property with a 249-unit multi-family residential development at a density of approximately 23.94 dwelling units per acre. The Council will take appropriate action.

BACKGROUND:

The 11.51-acre subject site (Exhibits A, B, and C) was annexed into the City in June 1978 as part of a larger annexation. Records indicate the westernmost 10.27 acres of the subject site were initially given an equivalent zoning of Agricultural (AG) while the easternmost 1.24 acres were given an equivalent zoning of Community Commercial (C-2). The zoning on the site has not changed since annexation in 1978. The subject site is vacant and is currently used for farming purposes.

The property is presently designated by the General Plan 2030 Land Use Map as Urban Residential (UR). The UR designation accommodates residential development exceeding 30 units per acre, served by underground or structured parking. In addition to the proposed rezoning, the applicant is concurrently requesting a Minor General Plan Amendment to change the Land Use designation of the property to High

Density Residential (HDR), allowing the property to be developed at a lower density than currently allowed. The requested HDR designation allows for development of multi-family residential including patio homes, apartments, condominiums, and townhomes with a density of 12 to 30 dwelling units per acre with a target density of 12 units per acre. There is no structured or underground parking requirement in the HDR designation.

Cerro Vista lies within the boundaries of the Freeway Corridor Specific Plan (FCSP). The primary goal of the FCSP is to ensure new development is pedestrian/bicycle-friendly, enhances the City's appearance from the freeway, provides a seamless transition between The BLVD and the Freeway Corridor area, establishes specifications for planned improvements projects, and minimizes visible warehouse uses that compromise the aesthetic character of the area.

The existing uses and zoning of the surrounding properties are as follows:

NORTH: Approximately 25.46 acres of vacant and undeveloped property zoned Agricultural (AG) and in agricultural production. An application for a Minor General Plan Amendment and Rezoning of the property to accommodate light industrial development of the site has been submitted and is in review by the City.

EAST: An approximately 7.9-acre property zoned Community Commercial (C-2) and developed with River Crossing mini-storage/RV storage. Conditional Use Permit and Site Plan and Design Review applications permitting the expansion of the facility with additional indoor storage space on the currently undeveloped portion of the site was approved in 2020. Construction of the expansion has not yet started.

SOUTH OF VAN BUREN STREET: Multiple uses are occurring south of the site across Van Buren Street. From east to west, these include:

- Coldwater Springs Apartments, a 301-unit garden-style multi-family residential community on 16.47 acres zoned Coldwater Springs Planned Area Development (PAD). The Coldwater Springs PAD identifies the property for multi-family residential use.
- An approximate 12-acre parcel which is undeveloped and not presently in agricultural production. The undeveloped parcel is zoned Coldwater Springs Planned Area Development (PAD) which allows for development of the property in accordance with the Community Commercial (C-2) district.

WEST: A 4.59-acre property, zoned Agricultural (AG), developed with a single-family residence. The undeveloped portion of the property is in active agricultural production.

SUMMARY OF REQUEST:

The applicant is requesting (Exhibit E) to rezone the 11.51-acre subject property from Agricultural (AG) and Commercial (C-2) to Multi-Family Residential (R-4). The requested R-4 zoning allows for development of apartments, townhomes, condominiums, and similar with a maximum density of 30 units per acre. Approval of the proposed rezoning to R-4 will facilitate development of the property with Cerro Vista, a proposed luxury, 249-unit, high-density residential community featuring two (2) to three (3) story buildings with a density of 23.94 dwelling units per acre (Exhibit F). The proposed development will provide pedestrian-oriented one (1) to three (3) bedroom apartment units with a range of open spaces and amenities designed to encourage resident use. With a modern design, Cerro Vista will create a unique, urban-styled residential experience not currently available within the City of Avondale (Exhibit G). The proposed Cerro Vista Rezoning Narrative provides additional detail on development standards, landscaping and design standards, and other requirements that will guide future development of the site.

Approval of the companion General Plan Amendment request (Application PL-18-0079), reducing the minimum density allowed on the subject property below 30 units per acre, is required for the City Council to

consider approval of this proposed 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).

LESD does not assign students to elementary schools based upon geographical location. As such, elementary age students living in Cerro Vista will have an opportunity to choose which school they will attend within the LESD system. Collier Elementary School, located internal to the Coldwater Springs community at 350 S. 118th Avenue, is the nearest LESD school to the project site. High school students will attend La Joya Community High School located at 11650 W. Whyman Avenue.

TUHSD has provided the City with a Certificate of Adequate School Facilities confirming that the district has adequate facilities to support enrollment generated by the proposed development, whereas LESD has indicated there is not adequate capacity, but the district and developer of Cerro Vista executed an impact agreement, dated March 12, 2019, that will provide the district with needed funds to offset the impact of the development (Exhibit I).

There is an existing public charter school west of this proposed development and another public charter school is planned southwest of this project.

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, April 22, 2021. 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 at least fifteen (15) days prior to the meeting as required. In addition to City Staff and the applicant's team, Vice Mayor Veronica Malone, Councilmember Pat Dennis, and Planning Commissioner Larry White attended the virtual meeting (Exhibit H). Discussion was primarily related to the following topics:

- ***How much of the project is currently zoned for commercial:*** The applicant responded it is about 1-acre of the overall project, the remainder is zoned Agricultural (AG).
- ***What is the current ratio of multi-family to single-family in Avondale:*** The applicant responded that the information is not currently available. Staff responded the information would be researched and prepared for future discussion at Planning Commission and City Council. The City's existing/planned/under construction multi-family residential is approximately 18.8% of total residential uses.
- ***Who will be the builder of this project:*** The applicant responded that they are both the developer and builder of the project and will likely contract with Morgan Construction to construct the project.
- ***What is the reasoning behind the buildings stepping down from 3-stories to 2-stories from Van Buren Street to the north:*** The applicant indicated the goal is an urban-feel fronting Van Buren Street to give brownstone look and feel at the street. It was also noted that commercial property is located across Van Buren Street to the south.
- ***Will there be garages and covered parking:*** The applicant responded garage and covered parking is being provided and will be in compliance with the Avondale requirements.
- ***When is Corporate Drive on the north side of this project being developed:*** Staff responded that

Corporate Drive is a Minor Collector and will be partially constructed by the Fairway 10 project to the north (formerly called Avondale 50); Fairway 10 will be responsible for construct two (2) of the three (3) lanes planned. Cerro Vista will be responsible for half-street improvements adjacent to their site, which includes one (1) lane of paving and associated landscaping and other improvements from the project's eastern boundary to the site's western edge.

- ***Will there be a deceleration lane on Van Buren into the project:*** Staff responded that a deceleration turn lane is included in the traffic report and will be required.
- ***How can the City improve safety of trail users on the multi-use trail that fronts this project on Van Buren Street:*** Staff responded that signage for trail users and for vehicles entering and exiting the project site may be appropriate and can be evaluated.

Three (3) comments related to the proposal have been posted on the City's aVOICE digital forum. One comment was in favor of the project, the other two (2) comments were expressions of concern for the impact on the school capacity, traffic impacts, and availability of affordable housing in the area. The comments are listed below:

- "Build it"
- "I sure hope that the developer is paying enough impact taxes to build all the schools that will be needed for all these housing units!!! Everywhere I look in Avondale we are putting up multi-family units and huge apartment complexes that will have a detrimental effect on our school costs and traffic. Just make sure they are paying enough to cover the costs of the extra schools or classrooms that will be needed to support this growth!!"
- "There should be some units for lower income families. Units should be less than a \$1000 per month. Several families in Goodyear are trying to survive on minimum wage salaries and cannot afford a home in Goodyear. We also need to build units for homeless vets."

All required notifications for the Planning Commission and City Council public hearings were completed at least fifteen (15) days prior to the meetings as required 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. No additional public comments beyond what is noted above have been received to date.

PLANNING COMMISSION ACTION:

On May 19, 2021, Planning Commission conducted a public hearing and voted 5-0 to recommend approval of the proposed rezoning. There were no questions or comments from the Commission or public.

ANALYSIS:

The proposed rezoning to Multi-Family Residential (R-4) will allow for development of a multi-family development project by-right. The subject property has remained vacant since being annexed into the City in 1978. Development of an urban form multi-family apartment project is appropriate in this location and provides a transition from nearby single-family residential to employment uses along I-10 and the commercial and entertainment uses planned in The BLVD. Future development of the subject property under the design and development standards of the R-4 zoning district, Multi-Family Residential Design Manual and Freeway Corridor Specific Plan (FCSP) will enhance the vitality and aesthetic quality of the Van Buren Street corridor while bringing vital new households needed to support future commercial, office, and institutional uses to the periphery of The BLVD area.

This site is served by regional transit, adjacent to bicycle and pedestrian trail amenities, and is near employment centers. In regard to impact on City streets, additional traffic generated by multi-family

development of the site will be safely accommodated by Van Buren Street to the south and Corporate Drive to the north, with both streets (after Corporate Drive is completed) connecting residents to I-10 via Fairway Drive to the west and Avondale Boulevard to the east. Any necessary upgrades to City infrastructure (e.g. Water, Sewer) to serve future redevelopment of the subject property will be completed by the developer of Cerro Vista at the developer's cost. The City will not incur any infrastructure cost associated with future redevelopment of the subject property.

DISCUSSION:

1. The proposed rezoning to Multi-Family Residential (R-4) is in conformance with the concurrent Minor General Plan Amendment changing the designation of the property to High Density Residential.
2. The proposed rezoning is in conformance with the Freeway Corridor Specific Plan.
3. The proposed rezoning is compatible and complementary to adjacent land uses.
4. 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.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and adopt an Ordinance to **APPROVE** Application PL-18-0080 Cerro Vista, a request to rezone approximately 11.51 acres of land located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4), subject to the following five (5) conditions of approval:

1. Approval and recordation of a Final Plat, consolidating the parcels, dedicating 30 feet of right-of-way for Corporate Drive along the property's north property line, and dedicating an 8-foot-wide public utility easement (PUE) parallel to the Corporate Drive right-of-way, shall be required prior to issuance of any permits for the project. Abandonment of the existing 20-foot fire access easement in Corporate Drive must occur before the Final Plat can be recorded.
2. The developer shall construct the north half of Van Buren Street, the south half of Corporate Drive, and any other off-site improvements required adjacent to the project frontage (including fiber conduit installation in accordance with the City's Transportation Plan and development codes) in the first phase of development.
3. Development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
4. Development shall adhere to all applicable provisions of the Avondale Zoning Ordinance and the City of Avondale Multi-Family Residential Design Manual.
5. Extinguishment of Groundwater Rights and pledging of those rights to the City's assured water supply account will be required prior to issuance of any permits for this project.

PROPOSED MOTION:

I move that City Council adopt an Ordinance to **APPROVE** Application PL-18-0080 Cerro Vista, a request to rezone approximately 11.51 acres of land located approximately 500 feet east of the northeast corner of

Fairway Drive and Van Buren Street from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4), subject to the five (5) recommended conditions of approval as listed in the staff report.

