# City of Avondale

City Council Meeting

Monday, October 17, 2022

## Mayor and Council

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Curtis Nielson, Council Member | Mike Pineda, Council Member

Gloria Solorio, Council Member

## Administration

Cherlene Penilla, Acting City Manager

Tracy Stevens, Acting Assistant City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

## City Council Chambers

11465 West Civic Center Drive

Avondale, AZ 85323

# City Council Meeting
# Notice & Agenda
Monday, October 17, 2022

**CITY COUNCIL CHAMBERS | 11465 WEST CIVIC CENTER DRIVE | AVONDALE, AZ 85323**

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## SPECIAL MEETING
## 5:30 PM

**CALL TO ORDER BY MAYOR**

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

**2. EMPLOYEE INTRODUCTIONS (DISCUSSION ONLY)**

**Neighborhood and Family Services - Employee Introductions**

- Guadalupe Aispuro, Cook (Lupita)
- Amy Allmon, Library Assistant
- Stephanie Douglas, Librarian III/Branch Manager

**Municipal Court - Employee Introductions**

- Micaela Machuca, Court Clerk I, Court
- Elisa Sauceda, Court Clerk I, Court

**3. RECOGNITION OF THE MENTORSHIP PROGRAM BETWEEN THE AVONDALE MIDDLE SCHOOL AND AVONDALE FIRE AND MEDICAL DEPARTMENT**

Chief Gilliam, along with Ms. Linn from the Avondale Middle School, will recognize the partnership between Battalion Chief Dave Wagner, the Avondale Firefighter Charities and all Avondale Fire and Medical Department employees that volunteer their time to this mentorship program that has been made to have a direct impact on the student's lives that reside in Avondale. This item is for discussion only.

**4. EXCEPTIONAL STUDENT OF AVONDALE RECOGNITION (AVI STAR STUDENT)**

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

**5. AVONDALE LIBRARY SUMMER READING PROGRAM TOP PERFORMER RECOGNITION**

City Council will recognize the top performing readers who participated in Avondale Library's Summer Reading Program. This item is for discussion only.

**6. ADJOURNMENT**

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should submit a Request to Speak online at http://www.avondaleaz.gov/requesttospeak prior to consideration of that agenda item.

# REGULAR MEETING
# 6:00 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** (Time is limited per person. Please state your name.)

**3. CONSENT AGENDA**

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

**a. MINUTES**

City Council will consider a request to approve the September 19, 2022 City Council meeting minutes. The Council will take appropriate action.

**b. AWARD AUTHORITY INCREASES FOR WORKERS' COMP FUND FISCAL YEAR 2023 OPS BUDGET**

City Council will consider a request to amend the Administrative Award Authority for the Risk Manager to procure Worker's Compensation insurance coverage for FY2022/2023 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**c. BUDGET TRANSFERS FOR COMMUNITY CENTER REPURPOSING AND FOR FIRE STATION 172 PARKING IMPROVEMENTS**

City Council will consider a request to: (a) transfer funding in the amount of $420,000 from project M0021 City Hall Renovation to project P0032 Community Center Repurposing; (b) transfer $400,000 from project M0029 Civic Center Plaza to project S0094 Fire Station 172 Parking Lot Improvements; and (c) authorize staff to complete the necessary budget adjustments. The Council will take appropriate action.

**d. BUDGET TRANSFER AND AWARD AUTHORITY AMENDMENT FOR PUBLIC WORKS**

City Council will consider a request to approve a budget transfer of $50,000 from Sewer Operations to Sewer Capital, amend the Administrative Award Authority for certain capital and operating products and services for FY2022-2023, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**e. CITY AUDITOR EMPLOYMENT AGREEMENT**

City Council will consider a request to approve the City Auditor Employment Agreement to appoint Barbara Coppage to serve as the City Auditor, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**f. RESOLUTION 1071-1022 - 2023 GOVERNOR'S OFFICE OF HIGHWAY SAFETY DUI ENFORCEMENT GRANT**

City Council will consider a request to adopt Resolution 1071-1022 authorizing a grant provided by the Governor's Office of Highway Safety (GOHS) in the amount of $20,000, which will support the Police Department's funding to support participation in DUI enforcement activities through overtime expenses. The Council will take appropriate action.

**g. RESOLUTION 1072-1022 – FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR RECYCLING SERVICES**

City Council will consider a request to adopt Resolution 1072-1022 authorizing the First Amendment to the Intergovernmental Agreement with the City of Phoenix relating to processing Avondale's recyclable materials, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

**h. RESOLUTION 1073-1022 APPOINTING THE BUDGET AND FINANCE DIRECTOR AS THE APPLICANT AGENT FOR THE CITY OF AVONDALE**

City Council will consider a request to adopt Resolution 1073-1022, to appoint the City's Budget and Finance Director, Renee Weatherless, and her successors, as the designated Applicant Agent for the City of Avondale with the Arizona Division of Emergency Management (DEMA) and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**i. ORDINANCE 2059-1022 – AVONDALE CITY CODE AMENDMENT, CHAPTER 10, ARTICLE IV, SECTIONS 10-45 AND 10-46; RELATING TO THE AUTHORIZED TIMES FOR THE USE AND SALE OF PERMISSIBLE CONSUMER FIREWORKS**

City Council will consider a request to adopt Ordinance 2059-1022, amending Avondale City Code Chapter 10, Article IV, Sections 10-45 and 10-46; Relating to the Authorized Times for the Use and Sale of Permissible Consumer Fireworks and authorize the Mayor or Acting City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**j. ORDINANCE 2060-1022 - AMENDING CHAPTER 13 OF THE AVONDALE CITY CODE RELATING TO APPLICABILITY AND REQUIREMENTS FOR BUSINESS LICENSES**

City Council will consider a request to adopt Ordinance 2060-1022, amending Chapter 13 of the Avondale City Code relating to applicability and requirements for business licenses and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**k. AUTHORIZATION TO PROCEED WITH ANNEXATION – THREE RIVERS RANCH – APPLICATION PL-22-0111**

City Council will consider a request by Mr. Alex Hayes, Withey Morris PLC, to begin the annexation process of approximately 196.89 acres located west of the intersection of Broadway Road and Dysart Road. The Council will take appropriate action.

## 4. REGULAR AGENDA

**a. PUBLIC HEARING AND RESOLUTION 1074-1022 – RIO POINTE – MINOR GENERAL PLAN AMENDMENT – APPLICATION PL-22-0153**

City Council will hold a public hearing and consider a request to adopt Resolution 1074-1022, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a Minor Amendment to the Avondale General Plan 2030 Land Use Map from Local Commercial to High Density Residential for Rio Pointe, a proposed 4.62 gross acre planned development located on the east side of Dysart Road, just south of Washington Street and to authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents. Council will take appropriate action.

**b. PUBLIC HEARING AND ORDINANCE 2061-1022 – RIO POINTE – REZONING TO PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL-22-0154**

City Council will hold a public hearing and consider a request to adopt Ordinance 2061-1022, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a request to rezone 4.62 gross acres located on the east side of Dysart Road, just south of Washington Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed rezoning, if approved, will rezone the property from Community Commercial (C-2) to Planned Area Development (PAD) to allow for multi-family residential. The Council will take appropriate action.

## 5. ADJOURNMENT

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Council Members of the City of Avondale will attend either in person or by telephone or video 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 o por vídeo.Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Item Number: 3.

# CITY COUNCIL REPORT

**SUBJECT:** Recognition of the Mentorship Program between the Avondale Middle School and Avondale Fire and Medical Department

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Ken Gilliam, Fire Chief, (623) 333-6100

**THROUGH:** Dale Nannenga, Chief of Public Safety, (623) 33-7207
Cherlene Penilla, Acting City Manager, (623) 333-1015

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**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.

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**PURPOSE:**
Chief Gilliam, along with Ms. Linn from the Avondale Middle School, will recognize the partnership between Battalion Chief Dave Wagner, the Avondale Firefighter Charities and all Avondale Fire and Medical Department employees that volunteer their time to this mentorship program that has been made to have a direct impact on the student's lives that reside in Avondale. This item is for discussion only.

**BACKGROUND:**
Avondale Middle School and Avondale Fire and Medical Department have created a mentorship program that encourages, guides, and uplifts the youth of our community.

**DISCUSSION:**
Ms. Linn and Battalion Chief Dave Wagner would like to discuss how the Avondale Middle School Mentorship program was started and the impact Avondale Fire and Medical Department volunteers have created on their school.

**BUDGET IMPACT:**
This item has no budget impact.

**RECOMMENDATION:**
This item is for information only.

*Contact person for document distribution:*

Item Number: 4.

# CITY COUNCIL REPORT

**SUBJECT:** Exceptional Student of Avondale Recognition (Avi Star Student)

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Christopher Lopez, Neighborhood and Family Service Director, (623) 333-2711

**THROUGH:** Cherlene Penilla, Acting City Manager, (623) 333-2214

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**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.

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**PURPOSE:**
City Council will recognize Avondale students from schools located in Avondale for their character and achievement. This item is for discussion only.

**BACKGROUND:**
The Avi Star Student recognition goes to an Avondale student(s) who are to be recognized for their achievements. The achievement may be academic, extracurricular or personal and highlights the impact the student has made for themselves, their family, school, or community.

**DISCUSSION:**
Avondale students will be recognized for their character and achievement.

**BUDGET IMPACT:**
None.

**RECOMMENDATION:**
This item is for information and discussion only.

***Contact person for document distribution:***

Item Number: 5.

# CITY COUNCIL REPORT

**SUBJECT:** Avondale Library Summer Reading Program Top Performer Recognition

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Chris Lopez, Director, (623) 333-2711

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

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Area:

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

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**PURPOSE:**

City Council will recognize the top performing readers who participated in Avondale Library's Summer Reading Program. This item is for discussion only.

**BACKGROUND:**

Avondale Public Library participates in Maricopa County Reads, an award-winning summer reading program provided by the Maricopa County Library District to all public, tribal and military base libraries within Maricopa County. The primary goal of the program is to interrupt the summer slide, the common term given to the learning loss experienced by children while transitioning between school years. The secondary aim of the program is to promote early literacy among pre-readers and their families during the summer months.

The Maricopa County Reads summer reading program had a countywide goal of reading 50,000 minutes. The summer reading program was offered online through a software program where readers could log in and track the number of minutes they read. Readers could also obtain additional minutes through the completion of activity challenges and attending library events.

**DISCUSSION:**

The Avondale Public Library Summer Reading Program revealed some very exceptional readers. The reading goal for the summer (June 1 – August 1) included reading beyond 1,000 minutes to help reach the countywide goal of 50,000 minutes. This is approximately the equivalent of logging at least 20 minutes of reading every day. Out of 972 youth participants, six (6) readers achieved over 1,000 minutes and will be recognized for their achievement.

**BUDGET IMPACT:**
This item has no budget impact.

**RECOMMENDATION:**
This item is for information and discussion only.

***Contact person for document distribution:***

Item Number: 3.a.

# CITY COUNCIL REPORT

**SUBJECT:** Minutes

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

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

**THROUGH:** Cherlene Penilla, Acting City Manager, 623-333-1015

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**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.

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**PURPOSE:**

City Council will consider a request to approve the September 19, 2022 City Council meeting minutes. The Council will take appropriate action.

**BACKGROUND:**

n/a

**DISCUSSION:**

n/a

**BUDGET IMPACT:**

This item has no budget impact.

**RECOMMENDATION:**

Staff recommends City Council approve the September 19, 2022 City Council meeting minutes.

***Contact person for document distribution:*** *Citlaly Salas*

**MINUTES OF THE AVONDALE CITY COUNCIL**
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
September 19, 2022

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:31 p.m.

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

*Note: Council Member Conde attended the meeting by telephone.*

**Members Absent:** None.

**Other Municipal Officials Present:** Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Margaret Carey, Deputy City Clerk; Edith Baltierrez, Neighborhood and Family Services Assistant Director; Kirk Beaty, Public Works Director; Cheryl Covert, Economic Development Services Assistant Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ken Gilliam, Fire Chief; Corey Larriva, Parks and Recreation Assistant Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Mark Neerings, Assistant Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

**Audience:** Approximately seventy-five members of the public were present.

## 1. ROLL CALL BY THE CITY CLERK

## 2. AVONDALE EDGE EMCC SCHOLARSHIP RECIPIENT PRESENTATION

Staff recognized the first group of Estrella Mountain Community College students to receive the Avondale EDGE EMCC Culinary Scholarship and Avondale EDGE EMCC Nursing Scholarship. This item was for discussion only.

## 3. EMPLOYEE INTRODUCTIONS & ANNOUNCEMENTS (DISCUSSION ONLY)

The following employee introductions and announcements were presented:

**Development & Engineering Services - Employee Announcements**

- Rob Godwin Jr., Engineering Inspector, ATSSA Traffic Control Supervisor Re-Certification
- Justin Jones, Traffic Signal Technician, Supervisor's Academy Achievement
- David Norton, Senior Plans Examiner, Supervisor's Academy Achievement
- Joseph Perez, Traffic Operations Technician, ATSSA Traffic Control Supervisor Re-Certification
- Michelle Simerdla, Senior Planner, Supervisor's Academy Achievement

**Development & Engineering Services - Employee Introductions**

- Elisabeth Kahn, Assistant City Engineer
- Robert Panaitescu, Engineering Inspector
- Justin Pinkley, Senior Building Inspector
- Cindy Tyree, Senior Building Permit Technician

**Marketing & Public Relations - Employee Introductions**

- Alyssa Williams, Digital and Communications Coordinator

**Neighborhood and Family Services - Employee Introductions**

- Guadalupe Aispuro, Cook (Lupita)
- Amy Allmon, Library Assistant
- Sandra Chavez, Homeless Crisis Intervention Coordinator
- Totianna Delaney, Homeless Outreach Specialist
- Skylar Diamond, Homelessness Outreach & Solutions Coordinator

**4. CITY, COUNTY, COMMUNICATIONS & MARKETING ASSOCIATION (3CMA) SAVVY AWARDS**

City Council received an update from staff on the 2022 City, County, Communications & Marketing Association (3CMA) Savvy Awards competition, recognizing Avondale for excellence in marketing and communications. This item was for discussion only.

Pier Simeri, Marketing and Public Relations Director, presented the following:

Ms. Simeri provided a brief overview of the Department's functions. At this year's 2022 3CMA Awards, the Marketing and Public Relations Department received seven awards:

- Avondale Public Art Masterplan: Graphic Design
- Annual Water Quality Calendar: Graphic Design
- FY 2022 Avondale Budget in Brief: Graphic Design
- FY 2022 Avondale Budget in Brief: Printed Publications
- Avondale EDGE Video Series: Marketing and Tools
- Uniquely Avondale Visitors Guide: Printed Publications
- Better Block Avondale: Special Events

Mayor Weise and Council Members commended staff for their success.

## 5. ADJOURNMENT

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

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

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|---|---|
| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

Meeting adjourned at 6:25 p.m.

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A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 6:25 p.m.

Council Member Pineda led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance.

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

*Note: Council Member Conde attended the meeting by telephone.*

**Members Absent:** None.

**Other Municipal Officials Present:** Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Margaret Carey, Deputy City Clerk; Edith Baltierrez, Neighborhood and Family Services Assistant Director; Kirk Beaty, Public Works Director; Cheryl Covert, Economic Development Services Assistant Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ken Gilliam, Fire Chief; Corey Larriva, Parks and Recreation Assistant Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Mark Neerings, Assistant Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

**Audience:** Approximately five members of the public were present.

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

## 2. UNSCHEDULED PUBLIC APPEARANCES

Mayor Weise stated that Jeff Uber, Resident of Avondale, was scheduled to provide comments; however, Mr. Uber decided not to speak and has been in touch with the Police Department regarding some break-ins on Western Avenue.

## 3. CONSENT AGENDA

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

Mayor Weise asked if any Council 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 Nielson, to approve the consent agenda with the exception of item 3d as the developer has requested the item be pulled from the agenda and brought back for approval at a later date.

Upon vote, the motion carried unanimously 7 to 0.

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|---|---|
| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**a. MINUTES**
City Council approved the August 22, 2022 City Council meeting minutes.

**b. FISCAL YEAR 2023 BUDGET CARRYOVER APPROPRIATION ADJUSTMENT**
City Council adjusted the Fiscal Year 2023 budget for carryover appropriation.

**c. RESOLUTION 1064-0922 - COMMUNITY SUSTAINABILITY PLAN**
City Council adopted Resolution 1064-0922, adopting the Community Sustainability Plan, as recommended by the Avondale Sustainability Commission, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

***d. RESOLUTION 1065-0922 AMENDED AND RESTATED FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT WITH MGN1 LLC.***
*This item was pulled from the agenda the request of the applicant; this item was not voted on.*

**e. RESOLUTION 1066-0922 - APPROVING THE DEVELOPMENT AGREEMENT WITH ALTA AVONDALE LLC**

City Council adopted Resolution 1066-0922, approving the Development Agreement with Alta Avondale LLC and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.

**f. RESOLUTION 1067-0922 - GLENDALE COMMUNITY COLLEGE LAW ENFORCEMENT TRAINING ACADEMY ("ACADEMY")**

City Council adopted Resolution 1067-0922 authorizing an Educational Services Agreement with Maricopa County Community College District to participate in the Glendale Community College Law Enforcement Training Academy ("Academy") for the training of new police recruits and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

**g. ORDINANCE 2052-0922 - FIRST AMENDMENT TO THE LEASE, MAINTENANCE AND OPERATIONS AGREEMENT WITH AMERICAN SPORTS CENTER (ASC) AVONDALE LLC**

City Council adopted Ordinance 2052-0922, approving the First Amendment to the Lease, Maintenance and Operations Agreement with ASC–Avondale LLC, adjusting the lease amount calculation benchmarks and percentages and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

**h. ORDINANCE 2053-0922 - ACCEPTANCE OF DRAINAGE EASEMENTS ALONG INDIAN SPRINGS ROAD - AUTHORIZING THE ACQUISITION OF EASEMENTS FOR PUBLIC USE FROM MARICOPA COUNTY**

City Council adopted Ordinance 2053-0922, authorizing the acceptance of existing drainage easements along a portion of Indian Springs Road from Maricopa County and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

**i. ORDINANCE 2054-0922 - ACCEPTANCE OF DRAINAGE EASEMENTS ALONG INDIAN SPRINGS ROAD - AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE FROM MARICOPA COUNTY**

City Council adopted Ordinance 2054-0922, authorizing the acceptance of existing drainage easements along a portion of Indian Springs Road from Maricopa County and authorizing the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

**j. ORDINANCE 2055-0922 – SRP POWER DISTRIBUTION EASEMENT FOR THE BLVD PARKING GARAGE**

City Council adopted Ordinance 2055-0922, authorizing the granting of a power distribution easement to Salt River Project (SRP) in connection with The BLVD Parking Garage and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

**k. COBBLESTONE - RE-PLAT OF LOT 2 OF "LOTS 1 & 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED" AND LOT 3 OF "LOT 9, INTERSTATE COMMERCE CENTER AMENDED" - APPLICATION PL-22-0155**
City Council approved a request by Mr. Jesse Macias of M3 Design, LLC, on behalf of the property owner, Cobblestone Phoenix Propco LLC, to approve of a Re-Plat of Lot 2 of "Lots 1 & 2 of Lot 9, Interstate Commerce Center Amended" and Lot 3 of "Lot 9, Interstate Commerce Center Amended", subject to the one (1) condition of approval as listed in the staff report. The Re-Plat revised the location of a property line between two existing parcels located north of the northwest corner of Van Buren Street and 99th Avenue.

## 4. REGULAR AGENDA

**a. CAPITAL IMPROVEMENT PLAN PRIORITIZATION**
Staff provided an update to the Fiscal Year 2023 CIP and requested input from City Council. This item was for discussion only.

Renee Weatherless, Finance & Budget Director, noted that the approved capital budget contains some projects that are subject to pricing increases, due to supply chain and inflationary factors. In looking at current and future projections, the narrative is that the budget is basically balanced. One-time revenues and expenditures, however, are not technically sustaining on an ongoing basis. One-time expenditures exceed revenue. This is because some spending did not occur, resulting in some built-up balances. For the budget presented for Fiscal Year 2023, some of these balances will be applied to capital projects. The General Fund balance for 2021 was $60.1 million with a projection of $74 million in 2022. The balance is reduced from 2024 to 2025. In order for the balances to grow again, one of two things need to occur: The City brings in more revenue than forecast, or the City does not expend all of its approved budget for the fiscal year.

Funding options include:

- Identify projects that have uncommitted budget and transfer funding
- Delay projects
- Reduce scope on projects
- Issue debt

James Milanese, City Projects Administrator, stated that plans and strategies for the budget will be adjusted throughout the year as needed.

He provided a review of the identified prioritization tiers for bid projects:

- Tier A: Significant impact, but underfunded - recommended to be fully funded
- Tier B: Funding matches project need - recommended to proceed as adopted
- Tier C: Important projects where goal can be achieved for less - recommended to be reduced in scope and funding reassigned
- Tier D: Amenity - recommended to be unfunded

Projects organized under each tier were discussed. Other savings will be utilized where possible, including projects delivered or expected to be delivered under budget. These include: Aquatic center, BLVD Water and Visitor & Conference Center. At present, Fiscal Year 2023 unused operational funding is derived from the Aquatic Center as well as Community Center Renovations. The Tier A project shortfall is estimated at $11.7 million. However, with the funding recovered from Tier C, Tier D, alternative funding and projects savings, the estimated total funding recovery is also $11.7 million. Next steps were reviewed. A prioritization matrix is being developed with a goal to reduce subjectivity for staff in submitting projects by setting clearly defined priorities. A committee will consist of staff from multiple departments.

Mayor Weise commented that the state of the budget should not be surprising given the state of the economy over the past couple of years. While the City is on strong financial footing, it is prudent to have these discussions. In terms of the prioritization matrix, infrastructure and what serves the public good always takes priority. The projects that can be delayed have been appropriately identified as amenities.

In response to a question from Mayor Weise regarding the timing of updates, Ms. Weatherless stated that staff would provide updates to Council on a quarterly basis.

Council Member Conde concurred with Mayor Weise in terms of prioritizing public safety. She stressed the importance of frequent staff updates.

Council Member Solorio inquired as to the possibility of grants for amenities such as the sand volleyball courts or raceway pedestrian bridge. Mr. Milanese stated that the Parks and Recreation team is constantly pursuing any available grants.

Council Member Kilgore concurred with putting the needs of the community first in terms of funding projects.

Council Member Nielson cited the importance of tracking numbers as they change and including these changes and trends in any upcoming updates. He asked how many people use the Agua Fria trail. This project could potentially be scheduled further into the future, depending on the level of usage. Mr. Milanese stated that he did not have information on usage in preparation for this report. Phase 1 is already complete, which brought the trail under the I-10. The next phase will take it over the drainage channel for ADOT, which will need to be complete, to Friendship Park. Staff is happy to provide information on usage levels. Mayor Weise asked whether any funding was received from MAG or any other organization for this project. Mr. Milanese stated that the funding was for Phase 1. If the City does not complete Phase 2 within a certain period of time, they must return the funding for Phase 1.

Council Member Pineda and Vice Mayor Malone concurred with Council Member Nielson regarding the need to keep the information in the updates consistent over time, which will not only assist Council Members with upcoming decisions, but also aid in communications with the public.

## 5. ADJOURNMENT

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

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

| | |
|---|---|
| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

Meeting adjourned at 7:05 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 Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 19th day of September 2022. 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

Item Number: 3.b.

# CITY COUNCIL REPORT

**SUBJECT:** Award Authority Increases for Workers' Comp Fund Fiscal Year 2023 Ops Budget

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Andrea Dumbrell, Human Resources Director, (623) 333-2211

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

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**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. Establishing and updating administrative award authority provides streamlined processes and responsible financial planning for procurement of insurance coverage that supports City's operations and ensures consistent customer service delivery.

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**PURPOSE:**

City Council will consider a request to amend the Administrative Award Authority for the Risk Manager to procure Worker's Compensation insurance coverage for FY2022/2023 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

Risk Management projects expenses for Workers' Comp insurance based on projected employee count and payroll during the budget planning process at mid-year. The insurance applications and the insurance company premiums were based on those mid-year figures. Every July, after the end of the fiscal year, the insurance company requests actual end-of-year employee and payroll numbers and performs an audit. As a result of the audit figures, Risk Management is requesting an amendment to the Award Authority amount.

**DISCUSSION:**

The adopted budget to cover the cost of premiums is $2,500,000, but the awarding authority was approved at $2,400,000. With the increase in employee headcount and employee payroll, the actual cost of insurance premiums is anticipated to be closer to $2,500,000 for the premium payments for fiscal year 2022/2023.

**BUDGET IMPACT:**

There is no impact to budget.

**RECOMMENDATION:**

Staff recommends City Council approve an amendment to increase the Administrative Award Authority for Worker's Compensation insurance coverage for FY2022/2023 up to the budgeted amount of $2,500,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

*Contact person for document distribution:*

| OPERATING ITEMS<br>FY2023 Line Items for Administrative Award | | | |
|---|---|---|---|
| **Human Resources** | | | |
| Reference | Description | FY23<br>Admin. Award | FY23 Revised<br>Admin. Award |
| 23305 | Insurance Premiums | $ 2,400,000 | $ 2,500,000 |

Item Number: 3.c.

# CITY COUNCIL REPORT

**SUBJECT:** Budget Transfers for Community Center Repurposing and for Fire Station 172 Parking Improvements

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** James Milanese, City Projects Administrator, (623) 333-1018

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

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**STRATEGIC PLAN:**

Strategic Outcome: Creative and Sustainable Community Development
Strategy: Maintain and expand quality infrastructure and improve connectivity to City Amenities

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**PURPOSE:**

City Council will consider a request to: (a) transfer funding in the amount of $420,000 from project M0021 City Hall Renovation to project P0032 Community Center Repurposing; (b) transfer $400,000 from project M0029 Civic Center Plaza to project S0094 Fire Station 172 Parking Lot Improvements; and (c) authorize staff to complete the necessary budget adjustments. The Council will take appropriate action.

**BACKGROUND:**

On September 19, 2022, staff presented to City Council a strategy to reprioritize the general fund Capital Improvement Plan due to projected funding shortfalls for several projects. Specifically, Council gave consensus to reduce scope and budget for several projects in order to reassign funding.Two of the projects identified for additional funding were the Community Center Repurposing and the Fire Station 172 Parking Improvements, and two of the projects identified to reduce scope were the Civic Center Plaza Improvements and the City Hall Renovations.

The Community Center Repurposing project has an adopted budget of $3,610,000. This budget was planned to cover the costs to remodel the interior of the facility to develop programming spaces, including multi-purpose rooms, arts and crafts, a modern E-sports space, and other gaming and gathering spaces. Due largely to inflation in the construction industry, the project is currently forecasted to cost $4,030,000 or $420,000 more than the adopted budget.

The Fire Station 172 Parking Improvements project has an adopted budget of $1,056,000. This budget was planned to cover the costs of adding a parking lot with secured fencing to accommodate public safety personnel and fleet vehicles. The project is currently short funds to add canopies to protect the equipment at an amount of $400,000.

The Civic Center Plaza Improvements project had an adopted budget of $1,510,000. Improvements to date include reconfiguring parking at City Hall to allow for a safe pedestrian walkway to the Visitor and Conference Center, refreshing the gravel around City Hall, and replacing dying landscaping along Jefferson Drive. Remaining activities include striping the crosswalks on Civic Center Drive with the 'checkered flag' and a

drainage study of the Civic Center campus. The remaining balance of approximately $441,918 is available to be reallocated.

The City Hall Renovations project had an adopted budget of $650,000. It was the intent of staff to use the budget to replace cubicle furniture throughout City Hall. Given the current inflationary market, staff are recommending that the budget be reduced to allow for targeted furniture replacement for ergonomic or safety purposes. The remaining balance of $620,000 is available to be reallocated.

**DISCUSSION:**

Both the Community Center Repurposing and the Fire Station 172 Parking Lot Improvement have been identified as projects with significant impact to the community. Unfortunately, the high inflation affecting construction nationwide and specifically in the Valley metro area, has resulted in both projects projecting to be underfunded to meet goals, with a combined deficit of $820,000.

The Civic Center Plaza and City Hall Renovations are two projects where the main goal can be achieved while reducing scope and budget. The project budgets could be reduced in a combined amount of $1,061,918. This request will reduce the budgets by $420,000 and $400,000 respectively.

All projects are located within the general fund.

**BUDGET IMPACT:**

| From | Amount | To |
|---|---|---|
| M0021-1100-40900 – City Hall Renovation | $420,000 | P0032-1100-55900 – Community Center Repurposing |
| M0029-1100-40900 – Civic Center Plaza | $400,000 | S0094-1100-40900 – Fire Station 172 Parking Improvements |

**RECOMMENDATION:**

Staff recommends that City Council authorize the funding transfer of $420,000 from the City Hall Renovation project to the Community Center Repurposing project, authorize a budget amendment to project number P0032, authorize staff to amend the interfund transfer schedule, and to authorize the Mayor, City Manager, and City Clerk to execute the necessary documents.