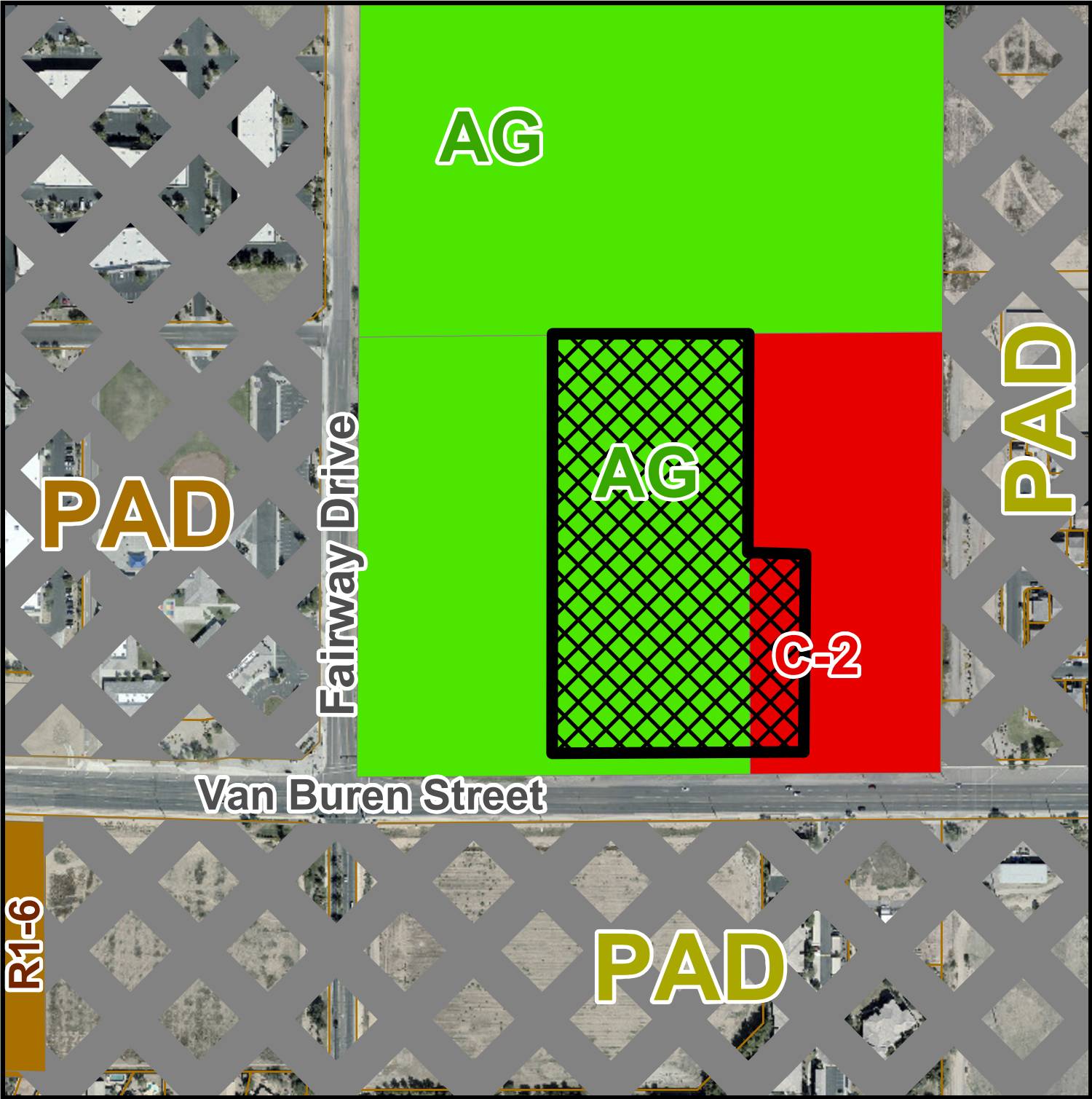


Aerial Photograph

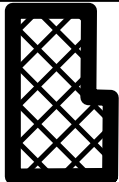


Project Location



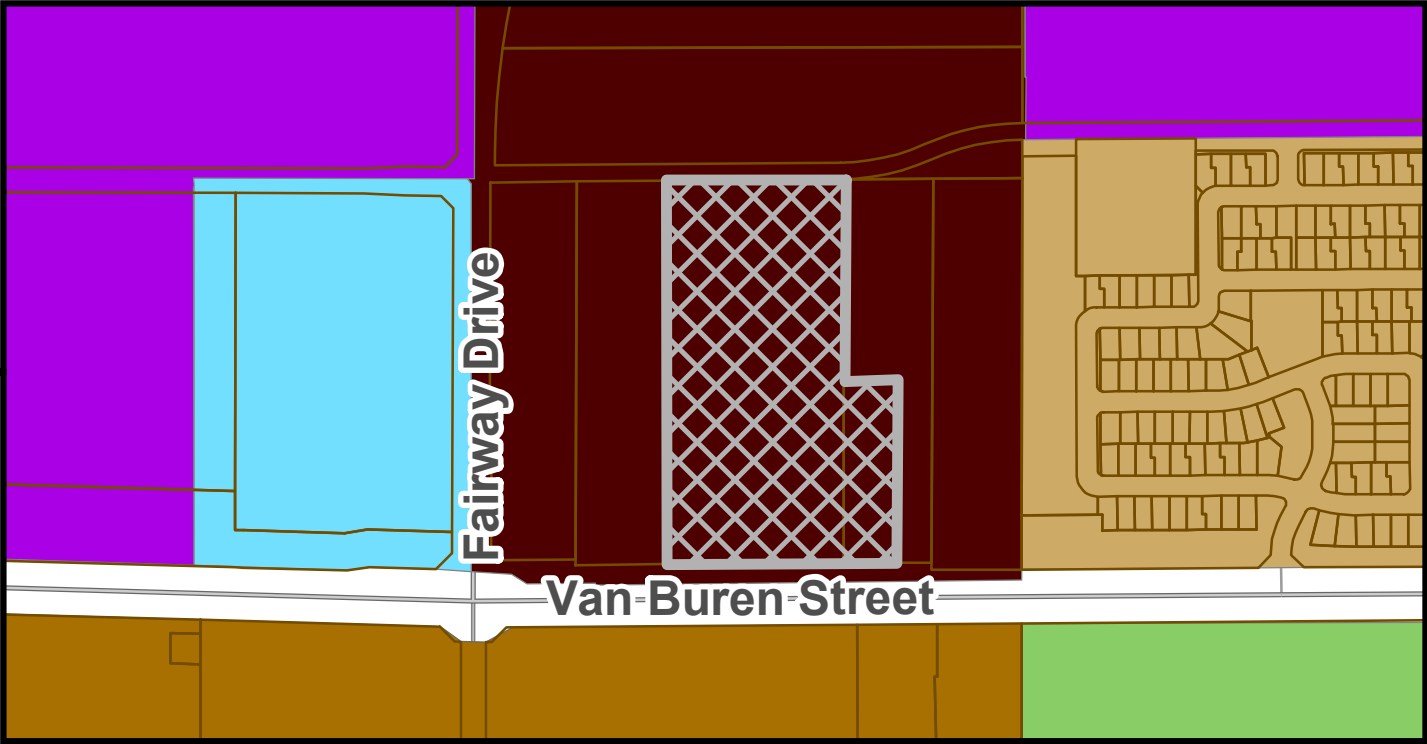


Zoning Vicinity Map

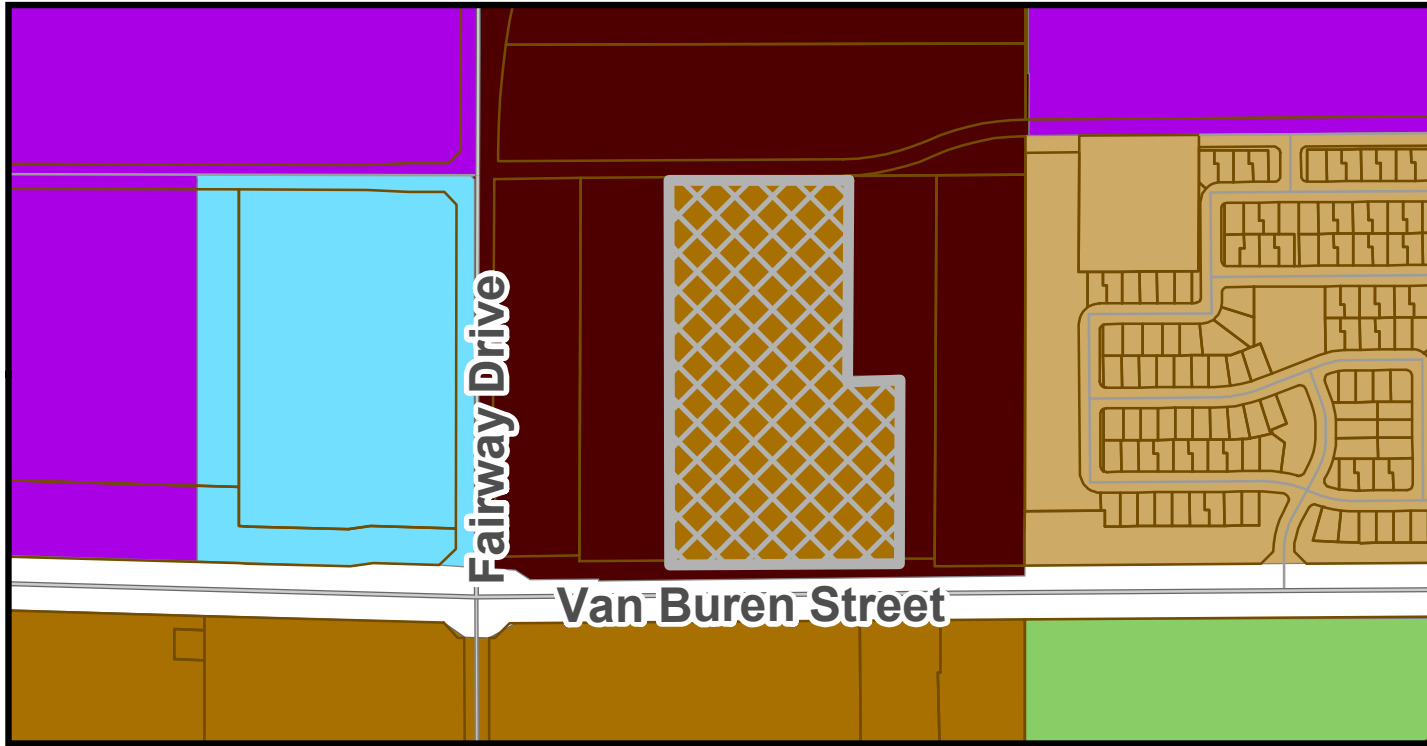


Project Location





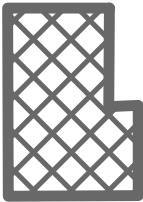
CURRENT LAND USE MAP



PROPOSED LAND USE MAP

General Plan Land Use Map

- | | |
|---|--|
|  Medium/High Density Residential |  Business Park |
|  High Density Residential |  Open Space and Parks |
|  Urban Residential |  Education |



Subject Property

*SUMMARY OF RELATED FACTS
APPLICATIONS PL-18-0079 & PL-18-0080*

<i>THE PROPERTY</i>	
PROPERTY SIZE	Approximately 11.51 gross acres
LOCATION	Approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street
PHYSICAL CHARACTERISTICS	The subject property is vacant, undeveloped and in agricultural production.
GENERAL PLAN LAND USE DESIGNATION	The property is presently designated by the General Plan 2030 Land Use Map as Urban Residential (UR). The UR designation accommodates residential development exceeding 30 units per acre, served by underground or structured parking. The applicant is requesting a Minor General Plan Amendment to change the Land Use designation of the property to High Density Residential (HDR), allowing the property to be developed at a lower density than currently supported. The requested HDR designation allows for development of multi-family residential including patio homes, apartments, condominiums, and townhomes with a density of 12 to 30 dwelling units per acre with a target density of 12 units per acre. There is no structured or underground parking requirement in the HDR designation.
EXISTING ZONING	The majority of the site, approximately 10.27 acres, is zoned Agricultural (AG). The easternmost 1.24 acres of the site is zoned Community Commercial (C-2).
ZONING HISTORY	The 11.51-acre subject site was annexed into the City by Ordinance No. 238 on June 28, 1978 as part of a larger annexation. Records indicate the westernmost 10.27 acres of the subject site were initially given an equivalent zoning of Agricultural (AG) while the easternmost 1.2 acres were given an equivalent zoning of Community Commercial (C-2). The zoning on the site has not changed since annexation in 1978.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Approximately 25.46 acres of vacant and undeveloped property zoned Agricultural (AG) and in agricultural production. An application for a Minor General Plan Amendment and Rezoning of the property to accommodate light industrial development of the site has been submitted and is in review by the City.
EAST	An approximately 7.9-acre property zoned Community Commercial (C-2) and developed with River Crossing mini-storage/RV storage facility. Conditional Use Permit and Site Plan and Design Review applications permitting the expansion of the facility with additional indoor storage space on the currently undeveloped portion of the site was approved in 2020. Construction of the expansion has not yet started.
SOUTH OF VAN BUREN STREET	Multiple uses are occurring south of the site across Van Buren Street. From east to west, these include:

	• Coldwater Springs Apartments, a 301-unit garden-style multi-family residential community on 16.47 acres zoned Coldwater Springs Planned Area Development (PAD). The Coldwater Springs PAD identifies the property for multi-family residential use. • An approximate 12-acre parcel which is undeveloped and not presently in agricultural production. The undeveloped parcel is zoned Coldwater Springs Planned Area Development (PAD) which allows for development of the property in accordance with the Community Commercial (C-2) district.
WEST	A 4.59-acre property, zoned Agricultural (AG), developed with a single-family residence. The undeveloped portion of the property is in active agricultural production.

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Littleton Elementary School District (LESD) Tolleson Union High School District (TUHSD)
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest LESD school to the subject property is Collier Elementary, located at the southwest corner of Coldwater Springs Boulevard and 118 th Avenue.
HIGH SCHOOL	La Joya Community High School, located at the southwest corner of Durango Street and Avondale Boulevard.

<i>STREETS</i>	
Van Buren Street	
Classification	Custom Minor Arterial
Existing half street right-of-way	85 feet
Standard half street right-of-way	Varies (50 feet to 85 feet)
Existing half street improvements	Two (2) travel lanes, half center turn lane, and the landscaped/lighted Van Buren Multi-Use Trail (in right-of-way).
Standard half street improvements	Two (2) travel lanes, half center turn lane, bike lane, curb, gutter, detached sidewalk, streetlights, landscaping, and accommodation of the Van Buren Multi-Use Trail (in easement or right-of-way).
Corporate Drive	
Classification	Minor Collector
Existing half-street right-of-way	None
Standard half-street right-of-way	40 feet
Existing half-street improvements	None
Standard half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, and street lights.

<i>UTILITIES</i>
Future development of the site will access the City's water system via a connection to an existing 16-inch water line in Van Buren Street and a secondary connection to an 12-inch water being installed in Corporate Drive by the developer of Fairway 10 (formerly Avondale 50). Sewer service to the site will be accommodated by an existing 30-inch main line in Van Buren Street. Salt River Project (SRP) provides electrical service to this portion of the City.

Exhibit E

Cerro Vista Rezone Narrative

CERRO VISTA

An Urban Living Experience



Multi-Family Residential-4 (R-4) Rezoning Application Narrative Application Case #: PL-18-0080

City of Avondale

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I. PROJECT PROFILE

Project Name	Cerro Vista
Property Owner	Virtua Avondale Eleven Owner, LLC
Assessor Parcel Numbers	500-01-001W 500-01-001X
Project Location	Generally located 500' east of N. Fairway Drive on the north side of W. Van Buren Street
Project Area	Rezoning Area (inclusive of ROW) 11.51 acres Developable Area 10.4 acres (Net)
Current Zoning	Agricultural (AG) & Commercial (C-2)
Proposed Zoning	Multi-Family Residential-4 (R-4)
General Plan Land Use	Proposed High Density Residential 12-30 du/ac Application Case #: PL-18-0079

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II. EXECUTIVE SUMMARY

This proposed rezoning request is to rezone approximately 11.51 gross acres to the center line, inclusive of the public right-of-way. The net area of the developable site is approximately 10.4 acres generally located 500' east of N. Fairway Drive on the north side of W. Van Buren Street and identified by Maricopa County Assessors as parcel numbers 500-01-001W and 500-01-001X (the "Property"). (See *EXHIBIT A–Regional Aerial Context Map*) The request is to rezone from Agricultural (AG) & Commercial (C-2) **to** Multi-Family Residential-4 ("R-4") to allow the development of a unique high density urban living residential development with a proposed density of approximately 23.94 dwelling units per acre (249 total units).