Staff recommends that City Council authorize the funding transfer of $400,000 from the Civic Center Plaza Improvements to Fire Station 172 Parking Improvements project, authorize a budget amendment to project number S0094, authorize staff to amend the interfund transfer schedule, and to authorize the Mayor, City Manager, and City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *James Milanese*

Item Number: 3.d.

# CITY COUNCIL REPORT

**SUBJECT:** Budget Transfer and Award Authority Amendment for Public Works

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

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

**THROUGH:** Tracy Stevens, Acting Asst. City Manager, (623) 333-1014

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**STRATEGIC PLAN:**

Strategic Outcome Area: Innovative Program and Service Delivery
Strategy: Ensure responsible financial planning to support City operations and the capital improvement program.

This proactive action ensures that the City can maintain essential government services through efficient and timely obligation of budgeted funds used to procure goods and services necessary for daily operations of the City.

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**PURPOSE:**

City Council will consider a request to approve a budget transfer of $50,000 from Sewer Operations to Sewer Capital, amend the Administrative Award Authority for certain capital and operating products and services for FY2022-2023, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

Over the last two years, rising costs and supply chain difficulties have increased the prices for nearly all goods and services utilized by the Public Works Department. Over the past three years, along with the annual budget adoption the City has established the list of line items for Administrative Award which authorizes expenditure thresholds for services or commodities over $50,000. On June 6, 2022, the City Council adopted Resolution 1044-0622 approving the final budget for fiscal year 2022-2023 (FY2023). The Administrative Award document was attached as Exhibit B and approved as part of that adopted budget.

Additionally, since the approval of the FY2023 budget and Administrative Award Authority, supply chain issues and rising costs have increased the price to replace one of the influent pumps at the Water Reclamation Facility (WRF) which is budgeted as Project U0216.

**DISCUSSION:**

During the Annual Budget adoption, Project U0216 (Water Reclamation Facility Influent Pump) was budgeted for $150,000. Since then, supply chain issues and rising costs have increased the price to approximately $200,000, which will require a budget transfer to ensure sufficient funding to complete the project and subsequently requires an update to the Administrative Award Authority for this item.

Additionally, Public Works has numerous services and commodities required as part of the daily operations for

delivery of essential services. After Public Works performed analysis of the services and commodities contracts with spending in excess of $50,000, it was determined that the Administrative Award Authority for certain line items under Public Works needed to be increased. This request increases the Administrative Awarding Authority to account for growth and market changes. Approval of the amended Administrative Award items does not increase the department's operating budget, only the ability to spend up to approved limits on defined services within the approved budget.

**BUDGET IMPACT:**

This action will transfer $50,000 of budget authority from the Sewer Operations Fund (5310) to the Sewer Capital Fund (5410) and will increase the Administrative Award Authority for line items listed in the recommendation. The increase in the Administrative Award Authority for the operational items will be covered by the department's current operations budget.

**RECOMMENDATION:**

Staff recommends City Council approve a budget transfer of $50,000 from Sewer Operations to Sewer Capital and to amend the Administrative Award Authority for certain capital and operating products and services for FY2022-2023 as shown below, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

| OPERATING ITEMS<br>FY2023 Line Items for Administrative Award | | | | |
|---|---|---|---|---|
| **Public Works** Reference | Project # | Description | FY23 Admin. Award | FY23 Revised Admin. Award |
| 23407 | | Landfill Fees | $ 1,500,000 | $ 1,800,000 |
| 23431 | | Water Meters | $ 850,000 | $ 1,150,000 |
| 23432 | | Chemicals | $ 1,800,000 | $ 2,000,000 |
| 23433 | | Fuel | $ 1,800,000 | $ 2,300,000 |
| 23434 | | Tires, Tubes and Batteries | $ 225,000 | $ 275,000 |
| 23185 | U0216 | Water Reclamation Facility Influent Pump | $ 150,000 | $ 200,000 |

***Contact person for document distribution:*** *Suzie Hunter*

Item Number: 3.e.

# CITY COUNCIL REPORT

**SUBJECT:** City Auditor Employment Agreement

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

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

**THROUGH:** n/a

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Area: Innovative Program and Service Delivery Area. Avondale will continue to serve as a model of responsive government.

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**PURPOSE:**

City Council will consider a request to approve the City Auditor Employment Agreement to appoint Barbara Coppage to serve as the City Auditor, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

On June 6, 2022, the City's Senior Internal Auditor, Barbara Coppage, presented information on the roles and responsibilities of an independent internal audit which would conform to generally accepted government auditing standards. The City Council directed staff to bring forth city code changes to establish the Office of the City Auditor department, establish an independent Audit Committee and appoint a City Auditor. The Council adopted Ordinance 2043-0722 establishing the Office of the City Auditor on July 11, 2022. The Council adopted Ordinance 2051-0922 establishing the Independent Audit Committee on September 6, 2022.

**DISCUSSION:**

The City Auditor Employment Agreement will appoint Babara Coppage as the City Auditor.

**BUDGET IMPACT:**

The budget for Office of the City Auditor is currently budgeted for FY23 in the City Administration Department and will be transferred to the Office of the City Auditor after Council approves the City Auditor Employment Agreement. Additional budget may be requested for the Office of the City Auditor during the FY2024 budget process for software and other supplies.

**RECOMMENDATION:**

Staff recommends the approval of the City Auditor Employment Agreement with Barbara Coppage.

***Contact person for document distribution:*** *Nicholle Harris and Barbara Coppage*

# CITY AUDITOR EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (this "Agreement") is made and entered into October 17, 2022, (the Effective Date") by and between the City of Avondale, Arizona, an Arizona municipal corporation acting through its Mayor and Council of the City of Avondale Arizona ("City") and Barbara Coppage ("Coppage" or "Employee").

## RECITALS

A. Pursuant to the Avondale City Code § 2-12(B) the City Council shall appoint a City Auditor.

B. The City desires to employee Coppage as the City Auditor and Coppage desires to accept employment as the City Auditor.

C. It is the desire of the Council of the City (the "City Council') to provide certain benefits, to establish certain conditions of employment, and to set working conditions for Coppage.

## AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are hereby incorporated into and are deemed an integral part of this Agreement, the mutual covenants set forth below and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged by the parties hereto, the City and Corbin hereby agree as follows:

1. Upon the Effective Date of this Agreement, Employee will serve as the City Auditor. Employee will perform all duties of the position of City Auditor for the City as set forth in the Avondale City Code, using reasonable care, diligence, skill, and expertise to fulfill Employee's role as City Auditor.

2. Beginning the first pay period after the Effective Date of this Agreement, City will pay Employee a biweekly salary of $5,192.31 ($135,000.00) per year) in accordance with the normal and usual procedure for payment of employees by the City. Salary will be adjusted annually on the same basis as non-represented employees, consistent with City's compensation policies for market adjustments and cost of living adjustments, as approved by the City Council. This Agreement will be automatically amended to reflect any such salary adjustments.

3. Employee will be classified as a Grade 20 level employee and will receive all benefits on the same basis as non-represented City assistant department director level employees in accordance with the City of Avondale Chapter Policies and Administrative Policies.

4. The City shall pay Employee a $100.00 monthly cell phone stipend in accordance with the current City of Avondale Chapter Policies and Administrative Policies.

5. The City Council will formally evaluate the performance of Employee on an annual basis, defining such goals and performance objectives as deemed necessary. During the first year of appointment, the City Council will conduct a mid-year (March 2023) evaluation of the City Auditor's performance.

6. Employee acknowledges that the City Auditor position serves at the pleasure of the City Council and is exempt for the City's merit system of competitive appointment and promotion as established by the Avondale City Code. Employee understands, acknowledges, and agrees that Employee is subject to the City of Avondale Chapter Policies and Administrative Policies, unless the provisions of this Agreement specifically provide otherwise.

7. Employee agrees to comply with all applicable laws, ordinances, regulations, rules, and statutes of all federal, state, and local government entities (and any agencies, departments, and political subdivisions thereof). Employee agrees to comply with all City policies and regulations, including, but not limited to, those set forth in the City of Avondale Chapter Policies and Administrative Policies and any subsequent amendments or additions thereto. In the event of any conflict between those policies and regulations and this Agreement, the terms of this Agreement shall govern

8. The Parties understand and agree that Employee serves at the pleasure of the City Council and that either party may terminate this Agreement at any time and for any reason upon 30 day written notice delivered in person or by mail to:

| | |
|---|---|
| Mayor, City of Avondale<br>11490 W. Civic Center Drive<br>Avondale, Arizona 85323 | Barbara Coppage<br>To the then address on file<br>with the City's HR Department |

Notice under this section is for the benefit of the City and can be waived, in whole or in part, by the City. Upon notice of termination under this section, the Parties will agree upon an appropriate transition plan.

9. To the extent permitted by law, City agrees to defend, hold harmless and indemnify Employee from all demands, claims, suits, acts, errors or other omissions in legal proceedings brought against Employee in the Employee's official capacity; or individually as long as the action is determined to be within the scope of employment. Should any acts, errors, or other alleged omissions be determined to be outside the scope of employment, the City may elect not to defend, hold harmless or indemnify.

10. This Agreement constitutes the entire agreement between parties, and both parties acknowledge that there are no other agreements, oral or otherwise. This Agreement cannot be amended or modified without the written concurrence of both parties, except as specifically set forth herein.

11. This Agreement will be interpreted in accordance with the law of the State of Arizona. If any provision or portion of this Agreement is held to be unconstitutional, invalid or unenforceable, the remaining portion will remain unaffected, and City and Employee will enter into negotiations to correct the Agreement's defect in order to assure

the intent of the Agreement is carried out to the fullest extent possible.

12. Each Party has had opportunity to consult legal counsel for advice regarding the drafting of this Agreement and the provisions of this Agreement may not be construed against or in favor of either party.

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

**"Employee"**

_____
Barbara Coppage

**"City"**
CITY OF AVONDALE, an Arizona municipal corporation

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

Approved as to Form:

_____
Nicholle Harris, City Attorney

Item Number: 3.f.

# CITY COUNCIL REPORT

**SUBJECT:** Resolution 1071-1022 - 2023 Governor's Office of Highway Safety DUI Enforcement Grant

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Memo Espinoza, Chief of Police (623) 333-7235

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

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**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.

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**PURPOSE:**
City Council will consider a request to adopt Resolution 1071-1022 authorizing a grant provided by the Governor's Office of Highway Safety (GOHS) in the amount of $20,000, which will support the Police Department's funding to support participation in DUI enforcement activities through overtime expenses. The Council will take appropriate action.

**BACKGROUND:**
The Avondale Police Department is an active participant in the Governor's Office of Highway Safety and is seeking the funds granted to assist the Avondale Police Department in enforcing DUI/Impaired Driver traffic laws.

**DISCUSSION:**
The Avondale Police Department will use the DUI/Impaired Driver funding for continued participation in DUI enforcement activities throughout 2023. The enforcement funds will help keep impaired drivers off the street while keeping traffic commuters safe. This funding would allow for the Avondale Police Department to use its resources to the fullest through September 30, 2023. This Agreement shall become effective on October 1, 2022 of GOHS (Governor's Office of Highway Safety) Director's signature and shall terminate on September 30, 2023.

**BUDGET IMPACT:**
Staff is requesting authorization for the acceptance of Grant Funds for $20,000 to provide overtime costs associated with the DUI Enforcement Activities and authorize a transfer from grant contingency. Federal funds will support personnel services (overtime) expenses to enhance DUI/Impaired Driver Enforcement throughout the City of Avondale.

**RECOMMENDATION:**

Staff recommends that the City Council adopt a resolution authorizing Avondale's acceptance of a grant in the amount of $20,000 for the Avondale Police Departments DUI/Impaired Driver Enforcement, through the Governor's Office of Highway Safety Grant Program and authorize a transfer from grant contingency.

***Contact person for document distribution:*** *Memo Espinoza, Chief Of Police*

**RESOLUTION NO. 1071-1022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR DUI AND IMPAIRED DRIVING ENFORCEMENT OVERTIME PAY.

**WHEREAS**, the Governor's Office of Highway Safety ("GOHS") has awarded the City of Avondale (the "City") a grant in the amount of $20,000.00 for project funding relating to overtime pay and employee related expenses to support DUI and impaired driving enforcement (the "Grant"); and

**WHEREAS**, the Mayor and Council of the City of Avondale ("City Council") desire to accept the Grant funds.

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

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

SECTION 2. The City Council hereby authorizes (i) the acceptance of the Grant in an amount not to exceed $20,000.00 and (ii) the execution of the GOHS Highway Safety Contract with GOHS relating to the acceptance and administration of the Grant funds (the "Agreement") in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit the Agreement and any other necessary or desirable instruments in connection with the Grant and 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, October 3, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1071-1022

[Agreement]

See following pages.

**GOVERNOR'S OFFICE OF HIGHWAY SAFETY** | **STATE OF ARIZONA**

# HIGHWAY SAFETY CONTRACT

This page, the Project Director's Manual and attached hereto and incorporated herein by reference, constitute the entire Contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

| | | |
|---|---|---|
| | **FAIN: 69A3752330000405dAZM** | **Assistance Listings: 20.616** |
| **1.** | **APPLICANT AGENCY**<br>Avondale Police Department | **GOHS CONTRACT NUMBER:**<br>**2023-II-001** |
| | **ADDRESS**<br>11485 W Civic Center Drive Avondale, AZ 85323 | **PROGRAM AREA:**<br>**405d** |
| **2.** | **GOVERNMENTAL UNIT**<br>City of Avondale | **AGENCY CONTACT:**<br>Heath Brittan |
| | **ADDRESS**<br>11485 W Civic Center Drive Avondale, AZ 85323 | **3. PROJECT TITLE:**<br>DUI/Impaired Driving Enforcement |
| **4.** | **GUIDELINES:**<br>405d | |
| **5.** | **BRIEFLY STATE PURPOSE OF PROJECT:**<br>Federal funds will support Personnel Services (Overtime), and Employee Related Expenses to enhance Enforcement throughout the City of Avondale. | |

| | | |
|---|---|---|
| **6.** | **BUDGET**<br>**COST CATEGORY** | **Project Period**<br>**FFY 2023** |
| **I.** | **Personnel Services** | $15,000.00 |
| **II.** | **Employee Related Expenses (33.33%)** | $5,000.00 |
| **III.** | **Professional and Outside Services** | $0.00 |
| **IV.** | **Travel In-State** | $0.00 |
| **V.** | **Travel Out-of-State** | $0.00 |
| **VI.** | **Materials and Supplies** | $0.00 |
| **VII.** | **Capital Outlay** | $0.00 |
| | **TOTAL ESTIMATED COSTS** | **$20,000.00** |

| | | |
|---|---|---|
| **PROJECT PERIOD** | **FROM:** Effective Date<br>(*Date of GOHS Director Signature*) | **TO:** 09-30-2023 |
| **CURRENT GRANT PERIOD** | **FROM:** 10-01-2022 | **TO:** 09-30-2023 |

**TOTAL FEDERAL FUNDS OBLIGATED THIS FFY: $20,000.00**

**A political subdivision or State agency that is mandated to provide a certified resolution or ordinance authorizing entry into this Contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded Contract.**

## PROBLEM IDENTIFICATION AND RESOLUTION:

**Agency Background:**

Number of sworn officers: 135

Total Population in your city/town or county: 90,000

Total Road Mileage: Highway: Local: 300 Total: 300

| | 2020 | 2019 | 2018 |
|---|---|---|---|
| Total Crashes | 1813 | 1805 | 1722 |
| Total Injury Crashes | 223 | 373 | 308 |
| Total Fatal Crashes | 6 | 0 | 4 |
| Total Impaired-related Crashes | 19 | 27 | 57 |
| Total Impaired-related Serious Injuries | 2 | 3 | 6 |
| Total Impaired-related Fatalities | 2 | 0 | 3 |
| Total Speed-related Crashes | 331 | 447 | 439 |
| Total Speed-related Serious Injuries | 3 | 3 | 17 |
| Total Speed-related Fatalities | 1 | 0 | 4 |

The data above represents: County ☐ City/Town ☑

**Agency Problem/Attempts to Solve Problem:**

The Avondale Police Department continues to rely upon the Governor's Office of Highway Safety (GOHS) funding to support participation in DUI enforcement activities. The Avondale Police Department seeks to continue with its proud participation; however, the inability to fund the overtime necessary to address current issues with regard to impaired driving continues to restrain active and sustained enforcement.

**Agency Funding:**

Federal funds will support Personnel Services (Overtime), and Employee Related Expenses to enhance Enforcement throughout the City of Avondale.

**How Agency Will Solve Problem with Funding:**

The Avondale Police Department is seeking funding for Fiscal Year 2023 DUI enforcement. If funded the grant would be utilized for DUI enforcement and employee related expenses. The Avondale Police Department has increased their involvement in DUI task forces and has committed to participate in a minimum of three (3) DUI task forces and three (3) DUI saturation patrols, per quarter for fiscal year 2023. The Avondale Police Department has also increased sustained activity within the City of Avondale and would benefit from this funding to keep impaired drivers off the street.

**PROJECT MEASURES:**

To decrease the number of speeding-related crashes 4% from 73 during calendar year 2021 to 70 by December 31, 2023.

To decrease fatalities in speeding-related crashes 40% from 5 in calendar year 2021 to 2 by December 31, 2023.

To decrease serious injuries in speeding-related crashes 33% from 3 in calendar year 2021 to 1 by December 31, 2023.

**Contract Objectives:**

To participate in a minimum of 3 DUI saturation patrols per quarter during FFY 2023.

To participate in a minimum of 3 DUI task force operations per quarter during FFY 2023.

**Additional Contract Objectives:**

To increase DUI arrests by 3 % above the Avondale Police Department 2021 statistics of 255 to 262 by December 31, 2022.

To increase traffic stops by 3 % above the Avondale Police Departments 2021 statistics of 9902 to 10,199 by December 31, 2022.

**GOALS/OBJECTIVES:**

Federal funds will support Personnel Services (Overtime), and Employee Related Expenses to enhance Enforcement throughout the City of Avondale.

Expenditures of funding pertaining to Impaired Driving Enforcement including Personnel Services and ERE, Materials and Supplies, Capital Equipment, and/or Travel In and Out-of-State shall comply with the Impaired Driving Program goals provided by the Arizona Governor's Office of Highway Safety. The Impaired Driving Program goal is to reduce the incidences of alcohol and drug related driving fatalities and injuries through enforcement, education, and public awareness throughout the State of Arizona. Law enforcement personnel participating in Impaired Driving Enforcement/DUI activities including, DUI Task Force details under this program, shall be HGN/SFST certified.

**MEDIA RELEASE:**

To prepare complete press release information for media (television, radio, print, and on-line) during each campaign period including a main press release, schedule of events, departmental plans, and relevant data**. The material will emphasize the campaign's purpose, aggressive enforcement, and the high cost of DUI/Impaired Driving in terms of money, criminal, and human consequences.**

The Avondale Police Department will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of the Avondale Police Department to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00 a.m. the morning following each day of the event.**

The holidays and special events include but not limited to: Super Bowl Sunday, Valentine's Day, President's Day, St. Patrick's Day, Spring Break, Easter, Cinco de Mayo, Prom Night, Memorial Day, Graduation Day, Independence Day, Labor Day, Columbus Day, Halloween, and the Thanksgiving through New Year's details.

**PLEASE NOTE: Failure to submit Statistics, Quarterly Reports, and/or Report of Costs Incurred (RCIs) timely and correctly may delay reimbursement for expenditures to your Agency.**

**METHOD OF PROCEDURE:**

The Avondale Police Department will make expenditures, as follows, to meet the outlined Program Goals/Objectives:

Personnel Services - To support Overtime for DUI/Impaired Driving Enforcement Activities

Employee Related Expenses - To support Employee Related Expenses for Agency Overtime

**PRESS RELEASE:**

Agencies are **required** to develop and distribute a press release announcing this grant award **upon receipt** of the executed Contract. A copy of this press release shall be sent to the GOHS Director for approval prior to being sent to the media. This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety.

**BAC TESTING AND REPORTING REQUIREMENTS:**

Alcohol impairment is a major contributing factor in fatality and serious injury motor vehicle collisions. Accurate data on alcohol involvement is essential to understanding the full extent of the role of alcohol and to assess progress toward reducing impaired driving.

**Each law enforcement agency that receives an enforcement-related grant is required to ensure that accurate data on all drivers involved is reported.** Failure to comply may result in withholding funds and cancellation of the enforcement contract until this requirement is met.

**PURSUIT POLICY:**

All law enforcement agencies receiving Federal funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

**METHOD OF PROCUREMENT:**

The application of 2 CFR Part 200 "Procurement Standards" requires that:

Grantees and sub-grantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided the procurement procedures conform to applicable Federal laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency may use the State procurement process.

A clear audit trail must be established to determine costs charged against this Contract. Substantiation of costs shall, where possible, be made utilizing the Avondale Police Department documentation consisting of, but not limited to, copies of time sheets, purchase orders, copies of invoices, and proof of payment.

The Agency shall retain copies of all documentation in the project file.

**State Contract:**

Procurement may be made using an open State contract award. Documents submitted to substantiate purchases using an open State contract must bear the contract number.

**PROJECT EVALUATION:**

This project shall be administratively evaluated to ensure the objectives have been met.

**Quarterly Report**

The purpose of the Quarterly Report is to provide information on contracted grant activities conducted at the conclusion of each active quarter. The information provided is used to review progress of the funded project and the successfulness in meeting outlined goals and objectives. The information, photos, highlights, obstacles, and mandatory statistical data provided in this report are analyzed by the assigned Project Coordinator. It is critical the report contains the following information:

- **Original signatures on all Quarterly Reports and RCIs**
  - **All Quarterly Reports and RCIs shall include the signature of the Project Director unless prior authorization for another is on file with GOHS.**

**Report Schedule**

| Reporting Period | Due Date |
|---|---|
| **1st Quarterly Report and RCI** (October 1 to December 31, 2022) | January 30, 2023 |
| **2nd Quarterly Report and RCI** (January 1 to March 31, 2023) | April 20, 2023 |
| **3rd Quarterly Report and RCI** (April 1 to June 30, 2023) | July 20, 2023 |
| **4th Quarterly Report and RCI** (July 1 to September 30, 2023) | **October 15, 2023** |
| **Final Statement of Accomplishments** | **October 15, 2023** |

The Quarterly Report **shall be completed on the form available on-line and can be submitted by email** to the Governor's Office of Highway Safety.

***NOTE*: IT IS REQUIRED THAT ALL LAW ENFORCEMENT AGENCIES MUST ENTER STATISTICAL AND ENFORCEMENT ACTIVITY INTO THE ON-LINE GOHS DUI REPORTING SYSTEM, IN ADDITION TO SUBMITTING THE QUARTERLY ENFORCEMENT REPORT.**

**Final Statement of Accomplishments**

The Project Director shall submit a Final Statement of Accomplishments Report to the GOHS **no later than fifteen (15) days after the conclusion of each Federal Fiscal Year (September 30th)**. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report.

***Note:*** Failure to comply with the outlined GOHS reporting requirements may result in withholding of Federal funds or termination of the Contract.

**PROFESSIONAL AND TECHNICAL PERSONNEL:**

**Memo Espinoza, Chief, Avondale Police Department, shall serve as Project Director.**

**Heath Brittan, Lieutenant, Avondale Police Department, shall serve as Project Administrator.**

**Brittany Tabares, Governor's Office of Highway Safety, shall serve as Project Coordinator.**

**REPORT OF COSTS INCURRED (RCI):**

The Agency shall submit a Report of Costs Incurred (RCI), with supporting documentation attached, to the Governor's Office of Highway Safety on a quarterly basis, for each active quarter, in conjunction with the required report. Agencies may submit additional RCI forms for expenditures when funds have been expended for which reimbursement is being requested.

Accepted supporting documentation to submit with a Report of Cost Incurred (RCI) includes, but is not limited to; scanned copies of timesheets, payroll records, paid invoices/purchase orders, and other account records.

RCIs shall be typed and submitted with appropriate supporting documentation to the Governor's Office of Highway Safety. **Electronically submitted RCIs will be accepted.** Final RCIs must be submitted fifteen (15) days after the conclusion of each Federal Fiscal Year (September 30th). **Expenditures submitted after the expiration date may not be reimbursed and the Agency will accept fiscal responsibility.**

**PROJECT MONITORING:**

Highway safety grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures, and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information, and provide assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning and evaluation
- Identifying exemplary projects

**Types of Monitoring**

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site/In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Report of Costs Incurred (RCIs)
- Desk review of other documents in the project grant files for timely submission and completeness

| Monitoring Schedule | |
|---|---|
| **Total Awarded Amount:** | **Type of Monitoring:** |
| Under $100,000 | Desk Review/Phone Conference |
| $100,000 and over | May have an In-House GOHS Review |
| $300,000+ | May have an On-Site/In-House Review |
| Capital Outlay Greater than $100,000 (combined) | May have an On-Site/In-House Review |
| Desk Review and Phone Conference | Internal review of all written documentation related to contractual project including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person(s) contacted, and the results. It serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee. |
| In-House Review | Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly |

| | |
|---|---|
| | Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee. |
| On-Site Monitoring | Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's Agency with monitoring form completed on-site by Project Coordinator. Any findings, areas of improvement, concern, or recognition, will be provided to the grantee. |

On-site/In-house monitoring for grantees of designated projects with large Capital Outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the fiscal year. Contracted projects displaying any problems may need on-site monitoring more than once during the fiscal year.

On-site/In-house monitoring includes a review and discussion of all issues related to ensure the effective administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly Reports
- Status of expenditures related to the outlined budget
- Accounting records and RCI's
- Supporting documentation (training documentation, inventory sheets, photographs, press releases, etc.)

In addition, the designated Agency will ensure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

**Documentation**

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the Agency's respective Federal file. Findings will be discussed with the designated contract representative (Project Administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance may be placed on a performance plan as outlined by the GOHS Director. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

**PROJECT PERIOD:**

The project period shall commence on the date the GOHS Director signs the Highway Safety Contract and terminate on September 30th of that or subsequent year as indicated on the Highway Safety Contract.

**DURATION:**

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the Contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Agency will submit notification on the Agency's letterhead and hand deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of sixty days (60) prior to the end of the project period.

The Agency shall address all requests to modify the Contract to the Director of the Governor's Office of Highway Safety on Agency's official letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the Contract. Any unexpended funds remaining at the termination of the Contract shall be released back to the Governor's Office of Highway Safety.

**ESTIMATED COSTS:**

| | | |
|---|---|---|
| I. | Personnel Services (overtime) | $15,000.00 |
| II. | Employee Related Expenses (ERE) (33.33%) | $5,000.00 |
| III. | Professional and Outside Services | $0.00 |
| IV. | Travel In-State | $0.00 |
| V. | Travel Out-of-State | $0.00 |
| VI. | Materials and Supplies | $0.00 |
| VII. | Capital Outlay | $0.00 |
| | **TOTAL ESTIMATED COSTS** | ***$20,000.00** |

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of forty (40) percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Avondale Police Department shall absorb any and all expenditures in excess of $20,000.00.

**QUARTERLY ENFORCEMENT REPORT CHART**

**(Submitted to GOHS)**

_____

**Reporting Period**

| DESCRIPTION | CONTRACT ACTIVITY | AGENCY ACTIVITY |
|---|---|---|
| Total Contacts (Traffic Stops) | | |
| Total Sober Designated Drivers Contacted | | |
| Total Know Your Limit Contacts | | |
| DRE Evaluations Conducted | | |
| **TOTAL DUI ARRESTS** | | |
| Total DUI Aggravated | | |
| Total DUI Misdemeanor | | |
| Total DUI Extreme (.15 or Above) | | |
| Under 21 DUI Citations | | |
| Average BAC | | |
| Distracted Driving Citations | | |
| Total DUI Drug Arrests | | |
| 30-Day Vehicle Impounds | | |
| Seat Belt Citations | | |
| Child Restraint Citations | | |
| Criminal Speed Citations | | |
| Reckless Driving Citations | | |
| Civil Speed Citations | | |
| Other Citations | | |
| Other Arrests | | |
| Participating Officer/Deputies (Cumulative) | | |

## CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

### I. Project Monitoring, Reports, and Inspections

A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.

B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.

C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.

D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

### II. Reimbursement of Eligible Expenses

A. AGENCY's Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under Section XX herein, "Termination and Abandonment".

B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.

C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

## III. Property Agreement

A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.

B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.

C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.

D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.

E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

## IV. Travel

In-State and Out-of-State Travel

In state and out-of-state travel claims will be reimbursed at rates provided by AGENCY's regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

The State must approve all out-of-state travel in writing and in advance.