A Minor General Plan Amendment is also being requested concurrently with this Application to amend the General Plan Map from Urban Residential (30+ du/ac) to High Density Residential (12-30 du/ac, Target Density 12 du/ac). (Application Case #: PL-18-0079)

The proposed Cerro Vista development will allow for a luxury, high density residential community that will bring an urban living experience along the Van Buren corridor of Avondale. It is designed to be complementary to other high density developments along Van Buren and the employment areas adjacent to the north and east along the I-10 freeway. The addition of the major interchange at El Mirage Road and the Interstate 10 Freeway in the near future will also bring regional access within close proximity to the Property. It is anticipated that this development will be a catalyst for other urban, high energy uses that are planned within the area.

The development will provide one (1) to three (3) bedroom units that will be oriented towards an enhanced pedestrian amenity with open space experiences located throughout the development. In addition, complementary "walk-up carriage units" will be part of the development to provide a varied urban housing experience to the urban loft apartments. With its modern design, Cerro Vista will provide loft apartments that create a unique urban experience not currently available within the City of Avondale, but sought-after by millennials, professionals, and empty nesters.

With its proximity to The BLVD, previously known as City Center will be a mixed use project to include Class A Office, Multifamily Residential, Public Space, Signature Retail, Dining and Entertainment. Cerro Vista will also complement this future vibrant area by providing supportive housing that will draw residents to the area. This is supported by the Avondale General Plan, which states that housing should *"Entice the development of condominiums, townhomes, and high-rise loft apartments by marketing The BLVD as an exciting urban enclave geared towards professionals."* (See Avondale General Plan, Implementation Strategies-Housing Element, pg. 150)

It is worth noting that at a City Council Work Session (November 2018), the Council discussed the market shifts related to providing an urban living experience for the changing demographics in the City and region. Traditionally, Avondale is exporting 90% of its employment to surrounding municipalities. This development is in a prime location with adjacent employment uses and nearby The BLVD development area, which will attract those who want to live, work, and play in the City of Avondale. Cerro Vista is poised to become a destination that Avondale citizens can call home.

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 located along the Van Buren corridor that is compatible with existing development, supports housing opportunities for The BLVD area, and synergizes with the adjacent employment areas.

III. PROPERTY DESCRIPTION

Site Description

The Cerro Vista property is approximately 10.4 acres generally located 500' east of N. Fairway Drive on the north side of W. Van Buren Street and identified by Maricopa County Assessors as parcel numbers 500-01-001W and 500-01-001X (See *EXHIBIT A–Regional Aerial Context Map*) The Property is currently vacant. The topography of the site is relatively flat.

As illustrated in *EXHIBIT B – Aerial Context Map*, the Property is comprised of two (2) parcels adjacent to the Van Buren Street corridor. A City regional trail also runs along the south end of the Property along Van Buren Street providing opportunities for the development to connect to this public amenity. The Applicant is working with the City to provide the adequate trail easement area for future development, as required.

The Property's current General Plan's land use designation is Urban Residential (30+ du/ac) (See *EXHIBIT C – Existing Avondale General Plan Map*) and is currently zoned primarily with Agricultural (AG) zoning and approximately 1.4 acres of Commercial (C-2) zoning. The Property has historically been used for agricultural purposes. (See *EXHIBIT D – Existing Avondale Zoning Map*)

The request proposes a maximum of 249 units with a density of approximately 23.94 dwelling units per acre. This is consistent with the Avondale General Plan proposed designation of High Density Residential (12-30 du/ac) and is above the target density of 12 du/ac (See *EXHIBIT E – Proposed Avondale General Plan Map* and *EXHIBIT F – Proposed Avondale Zoning Map*).

Property Owner

The Property is currently owned by Virtua Avondale Eleven Owner, LLC and they are wanting to plan and prepare the Property for the proposed future development. The Virtua group offers, manages, and develops the highest quality real estate investments

across the country. This includes properties in Arizona, California, Nevada, Texas, Georgia, Connecticut, and Pennsylvania. Additionally, the Virtua group members are very active in land development in the greater Phoenix area and its management has decades of development experience in Phoenix, particularly in the West Valley. The development team is focused on adding meaningful value to the Property and, more importantly, bringing a high-quality, new, and 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 there is a vacant agricultural property with AG zoning and General Plan land use designations of Urban Residential. Additionally, to the northeast there is approximately 145 acres of active employment uses between the I-10 freeway and Van Buren Street. There is also a major interchange planned for El Mirage Road and the Interstate 10 Freeway, which will provide additional regional access to the Property.
- SOUTH:** To the south of the Property across Van Buren Street is a mixture of vacant property that is zoned for C-2 uses, the Coldwater Springs Apartments, and the Coldwater Springs single-family development.
- EAST:** Directly to the east of the Property are properties owned by River Crossing Storage. The property is being used for RV and boat storage uses. There is also an approximately 3-acre vacant parcel. These properties have Commercial Office (C-O) zoning and a General Plan land use designation of Urban Residential.
- WEST:** Directly to the west of the Property are properties being used for a mixture of agricultural and residential uses. These properties have AG zoning and a General Plan land use designation of Urban Residential.

Existing Services

Water

The domestic, fire and irrigation water needs for development are anticipated to be provided via connections to the existing 16-inch water main in Van Buren Street and the provision of a created on-site water loop. The on-site water loop will be sized to provide for the connection to domestic, fire, and irrigation water. It is anticipated that the water system will be located within proposed access and roadway easements and easements provided for utility purposes. 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

The sanitary sewer needs for development are anticipated to be provided via connections to an existing sanitary sewer main. There is a 30-inch sanitary sewer main in Van Buren Street. 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

Van Buren Street serves as the southern boundary of the rezoning request. This roadway is currently a four-lane arterial roadway with a two-way center turn lane with future build out to be six lanes. Half street improvements will be made by the developer on Van Buren Street as required.

Flood Zone Determination

The Property is classified as Zone X.

IV. PROJECT DESCRIPTION

Cerro Vista is designed to be a high quality, luxury urban living development providing a vibrant community that provides 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, Cerro Vista provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The development will be arranged in building masses with a prominent frontage presence on Van Buren Street and Corporate Drive (future) with enhanced entry features from Van Buren Street. (See *EXHIBIT G–Preliminary Site Plan*)

The current General Plan land use designation of Urban Residential allows for the development of 30+ du/acre. In a May 2018 City Council Work Session meeting, City staff presented that the Property and the surrounding area was envisioned by the City to include the High Density Residential land use category near Van Buren Street. In further discussions with City staff, it was determined that high density residential on the Property and the surrounding area would be appropriate. However, it was discussed that the emphasis of the high density residential should be on creating a unique urban experience and providing a place that attracted residents who could live, work, and plan in Avondale.

This high density residential use is compatible with the proposed land uses to the north and east, which include The BLVD located approximately ½ mile to the north and east of the Property. Cerro Vista will provide higher density housing that will bring the residents and synergy needed to attract and support future retail and mixed-use areas of The BLVD. Additionally, adjacent employment areas to the north and northwest provide opportunities for Cerro Vista residents to work in Avondale without having to seek employment out of the City.

While Cerro Vista is proposing to amend the General Plan land use from Urban Residential to High Density Residential, the Applicant's intent is to maintain the urban feel that is desired in this area.

By allowing the land use change to accommodate a lower density than 30+ du/ac on the Property, along with promoting a unique urban development, the developer will be able to create a high density development that is not found in Avondale. This will allow the Property to develop in a manner that maintains the urbanity envisioned for this area and that will be compatible with the intent of the General Plan and Freeway Corridor Specific Plan for this area.

Preliminary Site Plan Description

EXHIBIT G, the Preliminary Site Plan, shows two (2) different types of high-density housing types on the site. They are A) the urban loft apartments consisting of one (1) to three (3) bedroom urban lofts located within the larger buildings on the north and south ends of the Property and B) the two (2) story carriage unit buildings with garage parking underneath those buildings centrally located on the Property.

The urban loft apartments are designed and arranged so that the exposure of the outside of the buildings enhances and promotes a walkable atmosphere. Greater architectural variety will be placed on the outer portions of the buildings. These building masses will surround and frame the inner court areas of parking. This design is meant to shield most of the court parking areas away from the recreation and walkable areas of the Property, thus creating an enhanced pedestrian environment.

The urban loft apartments on the south end of the developments are three (3) story in height. Greater detail will be placed on those fronting onto Van Buren Street to create a massing frontage that interacts with the adjacent roadway. The *"Illustration 1"* found in *EXHIBIT J – Conceptual Perspective Illustrations* shows the frontage of these buildings to Van Buren Street with connective walkways and doorways to the trail easement that will exist here. The massing and architectural features shown in *EXHIBIT I – Preliminary Building Elevations* and *EXHIBIT J – Conceptual Perspective Illustrations* for the Van Buren Street buildings demonstrate the interactive and visual impact it will have. This will create an emphasis on walkability and connectivity to other parts of Avondale.

The urban loft apartments on the north end of the development will be two (2) story in height. These residential buildings will focus on creating massing and architectural diversity that interacts with the east, west, and south property boundaries, creating interactivity and enhanced aesthetics that are demonstrated in the *EXHIBIT I – Preliminary Building Elevations*. These buildings will be arranged in a way that the parking areas are found in the inner court created by the building arrangement, as shown on the Preliminary Site Plan. Besides the parking stalls found on the Preliminary Site Plan, approximately 50% of the first story length distance of the loft apartment buildings facing a parking area shall contain enclosed parking areas. This requirement will promote a more pedestrian, urban

feel to the Cerro Vista development by providing areas where cars will not be easily seen in the development.

The other high-density housing of the Cerro Vista development will consist of two (2) story carriage unit buildings with garage parking underneath those buildings. These carriage units will be arranged primarily in the center of the development around the central park amenity area and to the west and east of the central park area. The carriage units will be accessed by central staircases that access the upstairs units. The elevations of the carriage units can be found as *"Building Type 4"* in the *EXHIBIT I – Preliminary Building Elevations*. A demonstration of the carriage units can also be seen in *"Illustration 3"* found in *EXHIBIT J – Conceptual Perspective Illustrations* showing the carriage units surrounding the central park amenity area.

The Cerro Vista development proposes a maximum of 249 residential units with a density of 23.94 dwelling units per acre. The Cerro Vista 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 vegetated refuge areas. The central park 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 high-quality amenities.

A centrally located open space area will connect the Property from north to south centering on a main core of open space with amenities 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. A dog park area will be located on the east portion of the development, as shown on the Preliminary Site Plan. These amenity 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 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. A demonstration of the central park area can be seen in *EXHIBIT H – Preliminary Landscape/Vegetation Plan* and in *"Illustration 3"* found in *EXHIBIT J*.

Two main access points are proposed for the Property. The main entrance is planned as an approximately 50-foot wide driveway with 10-foot center median. This full access driveway is projected to accommodate all ingress vehicles and half of all outbound trips. The driveway has an approximately 150-foot throat length prior to its first internal residential cross-drive and visitor parking area located near the clubhouse. The cross-drives are gated prior to entering the residential area east and west. A demonstration of the main entrance drive of off Van Buren Street can be seen in *"Illustration 2"* found in *EXHIBIT J*. The second Property access is an approximately 30-foot wide exit-only driveway

located at the north end of the Property. (The Transportation Impact Analysis provided by Lee Engineering, dated March 13, 2018 provides additional information regarding traffic circulation and traffic counts for the development)

V. LAND USES

Permitted Uses are those allowed in the R-4 Zoning District found in City of Avondale Zoning Ordinance.

VI. DEVELOPMENT STANDARDS

Since Cerro Vista is a unique development and the proposed development standards outlined in the table below would be unique to Cerro Vista.

R-4 DEVELOPMENT STANDARDS	
Development Standard	R-4 Development Standard*
Maximum units allowed	24 dwelling units per acre
Minimum Lot Width	50'
Minimum Lot Depth	100'
Maximum Height	45' ³
Maximum Building Coverage	50%
Minimum setbacks:	25' ⁴
Front Yard (Van Buren Street/South Property Line)	(Reduced to 8' per footnote 4)
Side Yard (East & West Property Lines)	15'
Rear Yard (Corporate Drive/North Property Line)	25' ⁴ (Reduced to 8' per footnote 4)

*1. Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.

2. May be reduced to ten (10) feet in the case of single-family attached or detached units.

3. The maximum height of buildings in the R-4 Zoning District shall be allowed to exceed forty-five (45) feet in height if located on land identified by any of Avondale's specific area plans (e.g. Freeway Corridor Specific Plan, North Avondale Specific Plan) as appropriate for additional height. In those instances, the maximum building height shall not exceed the height specified by the particular specific area plan.

4. City of Avondale Zoning Ordinance – Section 2, Residential Districts. May be reduced to eight (8) feet for buildings with individual dwelling units that front onto a residential street and that provide direct access from residential units to the public sidewalk (e.g. townhomes or walk-up apartments). As it relates to this provision, direct access shall be defined as the shortest feasible paved connection to the public sidewalk from the entrance of a residential unit(s). Direct access shall not require pedestrians to navigate through internal sidewalks and exit through a centralized location in order to access the public right-of-way.

Description of Proposed Cerro Vista Development Standards

These proposed development standards will allow the unique urban development proposed in this rezoning request and are not out of conformance with typical development standards for this type of high density development.

The proposed minimum lot width (50') and depth (100') are identical to those found in the R-4 development standards. As proposed, Cerro Vista 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 identical to the height found in the R-4 development standards. The Property is located within the Freeway Corridor Specific Plan, which does allow for building heights to exceed forty-five feet (45') in height. However, Cerro Vista's highest buildings will be 3-story buildings and they do not anticipate exceeding the forty-five feet (45') in height, but the developer would like the flexibility should higher ceilings or if the market changes and the need for more height becomes necessary for additional floors/units in the future.

The proposed maximum building coverage of 50% is identical to the coverage found in the R-4 development standards.

Since Cerro Vista will be developed as an entire single lot, the proposed minimum setbacks shall be applicable to the respective boundary lines of the Property.

The front yard is the south boundary line (adjacent to Van Buren Street), which has the main entryway into Cerro Vista. The rear yard is the north boundary line, which will be adjacent to the future Corporate Drive. Both the front and rear yard setback shall be a minimum of eight feet (8'). These setbacks are supported by the Avondale Zoning Ordinance as the typical twenty-five feet (25') front yard setback for multi-family apartment uses may be reduced to eight feet (8') when buildings have dwelling units that front onto a street and provide direct access from residential units to a public sidewalk (e.g. walk-up apartments). Since the front and rear yards will be facing onto streets with pedestrian sidewalks, it is appropriate to reduce the front and rear yard setbacks to accommodate a more pedestrian oriented environment. These setbacks will promote walkability and urbanity by providing the unique design of buildings directly interacting with the adjacent pedestrian walkways and streets.

The side yards will be the Property boundary lines located on the east and west sides of the Property. These side yard setbacks shall be fifteen feet (15'), which is identical to the side yard setback requirements found in the R-4 development standards.

Street side setbacks that are typically found in the Avondale Zoning Ordinance are not applicable to Cerro Vista as these setbacks are addressed with the front and rear setback development standards.

Additional Development Standards and Requirements

The following requirements are supplemental to Avondale's Multi-Family Residential Design Manual. In the case of a conflict, the more stringent standard governs.

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. Parking
 - a. Parking counts and design shall meet Section 8 of the Avondale Zoning Ordinance and be designed as set forth in Avondale's Multi-Family Residential Design Manual. Required parking is 446 (using 1:10 visitor ratio), or 462 using the 1:5 visitor ratio. Actual parking has increased from 447 to 466. With the lower unit count and added surface we now comply with the 1:5 ratio. We have gained 37 open spaces and lost 18 garage spaces. Overall parking ratio grew from 1.75/unit to 1.87/unit.

- b. Under Section 206.B.5.C of the Avondale Zoning Ordinance, it requires that garage parking shall be provided for a minimum of twenty percent (25%) of parking, excluding visitor parking, in apartment developments with one hundred (100) or more dwelling units. The Cerro Vista development proposes to increase the number of enclosed parking garage spaces. The intent is to increase the urbanity as well as the pedestrian feel of the Cerro Vista development. The specific locations of the enclosed parking garages will be determined during the Site Plan phase. Additionally, see vehicle parking table for number of spaces.

VEHICLE PARKING					
<u>Required:</u>	<u># Units</u>		<u>Spaces Required</u>		
1 Bedroom Units	65	x	1.5	=	98 P.S.
2 Bedroom Units	149	x	1.75	=	261 P.S.
3 Bedroom Units	35	x	2.0	=	70 P.S.
Guest	249	x	0.1	=	25 P.S.
Required Total:					454 P.S.
Required Garages: (Per Zoning Code)	429	x	0.25	=	108 G.S.
Provided:					
Open Spaces				=	250 P.S.
Tandem Spaces				=	96 P.S.
Garages				=	120 P.S.
Provided Total:			(1.87:1)		466 P.S.

6. 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.

VII. ARCHITECTURAL DESIGN CRITERIA

The proposed architectural design of Cerro Vista consists of luxurious, urban loft apartments with various building types that are arranged as a group of various masses, two (2) to three (3) multi-story apartment building types, one clubhouse, and one garage carriage unit building type. 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 high-quality 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. (See attached *EXHIBIT H-Preliminary Landscape/Vegetation Plan*, *EXHIBIT I - Preliminary Building Elevations*, and *EXHIBIT J - Conceptual Perspective Illustrations (1, 2, and 3)* demonstrating the architectural design criteria discussed herein.

Furthermore, Cerro Vista will be subject to 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 Cerro Vista development.

Architectural Character

The architectural character is a contemporary, urban style with different sized layered volumes, materials, and strategically placed linear horizontal elements. The architecture along Van Burren Street will be placed close to the right of way to give an urban city feel as the buildings will interact with the public pedestrian walkway with the use of large overhangs for shading and landscaping.

Style

The distinctive contemporary urban architecture features two (2) to three (3) stories with architectural elements at different elevations. The various elements of the development harmoniously blend a contemporary 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. To help further define the urban feel, the use of oversized windows will be used at select locations of different buildings. Building along public right of ways will have larger more decorative windows while large windows within the site, not within view of the public ways, will have a lesser degree of decorativeness.

Required Features and Design Elements

The City of Avondale General Development Standards sets 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 I - Preliminary 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
- Provide large roof overhangs at select locations
- Add metal features such as metal brackets at the roof overhangs
- Variety of parapet heights for more variation and asymmetry
- Create different railing configurations at the balconies to provide visual interest
- Combine the sidewalk level canopy into one continuous one in the middle of the building
- Vary the color locations on the elevations to help with asymmetry

- Add masonry elements to add to the variety of material
- Private exterior open space will be provided to most units that is at least 80 square feet
- Shading elements on the south and west sides of 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
- This project will also be sensitive towards “green design” by use of, energy star appliances, programmable thermostats, and water efficient plumbing fixtures and landscaping

Building mass

There are five (5) proposed building types demonstrated on *Exhibit G-Preliminary Site Plan* and on *EXHIBIT I-Preliminary Building Elevations*, which are arranged as a group of various masses, two (2) to (3) story loft apartment building types, a carriage unit building type, and a Clubhouse. These buildings types are as follows:

- BUILDING TYPE 1 – This is the larger 3-story loft apartment building shown on the southeast portion of the Preliminary Site Plan.
- BUILDING TYPE 2 – This is the smaller 3-story loft apartment building shown on the southwest portion of the Preliminary Site Plan.
- BUILDING TYPE 3 – These are the 2-story loft apartment buildings shown on the north end portion of the Preliminary Site Plan.
- BUILDING TYPE 4 – This is the 2-story carriage unit building shown in the central portion of the Preliminary Site Plan.
- BUILDING TYPE CH – This is the 1-story Clubhouse located at the north end of the main entryway off of Van Buren Street.

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. The massing will be offsetting in plan to create ins and outs of the elevation planes help creating shadows to emphasize each volume. The volumes will also consist of varying heights to help break up the roof line and help define each volume, along with the use of material and color.

Building materials

The project proposes a wide variety of materials to accentuate the architectural style and theme. Included in our palette of materials are:

- Stucco system of a light dash finish for a smooth appearance with various paint color options and a trim color.
- Decorative metal railings on the upper floor balconies and at stair locations.
- Deep overhangs at upper floor balconies for shade and architectural interest.

- Deep overhangs with metal finishes and decorative rod and turnbuckles will be provided for along the public pedestrian walkway for shading and public right of way visual interest.
- Architectural masonry will be used at the patio walls, and at select locations on select building elevations.

Color Palette

The proposed color palette will be a mixture of cool and warm colors. The cool colors consisting of different shades of grey, from medium dark grey for metal work and select stucco volumes to a lighter tint of grey as accent above select building materials and trims, such as window sills, in-between masonry at patio piers, and along parapet decorative caps. Warmer colors as beige or tan will be the primary color for the buildings. The masonry will be of a selected brick color to also act as secondary color to help accentuate the urban theme.

VIII. SITE DESIGN, LANDSCAPING, PEDESTRIAN OPEN SPACE AND AMENITIES

The physical design of Cerro Vista 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 along Van Buren Street. Internal pathways will connect to this public trail to enhance walkability and connectivity to the public.

The development will be gated with decorative walls surrounding the Property. A decorative primary entry sign will welcome residents coming from Van Buren Street. There will also be an exit only driveway gate on the north side of the Property at Corporate Drive. Pedestrian walkways link the residences to the open space retention areas and the high-quality amenity areas.

Pedestrian Focus

The Cerro Vista development will facilitate pedestrian circulation within the entire project. The layout of the building and residential units facilitates 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 also be used to increase safety by showing where pedestrian paths cross vehicular circulation.

The Applicant is working with the City of Avondale in providing property to establish a multi-use trail along Van Buren Street. Residential units have been designed to connect onto this multi-use trail to enhance the pedestrian-oriented design of the development. This trail will provide regional connectivity with connections throughout the City of Avondale and along the Agua Fria River. This regional trail promotes pedestrian and

bicycle connectivity of the residents to the adjacent employment and recreational uses such as bicycling, jogging and walking that will enhance the quality of Cerro Vista. This trail will be acquired and maintained by City of Avondale.

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 very high 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 and allow individuals and families place to socialize and recreate. There will also be a dog park area located across from the central park area to the east. These will be connected with a large open space corridor between these larger open space areas to create ample usable open space areas on the Property.

The open space areas will provide opportunities for landscaping, including 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 as well as providing 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.

Landscaping for Cerro Vista is proposed to go beyond providing the basic amenities by accompanying the programming with a strong sense of place and style. Cerro Vista's primary entrance is accessible from Van Buren Street. The City of Avondale Street Tree Master Plan calls for a strong pattern established with linear plantings of Indian Rosewood (*Dalbergia sissoo*) trees along Van Buren Street. This formal structure is echoed in the Cerro Vista landscape design with a focal entry planting and Fan Palms in the median to guide people into the site.

It is by creating a strong central axis with the repetition of linear tree plantings, using the same species as the Street Tree Master Plan, that one is visually and physically transported through the space. Focusing the plant materials in the dense axis of the site assists in wayfinding, and flow in the programming of the various nodes along and adjacent to the core. The consolidation of the primary amenities along the central corridor also leads to a vibrant 'urban landscape' feel, reflecting the aspirations and character of The BLVD as an up and coming metropolitan hub. The corridor acts like an artery that branches off to sustain life and activity for the site as a whole.

Located along the primary corridor are nodes of activity in the form of a pool and spa area, multiple ramadas, seating areas and grilling spaces. Use of turf throughout the corridor has an array of purposes by providing retention and creating an urban oasis effect from the cooling properties of transpiration. These strong design strategies help Cerro

Vista seamlessly integrate into the urban core of 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 Cerro Vista community.

IX. REZONING REVIEW AND ANALYSIS

As stated previously, the purpose of the R-4 zoning district for Cerro Vista is to provide a high quality, luxury urban living development facilitating a vibrant community with an urban living experience in the Van Buren corridor.

With its modern design, Cerro Vista will provide loft apartments 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.

Cerro Vista 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, Cerro Vista provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The Cerro Vista development is unique to Avondale and the rezoning proposes development standards that will facilitate this unique community.

The rezoning to R-4 is further justified with the following supreme enhancements of the development:

- Providing 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.
- Focusing all housing units on communal open spaces that are focused on providing an enhanced pedestrian and community experience.
- Enhanced vegetation at entries 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 Cerro Vista development meets or exceeds the following findings, as follows:

1. *The proposed development 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 Cerro Vista development is in conformance with the intent of the General Plan and the Freeway Corridor Specific Plan (See Section XII herein).

2. *The proposed rezoning meets the zoning requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements.*

As stated, the Cerro Vista development meets 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 the development.*

As provided within the Cerro Vista development and accompanying engineering plans and reports, the development has adequate public infrastructure and services to serve the proposed development.

4. *The proposed rezoning 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 Urban Residential for a long period of time. This land use was designated for anticipation of the future development of the properties north 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 to the I-10 Freeway have been envisioned as being transitional uses that are compatible to The BLVD area to the east.

The proposed high density housing will be lower density than that 30+ du/acre allowed by the Urban Residential land use designation, but will still maintain an urban feel that will be compatible with the envisioned developments for the surrounding properties. Cerro Vista will be designed in a way that is complementary to the surrounding neighborhoods and is supported by current market conditions.

During a Work Session in May 2018 the City Council and City staff discussed the possibilities for this area, including the Property. In that meeting it was discussed that the Council would like to see greater flexibility for this area and would like to move high density residential areas away from the Freeway and more towards Van Buren Street. Additionally, in discussions with City staff, the Applicant has discussed the compatibility of the proposed housing with this area and the Applicant crafted the high-density residential product based on those discussions.

Additionally, during a November 2018 City Council Work Session, City staff and City Council recognized that there was only approximately 18% of land in Avondale being used for multi-family uses and that there was still a need for additional multi-family developments. However, the Council suggested that additional multi-family

developments should be of a quality that attract the types of renters that will live, work, and play in Avondale. It was further suggested that this could be accomplished with 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 Cerro Vista, the variety of building types, architectural styles, high-quality amenities and development standards provide that type of multi-family for Avondale. The location of this development is perfectly situated near Avondale's core and adjacent to current and future employment areas that will provide good paying jobs for those living at Cerro Vista.