## V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

## VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

## VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be subcontracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

## VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

## IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

## X. Uniform Administrative Requirements

(2 CFR Part 1201): *Uniform Administrative Requirements, Cost Prinicples, and Audit Requirements for Federal Awards*:

The application of 2 CFR Part 200 "Procurement Standards" Requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

## XI. Non-Discrimination

During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

A. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;

B. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 2l and herein;

C. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;

D. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including, but not limited to, withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

E. To insert this clause, including paragraphs A through E, in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

## XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

## XIII. Application of Hatch Act

The AGENCY will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

## XIV. Minority Business Enterprises (MBE) Policy and Obligation

A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR Part 23 apply to this Contract.

B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

**XV. Arbitration Clause, ARS §12-1518**

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

**XVI. Inspection and Audit, ARS §35-214**

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

**XVII. Appropriation of Funds by U.S. Congress**

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

**XVIII. Continuation of Highway Safety Program**

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

**XIX. E-Verify**

Both parties acknowledge that immigration laws require them to register and participate with the E-Verify Program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this State. Both parties warrant that they have registered with and participate with E-Verify. If either party later determines that the other non-compliant party has not complied with E-Verify, it will notify the non-compliant party by certified mail of the determination and of the right to appeal the determination.

**XX. Termination and Abandonment**

A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.

B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Contract and proceed to close said operations under the Contract.

C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.

D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.

E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

**XXI. Cancellation Statute**

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or Chief Executive Officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

## AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE

**Acceptance of Condition**

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject to the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

**Certificate of Compliance**

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

**Certification of Non-Duplication of Grant Funds Expenditure**

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

**Single Audit Act**

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

**Buy America Act**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than twenty-five (25) percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

**Prohibition on Using Grant Funds to Check for Helmet Usage**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

**Certification Regarding Debarment and Suspension**

A. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

B. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

C. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in

addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

D. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

E. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used* in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

F. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

G. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled Instructions for Lower Tier Certification including the Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction, provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

H. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www.sam.gov).

I. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

J. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause of default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matter**

A. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principal:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the prospective primary tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Instructions for Lower Tier Certification**

A. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

B. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

C. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

D. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

E. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4,

debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

F. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions Website (https://www.sam.gov).

H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

I. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion**

A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**REIMBURSEMENT INSTRUCTIONS**

**1. Agency Official preparing the Report of Costs Incurred:**

Name: Melinda Tinney

Title: Senior Accountant

Telephone Number: 623.333.2018 Fax Number: 623.333.0200

E-mail Address: mtinney@avondaleaz.gov

**2. Agency's Fiscal Contact:**

Name: Melinda Tinney

Title: Senior Accountant

Telephone Number: 623.333.2018 Fax Number: 623.333.0200

E-mail Address: mtinney@avondaleaz.gov

Federal Identification Number: 86-6000233

**3. *REIMBURSEMENT INFORMATION:***

Warrant/Check to be made payable to:

City of Avondale

Warrant/Check to be mailed to:

City of Avondale
(Agency)

11465 W Civic Center Drive
(Address)

Avondale, AZ 85323
(City, State, Zip Code)

***4. Unique Entity Identifier:***

002486884
(Unique Entity Identifier #)

11465 W Civic Center Drive Avondale, AZ 85323
(Registered Address & Zip Code)

**Restriction on State Lobbying**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

**Certification for Contracts, Grant, Loans, and Cooperative Agreements (Federal Lobbying)**

The undersigned certifies, to the best of his or her knowledge and belief, that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.

D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

***Signature of Project Director:***

Memo Espinoza, Chief
Avondale Police Department

_____

_____
Date Telephone

***Signature of Authorized Official of Governmental Unit:***

Cherlene Penilla, Acting City Manager
City of Avondale

_____

_____
Date Telephone

**AUTHORITY & FUNDS**

1. This Project is authorized by 23 U.S.C. §405 and regulations promulgated there under, more particularly Volume 102, and if State funds are involved, this project is authorized by ARS §28-602.

   The funds authorized for this Project have been appropriated and budgeted by the U.S. Department of Transportation. The expenses are reimbursable under Arizona's Highway Safety Plan Program Area 405d/II, as approved for by the National Highway Traffic Safety Administration.

2. **A. EFFECTIVE DATE:** **B. FEDERAL FUNDS:**

   *Authorization to Proceed Date* **$20,000.00**

3. **AGREEMENT AND AUTHORIZATION TO PROCEED**
   by State Official responsible to Governor for the
   administration of the State Highway Safety Agency

_____ _____

Alberto Gutier, Director
Governor's Office of Highway Safety
Governor's Highway Safety Representative

Approval Date

Item Number: 3.g.

# CITY COUNCIL REPORT

**SUBJECT:** Resolution 1072-1022 – First Amendment to the Intergovernmental Agreement with the City of Phoenix for Recycling Services

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

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

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Areas:
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.

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.

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**PURPOSE:**

City Council will consider a request to adopt Resolution 1072-1022 authorizing the First Amendment to the Intergovernmental Agreement with the City of Phoenix relating to processing Avondale's recyclable materials, 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 residential households. Annually, the city collects approximately 5,000 tons of recycling materials. Through an Intergovernmental Agreement (IGA) originally adopted on June 21, 2021, 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 IGA provides for revenue and expense sharing based on a blended recyclables market rate.

**DISCUSSION:**

The recycling markets continue to be volatile. The paper markets have seen an uptick over the past year, slightly increasing the blended recyclables market rate late in 2021 and early in 2022. However, with commodity prices for cardboard, plastics, metals and paper fluctuating in response to supply and demand and overall economic conditions, the blended rate for recyclable materials has recently declined. Additionally, the cost to process

recyclable materials has increased due to changes in energy and labor costs. This first amendment to the IGA with the City of Phoenix will extend the contract term for an additional year to June 30, 2023, with three more extension options remaining. This first amendment will also increase the processing fee for recyclable materials from $82.01 to $98.21 per ton. The Average Quarterly Outbound Blended rate for the third quarter of 2022 was $91.64 per ton and will be $86.92 per ton in the fourth quarter of 2022, resulting in a net cost to the City of Avondale of $6.57 and $11.29 per ton, respectfully. The net cost per ton for disposal of recyclable materials through the Phoenix IGA is still less than the cost for landfill services through the City's IGA with the City of Glendale at $31 per ton for residential refuse. 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 2022/2023 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 City Council adopt Resolution 1072-1022 authorizing the First Amendment to the Intergovernmental Agreement with the City of Phoenix relating to processing Avondale's recyclable materials, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *Harold Siguenza, Simon Lara, Suzie Hunter*

**RESOLUTION NO. 1072-1022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE FIRST AMENDMENT TO 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 Amendment No. 1 to the Intergovernmental Agreement with the City of Phoenix relating to processing of recyclable materials (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, October 3, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1072-1022

[Amendment No. 1]

See following pages.

| | | |
|---|---|---|
| | **CONTRACT AMENDMENT** | **CITY OF PHOENIX**<br>Public Works/Procurement<br>200 W. Washington St.<br>7th Floor<br>Phoenix, AZ 85003 |

| | |
|---|---|
| Date | July 20, 2022 |
| City Clerk Contract No. | 154849 |
| Ordinance # and Date | S-47425 – 04/07/2021 |
| Amendment No. | 1 |
| Contract Title | Avondale for Processing of Recyclable Materials |
| With | City of Avondale |
| Contact Info | Suzie Hunter, shunter@avondaleaz.gov |
| City Contact Name | Eduardo Rodriguez |
| Telephone No. | 602-495-5362 |
| Email | Eduardo.rodriguez@phoenix.gov |

**THE ABOVE REFERENCED CONTRACT IS AMENDED AS FOLLOWS:**

1. In accordance with Intergovernmental Agreement (Section 1, Term, Page 3), the contract term is extended from July 1, 2022 through June 30, 2023.

   There are three (3) more option years to extend.

2. In accordance with Intergovernmental Agreement (Section 11, 11.1, Charge or Rebate) The following updated Price Schedule replaces the existing Price Schedule, with an effective date of July 1, 2022.

| Price Schedule | | | |
|---|---|---|---|
| Item No. | Description | Price | Effective Date |
| Item 1 | Processing Fee | $82.01 per ton<br>**$98.21 per ton** | 07/01/2021-06/30/2022<br>**07/01/2022-06/30/2023** |
| Item 2 | Average Quarterly Outbound Blended Rate | $63.92 per ton (Q3 2021)<br>$88.48 per ton (Q4 2021)<br>$115.31 per ton (Q1 2022)<br>$94.00 per ton (Q2 2022)<br>$91.64 per ton (Q3 2022)<br>$86.92 per ton (Q3 2022) | 07/01/2021-09/30/2021<br>10/01/2021-12/31/2021<br>01/01/2022-03/31/2022<br>04/01/2022-06/30/2022<br>07/01/2022-09/30/2022<br>10/01/2022-12/31/2022 |
| Item No. | Description | Percent | Effective Date |
| Item 3 | Reject Content | 35%<br>$0.00 Credit Per Ton | 07/01/2022-06/30/2023 |

3. Except as otherwise amended, all other terms and conditions of the Agreement and any prior amendments not in conflict will remain in full force and effect. If there is a conflict or ambiguity among amendments and the Agreement, the most recent amendment will only prevail and control

if clear and unambiguous; and if not the original Agreement will govern to the extent necessary to support the intent of the Agreement.

**ALL OTHER CONTRACT PRICES, TERMS, AND CONDITIONS WILL REMAIN THE SAME**

**City of Avondale**

Contractor acknowledges receipt of an agreement with the amendment. A signed copy must be returned to The Public Works Department

_____
Signature

_____
Printed Name

_____
Title

Date: _____

**City of Phoenix,** a municipal corporation
Jeffrey Barton, City Manager

By:_____

Director Name: Joe Giudice
Director Title: Public Works Director

**ATTEST:**

_____
City Clerk

**APPROVED AS TO FORM:**
Cris Meyer, City Attorney

By: _____
Patricia J. Boland
Assistant Chief Counsel

Item Number: 3.h.

# CITY COUNCIL REPORT

**SUBJECT:** Resolution 1073-1022 Appointing the Budget and Finance Director as the Applicant Agent For the City of Avondale

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Dale Nannenga, Public Safety Chief, (623) 333-7207

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

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**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.

This resolution strengthens the preparedness of the City of Avondale and the State of Arizona to recover from a disaster as outlined in Homeland Security Presidential Directive/HSPD-8. This resolution supports the roles and responsibilities of the National Preparedness Goal of Recovery which refers to those capabilities necessary to assist communities affected by an incident to recover effectively, including rebuilding infrastructure systems, providing interim and long term housing, restoring health, social and community services, promoting economic development and restoring natural and cultural resources.

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**PURPOSE:**

City Council will consider a request to adopt Resolution 1073-1022, to appoint the City's Budget and Finance Director, Renee Weatherless, and her successors, as the designated Applicant Agent for the City of Avondale with the Arizona Division of Emergency Management (DEMA) and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

The Arizona Department of Emergency and Military Affairs (DEMA) under the Disaster Relief Act requires an application agent for the purposes of receiving an allocation of funds from the State or Federal authorities. The City’s designated Applicant Agent must have the legal authority to apply for assistance on behalf of the Applicant's organization.

**DISCUSSION:**

The Emergency Management staff was notified that the current Applicant Agent registered with the Arizona Emergency Management Department is no longer employed by the City of Avondale. Emergency Management staff recommends designating the City's Budget and Finance Director and their

successors as Applicant Agents. This will prevent the City from not having a current Applicant Agent in the future. The Applicant Agent is required for the City to receive disaster funds through State and Federal agencies.

**BUDGET IMPACT:**

There is no budgetary impact from this action.

**RECOMMENDATION:**

Staff recommends City Council adopt a Resolution, appointing the City's Budget and Finance Director and their successors as the designated Applicant Agent for the City of Avondale.

***Contact person for document distribution:*** *Larry Rooney*

**RESOLUTION NO. 1073-1022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPOINTING THE FINANCE AND BUDGET DIRECTOR AS THE APPLICANT AGENT AND AUTHORIZING THE SAME TO SUBMIT THE REQUEST FOR PUBLIC ASSISTANCE.

**WHEREAS,** the Arizona Department of Emergency and Military Affairs, Request for Public Assistance for DR/Disaster# DR3342 (COVID 19) requires an application for the purposes of receiving an allocation from the Arizona Department of Emergency and Military Affairs (the "Program") for the City of Avondale; and

**WHEREAS,** the City of Avondale (the "City"), Maricopa County, desires to designate the City's Finance and Budget Director as the Applicant Agent and authorize the same to execute and submit the applicable Request for Public Assistance on behalf of the City until further notice;

**NOW, THERFORE, BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, as follows:

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

SECTION 2. The City Council hereby (i) designates the Finance and Budget Director, Renee Weatherless as the Applicant Agent of the City and (ii) authorizes the Applicant Agent to execute and submit for, and on behalf of the City, the application and to file it in the appropriate state office for the purpose of obtaining certain financial assistance under the Disaster Relief Act.

SECTION 3. The immediate operation of this Resolution is necessary for the preservation of the public peace and welfare by ensuring City operations continue uninterrupted. An emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after passage by the City Council.

SECTION 4. The Mayor, the Acting 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 Resolution.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, October 17, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

# ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
# DESIGNATION OF APPLICANT'S AGENT FORM

The intent of this **DESIGNATION** is to appoint an **APPLICANT'S AGENT** for the following:

*Select program(s)* ☑ Public Assistance ☐ HMA Mitigation Program ☐ SEC Mitigation

*Select duration* ☑ Until further notice ☐ Only Event _____ ☐ From _____ to _____

Applicant: City of Avondale

## CERTIFICATION

I, Kenneth Weise (Authorizing Official's Name), duly appointed and Mayor (Title) of City of Avondale (Applicant), do hereby certify that the information below is true and correct, based on a resolution passed and approved **(attached)** by the Council (Governing Body) of City of Avondale (Applicant) on the 17th (day) day of October (month), 2022 (year).

Renee Weatherless (Name of Designated Applicant's Agent) has been designated as the Applicant's Agent to act on behalf of City of Avondale (Applicant).

_____ (Authorizing Official's Signature) Mayor (Title) _____ (Date)

***This document MUST be accompanied by a copy of the Resolution or Meeting Minutes by your governing board which designated the Applicant's Agent.***

## Designated Applicant's Agent

Name Renee Weatherless

Title/Official Position Finance and Budget Director

Full Mailing Address 11465 W Civic Center Dr, Avondale AZ 85323

Email Address rweatherless@avondaleaz.gov

Daytime Telephone Number 623.333.2011 Cell _____

(Please include area code and extension if not a direct number)

**For DEMA Use Only**

Received By: _____

(Initials & Date)

Item Number: 3.i.

# CITY COUNCIL REPORT

**SUBJECT:** Ordinance 2059-1022 – Avondale City Code Amendment, Chapter 10, Article IV, Sections 10-45 and 10-46; Relating to the Authorized Times for the Use and Sale of Permissible Consumer Fireworks

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Dale Nannenga, Chief of Public Safety (623) 333-7207

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

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**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.

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**PURPOSE:**
City Council will consider a request to adopt Ordinance 2059-1022, amending Avondale City Code Chapter 10, Article IV, Sections 10-45 and 10-46; Relating to the Authorized Times for the Use and Sale of Permissible Consumer Fireworks and authorize the Mayor or Acting City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**
In December of 2010, the State of Arizona legalized the use of permissible consumer fireworks. Since then, several changes and modifications have been enacted into the state statutes.

On September 24, 2022, a new law passed by the Arizona legislature (Arizona Revised Statute 36-1606), which restricts the hours of use for permissible consumer fireworks, went into effect. As the changes were being reviewed, amendments to the City of Avondale ordinance were needed to conform with the State law from 2019 for two additional fireworks time periods. The additional amendments centered on additional days fireworks could be used and sold, including the period of May 4 to May 5 and the holiday of Diwali, which is not a set date on the calendar.

**DISCUSSION:**
The use and sale of permissible consumer fireworks and all fireworks are a public safety concern for the City of Avondale and its citizens. Changes to Chapter 10, Article IV, Sections 10-45 and 10-46 will allow the City to conform with Arizona state statutes as they are modified in the state legislature.

Chapter 10, Article IV, Section 10-45 will conform with state statutes (Arizona Revised Statute 36-1606 A.1.f) that prohibit the use of permissible consumer fireworks between 11:00 PM and 8:00 AM except for evenings

on December 31 and July 4, which extends the time to 1:00 AM of the next day.

Chapter 10, Article IV, Section 10-46 will conform with state statutes (Arizona Revised Statute 36-1606 A.1.c) to allow for the sale of permissible consumer fireworks not only during the July 4th and New Year's holiday but also includes the May 4 to May 6 time period and two days for the Diwali holiday.

**BUDGET IMPACT:**
There is no impact on the budget.

**RECOMMENDATION:**
Staff recommends City Council adopt the proposed changes to the Avondale City Code Chapter 10, Article IV, Sections 10-45 and 10-46; Relating to the Authorized Times for the Use and Sale of Permissible Consumer Fireworks, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *Dale Nannenga; Glenda Craycraft; Memo Espinoza*

**ORDINANCE NO. 2059-1022**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 10 (FIRE PREVENTION AND PROTECTION), ARTICLE IV (FIREWORKS), SECTIONS 10-45 (USE OF FIREWORKS PROHIBITED & 10-46; EXCEPTIONS) RELATING TO AUTHORIZED TIMES FOR THE USE AND SALE OF PERMISSIBLE CONSUMER FIREWORKS.

SECTION 1. The Avondale City Code, Chapter 10 (Fire Prevention and Protection), Article IV (Fireworks), Section 10-45 (Use of fireworks prohibited; exceptions), subsection (a) is hereby amended as follows:

**10-45 Use of fireworks prohibited; exceptions.**

(a) The use, discharge or ignition of fireworks within the corporate limits of the city is prohibited, except ~~that~~ for the limited use of permissible consumer fireworks ~~may be used~~ during the time periods ~~of June 24 through July 6 and December 24 through January 3 of each year~~ and under the conditions provided for in ARIZ. REV. STAT. § 36-1606.

. . .

SECTION 2. The Avondale City Code, Chapter 10 (Fire Prevention and Protection), Article IV (Fireworks), Section 10-46 (Use of fireworks prohibited; exceptions), subsection (a) is hereby amended as follows:

**10-46 Sale of fireworks.**

(a) The sale of fireworks within the corporate limits of the city is prohibited, except ~~that~~ for the limited sale of permissible consumer fireworks ~~may be sold~~ during the time periods ~~of May 20 through July 6 and December 10 through January 3 of each year~~ and under the conditions provided for in ARIZ. REV. STAT. § 36-1606.

. . .

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is 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 4. 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.

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, October 3, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

Item Number: 3.j.

# CITY COUNCIL REPORT

**SUBJECT:** Ordinance 2060-1022 - Amending Chapter 13 of the Avondale City Code Relating to Applicability and Requirements for Business Licenses

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Renee Weatherless, Finance and Budget Director, (623) 333-2011

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

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**STRATEGIC PLAN:**

Innovative Program and Service Delivery
Updating the business license program will help focus the City's service delivery efforts and serve as a model for innovative, efficient, and responsive government.

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**PURPOSE:**

City Council will consider a request to adopt Ordinance 2060-1022, amending Chapter 13 of the Avondale City Code relating to applicability and requirements for business licenses and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

Most cities and towns issue business licenses. Some cities only require a business license for businesses with a physical business location in their jurisdiction, while others require a business license for any business activities conducted in their jurisdiction (regardless of physical business location).

**<u>Key Benefits of Business License Programs</u>**

**Public Safety**(businesses with physical locations inside city jurisdiction)

- Ensure fire safety requirements are met.
- Review business owner applicants for prior criminal activity within City of Avondale.
- Confirm land use and activities are permitted per City zoning.
- Business owner contact info can be used for public safety communication (like alarm alerts).

**Communication**(information collected via business license process)

- Economic Development can reach out to businesses regarding access to resources/programs.
- Citizens can use business license directory to report issues to city.
- Business license directory may help consumers locate businesses.

**Credibility**

- Business license helps ensure businesses are legitimate.

**Data and Statistics**

- Data collection about individual businesses and the city's full business portfolio is necessary to track key demographic information for economic development programs and opportunities, including grants, partnerships, and business development opportunities.

**Compliance**

- Business license info can be used to cross reference for sales tax compliance.

The City of Avondale's code related to business licenses was last updated in 2006 and contains obsolete references to taxes that the city no longer administers and is in conflict with state statute that exempts some businesses from business licenses.

**DISCUSSION:**

The business license program has not been updated since 2006 when it was closely related to the sales tax license issued by the city. Since that time, city sales tax collections have been transferred to the Arizona Department of Revenue. Consequently, the benefits of the program need to be reexamined. The benefits described above are only applicable to businesses with a fixed location within the city. Additionally, the code has not incorporated statutory changes exempting some businesses. Most notable is the exemption of residential rentals (A.R.S. 9-1304).

In addition to these issues, staff and stakeholders identified other needed improvements to the business license program.

1. The temporary permit program is not used due to it being limited to businesses participating in an event sponsored by a non-profit. The need for the temporary permit is eliminated if out-of-city businesses are not required to obtain a license.
2. The business license is an annual license valid for the calendar year and there is no prorating of the license. Consequently, a new business in December pays the full license fee and has to renew the license after only one month. Staff recommends establishing a prorated fee schedule dependent on the quarter of the application.
3. Businesses are required to renew their license each year, but there are no consequences if they do not renew on time. Staff recommends a late fee that may be applied to late filers to compensate for the additional staff time.

**BUDGET IMPACT:**

It is estimated that revenue from business licenses will decrease by $122,000. There will also be nominal cost savings from postage and supplies.

**RECOMMENDATION:**

The ordinance makes the following changes to the code.

1. Eliminates the requirement to obtain a business license for businesses located outside of the city.
2. Provides exemptions for the following businesses:

- Statutorily exempted businesses such as residential rentals, real estate agents and out-of state businesses.
- Delivery drivers
- Governments

- Nonprofits
- Casual businesses - private sales no more than 4 times a year (garage sales, car sales, etc.)
- Individual education, music, swimming, cooking, tutoring, etc. at a non-commercial location
- Independent contractor or sales representative for another company
- Assisted living facilities or group homes

3. It allows the City to charge a late fee, established by the council, for late renewals.
4. Establishes a prorated schedule for new business licenses.
5. Removes obsolete language referring to taxes.

***Contact person for document distribution:*** *Keith Fallstrom; Renee Weatherless; Daniel Vazquez; Michael Shoemaker; Janet Dayer*

**ORDINANCE NO. 2060-1022**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 13 (LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS), ARTICLE III (BUSINESS LICENSES) RELATING TO APPLICABILITY AND REQUIREMENTS FOR BUSINESS LICENSES.

SECTION 1. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-56 (Definitions) is hereby amended as follows:

**13-56 Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Business" includes all activities or acts, personal or corporate, engaged in or caused to be engaged in with the object of gain, benefit or advantage either directly or indirectly, but not casual activities or sales. ~~Making deliveries within the city from a plant or establishment located outside the city shall be included in the definition of business. The rental or lease of property for residential or commercial purposes shall also be included in the definition of "business."~~

"CASUAL ACTIVITY OR SALE" IS A TRANSACTION OF AN ISOLATED NATURE MADE BY A PERSON WHO NEITHER REPRESENTS THEMSELF TO BE, NOR IS ENGAGED IN BUSINESS. THIS INCLUDES BUT IS NOT LIMITED TO SALES WHICH ARE PRIVATE IN NATURE, SUCH AS THE SALE OF A PERSONAL AUTOMOBILE, HOMEMADE ARTIFACT OR GARAGE SALE ITEM, ON NO MORE THAN FOUR (4) SEPARATE OCCASIONS DURING ANY CALENDAR YEAR, WHERE THE INDIVIDUAL DOES NOT OTHERWISE PRESENT THEMSELF TO BE IN BUSINESS.

~~"Contracting" is engaged in by a person who, for either a fixed sum, price, fee, percentage, bonus or other compensation other than actual wages, undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of scaffolding or other structures of works in connection therewith. The term "contractor" means one who is engaged in contracting and includes subcontractors, specialty contractors, developers and speculative builders. "Engaging," when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.~~

"Owner" means any individual, association, corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust or other entity.

~~"Residential rental property" means one (1) or more properties that are used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park, residential rental property includes the rental space that is leased or rented by the owner of that rental space, but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.~~

~~"Retailer" includes every person engaged in the business of making sales at retail and, when in the opinion of the city finance and budget department, it is necessary for the efficient administration of this article, includes dealers, distributors, supervisors, employers and salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them whether in making sales on their own behalf or on behalf of the dealers, distributors, supervisors or employers.~~

"Sale" means any transfer of title or possession or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property or real property, for a consideration, and includes:

(1) Any transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(2) The fabrication of tangible personal property for consumers who furnish either directly or indirectly the materials used in the fabrication work and the furnishing, preparing or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing or serving such tangible personal property.

~~(3) The rental or lease of real property for residential or commercial purposes.~~

~~"Sale at retail" means a sale for any purpose other than for resale in the form of tangible personal property, but "transfer of possession," "lease" or "rental" of tangible personal property as used in the definition of "sale" means only such transactions as are found upon investigation to be in lieu of sales as defined without the words "lease or rental."~~

"Tangible personal property" means personal property which may be seen, weighed, measured, felt, touched or is in all other manner perceptible to the senses.

~~"Wholesaler" or "jobber" means any person who sells tangible personal property for resale and not for consumption by the purchaser.~~

SECTION 2. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-57 (Required) is hereby amended as follows:

**13-57 Required.**

(A) It shall be unlawful for any person to engage in any business FROM A FIXED LOCATION within the City of Avondale without first having obtained a license from the city to engage in such business. No person shall be eligible to receive a license to engage in any business FROM A FIXED LOCATION within the city unless and until such person is in full compliance with all provisions of this Code. ~~Businesses involving residential rental property shall not be eligible for a business license unless and until the owner of such residential rental property is in full compliance with the provisions of section 15-31 of this Code.~~ FOR THE PURPOSE OF DETERMINING WHETHER A BUSINESS IS REQUIRED TO OBTAIN A LICENSE, A PERSON SHALL BE DEEMED TO BE ENGAGING IN BUSINESS FROM A FIXED LOCATION WITHIN THE CITY IF THEY ARE:

(1) ENGAGING IN BUSINESS ACTIVITIES UPON WHICH A TRANSACTION PRIVILEGE TAX IS IMPOSED UNDER THE TAX CODE OF THE CITY OF AVONDALE AND WHEN THE BUSINESS HAS A FIXED LOCATION WITHIN THE CITY; OR,

(2) MAINTAINING WITHIN THE CITY, A FIXED LOCATION SUCH AS AN OFFICE, DISTRIBUTION HOUSE, SALES HOUSE, WAREHOUSE, DEVELOPED COMMERCIAL REAL PROPERTY OWNERSHIP OR OTHER PLACE OF BUSINESS WHETHER LOCATED AT A RESIDENTIAL OR COMMERCIAL LOCATION.

SECTION 3. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-60 (Payment generally and term) is hereby amended as follows:

**13-60 Payment generally and term.**

(a) All ~~taxes and licenses~~ LICENSE FEES required by this article shall be paid in advance, in legal currency of the United States to the city finance and budget department ~~at the city hall~~.

(b) The licenses required by this article shall be obtained~~:~~

~~(1) For the year 1995 on the effective date of the ordinance codified in this section;~~

~~(2) For all subsequent years on~~ BY the first business day of January OF EACH YEAR, OR UPON ESTABLISHMENT OF A NEW BUSINESS WITH A FIXED LOCATION WITHIN THE CITY. The license will expire of December 31 of the year in which it is obtained. A COMPLETE RENEWAL APPLICATION MUST BE SUBMITTED TO THE CITY NO LATER THAN JANUARY 1 OF EACH YEAR. IF THE RENEWAL APPLICATION IS NOT RECEIVED BY THE ABOVE DEADLINE, THE LICENSEE MAY BE ASSESSED A LATE FEE, AS ESTABLISHED BY THE CITY COUNCIL

AS PART OF THE ANNUAL BUDGET PROCESS OR AS OTHERWISE ADOPTED BY CITY COUNCIL RESOLUTION. ~~There shall be no proration of any business license fee or tax except in the event that~~ IF a bona fide sale or transfer of a business duly licensed occurs, the owner of said business shall surrender the license and tender a transfer fee ~~of ten dollars ($10.00) to the finance and budget department~~, AS ESTABLISHED BY THE CITY COUNCIL AS PART OF THE ANNUAL BUDGET PROCESS OR AS OTHERWISE ADOPTED BY CITY COUNCIL RESOLUTION. The finance and budget department shall then issue a license to the transferee for the remainder of the period without payment of further ~~tax or~~ fee. THE FEES PAID FOR A LICENSE UNDER THIS ARTICLE SHALL NOT BE PRORATED OR REFUNDABLE BY THE CITY, IN WHOLE OR IN PART. EXCEPT THAT APPLICATIONS FOR AN INITIAL BUSINESS LICENSE SHALL BE PRORATED BASED ON THE DATE OF THE SUBMISSION OF AN APPLICATION TO THE CITY AS FOLLOWS:

| | |
|---|---|
| JANUARY 1—MARCH 31 | 100% OF ANNUAL LICENSE FEE |
| APRIL 1—JUNE 30 | 75% OF ANNUAL LICENSE FEE |
| JULY 1—SEPTEMBER 30 | 50% OF ANNUAL LICENSE FEE |
| OCTOBER 1—DECEMBER 31 | 25% OF ANNUAL LICENSE FEE |

SECTION 4. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-62 (Exemptions to charitable and civic organizations) is hereby deleted in its entirety and replaced by a new Section 13-62 (Exemptions) to read as follows:

**13-62 Exemptions.**

(A) A PERSON SHALL NOT BE REQUIRED TO OBTAIN A BUSINESS LICENSE IF THEY ARE:

(1) EMPLOYEES OF LICENSED BUSINESSES DELIVERING GOODS IN THE REGULAR COURSE OF BUSINESS;

(2) A BUSINESS CONDUCTED AS AN AGENCY OR DEPARTMENT OF THE UNITED STATES OF AMERICA, THE STATE, THE COUNTY, OR THE CITY, IN THEIR GOVERNMENTAL CAPACITY;

(3) AN ORGANIZATION WHO ENGAGES IN BUSINESS ACTIVITY WHICH IS FOR A BONA FIDE NONPROFIT PURPOSE AND MAINTAINS AN EXEMPT STATUS UNDER SECTION 501 OF THE INTERNAL REVENUE SERVICE CODE;

(4) AN INDIVIDUAL ENGAGING IN A CASUAL ACTIVITY OR SALE AS DEFINED IN THIS ARTICLE;

(5) A PERSON ENGAGING IN BUSINESS ACTIVITY THAT SOLELY PROVIDES EDUCATIONAL LESSONS OR TUTORING ON AN INDIVIDUAL BASIS

FROM A NON-COMMERCIAL LOCATION SUCH AS MUSIC, LANGUAGE, COOKING, LIFESAVING SWIMMING OR EDUCATIONAL LESSONS OR TUTORING;

(6) AN INDEPENDENT CONTRACTOR AND OR SALES REPRESENTATIVE WHO IS NOT REGISTERED AS A SEPARATE LEGAL ENTITY AND ONLY OFFERS PRODUCTS OR SERVICES ON BEHALF OF A PARENT ORGANIZATION SUCH AS THE SALE OF HEALTH AND BEAUTY PRODUCTS, KITCHEN UTENSILS, JEWELRY, BEAUTICIAN SERVICES OR OTHER SERVICES OR PRODUCTS;

(7) ANY PERSON EXEMPTED BY FEDERAL OR STATE LAW FROM BUSINESS LICENSING REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THOSE EXEMPTED BY ARIZ. REV. STAT. §§ 3-563, 4-223, 9-491.01, 9-491.02, 9- 1304, 20-1098.17, AND 41-2052; OR

(8) ASSISTED LIVING FACILITIES OR GROUP HOMES, AS DEFINED BY ARIZ. REV. STAT. §§ 36-401 & 36-551, RESPECTIVELY.

SECTION 5. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-65 (Fee constitutes debt) is hereby amended as follows:

**13-65 Fee constitutes debt.**

Every license fee imposed by this article and all increases, and penalties thereon shall become, from the time they are due and payable, a personal debt ~~of the taxpayer~~ to the city and may be collected by action in court as any other debt may be collected. Such remedy shall be in addition to any other remedies afforded under the laws of the state and of the city.

SECTION 6. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-68 (Violations; penalties), subsection (j) is hereby amended as follows:

**13-68 Violations; penalties.**

. . .

(j) Restitution. In addition to any civil or criminal penalty provided for in this article, no license or renewal thereof pursuant to this article shall be issued to any applicant who has engaged in a business or other activity without a license in violation of the provisions of this article unless the applicant first pays the amount of license ~~tax~~ FEE for which he would have been liable under the terms of this article had he been licensed.

SECTION 7. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-69 (Posting or display) is hereby amended as follows:

**13-69 Posting or display.**

Every person carrying on a trade, calling, profession, occupation or business at a fixed place of business shall have a license that has been issued under the provisions of this article and shall keep such license certificate posted and exhibited while in force in some conspicuous part of such place of business. ~~Every person carrying on a trade, calling, profession, occupation or business and not having a fixed place of business shall have a license that has been issued under the provisions of this article and shall carry such license certificate with him/her at all times while carrying on the business or other activity for which the license or any renewal thereof was granted, provided, that persons who are engaged in the business of leasing or renting buildings or other structures used for commercial or business purposes are not required to display a license certificate at such premises or to carry such certificate with them.~~ Every person having a license under the provisions of this article shall produce and exhibit a license certificate whenever requested to do so by any police officer or by any person authorized to issue license certificates, inspect or audit records or collect license ~~taxes~~ FEES.

SECTION 8. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations), Article III (Business Licenses), Section 13-71 (Fee Schedule) is hereby amended as follows:

~~(a)~~ In addition to the application fee provided for in section 13-58, the annual business ~~and occupational~~ license fee for each and every business conducted within the City of Avondale shall be established by the city council as part of the annual budget process or as otherwise adopted by city council resolution and shall be payable in advance. Said fee shall include any fee required by Sec. 13A-300 of the City Tax Code of the City of Avondale.

~~(b) Any other provision of this article to the contrary notwithstanding, the city finance and budget department is hereby authorized to issue a temporary business license for a period not to exceed three (3) days. The fee for a temporary business license shall be established by the city council as part of the annual budget process or as otherwise adopted by city council resolution. Said fee shall be available to vendors who participate in functions sponsored by nonprofit organizations only. Said license shall not be subject to the application fee provided for in section 13-58.~~

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is 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 10. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, October 17, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

Item Number: 3.k.

# CITY COUNCIL REPORT

**SUBJECT:** Authorization to Proceed with Annexation – Three Rivers Ranch – Application PL-22-0111

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director, Development & Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

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**STRATEGIC PLAN:**

STRATEGIC OUTCOME: Creative and Sustainable Community Development
STRATEGY: Maintain and expand quality infrastructure and improve connectivity to City amenities.

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**PURPOSE:**

City Council will consider a request by Mr. Alex Hayes, Withey Morris PLC, to begin the annexation process of approximately 196.89 acres located west of the intersection of Broadway Road and Dysart Road. The Council will take appropriate action.

**BACKGROUND:**

The proposed annexation request includes approximately 196.89 acres located west of the intersection of Broadway Road and Dysart Road (Exhibit A). Currently in the jurisdiction of Maricopa County, the 196.89-acre property is comprised of three parcels and an approximately 2.91-acre strip of adjoining Dysart Road right-of-way. The two larger parcels are owned by Three Rivers Ranch LLC and are 109.02 acres and 76.05 acres in size. The third smaller parcel is owned by Lakin Estrella Ranch Limited Partnership and is 3.50 acres in size.

The impetus for the proposed annexation and rezoning is to facilitate development of the property with 530 single-family residential detached home lots, 120 townhomes (attached single-family residential homes), and 311 multi-family residential apartment units (referred to as build-to-rent single-family; however, these are 1-story and 2-story individual apartment units). Annexation into the City of Avondale is required in order for the City to provide water and sewer service to the planned facility.

Due to the proximity of the site to the Agua Fria river and the Avondale Wastewater Treatment Facility, the majority of the site falls within the 100-year flood plain, a small portion to the northwest falling within the regulatory flood way, as well as encroaches into the 1,000 foot Odor Control Easement to the south. Additionally, Western Area Power Authority (WAPA) has a powerline easement with active powerlines bisecting the site.

The property is presently zoned Rural (RU-43) in Maricopa County, which accommodates development of 1-acre single-family residential lots (Exhibit B). As required by Arizona statute, upon annexation, the property will be assigned City zoning equivalent to the existing Maricopa County Zoning. The City-equivalent zoning to Maricopa County's RU-43 district is Avondale's Rural Residential (RR-43) district, which allows development

of 1-acre single-family residential lots similar to what is presently permitted in the County.

The property's City General Plan 2030 land use category designation is Estate Low Density Residential (ELDR) and Mixed Use (Exhibit C). The Mixed Use designation currently covers the northern two-thirds of the site, approximately 118.43 acres, while the Estate/Low Density Residential (ELDR) designation covers the southern third of the site, approximately 75.56 acres. The ELDR category allows for development of detached single-family residential homes at a density of 1 to 2.5 dwelling units per acre. The target density in ELDR is 1 unit per acre. The Mixed Use category allows for a mixture of residential and commercial and does not have a density range or target density.

A concurrent request for a Major GPA to revise the General Plan Land Use Map from Estate/Low Density Residential (ELDR) and Mixed Use to Medium Density Residential (MDR) and Medium/High Density Residential (MHDR) has been submitted alongside this application. The Medium/High Density Residential (MHDR) designation will cover a strip along Dysart Road, approximately 37.15 acres, while the Medium Density Residential (MDR) designation will cover the remainder of the site, approximately 156.84 acres. The MDR category accommodates development of suburban detached single-family residential within a density range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5. The MHDR category accommodates development of a variety of housing choices in a planned and clustered setting unique to Avondale within a density range of 4.0 to 12.0 dwelling units per acre, with a target density of 8.

Though upon annexation the property will be initially assigned RR-43 zoning as discussed above, a concurrent application to rezone the site to Three Rivers Ranch PAD. The rezoning will be scheduled to be acted upon by City Council on the same agenda as approval of the annexation request.

The existing uses and zoning of adjacent properties include:

- NORTH: Aqua Fria River, zoned General Industrial (A-1).

- EAST: East of Dysart Road- Vacant school site owned by Tolleson Union High School District, located in unincorporated Maricopa County. Phase 5 of Brookfield Alamar, a master planned community zoned Planned Area Development and approved for 3,695 total single-family dwellings, 1,145 of which are to be located in Phase 5. The phase near this property (Phase 5) is currently undeveloped, and the construction timeline is unknown.

  Northeast of site- Harvest HOC of Avondale Dispensary and single-family residential, zoned General Industrial (A-1). Vacant land, zoned Agricultural (AG).

- SOUTH: Avondale Wastewater Treatment Facility, zoned Agricultural (AG).

- WEST: Aqua Fria River, zoned General Industrial (A-1).

**SUMMARY OF REQUEST:**

The project applicant, Mr. Alex Hayes, Withey Morris PLC, is requesting (Exhibit D) that the City Council provide City Staff with “authorization to proceed” with the proposed annexation of 196.89 acres as described in the legal description and map exhibit attached to this report as Exhibit E. As noted above, the proposed annexation will facilitate development of the property with 530 single-family residential detached home lots, 120 townhomes (attached single-family residential homes), and 311 multi-family residential apartment units (referred to as build-to-rent single-family; however, these are 1-story and 2-story individual apartment units).

Receiving “authorization to proceed” from City Council is the first step in the annexation of properties. Once authorized, Staff will begin completing all statutorily mandated steps towards annexation of property, including obtaining property owner and valuation information from the Maricopa County Assessor and State of Arizona Department of Revenue, scheduling the annexation for a required public hearing before City Council and a separate City Council meeting for adoption, recording a blank petition, completing all required notifications, obtaining property owner signatures, and preparing an Ordinance for the proposed Annexation.

Providing authorization to proceed does not obligate the City Council to approve the proposed annexation if and when the item does come back to a future Council meeting for adoption.

**DISCUSSION:**

At this time, Staff expects that the required public hearing will be held during the November 7, 2022 City Council meeting, with adoption of the annexation Ordinance tentatively identified for the November 21, 2022 City Council meeting. The concurrent Major General Plan Amendment and rezone request associated with this case is also tentatively scheduled for the November 21, 2022 meeting.

**BUDGET IMPACT:**

The annexation application included the required $6,000.00 fee that will be used towards costs related to the processing of the annexation. As noted previously, providing authorization to proceed does not obligate the City Council to approve the proposed annexation at a future meeting.

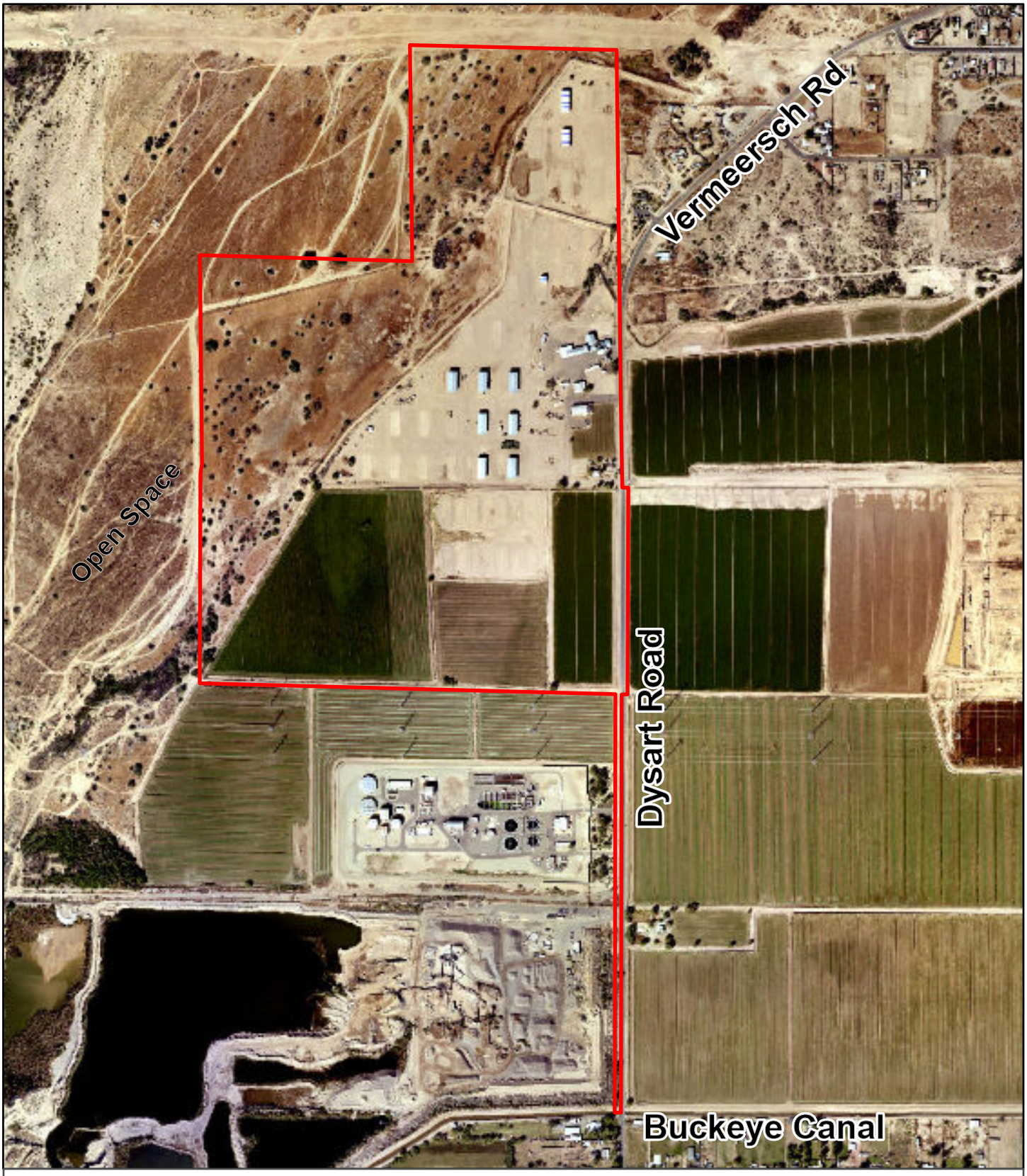
If the proposed annexation is approved at a future meeting and the property is developed within the City, revenue from construction sales tax, property tax, water and sewer fees, and development impact fees can be expected. Conversely, the City will incur costs of serving the property with Avondale services, including, but not limited to, water, sewer, sanitation, police, fire, and street services.

**RECOMMENDATION:**

City Council will **AUTHORIZE** City Staff to proceed with the process of annexing approximately 196.89 acres located west of the intersection of Broadway Road and Dysart Road.

***Contact person for document distribution:*** *Jani Wertin*

Exhibit A




# Aerial Photograph

Avondale

Subject Property

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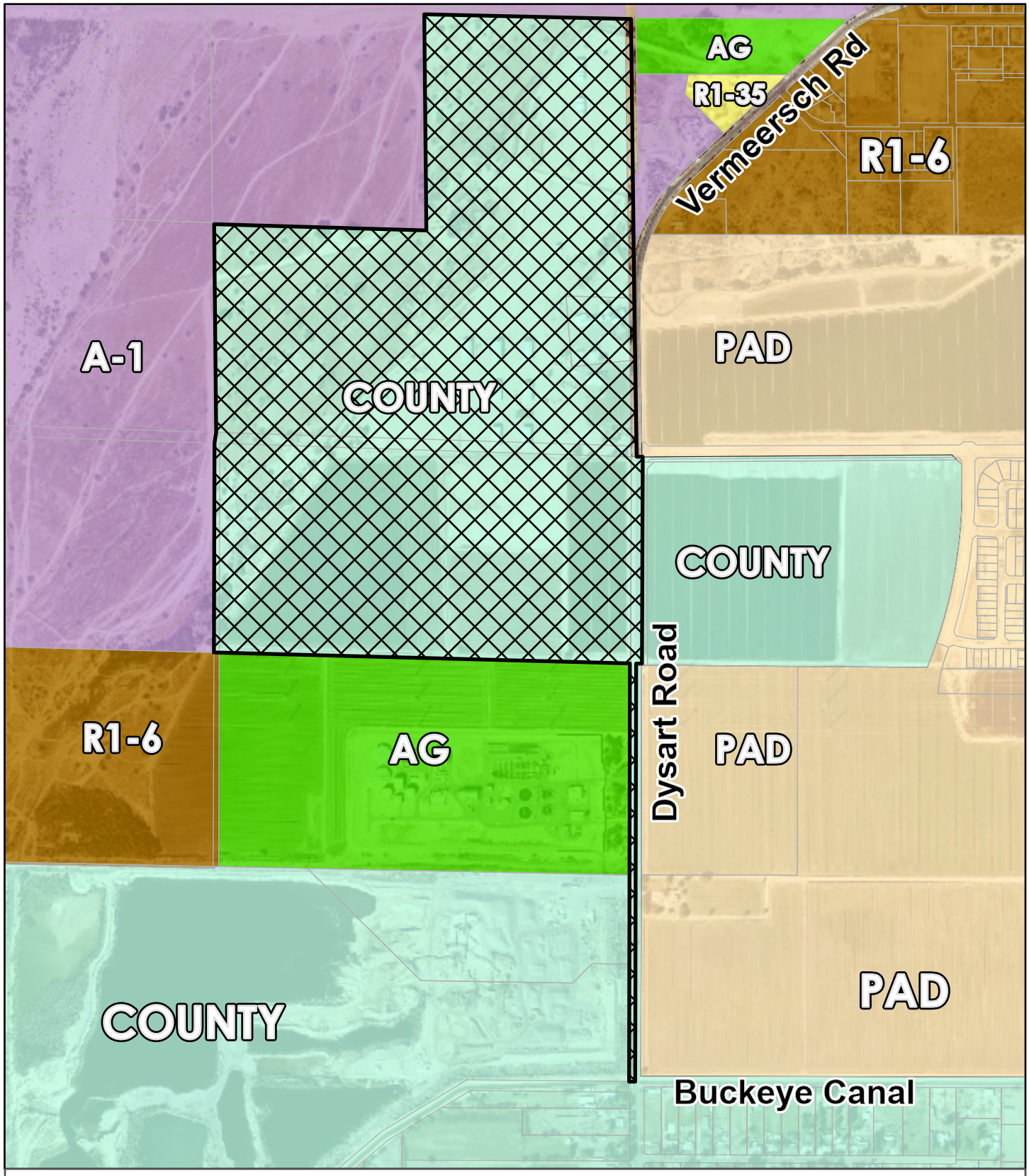
Date: 9/29/2022

Exhibit B




# Zoning Vicinity

Avondale

Subject Property

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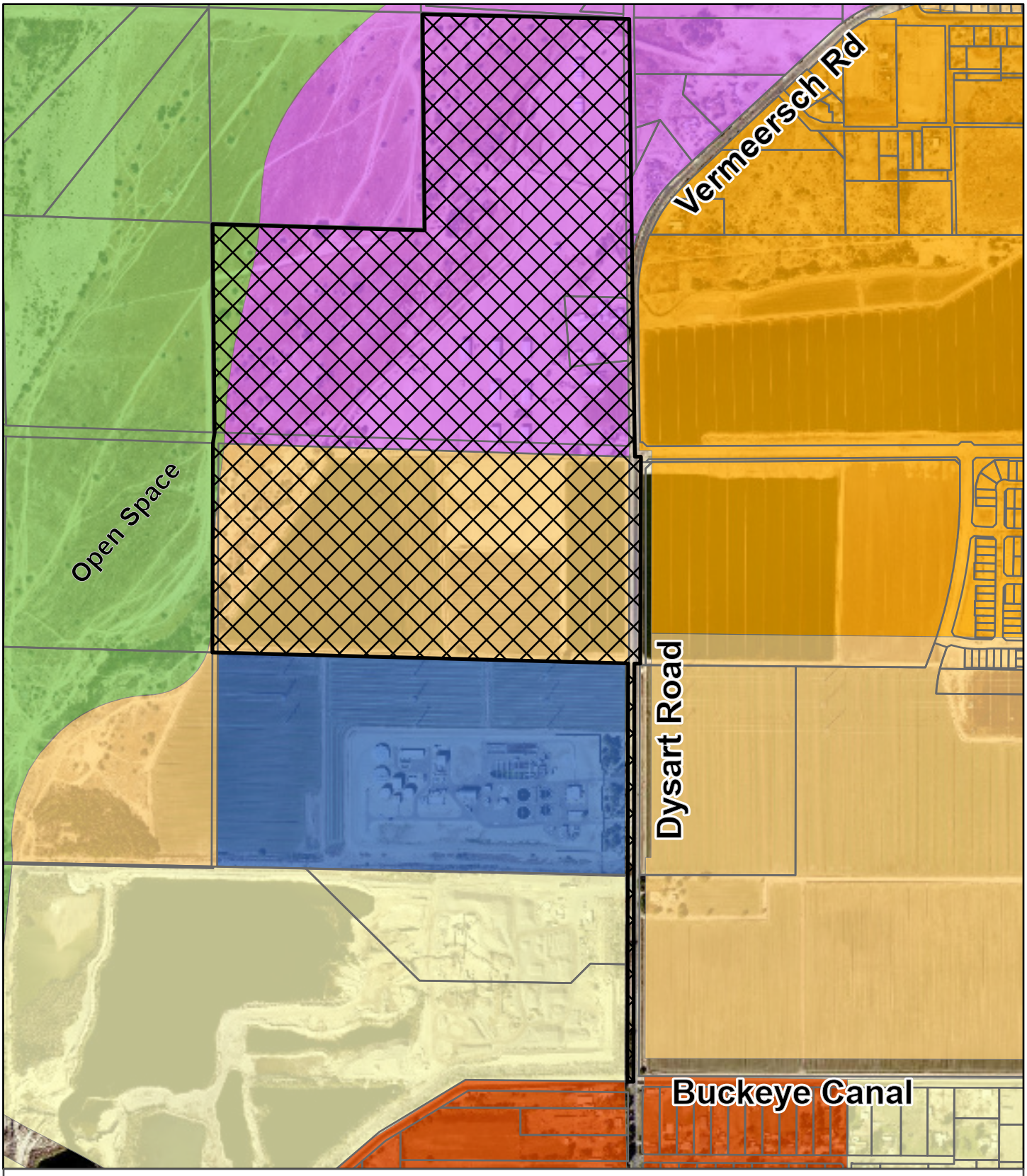
Date: 9/29/2022

Exhibit C




# General Plan Land Use

Avondale

- Low Density Residential
- Medium Density Residential
- Public / Civic
- Mixed Use
- Freeway / Commercial

Subject Property

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W E
S

Date: 9/29/2022

# Three Rivers Ranch

Annexation Narrative
Submitted: April 13, 2022
2nd Submittal: July 8, 2022

# Development Team

**Applicant**

Withey Morris, PLC
2525 E. Arizona Biltmore Circle Ste. A-212
Phoenix, AZ 85016
Contact: Adam Baugh
Email: adam@witheymorris.com
Phone: (602) 230-0600

**Developer**

Sonoma Communities
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Phoenix, Arizona 85018
Contact: Jim Stockwell
Email: jstockwell@clydecap.com
Phone: (602) 777-0505

**Architect**

Felten Group
18325 North Allied Way, Ste. 200
Phoenix, AZ 85054
Contact: Paul Knitter, NCARB, AIA, ALA
Email: paul.knitter@feltengroup.com
Phone: (602) 867-2500

**Landscape Architect**

McGough/Adamson
535 East McKellips Road, Ste. 131
Mesa, AZ 85201
Contact: Nick Adamson, RLA
Email: nicka@MG-AZ.com
Phone: (602) 997-9093

**Engineer**

Kimley-Horn
1001 W. Southern Avenue, Ste 131
Mesa, AZ 85210
Contact: Jason Burm
Email: jason.burm@kimley-horn.com
Phone: (480) 207-7443

**Flood and Hydrology Engineer**

JE Fuller
8400 S Kyrene Rd, Suite 201
Tempe, AZ 85284
Contact: Rob Lyons
Email: rob@jefuller.com
Phone: (480) 250-9842

# Request

The Applicant requests annexation of approximately 193.8 acre property located west of the intersection of Dysart Road and Broadway Road, otherwise commonly known as Maricopa County Assessor Map Parcel Numbers (APNs) 500-77-005A, 500-60-001C, and 500-60-001D (the Property). The Property is currently within unincorporated Maricopa County. See ***Figure 1, Site Aerial*** below. The property is surrounded by the Agua Fria River to the west and north, vacant and residential land (Brookfield Alamar) to the east and an Avondale wastewater treatment facility to the south.

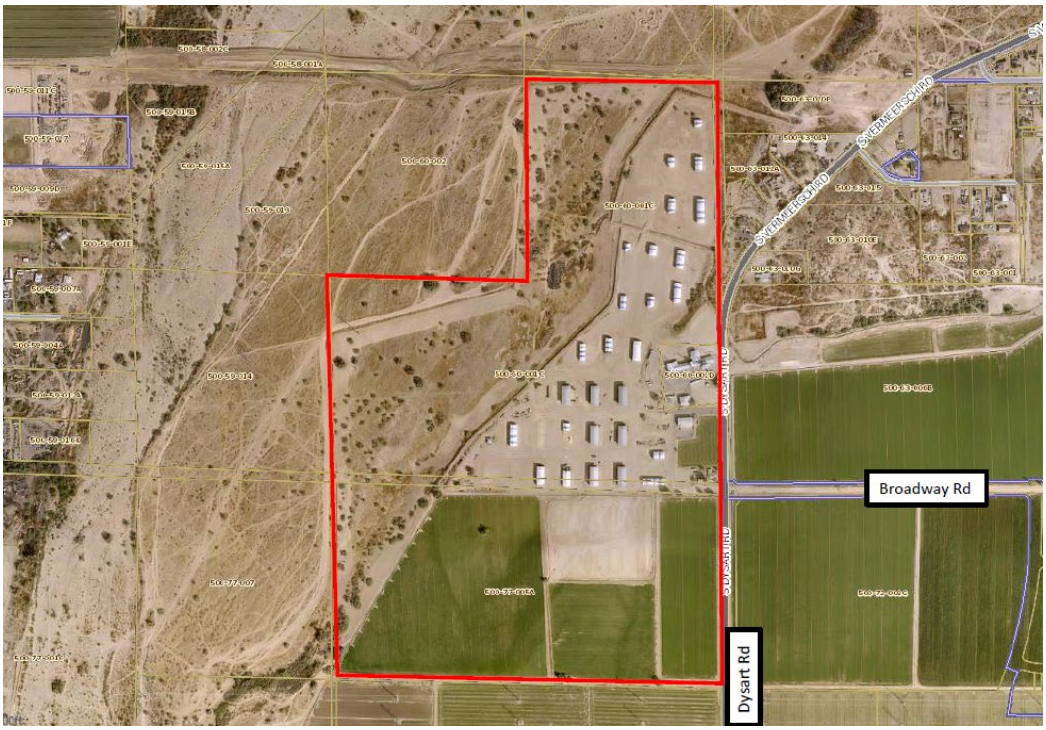



**Figure 1 – Site Aerial**

# Background

The existing zoning for the Property is County RU-43. See ***Exhibit B, Zoning Map***. The site was previously utilized for agricultural purposes and is otherwise vacant. No dwelling units exist on the site. The Applicant is not aware of any Maricopa County zoning violations or legal nonconforming structures or uses on the Property. The Property is currently designated as Mixed Use and Estate/Low Density. An application for a Major General Plan Amendment requesting designations of Medium Density Residential and Medium/High Density Residential has been filed under separate cover. See ***Exhibit C, Existing and Proposed Avondale General Plan Map***. For comparative purposes, the property directly east has a general plan designation of Estate/low density, Medium Density Residential, and Medium/High Density Residential and Commercial. This proposed development will align well with the adjacent land use designations and proposed surrounding development to the east.