5. *The proposed development standards are consistent with or exceed the desired character of development for the area.*

As stated, the proposed 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 enhance upon the traditional development standards of a typical apartment complex.

X. INFRASTRUCTURE

Road improvements, right-of-way, easements.

Surrounding Street Improvements

The Project will construct the adjacent half-street improvements for Van Buren Street, which the City classifies as a collector roadway. All existing power lines that are less than 69kv will be converted underground and the poles will be removed at Corporate Drive.

Additional right-of-way and improvements may be required for turn and deceleration lanes.

Utilities

Water

The City is the water service provider for the Property. The proposed water for Cerro Vista will consist of taps into the 16" water main currently in Van Buren Street, which will consist of two (2) separate taps for a domestic water meter and a landscape water meter. A 16" in-line valve will be installed between the two (2) 8" fire line taps for safety purposes. This will accommodate fire flow and residential demand requirements as demonstrated within the Preliminary Master Water Report. All connections will follow the City of Avondale's supplement to MAG Specifications and Details, and American Water Works Association Standards. Since there is an existing water main fronting the property there is no need to construct a new waterline adjacent to the project.

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 sewer for Cerro Vista will consist of approximately 1,648 LF of 8-inch sewer line and 7 manholes as shown within the Preliminary Master Sewer Report for the project. There will be a single connection within Van Buren Street into the 30-inch existing sewer main.

Since there is no existing sewer stub for the project from the existing 30-inch sewer main within Van Buren Street, a new manhole will be constructed within the proposed Van Buren Street right-of-way as part of this project. Since there is an existing sewer main fronting the property there is no need to construct a new sewer line adjacent to the project.

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 Master Drainage Report is provided with this rezoning 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.

Cerro Vista proposes two (2) surface retention basins along the north boundary and two surface basins within open space areas within the property as shown on the Preliminary Master Drainage Report. The remainder of the onsite drainage will be directed to eight (8) feet diameter CMP pipe (approximately 915 LF) under parking stalls so as not to conflict with other onsite utilities. Seven (7) drywells will be required to drain the onsite retention volume within all surface retention basins and underground pipe within the required 36-hour drain time. The actual number of drywell are dependent upon further testing at time of construction.

It is proposed to provide three surface retention basins along the south boundary of the project to capture design flows within the adjacent proposed half-street improvements of Van Buren Street.

XI. 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 Cerro Vista development.

XII. CONFORMANCE WITH AVONDALE PLANS

The Property is designated as Urban Residential on the City's General Plan Map. The Property is also within the Freeway Corridor Specific Plan (*See EXHIBIT C – Existing Avondale General Plan Map*).

Under separate application (Application Case #: PL-18-0079), 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 rezoning to Multi-Family Residential-4 (R-4) will be consistent with this vision by providing 23.94 dwelling units per acre with connections to surrounding commercial and employment use. The proposed Cerro Vista development will also be consistent with several 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 that exists in Avondale. Cerro Vista will provide a high density, quality community that will be compatible the existing surrounding employment, commercial, and residential uses and will also provide an added catalyst to creating urbanity adjacent to The BLVD. The type of residents and lifestyle that the Cerro Vista development will attract will be centered on professionals, millennials, and those wanting to live an urban "lock and leave" lifestyle. Thus, it will provide a well-balanced land use encouraging social interaction and 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.

Cerro Vista will be an urban living community that is unique within the City of Avondale. The luxury urban apartments will be designed in a way that creates a cohesive, connected community. Residents to the Cerro Vista can be in the range from new professionals, small families, and empty nesters and are looking for a vibrant community to live in Avondale. The Property design will create more of a sense of place within the area and will encourage more 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.

Cerro Vista incorporates these policies with Goal 4 by focusing on the City's Design Manuals to create a layout with high-quality open space and recreation areas centrally located on the Property to provide easy access to all resident. Buildings are oriented to face each other, the internal private streets, and open space areas to "eyes" on the community and making it safer. Some of the residential unit have also been designed to be connected to the future development of the public access trail along Van Buren Street. Thus, providing the great opportunity for connectivity to this trail, which will promote pedestrian and bicycle access to all surrounding areas of the City.

Open Space Element, Goal 2: Create linkages to parks, trails, rivers, and mountains.

Recreational Amenities Element, Goal 4: Create shared use linkages throughout the community in order to support a healthy lifestyle.

These goals will be met with the development of the public access trail along Van Buren Street, Cerro Vista will provide the necessary access for shared connections to the City and other transit nodes along Van Buren. This will encourage the linking of City area and promoting physical activity for the well-being of Avondale residents.

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.

Cerro Vista 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.

Cerro Vista is within close proximity to employment, commercial, and The BLVD area. With the connective trails along Van Buren and the creation of this dense, urban core of housing, there will be a great opportunity for residents to utilize bicycles for access to the services and employment that they need access to. This will greatly add to 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.

Cerro Vista meets this goal and all policies by providing a high density urban community that has strong pedestrian access to surrounding employment and commercial uses, and is readily accessible to The BLVD area within a ½ mile to the east. Additionally, a bus transit stop currently exists across the street from Cerro Vista on the southeast corner of Van Buren Street and Fairway Drive creating additional access to transit opportunities the residents. With the combination of these transit and pedestrian opportunities for the Property, Cerro Vista 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.

THE AVONDALE FREEWAY CORRIDOR SPECIFIC PLAN

The Avondale Freeway Corridor Specific Plan covers the majority of land within a ½ mile each way of the freeway located within the Avondale city limits. The major focus of the visibility of the freeway with the City and steering uses that enhance that visibility and

encouraging employment, commercial, and mixed uses. The Plan also focus on higher density residential districts that will support these uses.

Objective #3: The Freeway Corridor will be the southwest valley's premier job center.

GP Growth Area Element, Goal #1: "Create destination employment centers in targeted areas of the City that will help to improve balance between jobs and population."

With the creation of a high amount of jobs that this objective envisions, there will be a great need for populations that can fulfill those jobs. Cerro Vista provides a high density development that provides not only additional population near employment areas but will likely attract residents that will need all ranges of employment from the professional to the staff worker.

Objective #4: Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.

The location of Cerro Vista creates a development that ensure residents have full access to opportunities to walk or bike to destinations for work, recreation, or access to services within the City. The development of the trail along Van Buren Street in front of the development will contribute to the Van Buren Street Drainage and Recreational Corridor that provides east/west connectivity for the Freeway Corridor. This allows pedestrians to travel from 99th Avenue to the Agua Fria River in a beautiful, spacious, and landscaped environment for full access throughout the City.

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 to continuing the path to Avondale's vision to create a community that is both family friendly and economically robust. A City that is Aspiring, Achieving and Accelerating.

The Property is in a unique location which provides the opportunity to develop the proposed Cerro Vista project along the Van Buren corridor while being compatible with the existing developments in the area, supporting housing opportunities for The BLVD area, and creates/enhances the synergy with the adjacent employment areas. In addition, the increased level of employment opportunities that will come in the future to the north of the Property along Interstate-10 will ultimately help support employment opportunities for the Cerro Vista residents and vice versa. This adjacency will be a positive addition to ensuring that economic opportunities provided by these employment areas will stay with Avondale's residents. This will complement and support the economic vision of the Strategic Five Year Plan.

Additionally, the following goals of the Strategic Five Year Plan will be met with the proposed rezoning.

Initiative #1, Strategic Goal: Encourage build-out in residential housing opportunities that support diverse housing options.

With its modern design, Cerro Vista will provide loft apartments 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.

Cerro Vista 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, Cerro Vista provides a unique housing development that caters to those looking for something different than the typical traditional housing offered in Avondale. The Cerro Vista 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 proposed Cerro Vista development provides for a multi-use trail along Van Buren Street, which promotes pedestrian and bicycle connectivity of the residents to the adjacent employment and other surrounding uses. The portion of the trail in the Cerro Vista right-of-way is part of the larger trails master plan for Avondale and contributes to this connectivity. This trail will be acquired from the Property owner by the City of Avondale and will be maintained by the City of Avondale.

XIII. SCHOOLS

The Applicant has provided the City the executed copies of the Certificate of Adequate Schools Facilities from the Littleton Elementary School District #65 (*Collier Elementary School*) and the Tolleson Union High School District (*La Joya Community High School*). See Exhibit K – Certificate of Adequate Schools Facilities.

Tolleson Union High School District has adequate school facilities, so no further action is required. However, Littleton Elementary School District #65 does not have adequate school facilities for the proposed project. Therefore, the current property owner has entered into a Donation Agreement with the Littleton Elementary School District #65 to help mitigate any potential impacts that the Cerro Vista development could have on the school district.

CONCLUSION AND SUMMARY

Cerro Vista is in a unique location adjacent to existing employment areas, the active Van Buren Street corridor, and The BLVD area to the east. This location provides the perfect

site for an urban multi-family community that will synergize with the surrounding area. The proposed rezoning to Multi-Family Residential-4 (R-4) creates a 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.

The proposed rezoning is consistent with the policies of the City of Avondale's General Plan 2030 and the Freeway Corridor Specific Plan. The proposed plan intends to develop a vacant site that will provide a vibrant urban feel, reflecting the aspirations and character of The BLVD as an up and coming metropolitan hub. Cerro Vista will draw residents such as professionals, millennials, and empty nesters, which will attract a variety of residents to the downtown area of Avondale.

The sense of place and strong design strategies will help Cerro Vista seamlessly integrate into the urban core of Avondale, while also setting itself apart in a distinctive way. The Avondale General states that the City should entice these types of developments, which are geared towards the exciting, urban enclave of The BLVD. Additionally, with the City's focus on the importance of high-quality amenities and interactive social spaces within developments, Cerro Vista provides the framework to realize that vision on the Property.

The proposed Cerro Vista development establishes a level of quality, building design, and site design expectations for this multi-family residential development. The Cerro Vista development includes exhibits and imagery that represent the level of quality being proposed. We look forward to Cerro Vista being a unique multi-family development that bring a high quality urban experience to its residents.

Exhibit ‘A’



Exhibit A - Regional Aerial Context Exhibit
Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘B’

Exhibit ‘C’

GENERAL PLAN

Legend

Planning Boundary
Growth Area

Land Use

Rural Low Density Residential
Estate/Low Density Residential
Medium Density Residential
Medium/High Density Residential
High Density Residential
Local Commercial
Freeway Commercial
Historic Avondale District
Sports and Entertainment
Office/Professional
Industrial
Business Park
Corporate Park
Gila River Scenic District
Open Space and Parks
Public/Civic
Education

Gateway Employment
Employment Mixed Use
Residential Mixed Use
Neighborhood Commercial
Townhouse Residential

City Center
Specific Plan
Area

TOD

Urban Residential
Urban Commercial
High Intensity Office
Mixed Use

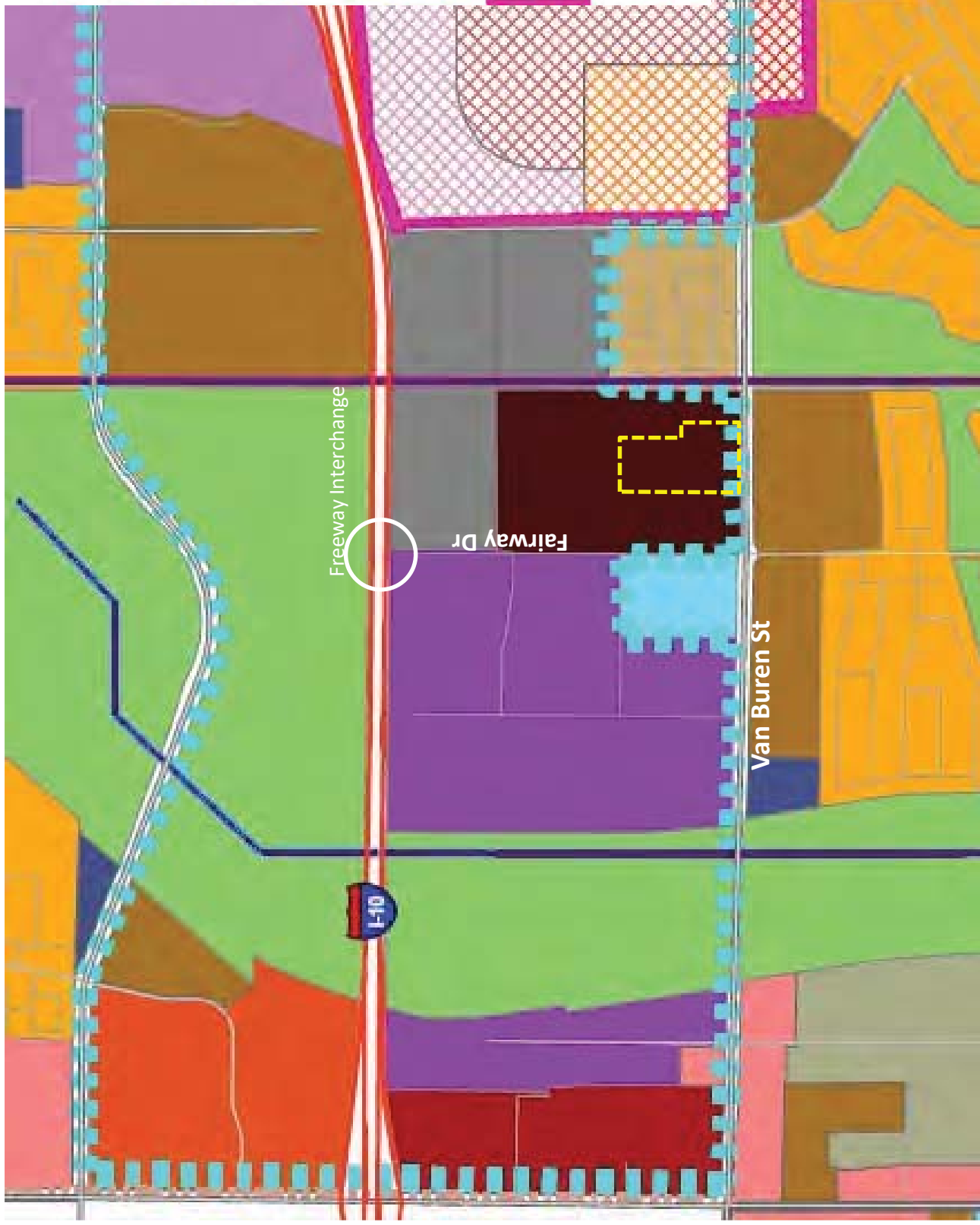


Exhibit C – Existing Avondale General Plan Map
Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘D’



Exhibit D – Existing Avondale Zoning Map
Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘E’

GENERAL PLAN

Legend

Planning Boundary
Growth Area

Land Use

Rural Low Density Residential
Estate/Low Density Residential
Medium Density Residential
Medium/High Density Residential
High Density Residential
Local Commercial
Freeway Commercial
Historic Avondale District
Sports and Entertainment
Office/Professional
Industrial
Business Park
Corporate Park
Gila River Scenic District
Open Space and Parks
Public/Civic
Education

Gateway Employment
Employment Mixed Use
Residential Mixed Use
Neighborhood Commercial
Townhouse Residential

City Center
Specific Plan
Area

TOD

Urban Residential
Urban Commercial
High Intensity Office
Mixed Use

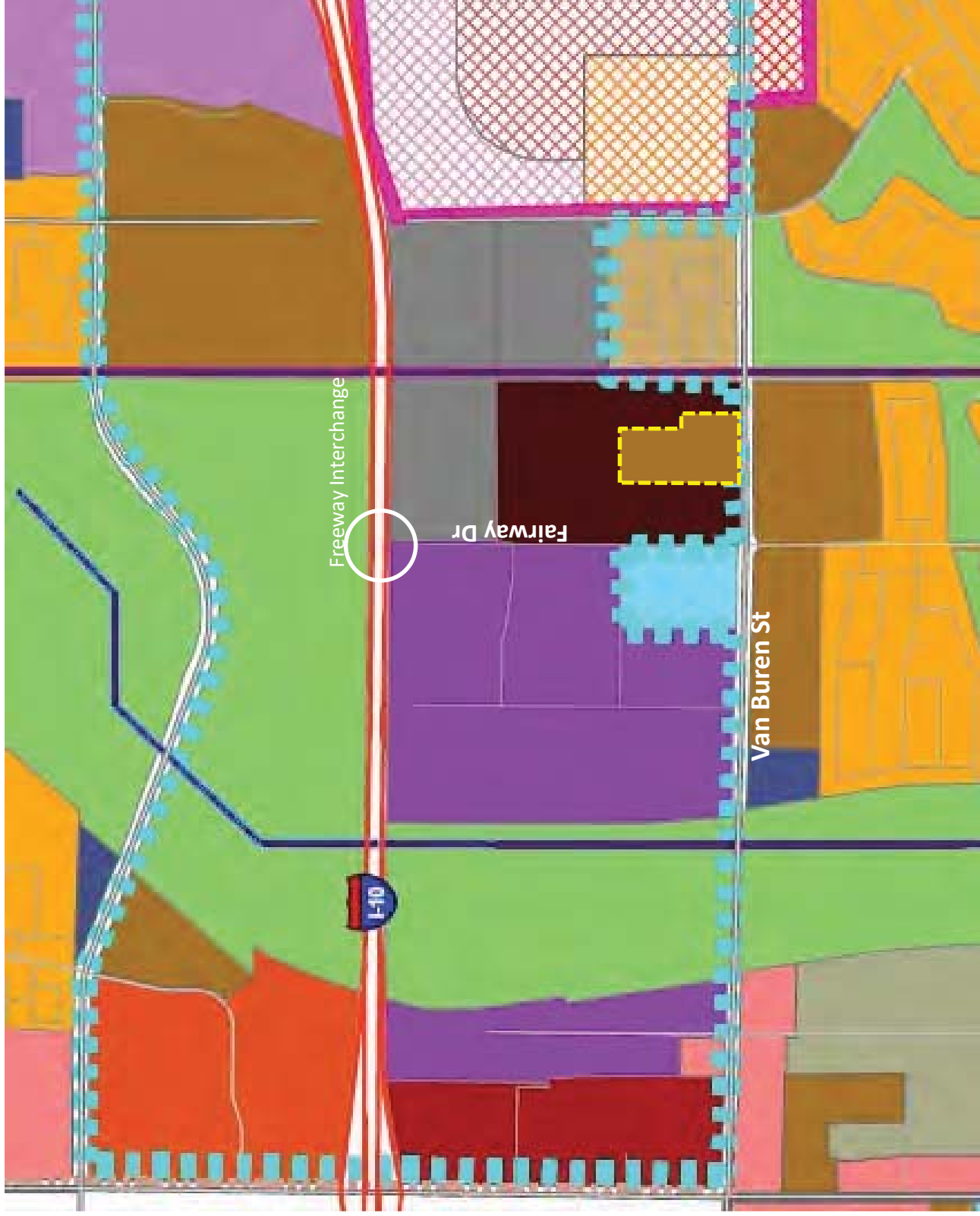


Exhibit E – Proposed Avondale General Plan Map

Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘F’



Exhibit F – Proposed Avondale Zoning Map
Cerro Vista – Van Buren St & Fairway Dr

Exhibit ‘G’

Electronically submitted April 29, 2021

FAIRWAY DRIVE



PROPOSED NEW MULTIFAMILY DEVELOPMENT FOR:
QUYP DEVELOPMENT SERVICES
CERRO VISTA
AVONDALE, AZ



BMA ARCHITECTURE
29131 East Squireline Road, Suite 130 • Gilbert, AZ 85234
480.484.8888 • www.bmaarchitecture.com

log no:

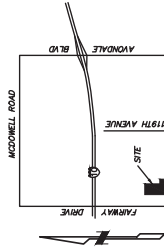


Exhibit ‘H’



CERRO VISTA

plan scale 1:30
date: 10.15.18



andersonbaron
plan · design · achieve
50 n. mcclintock drive, ste 1
chandler, arizona 85226
ph. 480.699.7956 f. 480.699.7986

Exhibit ‘I’



FRONT ELEVATION
SCALE: 3/32" = 1'-0" (FACING AND SURFING)



SIDE ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"



FRONT ELEVATION
SCALE: 3/32" = 1'-0" (PAPER AND SCREEN)



SIDE ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"



SIDE ELEVATION
SCALE 3/32" = 1'-0"



FRONT ELEVATION
SCALE 3/32" = 1'-0" (CORPORATE DRIVE)



SIDE ELEVATION
SCALE 3/32" = 1'-0"

3/5/2018
10:00 AM



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



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



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



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Exhibit ‘J’



BMA ARCHITECTURE





Exhibit ‘K’



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Cerro Vista Project Manager: Jeremy Hall
Request: Minor GPA & PAD Rezone Acreage/Parcel Size: 11.40 Acres
Current Density Allowed: 30+ DU/AC Density Proposed: 23.26 DU/AC
Total number of residential units proposed: 255

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.

The estimated need anticipated is 3.5 classrooms with an estimated impact of \$ 913,869 or \$3,500 per unit.

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:

Developer had entered into an impact agreement signed/dated 3-12-2019, which Littleton Elementary School District expects will remain in effect given there are no changes to the project parcel/density.

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

Date Reviewed: 1-26-2021

School District: Littleton Elementary School District #65

District Superintendent: Dr. Roger Freeman

Phone #: 623-478-5611

E-mail: freeman.roger@littetonaz.org

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

www.avondale.org/developmentservices



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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: **January 25, 2021**

School District: **Tolleson Union High School District #214**

District Superintendent: **Nora Gutierrez**

Phone #: **623-478-4001**

E-mail: **nora.gutierrez@tuhisd.org**

Signature: Nora Gutierrez

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

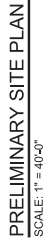
11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
www.avondale.org/developmentservices

Exhibit F

Cerro Vista Conceptual Site Plan

Electronically submitted April 29, 2021

FAIRWAY DRIVE



VICINITY MAP

dwg name: PRELIMINARY
SITE PLAN
PD1.00e
dwg no:

PROPOSED NEW MULTI-FAMILY DEVELOPMENT FOR:
QUYP DEVELOPMENT SERVICES
CERRO VISTA
AVONDALE, AZ



log no:

Exhibit G

Cerro Vista Conceptual Renderings and
Building Elevations



Electronically submitted April 29, 2021

dwg name: ILLUSTRATION 1
dwg # PD0.01
date: 10-12-2018
BMA# 2017-32
log#

PROPOSED NEW MULTI-FAMILY DEVELOPMENT FOR:
QUYP DEVELOPMENT SERVICES
CERRO VISTA
AVONDALE, AZ



BMA architecture
commercial | industrial | multi-family
3000 W. Camelback Road, Suite 100
Phoenix, AZ 85017
P: 480.693.1241 | www.BMAarchitecture.com







FRONT ELEVATION
SCALE: 3/32" = 1'-0" (FACING AND SURFING)



SIDE ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"

Electronically submitted April 29, 2021



FRONT ELEVATION
SCALE: 3/32" = 1'-0" (PAPER AND SCREEN)



SIDE ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"



SIDE ELEVATION
SCALE 3/32" = 1'-0"



FRONT ELEVATION
SCALE 3/32" = 1'-0" (CORPORATE DRIVE)



SIDE ELEVATION
SCALE 3/32" = 1'-0"

3/5/2018
10:00 AM



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



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



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



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Exhibit H

Neighborhood Meeting Summary
Cerro Vista

Summary of Neighborhood Meeting

Thursday, April 22, 2021

Cerro Vista Residential Community

Start: 6:00 PM (approx.); End: 7:00 PM (approx.)

Zoom Virtual Conference

Proposal: High-density, luxury residential community

Location: East of the northeast corner of Van Buren Road and Fairway Drive

Case #: Minor General Plan Amendment and Rezoning; PL-18-0079 and PL-18-0080

Results/Summary of Neighborhood Meeting:

A total of seven (7) people attended the neighborhood meeting, which included:

- the applicant (Jeremy Hall – Virtua)
- two (2) representatives of the applicant (Paul Gilbert, Felipe Zubia – Beus Gilbert McGroder)
- four (4) representatives of the City (Vice Mayor Malone-Council; Councilmember Dennis-Council; Commissioner White-Planning Commission; and Brian Craig-Planning Manager).

The meeting began with a brief, but comprehensive presentation by Mr. Gilbert. This presentation was followed by discussion with the participants. Below is a summary of the discussion/questions that were raised.

Questions:

1. How much commercial acreage is being converted to multi-family? Answer: Less than 1 acre, the remaining vacant commercial zoning/acreage has now been built out by the expanded storage to the east.
2. What the current ratio of multifamily is to single-family in Avondale? Answer: The applicant does not have this citywide info, but staff indicated they would research the issue and report back in time for Council meeting. It was also noted that the site is already zoning for multifamily
3. Who is the builder? Answer: the builder will be the Applicant, Virtua and the contractor to build will be Morgan Construction. It was noted by a participant that they were happy to hear that construction will start in the near future.
4. Why are the 3-story buildings located adjacent to Van Buren and 2-stories in back (north property line (Corporate Drive), why not reverse? Answer: It was noted that the property directly across the street from the proposed Cerro Vista is zoned Commercial and Multifamily. The multifamily to the south is developed and the commercial to the south has been acquired by a Charter School. Additionally, staff added that they are supporting the 3-stories along Van Buren to give an urban brownstone feel/look to the Van Buren corridor which is appropriate given the proximity of the BLVD District.
5. Are there garages and covered parking? Answer: yes, garages and covered parking are provided consistent with Avondale requirements.

6. What is the street on the north side that will be constructed? Answer: staff indicated that a minor collector, Corporate Drive, will be constructed by the Fairway 10 project. Cerro Vista will be responsible for their half-street (1 lane and improvements) along their frontage. Full buildout of Corporate Drive will be 3-lane, (one lane in each direction, plus a center lane).
7. Will there be a deceleration lane on Van Buren into the project? Answer: Staff answered yes, one is called out in the traffic report.
8. One participant suggested that city staff should examine ways to sign the multi-use path so that users of the multi-use path are alerted as they approach driveways that cross the path. Another participant agreed with the request.

Exhibit I

Certificates of Adequate School Facilities



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Cerro Vista Project Manager: Jeremy Hall
Request: Minor GPA & PAD Rezone Acreage/Parcel Size: 11.40 Acres
Current Density Allowed: 30+ DU/AC Density Proposed: 23.26 DU/AC
Total number of residential units proposed: 255

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.

The estimated need anticipated is 3.5 classrooms with an
estimated impact of \$ 913,869 or \$ 3,500 per unit.

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:

Developer had entered into an impact agreement signed/dated
3-12-2019, which Littleton Elementary School District expects will
remain in effect given there are no changes to the project parcel/density.