Concurrent with this request for annexation, the applicant is requesting to rezone the Property to Planned Area Development (PAD) with underlying R1-6 and R-3 zoning. Three Rivers Ranch is envisioned as an integrated, thoughtfully designed master plan community that will provide a strong sense of place and identity. Drawing inspiration from the natural beauty of the surrounding area, including the Estrella Mountains and the river corridors and confluence for which the development is named, Three Rivers Ranch proposes a community with an emphasis on health, wellness, and connection. Bounded by the Agua Fria River to the east and north and additional constraints to the south, the Property requires carefully crafted design and orientation.

The Project is proposed to tie into the existing City of Avondale water system. A 16-inch water main is proposed in Dysart Road and is being constructed as part of the Alamar subdivision improvements. The Three Rivers Ranch subdivision will loop a 12-inch water main and connect to the proposed 16-inch water main in Dysart Road. An existing 12-inch water main continues in Dysart Road north into Vermeersch Road where it transitions to an existing 6-inch water line. It is anticipated that the Three Rivers Ranch industrial parcel will be required to extend the water main along the project frontage to provide a looped supply to serve the industrial uses. We estimate that line to be a new 12-inch water main. ***See Exhibit D, Existing Conditions.***

It is the Applicant's understanding that the Project will not create any issues for current or future water supplies. The companion zoning case includes further information related to water infrastructure and supports that the existing or planned water infrastructure will be adequate for the Project.

The project is expected to widen both Dysart and Vermeersch Road to meet the City's half-street improvement requirements. Dysart Road will result in a four-lane cross section along the project frontage. The proposed cross section will be striped to provide one through lane in the northbound direction and two through lanes in the southbound direction, separated by a two-way center left turn lane. Additionally the project will construct the Collector Road system from the Broadway Road alignment for internal access to the single family home portions of the development. The collector road will be renamed Three Rivers Parkway and will provide one through lane in each direction of travel separated by a two-way center left turn lane that will serve as a number of primary access points directly into the neighborhood. The intersection at Broadway Road/Dysart Road will offer westbound vehicles entering the site an exclusive left turn lane and a dedicated right turn lane. Secondary access will be provided both north and south of the Collector Road alignment to provide access to Dysart Road. It is not anticipated that the change of land use will have any negative impact on the City transportation system.

It is our understanding there are adequate facilities and/or connections to serve the Project, which will be improved by the developer, as required. Exact infrastructure improvements for the Property will be determined during the platting and/or site plan and design review application phase.

The Project will not significantly impact the surrounding natural environment. The property is currently impacted by existing Agua Fria Floodway easements known as the Floodway Flowage and Floodway Fringe easements. The project intends to relinquish the existing fringe easements with the Flood Control District of Maricopa County (FCDMC) by elevating the site above the Standard Project Flood elevations of the Agua Fria River. These easements are being addressed concurrently with the proposed General Plan Amendment and accompanying zoning cases for the project with the FCDMC right-of-way department. Additionally, an existing Zone AE floodplain encumbers the site. Through the site fill and embankment protection, the project proposes a Conditional Letter of Map Revision (CLOMR) with FEMA and the City to re-map the floodplain and protect the site for development. Improvements to the

property will remove a significant portion of the property from flood hazard. Lastly, the southeast corner of the Property is subject to an odor easement as a result of its proximity to the Avondale Wastewater Treatment Plant. Overall, the Project will provide significant improvements to the Property with quality and aesthetically pleasing features, including a meaningful amount of private open space, furthering several goals of the General Plan.

As part of the requirements for the companion rezoning case, outreach to the Tolleson Union High School District and Littleton Elementary School District will be completed. The nearest existing fire station is the Avondale Fire-Rescue Station 173 located at 11510 Durango Street. The nearest existing police station is the Avondale Police Department – Cashion Sub-Station located at 10857 W 4th Street. The Alamar development directly east of the Property is also planning a 3-acre public safety facility in conjunction with the City of Avondale, which will include a dedicated fire station.

The proposed development will be a benefit to the City of Avondale, as it will provide new residential and employment opportunities and activate an underutilized property with new, quality development that furthers the vision of the area.

# Conformance with State Requirements

The proposed annexation meets the requirements of Arizona law, including regarding contiguity, size and shape as follows:

1. The Property is surrounded by the annexing jurisdiction on all four (4) sides with the exception of the southeast corner.
2. The size and shape of the parcel are a minimum 200 feet in width at all points.

The Property is already a County island and annexation of the Property will not create a county island where none existed. All other requirements are met.

Three Rivers Ranch looks forward to bringing a high quality community to the City of Avondale.

# EXHIBIT A

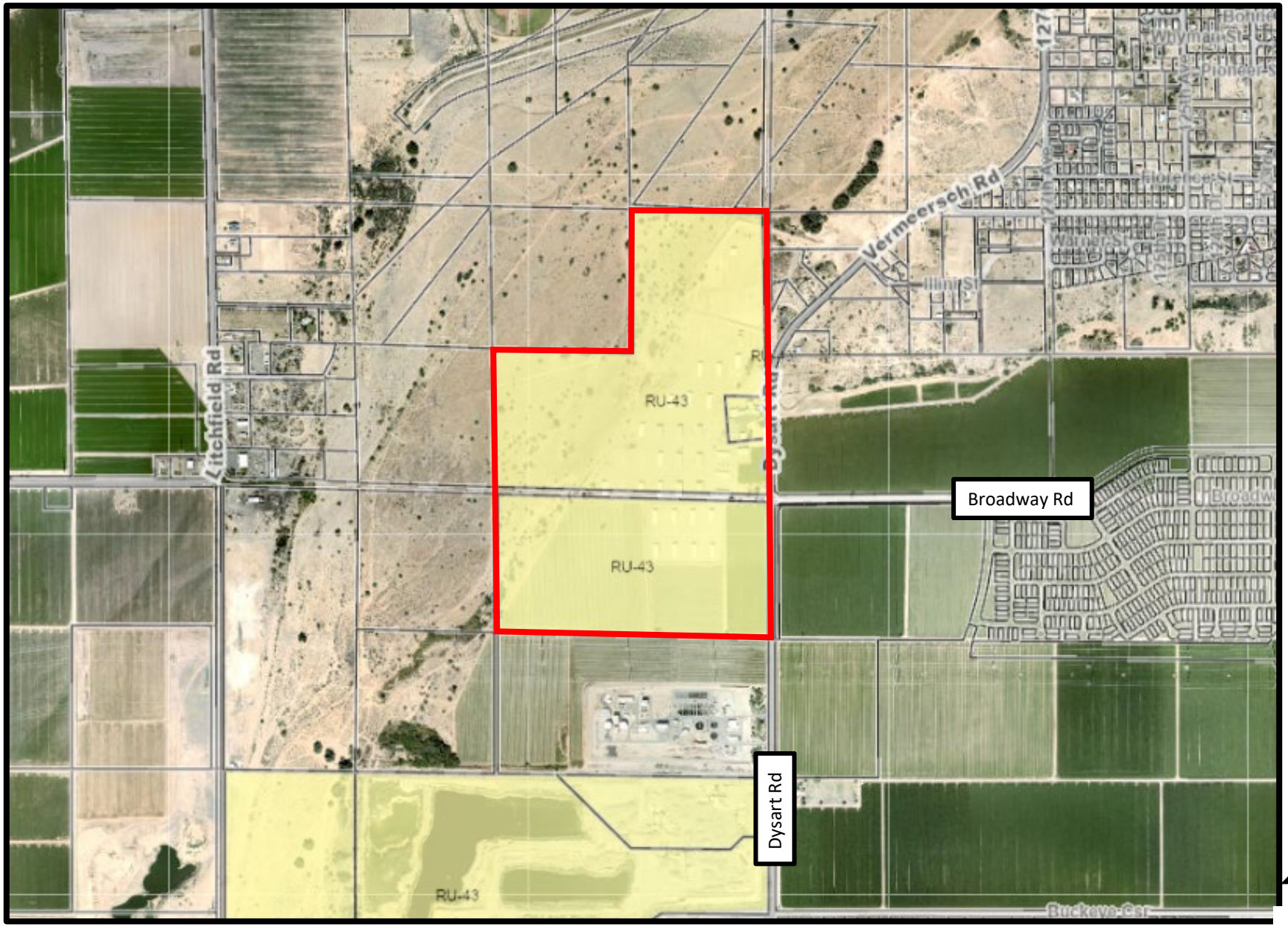
# Aerial Map

West of Intersection of Dysart Road and Broadway Road, Maricopa County

N

# EXHIBIT B

# Zoning Map




West of Intersection of Dysart Road and Broadway Road, Maricopa County

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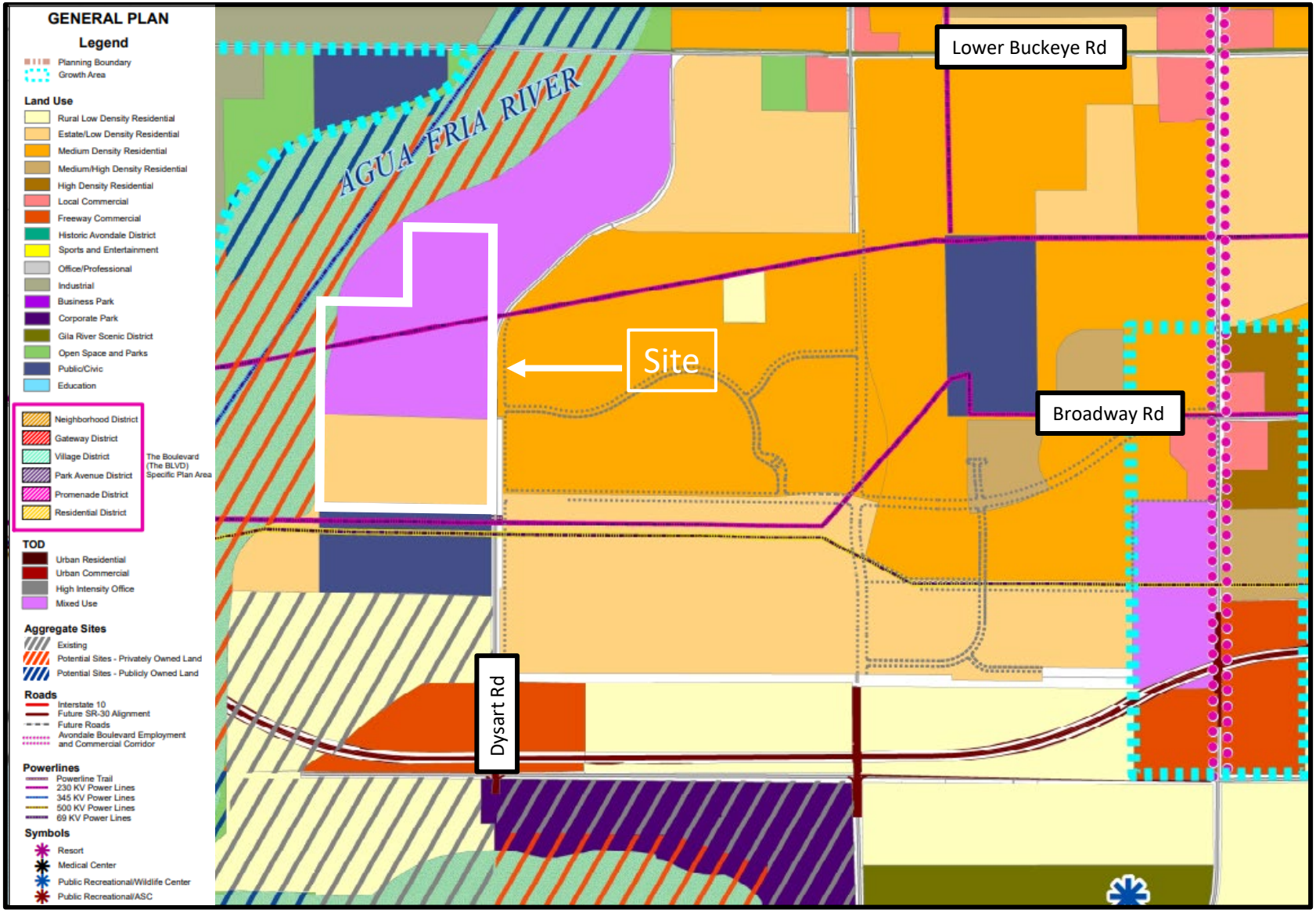
# EXHIBIT C

# Avondale General Plan Map




West of Intersection of Dysart Road and Broadway Road, Maricopa County

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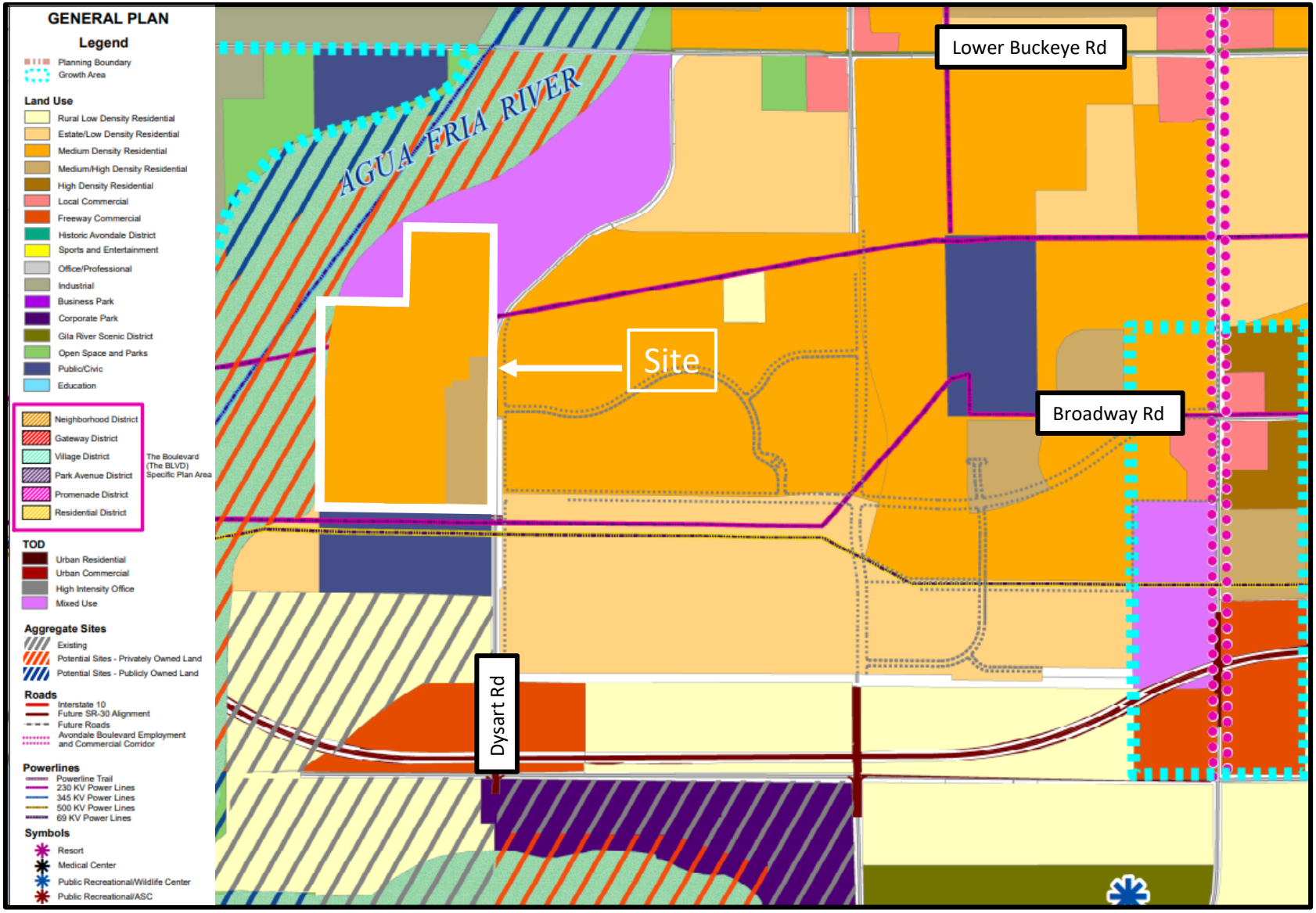
# Avondale Proposed General Plan Map




West of Intersection of Dysart Road and Broadway Road, Maricopa County

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# EXHIBIT D

# THREE RIVERS RANCH - EXISTING CONDITIONS

## WATER

Per the City quarter-section maps, there is an existing 12-inch PVC water main in Dysart Road along the eastern boundary of the project. Additionally, an existing 24-inch reclaimed water line (material unknown) is located along Dysart Road. According to City quarter-section maps there is no on-site water infrastructure on the project.

According to the Water Master Plan prepared for the Alamar project east of Dysart by Wood-Patel in February of 2018, the existing 12-inch line will be upsized to a 16-inch water main as part of a cost share agreement with the City as part of Phase 6 of the development. Timing for this improvement is unknown but based on the Water Master Plan, the 16-inch main (City of Avondale) should provide adequate water supply and storage to accommodate the project.

## SEWER

A field investigation was conducted by Terrascape Consulting, on 10-21-2021. The field investigation confirmed the size and location of the existing 48-inch sewer line in Dysart Road. According to City quarter-section maps, there is no on-site sewer infrastructure. A city of Avondale wastewater treatment facility is located south of the project site.

## ELECTRICITY

This is a 100’ easement in favor of the United States to construct, operate, and maintain an electric transmission line and runs through the Site. Both Salt River Project (SRP) and Arizona Public Service (APS) have facilities within this easement.

There are electrical service lines on the eastern portion of the site to serve the existing buildings and site lights.

## NATURAL GAS, PHONE, AND CABLE

There is one exiting residential building and other structures for agricultural use on the project site. There are existing Southwest Gas and CenturyLink service connections for these existing structures.

There are no other known national gas, phone, or cable utilities on the remainder of the site.

## IRRIGATION

It appears the property receives irrigation delivery from east of Dysart Road. The ALTA Survey does not indicate any SRP or other irrigation easements or structures on the property, therefore, it is assumed the existing irrigation ditches on the property are private. Portions of the property south of the project appear to receive irrigation water through the property. It is important to confirm if the proposed development can terminate delivery to these areas or if a new irrigation delivery facility (pipe or ditch) is required to continue to serve the property and farmed area south of the project.

## CURB, GUTTER, SIDEWALKS, STREET LIGHTS, AND PAVEMENT

Dysart exists along the eastern boundary of the Site. The roadway is currently located within 33' half-street dedication on the Site. In its current state, Dysart Road is a two-lane paved road, with no curb, gutter, or sidewalk, which runs along the eastern boundary for the Site for approximately ½ mile and then turns east to become Vermeersch Road. As a part of the City of Avondale Transportation Plan Update, Dysart Road is to be expanded to a four-lane paved road that runs north/south along the entire the Site eastern boundary.

The existing streetlights on Dysart Road are located on the east side of the road, not on the project site.

There are additional paved areas surrounding the agricultural structures on the east of the Site.

The Broadway Road alignment runs east/west though the center of the Site. Currently a 33' roadway easement is dedicated along the Broadway Road alignment. No roadway exists within the easement.

**Annexation Legal Description**
**For**
**Three Rivers Ranch**

Located in the Southeast Quarter of Section 22, the Northeast Quarter of Section 27, and the Northwest Quarter of Section 26, Township 1 North, Range 1 West, Gila and Salt River Meridian, Maricopa County, Arizona. Described as follows:

Commencing at the Southeast corner of said Section 22, from which the East Quarter corner of said Section 22 bears North 00°48’24” West, a distance of 2659.71 feet;

Thence South 00°06'28" West, along the East line of the Northeast Quarter of said Section 27, a distance of 65.00 feet,

Thence departing said East line, North 89°48'16" East, a distance of 33.00 feet;

Thence South 00°06'28" West, parallel with and 33.00 feet Easterly, as measured at right angles to said East line, a distance of 1,232.54 feet, to the South line of the Northwest Quarter of the Northwest Quarter of said Section 26;

Thence departing said parallel line, South 89°54'55" West, along said South line, a distance of 33.00 feet to the East line of the Northeast Quarter of said Section 27;

Thence South 00°06'28" West, along said East line, a distance of 1,297.48 feet to the East Quarter corner of said Section 27;

Thence departing said East line, South 00°06'09" West, along the East line of the Southeast Quarter of said Section 27, a distance of 1,297.32 feet to the South line of the Northeast Quarter of the Southeast Quarter of said section 27;

Thence departing said East line, North 89°17'06" West, along said South line, a distance of 33.00 feet;

Thence departing said South line, North 00°06'09" East, parallel with and 33.00 feet Westerly, as measured at right angles to last said East line, a distance of 1,297.59 feet to the South line of the Northeast Quarter of said Section 27;

Thence departing said parallel line, North 00°06'28" East, parallel with and 33.00 feet Westerly, as measured at right angles to the East line of said Northeast Quarter, a distance of 1,297.68 feet to the South line of the North half of said Northeast Quarter;

Thence departing said parallel line, North 88°28'30" West, along said South line, a distance of 2,554.25 feet to the West line of said Northeast Quarter;

Thence departing said South line, North 00°10'41" East, along said West line, a distance of 1,313.42 feet to the South Quarter corner of said Section 22;

Thence departing said West line, North 00°34'13" West, along the West line of the Southwest Quarter of said Section 22, a distance of 33.03 feet;

Thence departing said West line, South 88°07'16" East, parallel with and 33.00 feet Northerly, as measured at right angles to the South line of the Southeast Quarter of said Section 22, a distance of 10.01 feet;

Thence departing said parallel line, North 00°34'13" West, parallel with and 10.00 feet Easterly, as measured at right angles to the West line of said Southeast Quarter of Section 22, a distance of 1,275.57 feet;

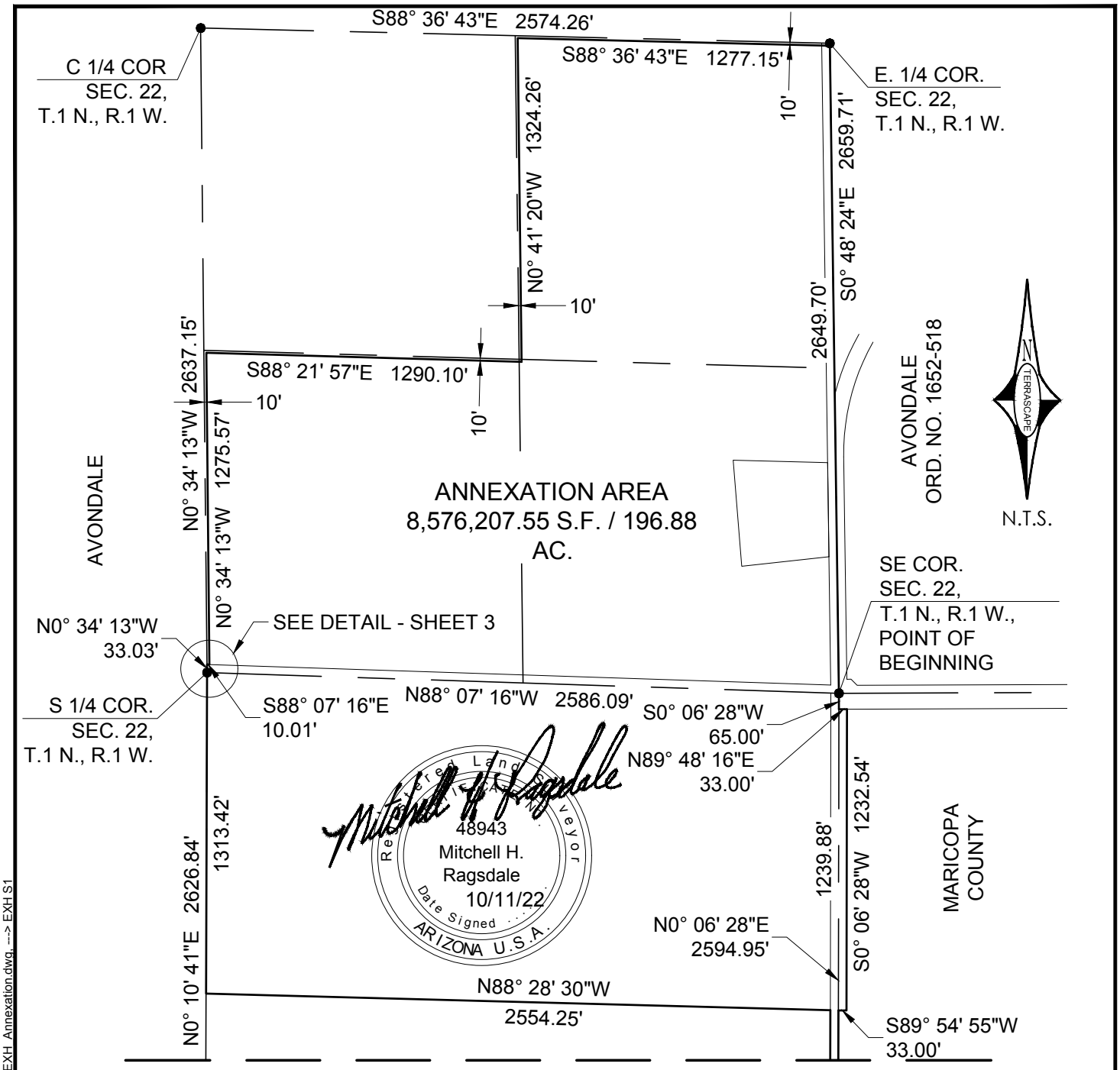
Thence departing said parallel line, South 88°21'57" East, parallel with and 10.00 feet Southerly, as measured at right angles to the North line of the Southwest Quarter of the Southeast Quarter of said Section 22, a distance of 1,290.10 feet;

Thence departing said parallel line, North 00°41'20" West, parallel with and 10.00 feet Easterly, as measured at right angles to the West line of the Northeast Quarter of the Southeast Quarter of said Section 22, a distance of 1,324.26 feet;

Thence departing said parallel line, South 88°36'43" East, parallel with and 10.00 feet Southerly, as measured at right angles to the North line of the Southeast Quarter of said Section 22, a distance of 1,277.15 feet to the East line of the Southeast Quarter of said Section 22;

Thence departing said parallel line, South 00°48'24" East, along said East line, a distance of 2,649.70 feet to the Point of Beginning.