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

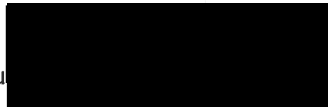
Date Reviewed: 1-26-2021

School District: Littleton Elementary School District #65

District Superintendent: Dr. Roger Freeman

Phone #: 623-478-5611

E-mail: freeman.roger@littetonaz.org

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

www.avondale.org/developmentservices



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Yes ☒ No ☐

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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: **January 25, 2021**

School District: **Tolleson Union High School District #214**

District Superintendent: **Nora Gutierrez**

Phone #: **623-478-4001**

E-mail: **nora.gutierrez@tuhsd.org**

Signature: _____

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

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www.avondale.org/developmentservices

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

THIS WAIVER OF CLAIMS FOR DIMINUTION OF VALUE under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this “Waiver”) is made June 21, 2021, between the between Virtua Avondale Eleven Owner, LLC, an Arizona limited liability company (the “Owner”) and the City of Avondale, an Arizona municipal corporation (the “City”), regarding the approximately 11.51 acre parcel of real property generally located 500 feet east of northeast corner of Fairway Drive and Van Buren 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-18-0080 (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-18-0079 (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 Town 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 ELEVEN OWNER, LLC,
an Arizona limited liability company

By: Virtua Avondale Eleven Member, LLC,
an Arizona limited liability company,
its Member

By: Virtua Avondale Eleven Holdings, LLC,
an Arizona limited liability company,
its Member

By: Quyp Development Services, LLC,
an Arizona limited liability company,
its Manager

By: _____
Jeremy Hall, Manager

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 2021, before me personally appeared Jeremy Hall, Manager of Quyp Development Services, LLC, an Arizona limited liability company, the Manager of Virtua Avondale Eleven Holdings, LLC, an Arizona limited liability company, as the sole member of Virtua Avondale Eleven Member, LLC, an Arizona limited liability company, the sole member of VIRTUA AVONDALE ELEVEN OWNER, LLC, an Arizona 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 limited liability company.

Notary Public

(affix notary seal here)

[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 _____, 2021, before me personally appeared Charles A. Montoya, the City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document, on behalf of the City.

(affix notary seal here)

Notary Public

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

[Legal Description and Map of the Property]

See following pages.

ZONING LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1013.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1 (BRASS CAP IN HANDHOLE) FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 1 (BRASS CAP IN HANDHOLE) BEARS NORTH 00 DEGREES 14 MINUTES 36 SECONDS EAST (BASIS OF BEARING);

THENCE NORTH 89 DEGREES 38 MINUTES 06 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 464.41 FEET TO A POINT ON EAST LINE OF THE WEST 464.46 FEET OF SAID SOUTHWEST AND THE TRUE POINT OF BEGINNING.

THENCE NORTH 00 DEGREES 15 MINUTES 41 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 1013.26;

THENCE NORTH 89 DEGREES 39 MINUTES 42 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 431.10 FEET TO A POINT ON THE EAST LINE OF THE WEST 895.92 FEET OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 13 MINUTES 49 SECONDS WEST ALONG LAST SAID EAST LINE A DISTANCE OF 486.40 FEET;

THENCE NORTH 89 DEGREES 35 MINUTES 20 SECONDS EAST A DISTANCE OF 120.59 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 05 SECONDS EAST A DISTANCE OF 486.72 FEET TO A POINT ON SAID SOUTH LINE.

THENCE SOUTH 89 DEGREES 38 MINUTES 06 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 431.64 TO THE POINT OF BEGINNING.



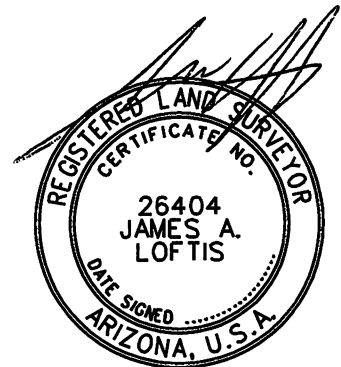
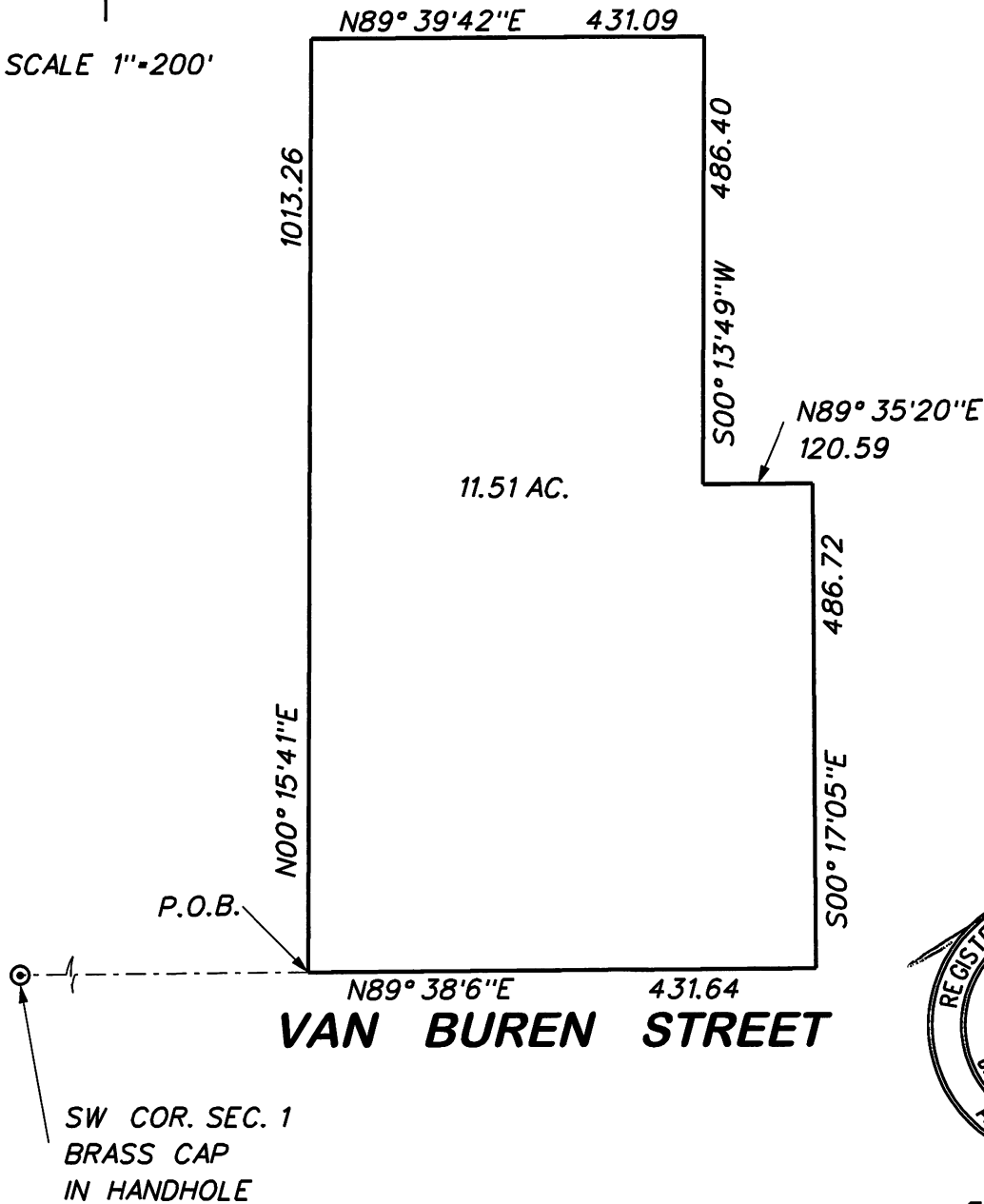
EVERETTALAN
{ GROUP }

6300 E. Cave Creek Road, Ste. 202 ☐ Cave Creek, Arizona 85331
Phone 480.990.0545 ☐ Fax 480.994.9097 ☐ www.EverettAlanGroup.com
Job No. 180115

ZONING EXHIBIT



SCALE 1"=200'



EXP. 9-30-2019

EVERETTALAN
{ GROUP }

6300 East Cave Creek Road, Suite 202
Cave Creek, Arizona 85331
Phone 480.990.0545 Fax 480.994.9097
www.EverettAlanGroup.com

JOB NO.
180115

ORDINANCE NO. 2029-0621

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 11.51 ACRES GENERALLY LOCATED 500 FEET EAST OF THE NORTHEAST CORNER OF FAIRWAY DRIVE AND VAN BUREN STREET, AS SHOWN IN APPLICATION PL-18-0080, FROM AGRICULTURAL (AG) AND COMMERCIAL (C-2) TO MULTI-FAMILY RESIDENTIAL (R-4).

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 $\pm$ 11.51 gross acres generally located 500 feet east of northeast corner of Fairway Drive and Van Buren Street, as shown in application PL-18-0080, from Agricultural (AG) and Commercial (C-2) to Multi-Family Residential (R-4) (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 May 19, 2021, 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 June 21, 2021; 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 $\pm$ 11.51 gross acres generally located 500 feet east of northeast corner of Fairway Drive and Van Buren Street, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, is

hereby approved, rezoning such property from Agricultural (AG) and Commercial (C-2) to Multi-Family Residential (R-4), subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Approval and recordation of a Final Plat, consolidating the parcels, dedicating 30 feet of right-of-way for Corporate Drive along the property's north property line, and dedicating an 8-foot-wide public utility easement (PUE) parallel to the Corporate Drive right-of-way, shall be required prior to issuance of any permits for the project. Abandonment of the existing 20-foot fire access easement in Corporate Drive must occur before the Final Plat can be recorded.
2. The developer shall construct the north half of Van Buren Street, the south half of Corporate Drive, and any other off-site improvements required adjacent to the project frontage (including fiber conduit installation in accordance with the City's Transportation Plan and development codes) in the first phase of development.
3. Development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
4. Development shall adhere to all applicable provisions of the Avondale Zoning Ordinance and the City of Avondale Multi-Family Residential Design Manual.
5. Extinguishment of Groundwater Rights and pledging of those rights to the City's assured water supply account will be required prior to issuance of any permits for this project.

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,
June 21, 2021.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2029-0621

[Legal Description and Map]

See following pages.

ZONING LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1013.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1 (BRASS CAP IN HANDHOLE) FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 1 (BRASS CAP IN HANDHOLE) BEARS NORTH 00 DEGREES 14 MINUTES 36 SECONDS EAST (BASIS OF BEARING);

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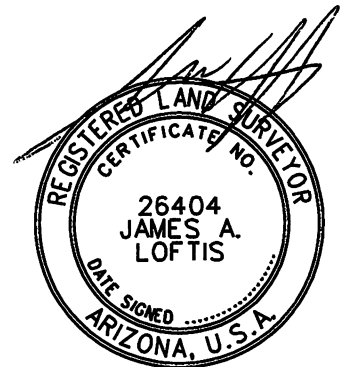
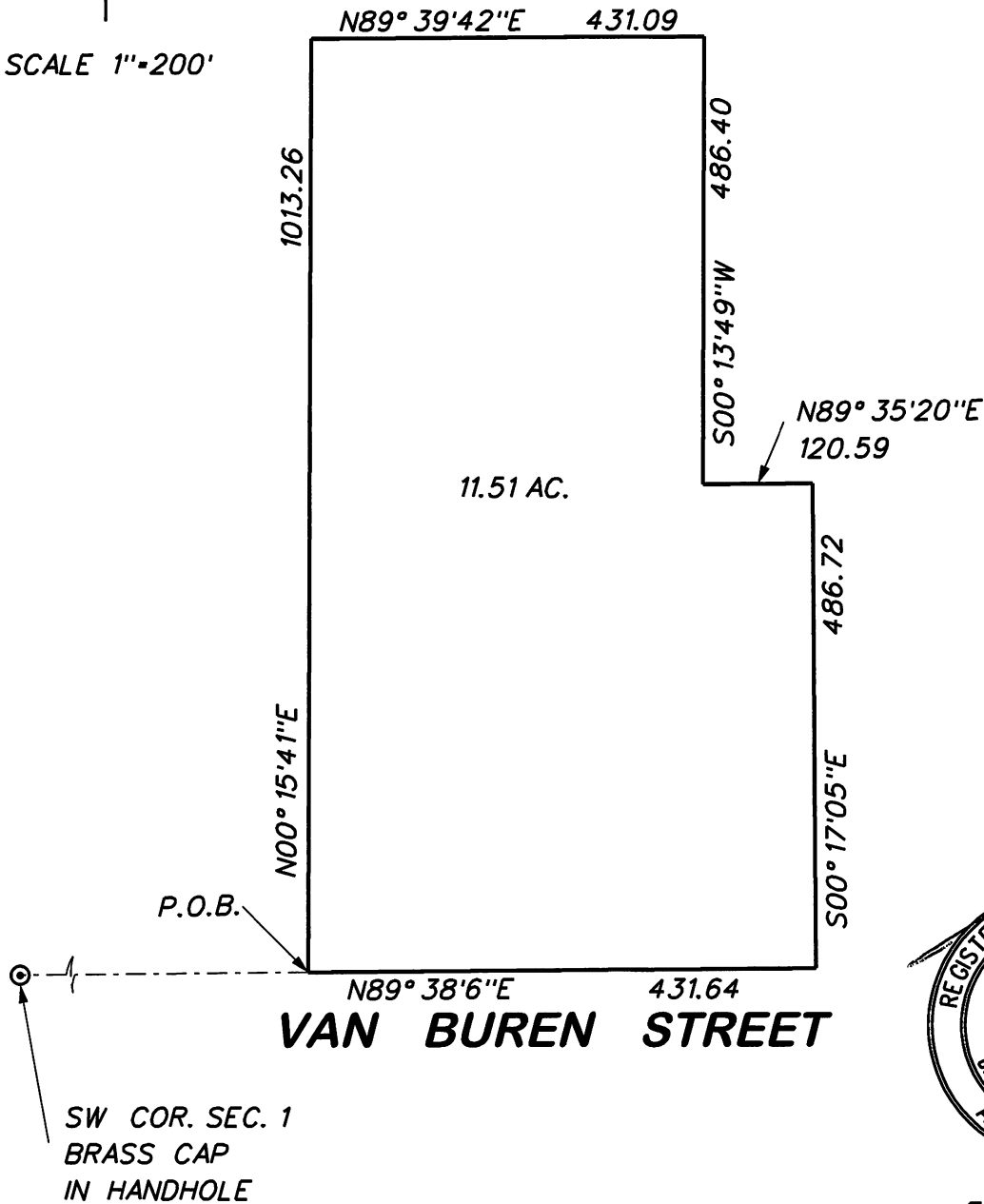
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Job No. 180115

ZONING EXHIBIT



SCALE 1"=200'



EXP. 9-30-2019

EVERETTALAN
{ GROUP }

6300 East Cave Creek Road, Suite 202
Cave Creek, Arizona 85331
Phone 480.990.0545 Fax 480.994.9097
www.EverettAlanGroup.com

JOB NO.
180115



AGENDA ITEM REPORT

SUBJECT: Minutes

MEETING DATE: 6/21/2021

TO: Board Members

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

THROUGH: Tracy Stevens, Deputy District Manager, 623-333-1014

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

PURPOSE:

The District Board will consider a request to approve the June 7, 2021 Alamar Community Facilities District Board Meeting Minutes. The Board will take the appropriate action.

BACKGROUND:

n/a

DISCUSSION:

n/a

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends the Board approve the June 7, 2021 Alamar Community Facilities District Board Meeting Minutes. The Board will take the appropriate action.

MINUTES OF THE ALAMAR COMMUNITY FACILITIES DISTRICT BOARD MEETING
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
June 7, 2021

A **Regular Meeting** of the Alamar Community Facilities District Board of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 5:45 p.m. All participants attended by phone or video.

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

Members Absent: None.

The Alamar Community Facilities District Board currently has two vacancies.

Other Municipal Officials Present: Charles Montoya, District Manager; Cherlene Penilla, Assistant District Manager; Tracy Stevens, Deputy District Manager; Lindsey Duncan, Deputy District Manager; Nicholle Harris, District Attorney; Marcella Carrillo, District Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Darcy Lowery, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Three members of the public were present.

1. ROLL CALL BY THE DISTRICT CLERK

2. REGULAR AGENDA

a. PUBLIC HEARING - PROPOSED FISCAL YEAR 2022 BUDGET AND TAX LEVY

The District Board will hold a public hearing to receive comments on the property tax levy and final budget for the fiscal year 2022 (FY2022). This item was for discussion only.

Rob Baer, Budget Manager, presented the fiscal year 2022 budget and tax levy. The levy is based on the tentative budget that was adopted on May 3, 2021. It is a balanced budget that may be amended throughout the fiscal year but overall, cannot be increased from what is adopted. Included in the budget is a planned debt issuance. The maximum secondary property tax rate for the district is \$3.85 per \$100 of net assessed value which will raise a total of \$16,957. The maximum primary property tax rate for the district is \$0.30 per \$100 net assessed value which will raise a total of \$1,321. The secondary property tax will cover any debt associated with the district. The debt issuance bonds are included on the consent agenda. The primary property tax covers the operations and maintenance associated with the district.

The remainder of the budget is balanced with potential contributions from the developer to cover any expenses related to the district that cannot be covered by these property tax levies. In total, the budgeted expenses are \$615,000 which are balanced with the revenues. This amount is significantly higher than the property tax levy amount to allow for flexibility. The budget adoption steps were reviewed.

Chairperson Weise opened the public hearing, did not receive any requests to speak, and closed the public hearing. Chairperson Weise opened the floor for comments from the Board and did not receive any comments.

3. ADJOURNMENT

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

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

Board Member Conde	Aye
Board Member Dennis	Aye
Board Member Kilgore	Aye
Board Member Nielson	Aye
Board Member Pineda	Aye
Vice Chairperson Malone	Aye
Chairperson Weise	Aye

Meeting adjourned at 5:52 p.m.

A **Special Meeting** of the Alamar Community Facilities District Board of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 5:53 p.m. All participants attended by phone or video.

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

Members Absent: None.

The Alamar Community Facilities District Board currently has two vacancies.

Other Municipal Officials Present: Charles Montoya, District Manager; Cherlene Penilla, Assistant District Manager; Tracy Stevens, Deputy District Manager; Lindsey Duncan, Deputy District Manager; Nicholle Harris, District Attorney; Marcella Carrillo, District Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Darcy Lowery, Interim Human Resource Director; Kevin

Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Three members of the public were present.

1. ROLL CALL BY THE DISTRICT CLERK

2. CONSENT AGENDA

Chairperson Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from the Board, motion was made by Board Member Dennis, seconded by Board Member Conde, to approve the Consent Agenda.

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

Board Member Conde	Aye
Board Member Dennis	Aye
Board Member Kilgore	Aye
Board Member Nielson	Aye
Board Member Pineda	Aye
Vice Chairperson Malone	Aye
Chairperson Weise	Aye

a. MINUTES

The District Board approved the May 3, 2021 Alamar Community Facilities District Board Meeting Minutes.

b. CFD RESOLUTION 4-2021 - RECONCILING THE COMPOSITION OF THE BOARD OF DIRECTORS OF THE ALAMAR COMMUNITY FACILITIES DISTRICT

The District Board adopted CFD Resolution 4-2021, reconciling the composition of the Alamar Community Facilities District Board of Directors by permanently removing from such Board the two additional appointed members and authorized the District Chair or District Manager and District Clerk to execute the necessary documents.

c. CFD RESOLUTION 2-2021 - SETTING FORTH THE FINAL BUDGET FOR FISCAL YEAR 2022

The District Board adopted CFD Resolution 2-2021 approving the final budget for fiscal year 2022 (FY2022) and authorized the District Chair or District Manager and District Clerk to execute the necessary documents.

d. CFD RESOLUTION 3-2021 - AUTHORIZING THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS, TAXABLE SERIES 2021 OF THE DISTRICT

The District Board adopted CFD Resolution 3-2021, authorizing all matters necessary to sell and issue General Obligation Bonds for the Alamar Community Facilities District not

to exceed \$25,000.00 in aggregate principal and authorized the District Chair or District Manager and District Clerk to execute the necessary documents.

3. ADJOURNMENT

There being no further business before the Board, Vice Chairperson Malone moved to adjourn the Special Meeting; Board Member Pineda seconded the motion.

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

Board Member Conde	Aye
Board Member Dennis	Aye
Board Member Kilgore	Aye
Board Member Nielson	Aye
Board Member Pineda	Aye
Vice Chairperson Malone	Aye
Chairperson Weise	Aye

Meeting adjourned at 5:55 p.m.

Kenn Weise, Chairperson

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular and Special Meeting of the Alamar Communities Facilities District Board of the City of Avondale held on the 7th day of June 2021. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, District Clerk



AGENDA ITEM REPORT

SUBJECT: CFD Resolution 5-2021 - Setting the Property Tax Levy for the Fiscal Year Ending June 30, 2022.

MEETING DATE: 6/21/2021

TO: Board Members

FROM: Keith Fallstrom, Interim District Treasurer, (623) 333-2016

THROUGH: Lindsey Duncan, Deputy District Manager, (623) 333-2011

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

PURPOSE:

The District Board will consider a request to adopt CFD Resolution 5-2021 levying upon the assessed valuation of the property within the Alamar Community Facilities District subject to ad valorem taxation a certain sum upon each one hundred (\$100.00) of valuation for the fiscal year ending June 30, 2022. The District Board will take appropriate action.

BACKGROUND:

On June 7, 2021, the District Board adopted the FY2022 budget for the Alamar CFD. As required by ARS 48-723, the property tax levy must be adopted by the District Board before the third Monday in August.

DISCUSSION:

Community facility districts may levy secondary property tax to pay general obligation debt incurred by the district and to pay for the operation and maintenance expenses of the district. Per ARS 48-723, the property tax attributable to the operations and maintenance expenses of the district is limited to thirty cents per one hundred dollars of assessed valuation. The property tax attributable to the general obligation debt service is limited to \$3.85 per one hundred of assessed valuation. The district will issue bonds, not to exceed \$25,000, approved during the June 7 board meeting.

BUDGET IMPACT:

The property tax levies will raise resources to support the operations and maintenance of the district and to pay for outstanding debt. This is the final step in the Alamar CFD budget process.

RECOMMENDATION:

Staff is requesting that the District Board adopt a resolution setting the primary property tax levy in the amount of \$1,321 at a rate of \$0.30 per \$100 of assessed valuation and the secondary property tax levy in the amount

of \$16,957 at a rate of \$3.85 per \$100 of assessed valuation.

CFD RESOLUTION NO. 5-2021

A RESOLUTION OF THE DISTRICT BOARD OF THE ALAMAR COMMUNITY FACILITIES DISTRICT, ORDERING THAT AN AD VALOREM TAX BE FIXED, LEVIED AND ASSESSED ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT IN AMOUNTS SPECIFIED IN THE FILED STATEMENTS AND ESTIMATES; PROVIDING FOR CERTIFIED COPIES OF THIS RESOLUTION AND ORDER TO BE DELIVERED TO THE MARICOPA COUNTY BOARD OF SUPERVISORS AND THE ARIZONA DEPARTMENT OF REVENUE; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on May 21, 2018, the Mayor and Council of the City of Avondale, Arizona (the "City"), adopted Resolution 3453-518 forming Alamar (formerly Lakin) Community Facilities District ("ACFD"), a community facilities district in accordance with ARIZ. REV. STAT. § 48-701 et seq.; and

WHEREAS, ACFD is a special purpose district for purposes of Article IX, Section 19, of the Arizona Constitution, a tax-levying public improvement district for the purposes of Article XIII, Section 7, of the Arizona Constitution, and a municipal corporation for all purposes of ARIZ. REV. STAT. Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5, as amended, and [expect as otherwise provided in ARIZ. REV. STAT. § 48-708(B), as amended] is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City; and

WHEREAS, a primary purpose for creating ACFD was to finance certain public infrastructure needed for the development known as "Alamar Park" through assessment of ad valorem taxes on all real and personal property within ACFD; and

WHEREAS, in accordance with ARIZ. REV. STAT. §§ 48-716 and 48-723, as amended, a special election was held and the qualified electors of ACFD voted to issue general obligation bonds to cover costs of public infrastructure purposes, and to levy and collect an annual ad valorem tax at a rate not to exceed thirty cents (\$0.30) per one hundred dollars (\$100) of assessed valuation for operation and maintenance expenses of ACFD; and

WHEREAS, on June 7, 2021, the District Board held a public hearing on the final budget and proposed tax levy as required by law; and

WHEREAS, in accordance with ARIZ. REV. STAT. § 48-716, at the conclusion of the public hearing held on June 7, 2021, the District Board adopted the final budget by Resolution No. 2-2021.

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT BOARD OF THE ALAMAR COMMUNITY FACILITIES DISTRICT as follows:

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

SECTION 2. It is hereby ordered that, in FY2021, an ad valorem tax be fixed, levied and assessed, based on the assessed value of all the real and personal property within the boundaries of ACFD, and in the amounts set forth in the statements and estimates attached hereto and expressly made a part hereof as Exhibit A.

SECTION 3. Certified copies of this Resolution and Order be delivered by U.S. Mail to the Maricopa County Board of Supervisors and to the Arizona Department of Revenue on or after July 1, 2021 (inasmuch as the tax levy must be filed by the Maricopa County Board of Supervisors on or before the third Monday in August).

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the statements and schedules incorporated herein by reference are for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. The District Board Chairman, the District Manager, the District Clerk and the District Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the District Board of the Alamar Community Facilities District on June 21, 2021.

Kenneth N. Weise, Chairman District Board
Alamar Community Facilities District

ATTEST:

Marcella Carrillo, District Clerk
Alamar Community Facilities District

APPROVED AS TO FORM:

Nicholle Harris, District Attorney
Alamar Community Facilities District

EXHIBIT A
TO
CFD RESOLUTION NO. 5-2021

[Statements and Schedules]

See following pages.

Alamar Community Facilities District #38191
Tax Levy and Tax Rate Information
Fiscal Year 2022

	<u>2021</u>	<u>2022</u>
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ <u> </u>	\$ <u> 0</u>
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$ <u> 0</u>	
3. Property tax levy amounts		
A. Primary property taxes	\$ <u> 5,436</u>	\$ <u> 1,321</u>
B. Secondary property taxes	\$ <u> 0</u>	\$ <u> 16,957</u>
C. Total property tax levy amounts	\$ <u> 5,436</u>	\$ <u> 18,279</u>
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ <u> </u>	
(2) Prior years' levies		
(3) Total primary property taxes	\$ <u> 0</u>	
B. Secondary property taxes		
(1) Current year's levy	\$ <u> </u>	
(2) Prior years' levies	\$ <u> 0</u>	
(3) Total secondary property taxes	\$ <u> 0</u>	
C. Total property taxes collected	\$ <u> 0</u>	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	<u> 0.3000</u>	<u> 0.3000</u>
(2) Secondary property tax rate	<u> 0.0000</u>	<u> 3.8500</u>
(3) Total city/town tax rate	<u> 0.3000</u>	<u> 4.1500</u>
B. Special assessment district tax rates		
Secondary property tax rates - As of the date the proposed budget was prepared, the City was operating <u> one (1) </u> special assessment district for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city.		

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.