Containing 8,576,207.55 square feet or 196.88 acres, more or less.




consulting Terrascape
civil engineering • surveying • urban planning

645 E. MISSOURI AVE., STE. 420
PHOENIX, ARIZONA 85012

P:602.297.8732 • F:602.230.8458

# EXHIBIT

## ANNEXATION LEGAL DESCRIPTION

THREE RIVERS RANCH

AVONDALE

*Project No. 1273* *Date : 10/11/22*
*Sheet 1 of 3*

Plotted: 10/11/22 - 1:37 PM, By: mragsdale
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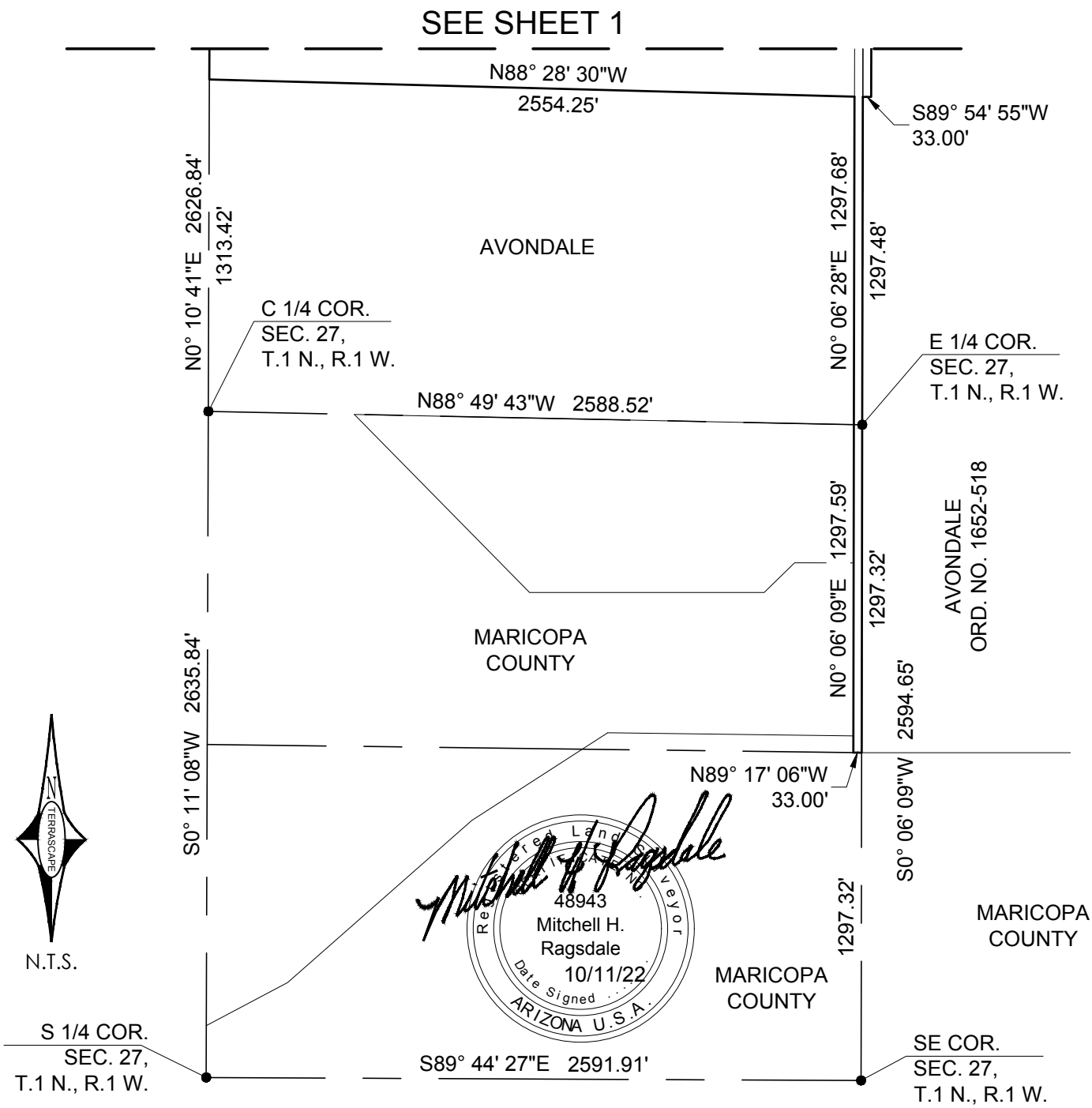


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# EXHIBIT

## ANNEXATION LEGAL DESCRIPTION

THREE RIVERS RANCH

AVONDALE

*Project No. 1273* *Date : 10/11/22*
*Sheet 2 of 3*

Plotted: 10/11/22 - 1:37 PM, By: mragsdale
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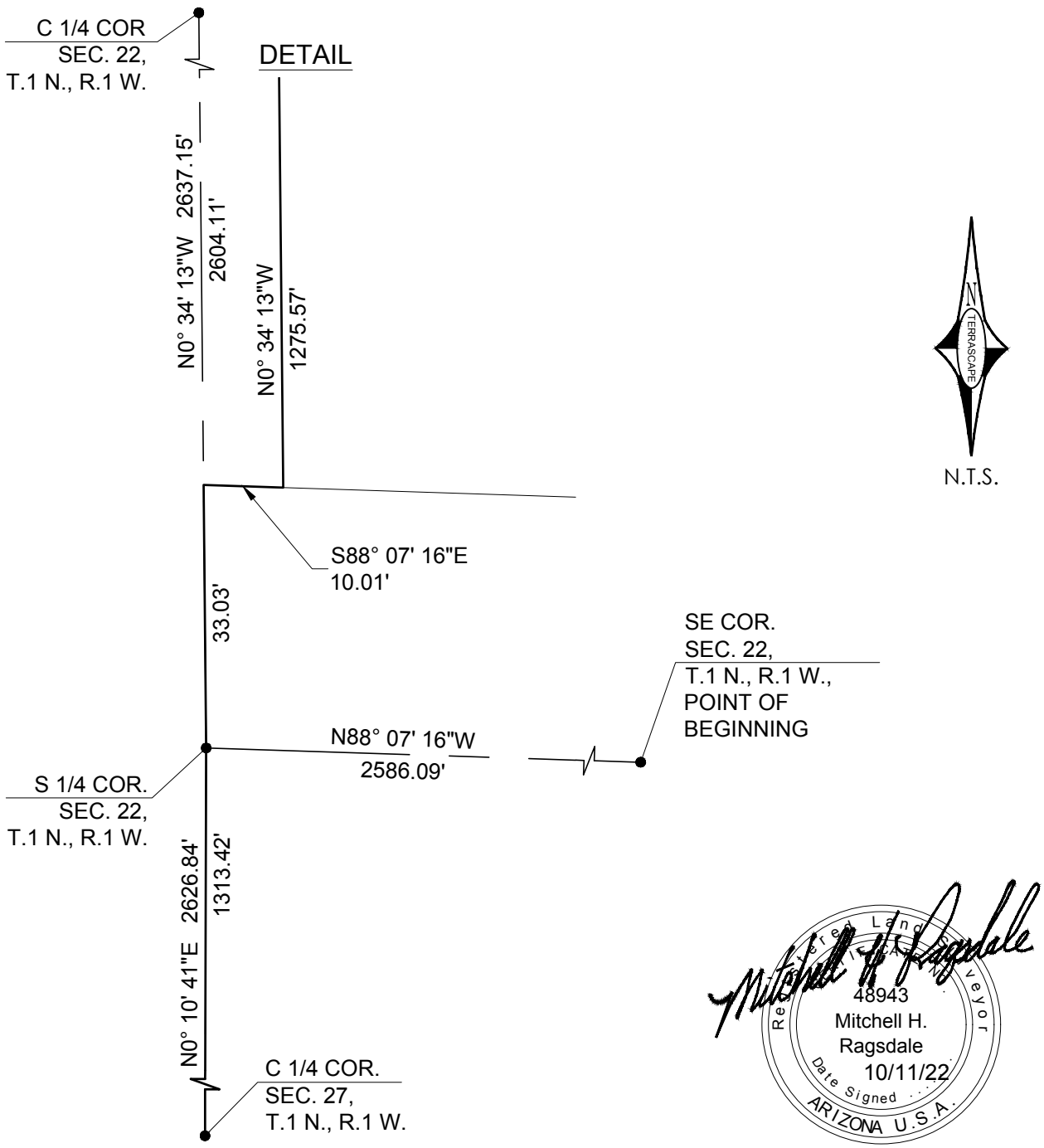



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# EXHIBIT

## ANNEXATION LEGAL DESCRIPTION

THREE RIVERS RANCH

AVONDALE

*Project No. 1273* *Date : 10/11/22*

*Sheet 3 of 3*


Plotted: 10/11/22 - 1:37 PM, By: mragsdale
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Item Number: 4.a.

# CITY COUNCIL REPORT

**SUBJECT:** Public Hearing and Resolution 1074-1022 – Rio Pointe – Minor General Plan Amendment – Application PL-22-0153

**MEETING DATE:** 10/17/2022

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**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director, Development & Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

Strategic Outcome Area: Creative and Sustainable Community Development.
Strategy: Develop diverse housing options, to include housing that is affordable to workers and close to their jobs.

---

**PURPOSE:**

City Council will hold a public hearing and consider a request to adopt Resolution 1074-1022, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a Minor Amendment to the Avondale General Plan 2030 Land Use Map from Local Commercial to High Density Residential for Rio Pointe, a proposed 4.62 gross acre planned development located on the east side of Dysart Road, just south of Washington Street and to authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents. Council will take appropriate action.

**BACKGROUND:**

The 4.87-acre subject property (Exhibits A and B) is located on Dysart Road, just south of Washington Street. Approximately 220 feet wide and 940 feet long, this site has a unique configuration that makes the lot challenging to develop. This site is currently vacant.

The eastern 1.25 acres of this property was annexed into the City's corporate limits on June 17, 1956. The remaining 3.37 acres were annexed into the City's corporate limits on April 19, 1960. The site is currently zoned Community Commercial (C-2), which allows restaurant, retail, personal services, office and medical uses, and other related uses.

The site is designated by the General Plan 2030 Land Use Map (Exhibit C) as Local Commercial, which is a land use category that is used primarily for providing the daily needs of goods and services to the residents residing within the surrounding area.

The western portion of the site is called out in the Avondale General Plan 2030 on the Infill Districts/Revitalization Areas as an Infill Incentive District with the category of Commercial District. The area to the west of the Site across Dysart Road is also designated as an Infill Incentive District with the category of Residential District One. The Avondale Infill Incentive Program is designed to reinvigorate existing neighborhoods in Avondale's most historic areas and to support new, compact, mixed-use development that

recaptures the “sense of place” in those neighborhoods. Investment in these infill areas increases economic mobility, encourages residential in-migration, and contributes to the City’s rich historic, cultural, and artistic heritage.

This portion of the site is also a part of the Old Town area identified by the Specific Area Plan for Old Town, Cashion, Las Ligas/Rio Vista, the purpose of which is to is to set the framework and vision for these areas, further building on the goals and efforts of the Infill Incentive Program.

The existing uses and zoning of surrounding properties include:

- North: Single-family residential and vacant land, zoned Urban Residential (R1-6) and Community Commercial (C-2).
- East: Warehousing and retail, zoned General Industrial (A-1).
- South: Manufactured home park and restaurant, zoned Manufactured Home Park (MH) and Community Commercial (C-2).
- West: Vacant and multi-family residential/apartments, zoned Avondale Townhomes on Dysart PAD and R-3.

**SUMMARY OF REQUEST:**
The applicant is requesting approval of a Minor General Plan Amendment (GPA) to the General Plan 2030 Land Use Map to facilitate development of Rio Pointe, a planned multi-family development (Exhibit D).

The requested Minor GPA will change the designation of the subject property from Local Commercial to High Density Residential. The Local Commercial designation is a land use category that is used primarily for providing the 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 High Density Residential designation is a land use category for residential land that will contain densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums or townhomes are suitable for this land use.

There is a separate request to rezone the subject property to Planned Area Development (PAD). Approval of this GPA request is required for the rezoning to be approved, which is scheduled for the same Planning Commission and City Council meetings.

**PUBLIC PARTICIPATION:**
A neighborhood meeting (Exhibit E) to discuss the proposal with neighboring property owners and other interested parties was held on August 29th at 6:00 P.M.

The applicant gave an overview presentation on the project, site challenges and constraints, and answered questions about the project. An overview of the discussion topics is outlined in the Neighborhood Meeting Summary, attached as Exhibit E. In addition to City Staff and the applicant’s team, eight (8) people attended the virtual meeting. Prior to the Neighborhood Meeting, the applicant received a petition from the neighbors to stop access from Washington Street to Rio Pointe (Exhibit F). The applicant clarified at the Neighborhood Meeting that the access shown on the site plan to Washington Street was strictly for emergency services only. The developer took extra steps to engage the community by visiting neighbors the weekend of September 10, 2022. In taking these steps to engage with the neighborhood, the developer was able to have conversations with neighbors whereby the project was able to be explained in further depth, questions and confusion regarding the project were able to be addressed, and concerns regarding the development were ultimately quelled. Since this meeting, the City nor the applicant have received any comments or concerns regarding this project.

All required notifications for the Planning Commission and City Council public hearings have been completed.

**CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:**
The property is located in the service areas of the Avondale Elementary School District (AESD) and the Agua Fria High School District (AFHSD).

AESD has provided the City with a Certificate of Adequate School Facilities signed by Superintendent Betsy Hargrove (Exhibit G) which states that the district does have adequate capacity to accommodate the estimated enrollment of the proposed Rio Pointe development and that no school site within the development is needed.

TUHSD has provided the City with a Certificate of Adequate School Facilities signed by Superintendent Tom Huffman (Exhibit G) stating that the district has adequate capacity, but would request that developer/impact fees be put into place.

**PLANNING COMMISSION ACTION:**
On September 21, 2022, the Planning Commission conducted a public hearing on the General Plan Amendment alongside a public hearing on the Rezone. Following Staff's presentation, the applicant briefly expanded on the results of the additional neighborhood engagement that had been conducted by the developer. The Commission had no questions for the applicant or staff regarding the project. The Commission opened the meeting for public comment and received none. The Commission voted 4-0 to recommend approval of the proposed Minor General Plan Amendment.

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

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

   Currently, there is a minor percentage of land uses in Avondale that are available for high density residential. While there are a few parcels in the surrounding area that have a General Plan Designation of High Density, none of the existing developments with this designation offer the type of housing proposed by Rio Pointe. This property provides an infill opportunity which will provide a unique housing development that would otherwise not generally be available in Avondale.

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.**

   Under the current Land Use Plan, the Site is designated Local Commercial. Potential commercial tenants look for several things when evaluating a potential retail location, such as generous frontage on a major road, visibility, high traffic counts, circulation enabled by multiple points of ingress and egress, and the ability to locate near an "anchor tenant," such as a grocery store, that will bring additional customers to the center. Due to the unique size and shape of the lot, narrow linear location with very little street frontage, the site is not desirable for commercial development and will be unlikely to develop as such in the future.

   Additionally, there are limited communities within Avondale that offer rental options with a single-family look and feel. This property provides the opportunity for a unique infill development which will support employment, educational and commercial uses in the area. The Rio Pointe development will provide a unique housing opportunity for starting families and individuals who have not yet made the jump into single-family home ownership, but still want the look and feel of home ownership.

3. **The amendment will not adversely impact the community as a whole and/or a portion of the**

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

The amendment will not significantly alter acceptable land use patterns in the area or impact nearby existing uses. Being that the property is only 4.87 acres, the property accommodates moderate housing density which will not be overbearing for the surrounding single family that already exists in the area.

Public infrastructure exists for this development and it will not be a significant burden on the existing systems that are in place.

The development is designed with landscaped buffering around the perimeter, as well as with the drive aisle to the north to mitigate any impacts on surrounding land uses, creating a gentler transition between uses.

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

   *General Plan*

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

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

   Land Use Goal #8: Support mixed-use land use patterns that increase transit and pedestrian-oriented development within specific and appropriate areas of the City.

   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.

   Energy Element Goal #1, Policy C "Encourage "walkable" communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage."

   *Specific Area Plan for Old Town, Cashion, Las Ligas/Rio Vista*

   5.1D Encourage investment, redevelopment, and replacement housing of vacant infill through flexible development standards and incentive.

**DISCUSSION:**

The proposal meets the four required findings for General Plan Amendments as detailed in the Analysis section, above.

**BUDGET IMPACT:**

No budget impacts.

**RECOMMENDATION:**

City Council will conduct a public hearing and **ADOPT** a Resolution approving Application PL-22-0153 Rio Pointe, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation from Local Commercial to High Density Residential.

***Contact person for document distribution:*** *Jani Wertin*

Exhibit A

# Aerial Photograph

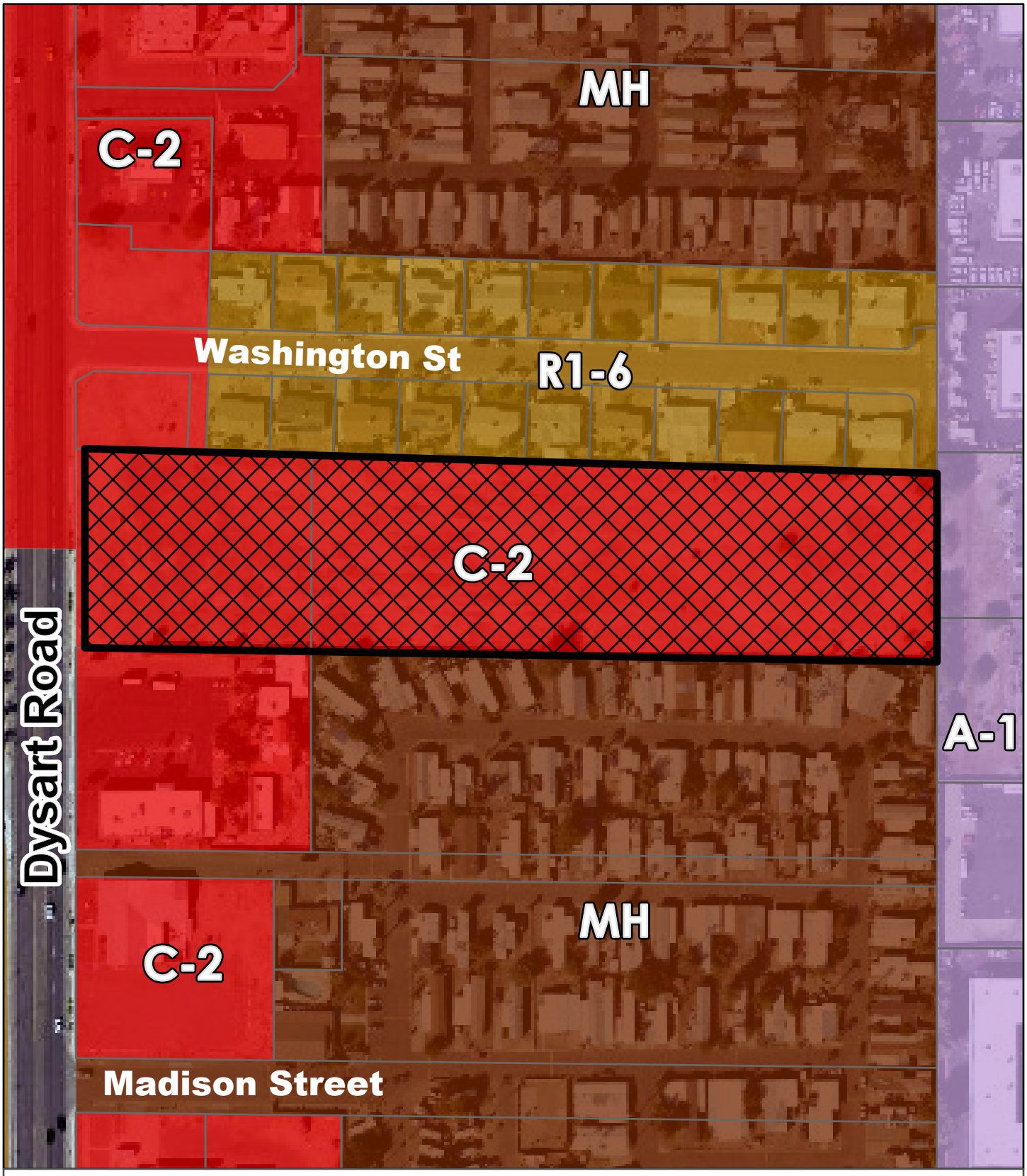
Avondale

Subject Property

N
W E
S

Date: 8/22/2022

Exhibit B




# Zoning Vicinity

Avondale

Subject Property

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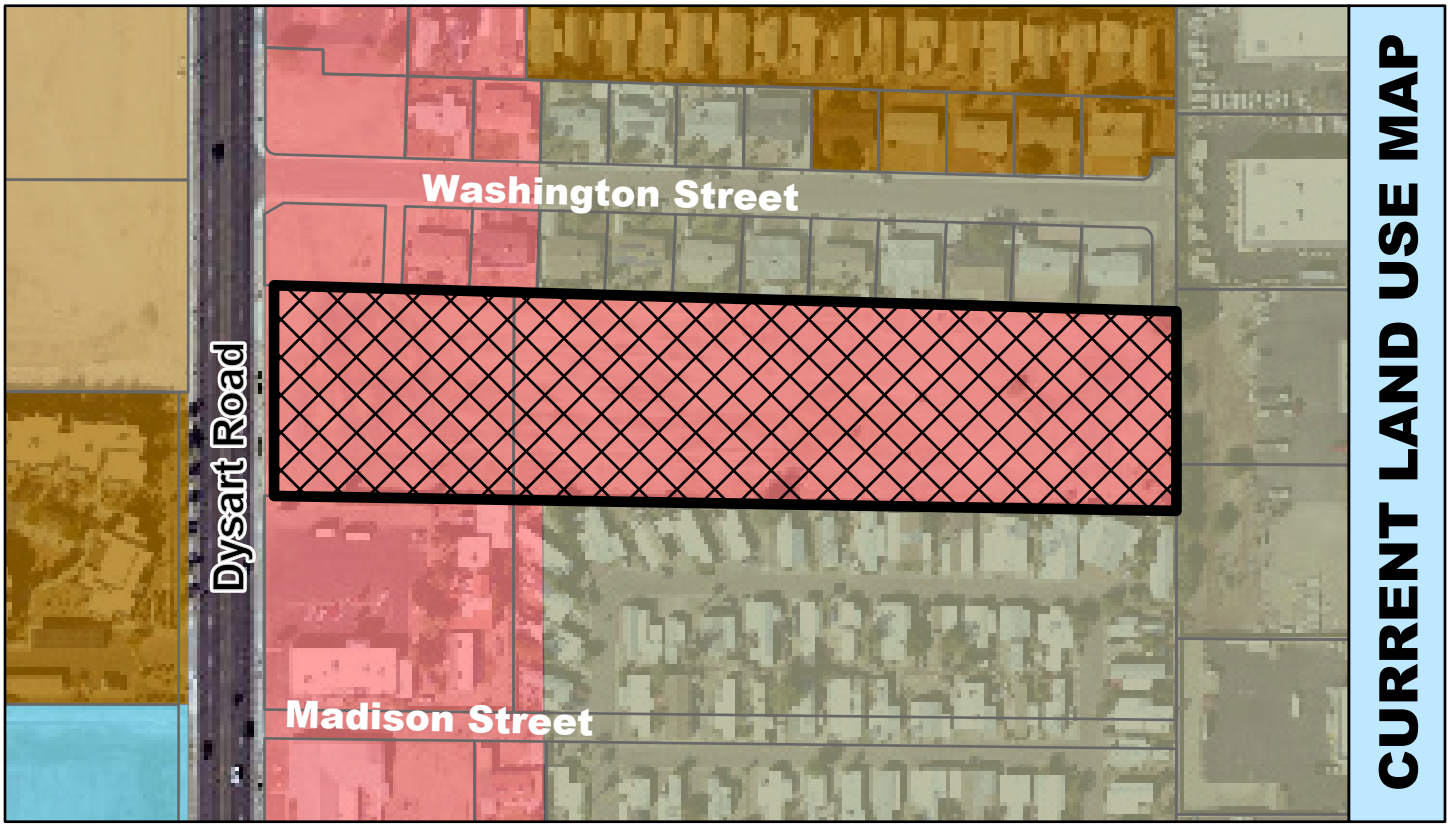
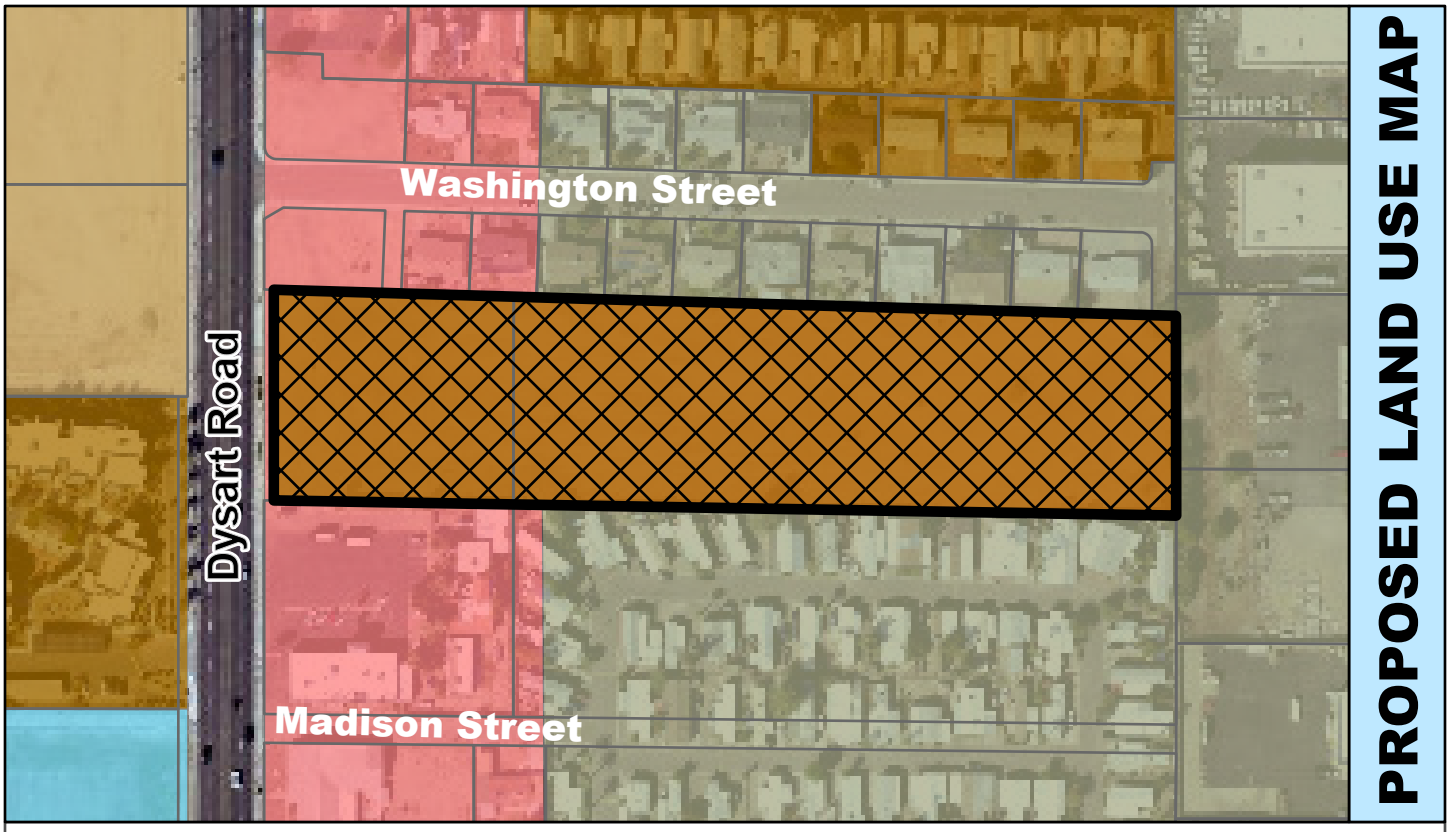
Date: 8/22/2022

Exhibit C




# General Plan Land Use

Avondale

- Education
- Medium/High Density Residential
- High Density Residential
- Industrial
- Local Commercial

Subject Property

N
W E
S

Date: 8/22/2022

Exhibit D

# Rio Pointe

## Minor General Plan Amendment

Application PL-22-0153

**Prepared :** May 13, 2022
**2nd Submittal:** June 23, 2022

**Submitted to:**
City of Avondale
11465 W. Civic Center Drive, #110
Avondale, AZ 85323

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# 1. Project Overview

## 1.1 Introduction

Rio Pointe is a proposed 4.87 gross acre (4.62 net acre) development located on Dysart Road, just south of Washington Street (hereafter referred to as the "Site" and "Amendment"), see **Exhibit 1: Vicinity Map**. This amendment proposes to amend the land use of parcels 500-23-040 and 500-23-041 from Local Commercial to High Density Residential to develop the Site as rental villas that give the appearance and feel of single-family home ownership at a more attainable price point. The current market has seen a significant rise in demand for rental housing and this project aids in addressing the need. The Site is designed as a community for residents to enjoy private enclosed back yards, common open space areas for active and passive recreation, and amenities that include areas for residents to gather.

Rio Pointe is a luxury, single-family rental project designed for starting families and individuals who will be home buyers within the next three years. Though they have not yet made the jump into single family home ownership, the appearance and feel of home ownership is an important characteristic for this demographic. These individuals tend to be high quality tenants with higher-than-average disposable incomes who work, shop, and recreate in the areas that they live. Increasing the appeal, each unit will have its own private and enclosed back yard. Altogether, the project features close to 30% open space, which is blended across public, usable open space and the private yards. In addition to the guest parking provided, which is distributed throughout the project, each single-story unit would have its own car port, and each two-story unit will have its own enclosed garage. This housing type has been very popular in other municipalities and provides an important diversity of housing product within the City of Avondale.

The configuration of this Site makes it very difficult to develop, as it is very long and skinny. The parcel is approximately 220 feet wide, and 940 feet long, making it more than four times longer than it is wide. Potential commercial tenants look for several things when evaluating a potential retail location, such as generous frontage on a major road, visibility, high traffic counts, circulation enabled by multiple points of ingress and egress, and the ability to locate near an "anchor tenant," such as a grocery store, that will bring additional customers to the center. This property will not be able to attract commercial development given the access and frontage constraints.

Development of the Site as multi-family will not only provide for a boost to the trade area by bringing new residents in close proximity to existing commercial uses, but will also become an eligible project under the Historic Avondale Opportunity Zone. These zones incentivize investment and development that may not otherwise occur by offering investors certain tax benefits. In order to realize the full benefits, the investor must (1) build on the Site, and (2) hold the property

for over ten-years. These requirements are significant, as they align the interests of the property holder with those of the City and while many investors purchase land with no intention of actually building, this is unlikely to be the case in an Opportunity Zone. In addition, many developers come in with the intent to build and sell quickly. However, individuals who commit to build in an Opportunity Zone are much more likely to be long-term community players, as they will be in the neighborhood for the next decade. The sheer fact that they must own and maintain the building for over ten years has a dramatic impact on the quality of construction that goes into it.

Importantly, an investor cannot individually plat a residential project in an Opportunity Zone and still reap the tax benefits. This fact makes it extremely difficult to incentivize the construction of single-family homes in Opportunity Zones. It also makes this Site a prime candidate for a multi-family project, as a high-quality commercial project simply isn't viable at this location.

It is also important to consider the macroeconomic trends currently facing the City of Avondale. Since the start of the pandemic, Avondale has seen an unprecedented increase in the cost of housing. Several articles report Avondale as having the fastest growing rents in the nation. Elliot D. Pollack and Company cites an increase in the cost of housing across the Phoenix MSA of over 30% in the last twelve months alone. These increases are unsustainable and, if left unchecked, they will start to price Avondale's work force out of employment corridors and, eventually, out of the city. As this happens, it will be harder for companies in Avondale to attract and retain key employees, as those employees will have to live farther away from work and commute into the City of Avondale. Those employees will begin to look for employment elsewhere and, as they do, it will become harder for Avondale to attract major employers. As a state, Arizona is in a housing shortage, and the only solution to a housing shortage is to increase supply across all residential product types. This project will not just increase supply, but it will do so in a way that emphasizes high quality housing units built near major employment corridors in areas that benefit from multi-modal transportation, including the Zoom Bus, which is specifically designed to cater toward Avondale's workforce. This is particularly important when gasoline prices hover near $5.00 per gallon, as they do at the time of this narrative's writing.

## 1.2 Existing Property Conditions and Surrounding Area Conditions

As shown on **Exhibit 1: Vicinity Map, Exhibit 2: Context Area Map,** and **Table 1** below, the Property is effectively an infill development with existing land uses all around it.

**Table 1: Surrounding Zoning**

| Direction | General Plan Land Use Category | Existing Zoning | Existing Use |
|---|---|---|---|
| Site | Local Commercial | C-2 | Undeveloped |
| North | Local Commercial and Industrial | R1-6, C-2 | Community Commercial Retail, Single-family residential, Mobile Homes, Vacant |
| South | Local Commercial and Industrial | C-2, MH | Mobile Homes and Commercial |
| East | Industrial | A-1 | General Industrial Warehousing/ Wholesaling |
| West, across Dysart Road | Medium/High and High Density Residential | PAD, R-3 | Undeveloped land, Multi-family residential |

## 1.3 Existing General Plan

Comprised of parcels 500-23-040 and 500-23-041, the Site is currently shown as Local Commercial on the Existing General Plan. Through a Minor General Plan Amendment, the Site land use designation will be modified to High Density Residential to better respond to the current market trends and the viability of the Site as residential versus commercial due to its shape and location. See **Exhibit 3: General Plan Map**.

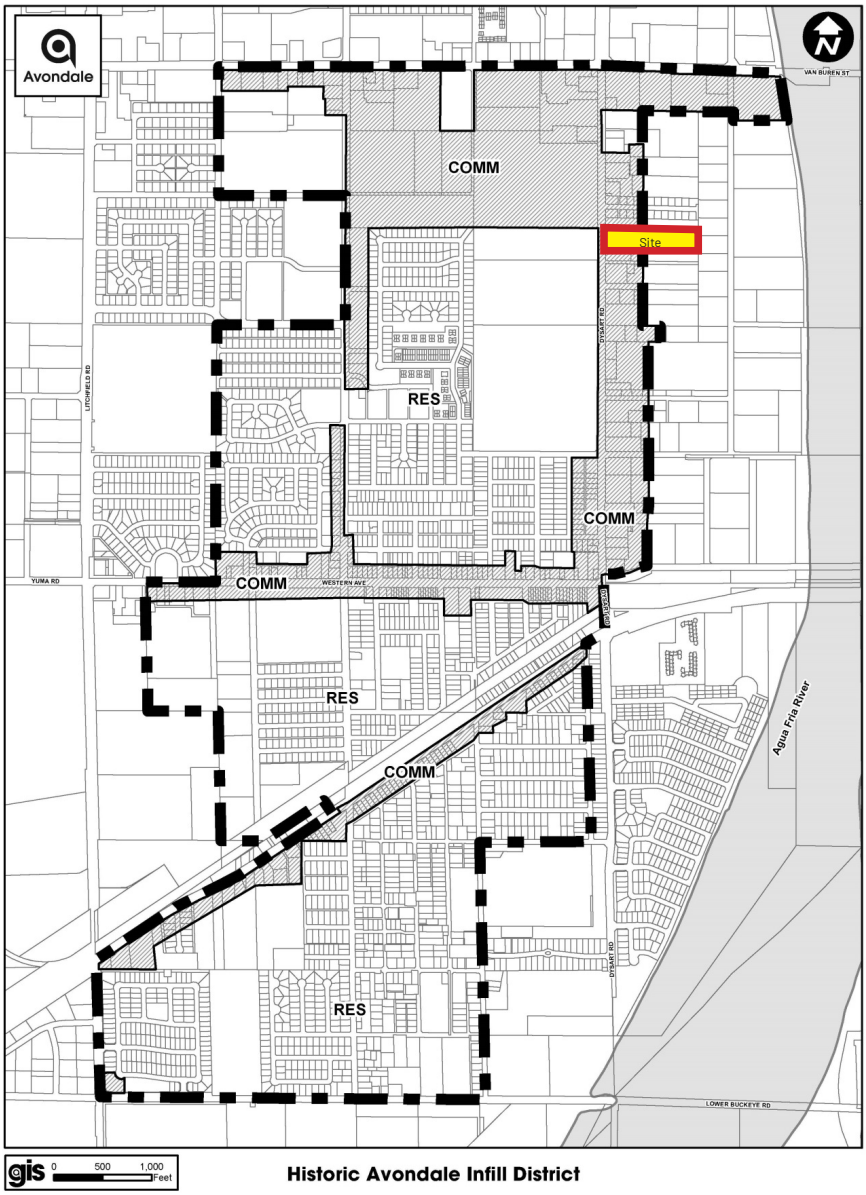
The western portion of the Site is called out on the Avondale General Plan 2030 on the Infill Districts/Revitalization Areas as an Infill Incentive District with the category of Commercial District. The City of Avondale Infill Incentive Program is:

> *"...designed to reinvigorate existing neighborhoods in Avondale's most historic areas and to support new, compact, mixed-use development that recaptures the "sense of place" in those neighborhoods. Investment in these infill areas increase economic mobility, encourage residential in-migration, and contribute to the City's rich historic, cultural, and artistic heritage."*

The area to the west of the Site across Dysart Road is designated also as Infill Incentive District with the category of Residential District One.

The design of the Site builds upon the City of Avondale's goals of the Infill Incentive Program and responds to the current market trends. It offers a high quality residential development that captures the "sense of place" through the architectural and landscape character and increases economic mobility by providing attainable housing options for renters who are on the road towards home ownership within the next few years. See **Figure 1: Historic Avondale Infill District Map.**

**Figure 1: Historic Avondale Infill District Map**




*Source: City of Avondale Infill Incentive Program (2015)*

### *1.3.1 General Plan Findings*

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

   **i. Response:** Under the current Land Use Plan, the Site is designated Local Commercial but due to the narrow linear location with very little street frontage, the Site is not desirable for commercial development. The Minor General Plan Amendment proposes modifying the Land Use to better respond to the current market trends and the viability of the Site as residential versus commercial due to its shape and location.

b. 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.

   **i. Response:** Under the current Land Use Plan, the Site is designated Local Commercial but due to the narrow linear location with very little street frontage, the Site is not desirable for commercial development. The Minor General Plan Amendment proposes modifying the Land Use to better respond to the current market trends and the viability of the Site as residential versus commercial due to its shape and location. The proposed High Density Residential development will support the surrounding local commercial areas with increased patronage and foot traffic.

c. The amendment will not adversely impact the community as a whole or a portion of the community by:

   i. Significantly altering the acceptable land use patterns;

      **1. Response:** The change in land use is in keeping with the surrounding area that has high density residential across Dysart Road.

   ii. 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;

      **1. Response:** Tying into the existing Dysart Road, the Site will not require large public infrastructure improvements. Impacts to utilities are discussed in more detail in the **Rio Pointe PAD Narrative** and in the master technical reports.

   iii. Adversely impacting the existing land uses; or

      **1. Response:** The proposed land use change to High Density Residential will not adversely impact the existing land uses and will enhance and support what is existing. For more information, see **Section 2.2: Density and Land Use Justification.**

d. That the amendment is consistent with the overall intent of the 2012 Plan and other adopted plans, codes and ordinances

      **1. Response:** The amendment is consistent with the overall intent of the General Plan and other plans, codes and ordinances as explained in further detail in **Section 3: Conformance with City Plans**.

# 2. Project Description

## 2.1 Development Plan

The Site has been planned to concentrate the multi-family residences towards the southern half of the property to allow for landscape tracts and the entry drive to buffer the single-family residences towards the north and concentrate the activity on the southern portion of the Site. Along the southern edge of the Site, an area of open space includes a community trail and transitions from the multi-family housing to the mobile home community to the south. Internal to the Site is a community pool, a clubhouse with a fitness center, small leasing office, and entertainment room, and an activity lawn with benches where tenants can congregate and recreate. See **Exhibit 5: Conceptual Land Use Development Plan.**

## 2.2 Density and Land Use Justification

The proposed modification of land use from Local Commercial to High Density Residential permits a density of 12 to 30 du/ac. In accordance with the General Plan:

> *"These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums or townhomes are suitable for this land use."*

The Site is designed to accommodate 65 villa dwelling units offering two housing options: 40 one-story units and 25 two-story units. The maximum density proposed by this PAD request is 14.07 du/ac, well within the density range for High Density Residential and is justified for purposes of the General Plan.

# 3. Conformance with City Plans

## 3.1 General Plan Conformance

### *3.1.1 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.**

> *Policy C: Diversify Avondale's housing stock by providing for varied residential types with an emphasis on large lot development in the southern core of the City.*
> *Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.*
> *Policy F: Support higher density/urban land uses to support future transit and rail.*

**Response:** The design of the Site draws together multiple land use goals through the implementation of high-density housing to a crucial infill location within Avondale. The additional residences will support the surrounding commercial areas, particularly those to the north of Van Buren which are within a half-mile walking distance. The Site's proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus (which has stops north of the Site at Van Buren and south of the Site at Riley Drive), provides convenient access to multi-modal transportation. The Avondale ZOOM Circulator bus provides free transit service to employment, entertainment, and commercial throughout Avondale and more. Building residential housing near multi-modal transportation options is more important now than ever, as the cost of gasoline continues to rise at a rate that burdens many of Avondale's residents.

**Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.**

> *Policy D: Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.*

**Response:** Open space tracts at all four sides of the Site help to buffer the residences and the adjacent land uses, providing a visual and spatial shift from the existing character. Locating the entry drive along the north portion of the Site creates a gentle transitioning buffer between the less dense existing single-family residences and the multi-family residences proposed in this PAD request.

**Goal 8: Support mixed-use land use patterns that increase transit and pedestrian oriented development within specific and appropriate areas of the City.**

> *Policy C: Take alternative methods of transportation, including transit, bus, and walking into account when considering all proposals for development.*

**Response:** The additional residences will support the surrounding commercial areas, particularly those to the north of Van Buren which are within a half-mile walking distance. The Site's proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus (which has stops north of the Site at Van Buren and south of the Site at Riley Drive), provides convenient access to multi-modal transportation.

### *3.1.2 Neighborhoods Theme, Housing Element*

**Goal 1: Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.**
**Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.**

> *Policy B: Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.*

**Response:** Modification of the zoning and land use of the Site to allow for high density residential creates opportunities for development that is attainable to renters of diverse price points. In the current market the demand for retail space has diminished and many businesses have shifted to home delivery over in-person shopping. These trends are expected to persist, creating challenges for the development of existing commercial parcels that do not enjoy premium locations somewhat obsolete. Rezoning some of these parcels to residential will bring in an influx of residents and incomes that will support the existing commercial, rather than competing with it.

It is also very important to have a diversity of housing options for renters of varying incomes and demographics. Though the City has done an exceptional job attracting single-family for sale homes and traditional multi-family, such as apartments, there is still significant demand among Avondale's residents for asset classes like this one, which produces attainably priced rental units that still provide the appearance and feel of a single-family home.

### *3.1.3 Sustainability Theme, Energy Element*

**Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.**

*Policy C: Encourage "walkable" communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage.*

**Response:** The Site has appropriately scaled one and two-story product offering adjacent to a variety of transit options, which encourages the minimization of fuel consumption. 100% of garages will include Level 2 EV charging capabilities for renters to be able to install a charging station that is compatible with their vehicle.

### *3.1.4 Community Mobility Theme, Circulation Element*

**Goal 4: Promote and support an integrated transportation system that mitigates congestion, fosters a sense of community, and preserves the environment.**

> *Policy A: Provide and support opportunities for all modes of travel for all ages and abilities.*
> *Policy C: Develop adequate links to arterial roadways from new residential, recreation, and employment areas.*

**Response:** The Site's internal pedestrian connections and proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus, promotes and supports an integrated transportation that mitigates congestion. The Avondale ZOOM Circulator bus provides free transit service to employment, entertainment, and commercial throughout Avondale and more.

### *3.1.5 Transit Oriented Development Element*

**Goal 2: Require development and redevelopment within areas designated as TOD on the General Plan Land Use Map to facilitate and encourage the use of transit by visitors and residents.**

> *Policy A: Increase residential densities and mixed uses within ½ mile of transit facilities, at transit stops, and along bus routes.*
> *Policy C: Emphasize accessibility for pedestrians and bicyclists by providing direct and linked access internally as well as to adjacent residential and non-residential areas.*
> *Policy D: Consider a range of housing types that will encourage a mix of residents, such as families, singles, and seniors, and allow for a mix of income levels.*

**Response:** The Site is an ideal location for transit-oriented development as residents can easily access multi-modal transportation options such as the Avondale ZOOM Circulator bus which has stops located to the north and south of the Site, less than a half-mile in either direction. Dysart Road has dedicated bike lanes on both sides of the street providing options for residents to travel to nearby employment areas as well as access to the north to the Sun Circle Trail.

### *3.1.6 Quality of Life Theme, 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.**

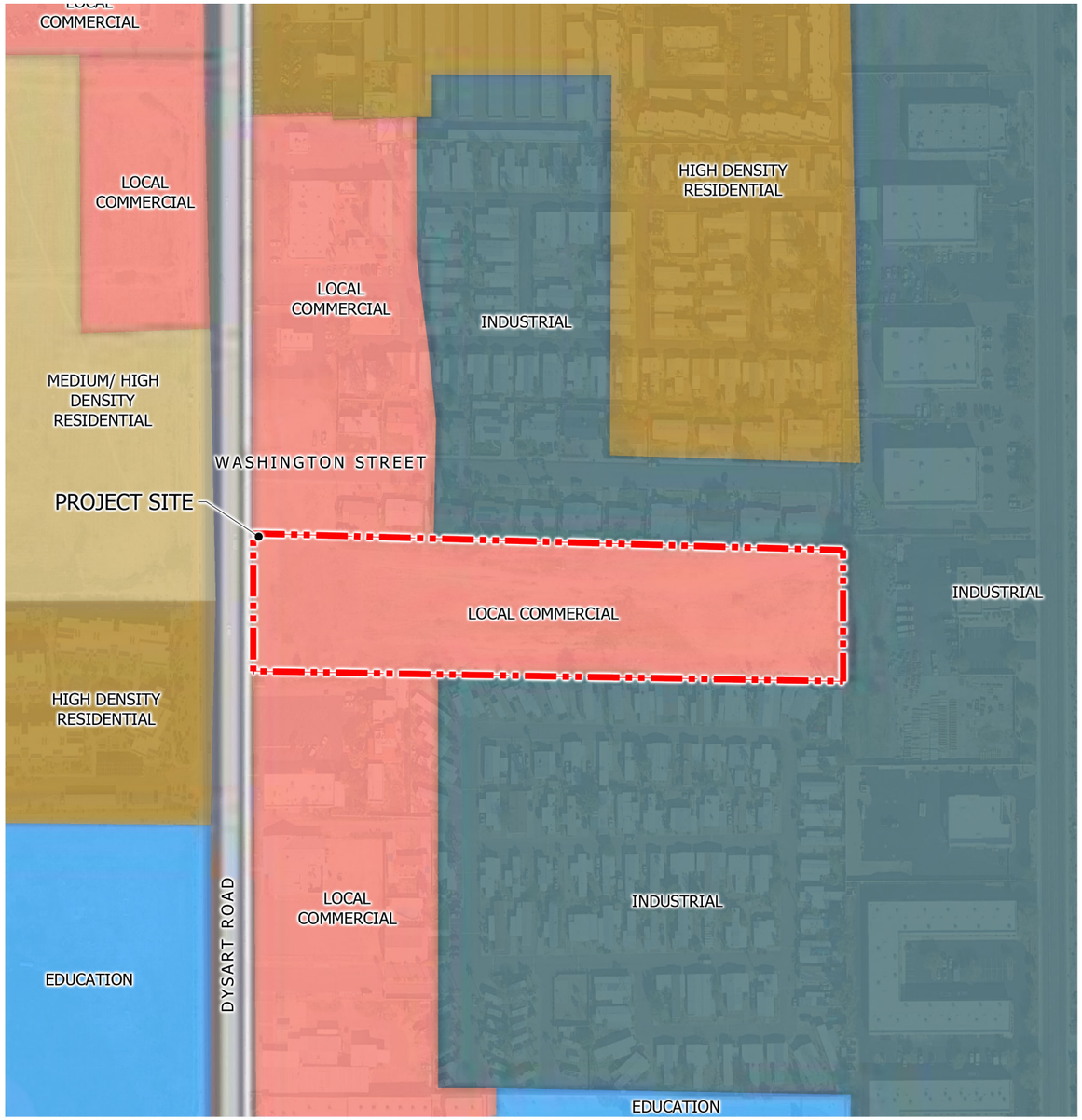
**Response:** The proposed high-density Site will maximize housing options in locations within a half-mile of transit, access to employment areas, neighborhood services, and public facilities in order to promote a healthy community both sustainably and economically. The Site is located in close proximity to multiple commercial areas such as Coldwater Plaza, Baldridge Commons, and Palm Valley Cornerstone to the north.

## 4. Conclusion

The proposed Amendment will provide for development of a long-awaited infill parcel with access to transit, employment, entertainment, and recreation. The transition from Local Commercial to High Density Residential will contribute to both Avondale's population and revenue bases to create a sustainable mixture of residential opportunities in an area where reduced reliance on vehicles is possible.

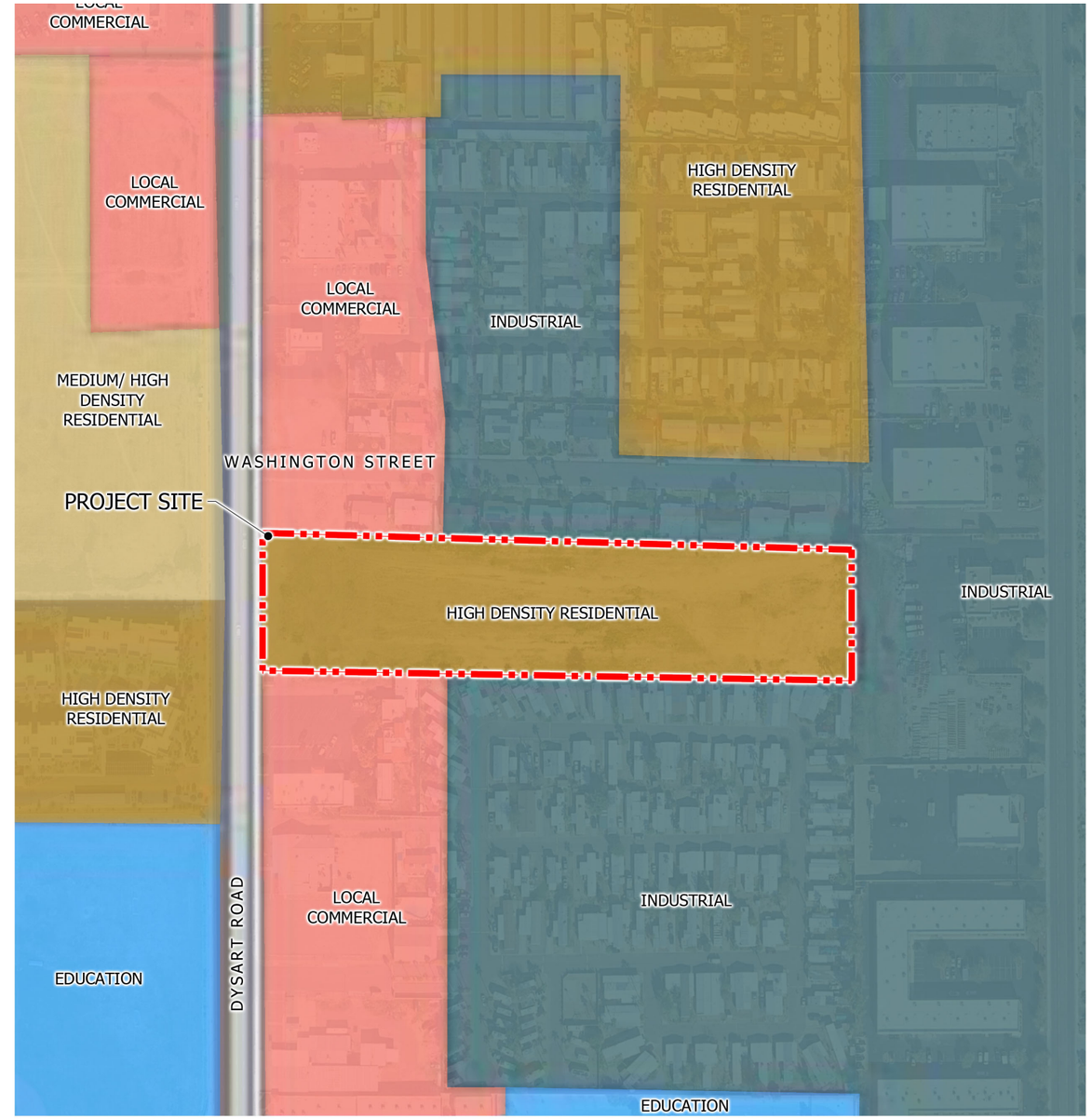
Exhibit 1: Vicinity Map

Exhibit 2: Context Area Map




EXISTING GENERAL PLAN

- EDUCATION
- INDUSTRIAL
- MEDIUM/HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- LOCAL COMMERCIAL




PROPOSED GENERAL PLAN

- EDUCATION
- INDUSTRIAL
- MEDIUM/HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- LOCAL COMMERCIAL

## Exhibit 3: General Plan Map

Exhibit E

# Rio Pointe Minor GPA & Rezone
# Summary of Neighborhood Meeting
# August 30, 2022 at 6:00 pm
# Case No. PL-22-0153 & PL-22-0154

# August 30, 2022, Neighborhood Meeting

# Rio Pointe Minor GPA & Rezone

PL-22-0153 & PL-22-0154

The virtual meeting opened to the public at 6:00 PM and the presentation began at 6:03 PM. Carolyn Oberholtzer instructed participants in both English and Spanish before she introduced the Rio Pointe Development on the east side of Dysart Road just south of Washington Street. Members of the Development Team and City Staff that attended the meeting are provided in Appendix A to this Summary. Approximately 8 members of the public attended.

Ms. Oberholtzer began the presentation with an aerial of the site, indicating that the proposed development would only impact the outlined 4.62-acre property. Ms. Oberholtzer showed the City's General Plan map and noted that the site was classified as Local Commercial. She then explained the Current and Proposed Zoning Map, adding that the applicant planned to replace the current C-2 Zoning to Planned Area Development (PAD) Zoning. Ms. Oberholtzer explained, using the color-coded Conceptual Development Plan, the proposed project would consist of 65 one-bedroom and two-bedroom units. These would be 1-story and 2-stories respectively. She emphasized the driveway access onto Dysart would be the only resident access into and out of the development. Ms. Oberholtzer showed the site plan, indicating that the resort-style community would likely cater to smaller households.

Ms. Oberholtzer showcased the proposed elevations, noting architectural features, perspectives, and structural heights. She indicated that the existing on-site and adjacent zoning allowed 30 feet structures by right and the proposed two-story units would not exceed this. Ms. Oberholtzer then covered the Open Space Plan and noted the on-site amenities, private open space, and landscape setbacks on the north/south sides of the project.

Lastly, Ms. Oberholtzer explained what the next steps in the hearing process would be, noting that the Planning Commission Hearing date was set for September 21st at 6 pm and the City Council Hearing Date was set for October 17th at 6 pm.

## Ms. Oberholtzer opened the meeting up for questions

A citizen asked if the property was zoned commercial.

**Ms. Oberholtzer affirmed that the property was zoned Community Commercial.**

A citizen asked what Community Commercial meant.

**Ms. Oberholtzer responded that this zoning category included restaurants, retails, auto services and was one of three commercial zoning classifications in the city.**

A citizen asked where residents would access the development.

**Ms. Oberholtzer responded that there would be a driveway onto Dysart for resident access.**

A citizen asked if the emergency access at the end of Washington would be gated?

**Ms. Oberholtzer responded that if it is gated, that would be decided during the site planning process. The City Fire Department would be required to have access, but residents would not have the codes for that gate.**

A citizen asked if the units would be provided with at least 2 or more parking spaces.

**Ms. Oberholtzer explained the City's parking ratio requirements for residential units and that there would be 142 spaces provided for 65 units. This would average out to about 2 spaces per unit.**

A citizen asked if the project would become Section-8 Housing?

**Ms. Oberholtzer responded this was a market-rate project, with rents between $1,600 and $2,000. It was not government subsidized. Residents would have to be income qualified and pass background checks to secure a lease at Rio Pointe.**

A citizen asked what the construction process would be like.

**Ms. Oberholtzer explained the time frame of construction might be around 18 months or less with construction likely to start next year. She added that a dust permit would be required, and a sign would be installed for neighbors to report any complaints.**

A citizen asked about privacy.

**Ms. Oberholtzer explained the two-story units face east-west and no units peer down into neighboring properties. She added the landscape setback on the north side contain Desert Willow trees which would grow to 30 feet in height, providing a screen. The south side setback would contain Pistache and Chinese Elm trees to further increase screening.**

A citizen asked if there would be a fence.

**Ms. Oberholtzer responded there would be a perimeter wall anywhere one did not already exist.**

A citizen asked if anyone on the call represented the city.

**Ms. Oberholtzer explained the required process for the applicant leading up to the upcoming city hearings in September and October. She added that if members of the public had City-related questions that could direct them to Ms. Wertin, the case planner present on the call.**

A citizen asked what the draw was for the project location.

**Ms. Oberholtzer explained the site was part of both a revitalization area and Opportunity Zone, created to incentivize development in underserved communities. Due to the site dimensions, viable commercial development would be challenging. Due to existing surrounding residences, residential development was seen as a more compatible land use for the property. She added that the feedback received at these meetings would be taken into consideration in the public hearing process with the City and could inform the final product.**

A citizen asked if the project doesn't succeed and becomes subsidized housing.

**Ms. Oberholtzer responded that the project was ill-configured to become Section-8 housing and the property owner intended to manage and hold the property.**

**Mr. Howard, the applicant, introduced himself and responded that he had no intention of this development becoming subsidized housing. He explained the property would be professionally maintained and prospective tenants would have background checks and financial screenings. He added the existing Opportunity Zone compelled him to hold the property for 10 years and he affirmed his commitment to bring more quality development to Avondale.**

A citizen asked where all the parking spaces were on the site plan.

**Ms. Oberholtzer used several graphics to demonstrate that many of the 142-parking spaces are garage units and could not be seen from one aerial.**

A citizen asked if the on-site streets were public or private.

**Ms. Oberholtzer responded the streets were private.**

A citizen asked if they would receive notice of the next hearing and if would be in Spanish?

**Ms. Oberholtzer responded that they would receive a notification and the upcoming hearing dates would also be posted in the newspaper and updated on the sign. Ms. Wertin added that the notification postcards had recently been sent in both English and Spanish.**

A citizen commented on the lack of public notification in Spanish.

**Both Ms. Oberholtzer and Mr. Howard explained the legal requirements by the State Statutes and the City for notifying the public for neighborhood meetings and how these standards were progressively changing. Mr. Howard invited members of the audience to sit down with him and discuss the project.**

**Between 6:45 PM and 7:00 PM, both Ms. Oberholtzer and Mr. Howard had an informal discussion with the remaining meeting participants, reiterating several points that were already discussed earlier in the meeting.**

The meeting concluded at 7:00 PM.

# Appendix A: List of Participants

| Development Team | |
|---|---|
| Carolyn Oberholzter | Bergin, Frakes, Smalley & Oberholtzer |
| Fae Sowders | Bergin, Frakes, Smalley & Oberholtzer |
| Mitchell Willard | Bergin, Frakes, Smalley & Oberholtzer |
| Nico Howard | Applicant & Property Owner |
| Waseem Hamadeh | Applicant |

| City Staff | |
|---|---|
| Jani Wertin | Avondale City Planner |

| Citizens |
|---|
| Paul Faith & 7 members of the public |

**Jani Wertin**

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**From:** Gene G [redacted]
**Sent:** Tuesday, August 30, 2022 10:02 AM
**To:** coberholtzer@bfsolaw.com
**Subject:** City of Avondale-Notice of Neighborhood Meeting
**Attachments:** petition2.jpeg; petition1.jpeg

To whom it may concern,
This is a petition signed by all but 5 residents in our neighborhood. The other 5 were not home when the petition was circulated. We know many may not be able to attend the zoom meeting and since it was only sent in English many threw out your invite. A correction with the wrong date posted was no help as it too was only in English. Please see attached as we are very concerned with the city's plan involving our street.

Thank you,
Gene and Natasha Garcia

**Petition to stop Access from E. Washington street to the "Rio Pointe" development project:**

**Petition para detener el acceso entre la calle Washington Este y el Fraccionamiento "Rio Pointe"**

The Residents of Washington Street are OPPOSED to utilizing the end of Washington street as an access point to the Rio Pointe development. We as community wholeheartedly believe it will increase traffic, which can harm our children, and increase crime. A 12 Ft. Privacy wall would need to be placed Prior to the beginning of construction. The residents of this street have been here since the 70's and some are on fixed incomes. With most of our homes being paid for, this causes a lot of undue stress on our elderly residents. If this moves forward with the inclusion of an access point through E. Washington street we as a community will seek legal aid.

Los residentes de la calle Washington se an opuesto a que se utilize la termination de su calle como punto de acceso a el fraccionamiento Rio Pointe. Todos en un mismo acuerdo hemos llegado a la conclusion de que tal acceso incrementaría drásticamente el trafico por esta calle y como resultado pondría en riesgo la seguridad de nuestros hijos; y aparte incrementaría el crimen en esta zona. En si, una pared de privacidad de mínimo 12 pies de altura tendrá que ser erigida antes de el comienzo de construcción. Los residentes de esta calle an vivdi aquí desde la década de los 70's y muchos vienen de pensiones de apoyo básico o bajos recursos. Aun con la mayoría de casas ya pagadas, estos cambios traerían preocupaciones financieras Innecesarias a nuestros residentes de la 3ra Edad. Si este projecto sigue en marcha e incluye el punto de acceso por la Calle Washington, todos como comunidad buscaremos apoyo leal en contra.

| NAME: Print Nombre :Impresion | Address: Dirección: | Signature: Firma: |
|---|---|---|
| Gene Natividad Garcia | [redacted] | [redacted] |
| WALTER Porch | | |
| Rosa Gonzales | | |
| Yolanda Lerma | | |
| Alex Rodriguez | | |
| Tonyla Perez | | |
| Tom & Estella Nolan | | |
| Freddie Porch | | |
| Ashley Rodriguez | | |

Kayla Nunez
MIGUEL SILVA
[illegible]
Joana Norzagaray
Joann Pastrana
Andrea Ortiz
CAROL PEREZ

[redacted]

Avondale
Aspiring. Achieving. Accelerating.

# CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Rio Pointe
Project Manager: Carolyn Oberholtzer - Bergin Frakes, Smalley & Oberholtzer PLLC
Request: PAD for multi-family housing
Acreage/Parcel Size: 4.62 Acres
Current Density Allowed: Approximately 30 units
Density Proposed: 14.07 du/ac
Total number of residential units proposed: 65

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 X 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 X
***If answered yes, how many acres is needed for the school site?*** ____

***Is the district currently working with the developer to provide or help meet the needs identified above through a developer assistance or impact agreement? Yes ___ No X***

***If answered yes, please explain below:***

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

Date Reviewed: 6/16/22
School District: Avondale ESD
District Superintendent: Betsy Hargrove
Phone #: 623-772-5000
E-mail: bHargro @ choosaesd.org
Signature: Betsy Hargrove

*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 meeting*

Avondale
Aspiring. Achieving. Accelerating.

# CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Rio Pointe
Project Manager: Carolyn Oberholtzer - Bergin Frakes, Smalley & Oberholtzer PLLC
Request: PAD for multi-family housing
Acreage/Parcel Size: 4.62 Acres
Current Density Allowed: Approximately 30 units
Density Proposed: 14.07 du/ac
Total number of residential units proposed: 65

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:***
THE DISTRICT REQUESTS THAT DEVELOPER/IMPACT FEES BE PUT INTO PLACE.

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

Date Reviewed: 6/13/22
School District: AGUA FRIA HIGH SCHOOL
District Superintendent: TOM HUFFMAN (DERBY)
Phone #: 623 932 7000
E-mail: THUFFMAN@AGUAFRIA.ORG
Signature: [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 meeting*

**RESOLUTION NO. 1074-1022**

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 ± 4.87 ACRES GENERALLY LOCATED ALONG DYSART ROAD, SOUTH OF WASHINGTON STREET, AS SHOWN IN APPLICATION PL-22-0153 FROM LOCAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

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

**WHEREAS**, the General Plan was readopted by the City Council on May 2, 2022, and ratified by the qualified electors of the City of Avondale on August 2, 2022; and

**WHEREAS**, the City Council desires to amend the General Plan to change the land-use designation for approximately ± 4.87 acres generally located along Dysart Road, south of Washington Street, from Local Commercial to High Density Residential, as shown in Application PL-22-0153 (the "General Plan Amendment"); and

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

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

**WHEREAS**, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Commission held a public hearing on the proposed General Plan Amendment on September 21, 2022, 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 on October 17, 2022.

**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 ± 4.87 acres generally located along Dysart Road, south of Washington Street, as shown in Application PL-22-0153, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from Local Commercial to High Density Residential.

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

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, October 17, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

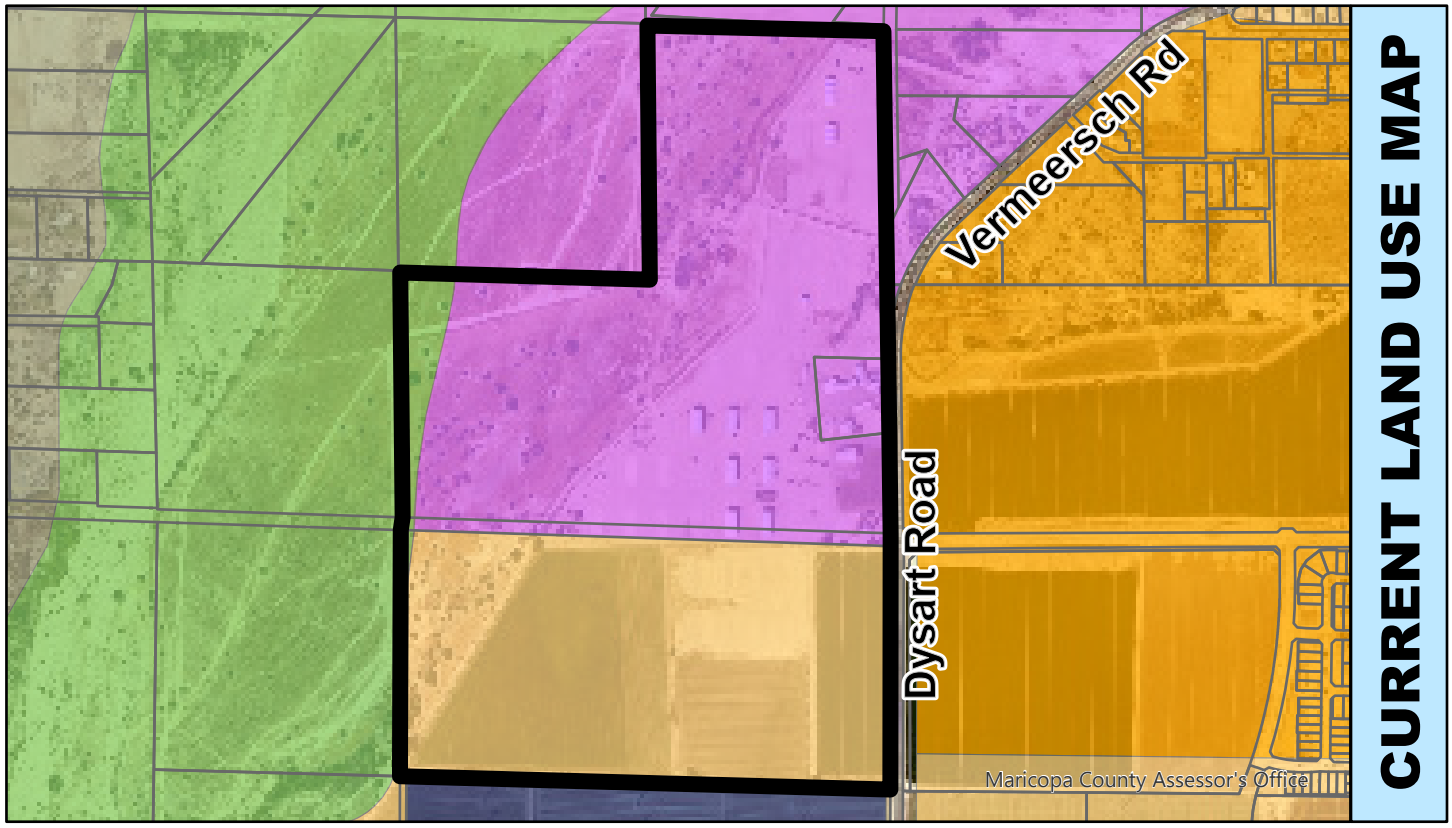
_____
Nicholle Harris, City Attorney

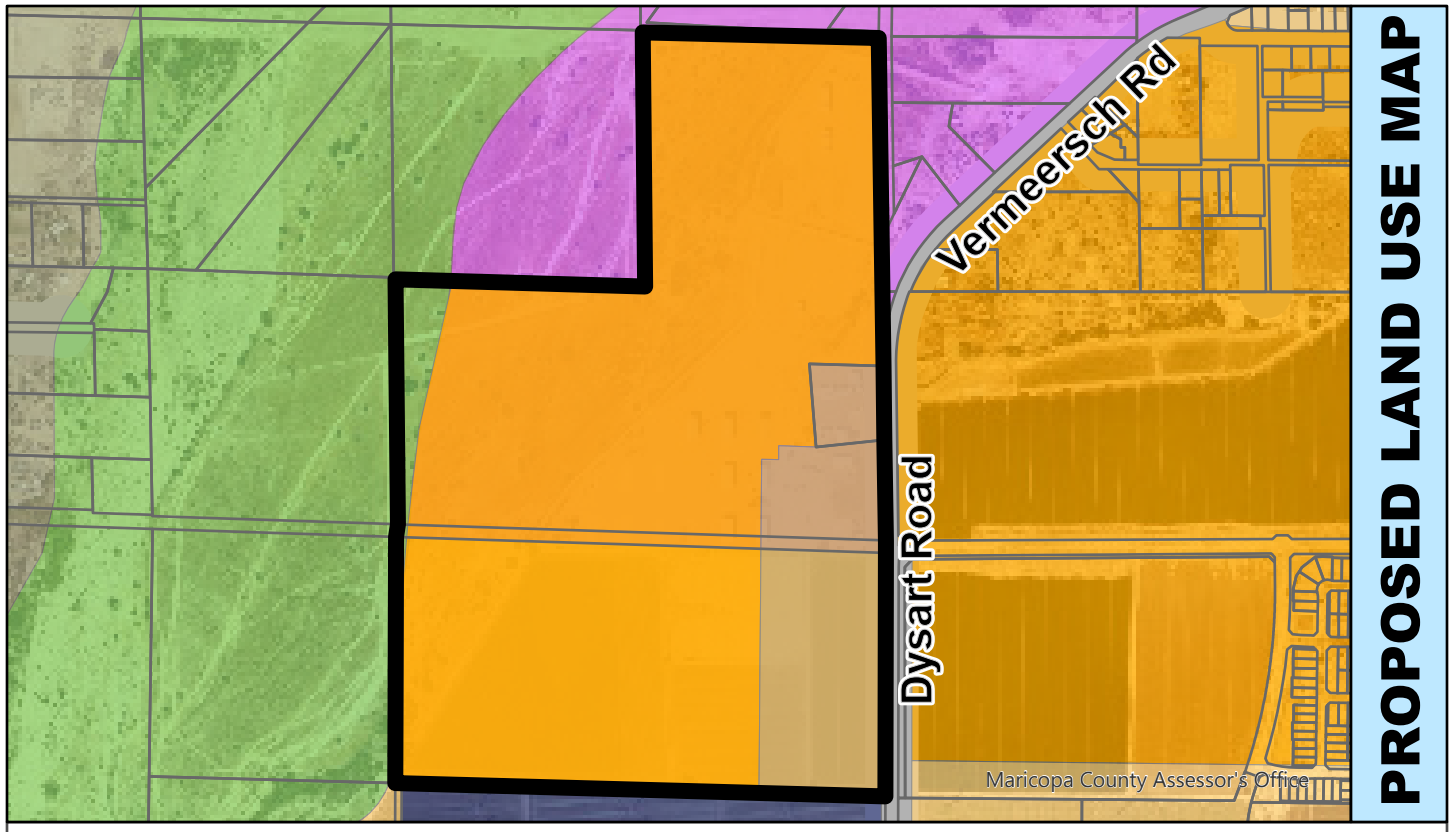
EXHIBIT A
TO
RESOLUTION NO. 1074-1022

[General Plan Amendment Map]

See following page.

Exhibit C




# General Plan Land Use

Avondale

- Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- Mixed Use
- Open Space / Parks

Subject Property

N
W E
S

Date: 8/22/2022

Item Number: 4.b.

# CITY COUNCIL REPORT

**SUBJECT:** Public Hearing and Ordinance 2061-1022 – Rio Pointe – Rezoning to Planned Area Development (PAD) – Application PL-22-0154

**MEETING DATE:** 10/17/2022

---

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director, Development & Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

Strategic Outcome Area: Creative and Sustainable Community Development
Strategy: Develop diverse housing options, to include housing that is affordable to workers and close to their jobs.

---

**PURPOSE:**

City Council will hold a public hearing and consider a request to adopt Ordinance 2061-1022, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a request to rezone 4.62 gross acres located on the east side of Dysart Road, just south of Washington Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed rezoning, if approved, will rezone the property from Community Commercial (C-2) to Planned Area Development (PAD) to allow for multi-family residential. The Council will take appropriate action.

**BACKGROUND:**

The 4.87-acre subject property (Exhibits A and B) is located on Dysart Road, just south of Washington Street. Approximately 220 feet wide and 940 feet long, this site has a unique configuration that makes the lot challenging to develop. This site is currently vacant.

The eastern 1.25 acres of this property was annexed into the City's corporate limits on June 17, 1956, the remaining 3.37 acres was annexed into the City's corporate limits on April 19, 1960. The site is currently zoned Community Commercial (C-2), which allows restaurant, retail, personal services, office and medical uses, and other related uses.

The site is designated by the General Plan 2030 Land Use Map (Exhibit C) as Local Commercial, which is a land use category that is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community.

There is a concurrent request to change the General Plan 2030 Land Use Map designation from Local Commercial to High Density Residential that will be considered separately. The High Density Residential designation is a land use category for residential land that will contain densities up to 30 dwelling units per

acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Approval of the applicant's GPA request is required for this rezoning to be approved.

The western portion of the site is called out in the Avondale General Plan 2030 on the Infill Districts/Revitalization Areas as an Infill Incentive District with the category of Commercial District. The area to the west of the site across Dysart Road is designated also as Infill Incentive District with the category of Residential District One. The Avondale Infill Incentive Program is designed to reinvigorate existing neighborhoods in Avondale's most historic areas and to support new, compact, mixed-use development that recaptures the "sense of place" in those neighborhoods. Investment in these infill areas increase economic mobility, encourage residential in-migration, and contribute to the City's rich historic, cultural, and artistic heritage.

This portion of the site is also a part of the Old Town area identified by the Specific Area Plan for Old Town, Cashion, Las Ligas/Rio Vista, the purpose of which is to is to set the framework and vision for these areas, further building on the goals and efforts of the Infill Incentive Program.

This site is also located within the Historic Avondale Opportunity Zone. These zones incentivize investment and development that may not otherwise occur by offering investors certain tax benefits. In order to realize the full benefits, the investor must (1) build on the site, and (2) hold the property for over ten years.

The existing uses and zoning of surrounding properties include:

- North: Single-family residential and vacant land, zoned Urban Residential (R1-6) and Community Commercial (C-2).
- East: Warehousing and retail, zoned General Industrial (A-1).
- South: Manufactured home park and restaurant, zoned Manufactured Home Park (MH) and Community Commercial (C-2).
- West: Vacant and multi-family residential/apartments, zoned Avondale Townhomes on Dysart PAD and R-3.

**SUMMARY OF REQUEST:**

The applicant is requesting to rezone the property from Community Commercial (C-2) to Planned Area Development (PAD). The proposed Rio Pointe PAD Narrative, included as Exhibit D, details permitted uses, development standards, and other requirements that will guide future development of the site.

The project will feature 65 villas, a mix of single-story and two-story units, planned to be developed in a single phase. The single-story homes are a single bedroom floorplan, have a square footage of 967 square feet, and have their own car port. The two-story homes are a two-bedroom floorplan, have a square footage of 1,031 square feet, and have their own enclosed garage.

Main driveway access to Rio Pointe is proposed off Dysart Road. An eight (8) foot land use buffer and the main drive aisle have been designed to run across the northern portion of the site to adequately buffer the single-family residences to the north. A driveway for secondary emergency access will be provided off of Washington Street. The conceptual design for these villas blends clean contemporary shapes with touches of Spanish influence, established through the materials and architectural forms of the residences. Four-sided architecture, variation in the roofline, and high-quality materials are present in this development.

Landscaping requirements will meet requirements in Section 12, aside from two modifications listed below. The development provides ninety (90) garage/carport parking space and fifty-two (52) surface parking spots. Level 2 EV charging capability will be provided in 100% of the garages for all two-story units.

Uses being proposed by the PAD are consistent with the City's R-3 Zoning District (Exhibit D).

The proposed PAD utilizes the City's R-3 zoning district as the basis for development standards with some requested modifications which include:

- Increase the maximum units allowed from 1 unit for every 3,630 square feet of net site area to 1 unit for every 3,000 square feet of net site area.

- Increase the maximum building coverage from 45% to 60%.

- Reduce the minimum rear yard setback from 15 feet to 10 feet.

- Reduce the minimum number of required trees within multi-family residential zoning districts from one and one-half (1 ½) trees per dwelling or guest unit (not including the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in Section 12) to three-quarters (.75) trees per dwelling unit (not including the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in Section 12).

- Reduce the minimum required landscape buffer between multi-family residential zoning districts and abutting single-family residential zoning districts or uses from fifteen (15) feet to eight (8) feet.

Water and sewer services will be provided by the City of Avondale. The developer will dedicate a Public Utility Easement (P.U.E) along Dysart Road. Water and sewer for the site, as well as the sewer lift station will be private.

Any future amendments to the PAD, if needed, will follow Zoning Ordinance protocol. Major amendments which change the character of the development will require Planning Commission review and City Council approval. Minor amendments which do not affect the overall concept of the development will be processed administratively.

There is a separate request to change the General Plan Land Use designation of the subject property from Local Commercial to High Density Residential. Approval of this GPA request is required for the rezoning to be approved, which is scheduled for the same Planning Commission and City Council meetings.

**PUBLIC PARTICIPATION:**
A neighborhood meeting (Exhibit E) to discuss the proposal with neighboring property owners and other interested parties was held on August 29th at 6:00 P.M.

The applicant gave an overview presentation on the project, site challenges and constraints, and answered questions about the project. An overview of the discussion topics is outline in the Neighborhood Meeting Summary, attached as Exhibit E. In addition to City Staff and the applicant's team, eight (8) people attended the virtual meeting. Prior to the Neighborhood Meeting, the applicant received a petition from the neighbors to stop access from Washington Street to the development (Exhibit F). The applicant clarified at the Neighborhood Meeting that the access shown on the site plan to Washington Street was strictly for emergency services only. The developer took extra steps to engage the community visiting with neighbors the weekend of September 10, 2022. In taking these steps to engage with the neighborhood, the developer was able to have conversations with neighbors whereby the project was able to be explained in further depth, questions and confusion regarding the project was able to be addressed, and concerns regarding the development were ultimately quelled. Since this meeting, the City nor the applicant has received any comments or concerns regarding this project.

All required notifications for the Planning Commission and City Council public hearings have been completed.

**CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:**
The property is located in the service areas of the Avondale Elementary School District (AESD) and the Agua

Fria High School District (AFHSD).

AESD has provided the City with a Certificate of Adequate School Facilities signed by Superintendent Betsy Hargrove (Exhibit G) which states that the district does have adequate capacity to accommodate the estimated enrollment from the proposed Rio Pointe development and that no school site within the development is needed.

TUHSD has provided the City with a Certificate of Adequate School Facilities signed by Superintendent Tom Huffman (Exhibit G) stating that the district has adequate capacity, but would request that developer/impact fees be put into place.

**PLANNING COMMISSION ACTION:**
On September 21, 2022, the Planning Commission conducted a public hearing on the General Plan Amendment alongside a public hearing on the Rezone. Following staff's presentation, the applicant briefly expanded on the results of the additional neighborhood engagement that had been conducted by the developer. The Commission had no questions for the applicant or staff regarding the project. The Commission opened the meeting for public comment and received none. The Commission voted 4-0 to recommend approval of the proposed Minor General Plan Amendment.

**ANALYSIS:**
**Conformance with the General Plan and the Specific Area Plan for Old Town, Cashion, Las Ligas/Rio Vista**
A General Plan Amendment request to change the land use designation of the site to High Density Residential is being considered concurrently with this Rezoning request. The High Density Residential designation is a land use category for residential land that will contain densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. The proposed Rio Pointe PAD is in conformance with the requested High Density Residential designation.

The PAD furthers several goals of the General Plan, most notably:

- Land Use Element Goal #1, Policy D: Enhance the attractiveness of infill parcels as option for new development throughout Avondale.

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

- Land Use Goal #8: Support mixed-use land use patterns that increase transit and pedestrian oriented development within specific and appropriate areas of the City.

- 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.

- Energy Element Goal #1, Policy C "Encourage "walkable" communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage."

This project also furthers goals in the Specific Area Plan for Old Town, Cashion, Las Ligas/Rio Vista, most notably:

- 5.1D Encourage investment, redevelopment, and replacement housing of vacant infill through flexible development standards and incentive.

The proposed Rio Pointe PAD advances the goals of the Avondale General Plan 2030 and the Specific Area Plan for Old Town, Cashion, Las Ligas/Rio Vista by filling in this parcel with an attractive development that creates a sense of place, offers a valuable housing option not offered elsewhere in Avondale, reinvigorates

the area, supports existing commercial and neighborhood services/businesses.

**Permitted Uses**
The uses proposed by the PAD zoning are consistent with the City's Multi-family Residential (R-3) zoning district, no additional uses or deviations of these uses are being requested at this time. The R-3 district is limited to residential type uses and accessory uses.
The uses allowed in the R-3 district are fully consistent with the proposed High Density Residential designation. The conceptual site plan and building elevations have been designed to ensure that the addition of these units will not negatively affect the surrounding properties and will enhance the area.

**Development Standards**
The development standards contained within the Rio Pointe PAD are comparable to Zoning Ordinance requirements for development in the R-3 zoning district.

Some standards have been increased, such as the maximum allowable units and the maximum building coverage, whereby the PAD proposes to increase the maximum units allowed from 1 unit for every 3,630 square feet of net site area to 1 unit for every 3,000 square feet of net site area, as well as increase the maximum building coverage from 45% to 60%.

The minimum lot width and lot depth, maximum building height, and minimum front, side, and street side setbacks are consistent with the R-3 zoning district.

Some standards have also been requested to be reduced:

- Reduce the minimum rear yard setback from 15 feet in R-3 to 10 feet.

- Reduce the minimum number of required trees within Multi-family Residential Zoning Districts (R-2, R-3, R-4) from one and one-half (1 ½) trees per dwelling or guest unit (not including the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in Section 12) to threequarters (.75) trees per dwelling unit (not including the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in Section 12).

- Reduce the minimum required landscape buffer between Multi-Family Residential Zoning Districts and abutting Single-Family Residential Zoning Districts or uses from fifteen (15) feet to eight (8) feet.

The applicant is requesting these reductions to accommodate the challenging shape of the site. In addition to locating the private entry drive towards the north to buffer the existing single-family units from the proposed multi-family units, a minimum of eight (8) foot landscape buffer has been provided, the majority of the trees for this site being located within this buffer in order to reduce the impact on the neighbors to the north as much as possible. A six (6) foot masonry screen wall will also be provided. The proposed layout creates approximately 50 feet of separation from the proposed units and the existing single-family homes. Trees will still be incorporated throughout the site to provide shade, soften and compliment the built environment, and enhance the character of the area, just at a reduced rate due to the size of the lot and priority of the land use buffer.

However, there will be no shortage of landscaping and open space. This site requires total usable open space of 20%. The site contains the following open space: 0.80 acres (17.3%) of general, usable open space; 0.23 acres (5%) of open space that is not defined as usable but provides for landscaping and a more spacious feeling on the Site; and 0.36 acres (7.8%) of private open space for residents. The total combined open space is 1.39 acres (30.1%). The design guidelines for this site only require 80 square feet of private open space for each balcony or patio unit. By providing over 200 square feet of private open space per unit, more than twice the minimum required size, the applicant is not only exceeding the minimum percentage of total required open space but the minimum amount of private open space.

**Project Design**
The conceptual design for these villas blends clean contemporary shapes with touches of Spanish influence,

established through the materials and architectural forms of the residences. Four-sided architecture, variation in the roofline, and high-quality materials are present in this development.

Covered overhangs at the carports incorporate painted steel beams into the colors and textures of the buildings to create a shaded entryway into the one-story residences. Two-story residences include enclosed garages. The site utilizes a blend of modern materials coupled with a soft landscape palette of native and desert adapted vegetation to create an inviting community.

Landscaping on the site will adhere to the Zoning Ordinance's landscaping requirements, except for the previously noted modification to the land use buffer and tree requirement. Adherence to these requirements will ensure that significant landscape areas, tree sizes, and plant quantities are provided throughout the site, softening the scale of the two-story elements, shading walking paths throughout the community, and thoughtfully buffering neighboring uses.

**Streets, Utilities, and Other Infrastructure**

One (1) driveway on Dysart Road and one (1) driveway on Washington Street are proposed. The driveway off Dysart Road is to serve as the main entrance to the development that will be used by tenants, guests, etc. This entrance will also serve as one of the two required emergency accesses for the site. The second driveway located on Washington Street will serve as an emergency access only. A gate with a Knox box will need to be installed on the site prior to the issuance of a Certificate of Occupancy.

The City has adequate water and sewer capacity to serve the proposed development. Water and sewer for the site, as well as the sewer lift station will be private.

**DISCUSSION:**

Staff recommends approval of the Rezone request for the following reasons:

1. The proposed Rezone from C-2 to Rio Pointe PAD is in conformance with the General Plan.

2. The proposed Rezone is in conformance with the Multi-Family Residential Design Manual as amended in the PAD.

3. The proposed Rezone will result in compatible land use relationships.

4. Adequate public infrastructure to support the proposed development either presently exists or will be constructed by the developer.

5. The proposed land use will provide a different housing type to residents.

6. The recommended conditions of approval are reasonable to ensure conformance with the provisions of the Zoning Ordinance and all other applicable City codes, ordinances, and policies.

**BUDGET IMPACT:**

No budget impacts.

**RECOMMENDATION:**

City Council will conduct a public hearing and **ADOPT** an Ordinance approving Application PL-22-0154 Rio Pointe PAD, a request to rezone approximately 4.62 gross acres the property from Community Commercial (C-2) to Rio Pointe Planned Area Development (PAD), subject to the following six (6) conditions of approval:

1. Development shall conform to the Rio Pointe Planned Area Development (PAD) Narrative date stamped, 07/05/2022, except as modified by these conditions.

2. The City requires the parcels associated with the subject site to be combined and an eight foot (8’)

Public Utility Easement (PUE) shall be dedicated to the City through a replat to be reviewed and approved by the City Council.

3. Grandfathered groundwater rights, if any, for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for any portion of the project.

4. All development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.

5. Secondary access to Rio Pointe from Washington Street shall be limited to emergency vehicles only. A gate with a Knox box must be installed prior to the issuance of a Certificate of Occupancy.

6. An eight (8) foot masonry wall shall be constructed along the northern property line of the site prior to the issuance of a Certificate of Occupancy.

***Contact person for document distribution:*** *Jani Wertin*

Exhibit A

# Aerial Photograph

Avondale

Subject Property

N
W E
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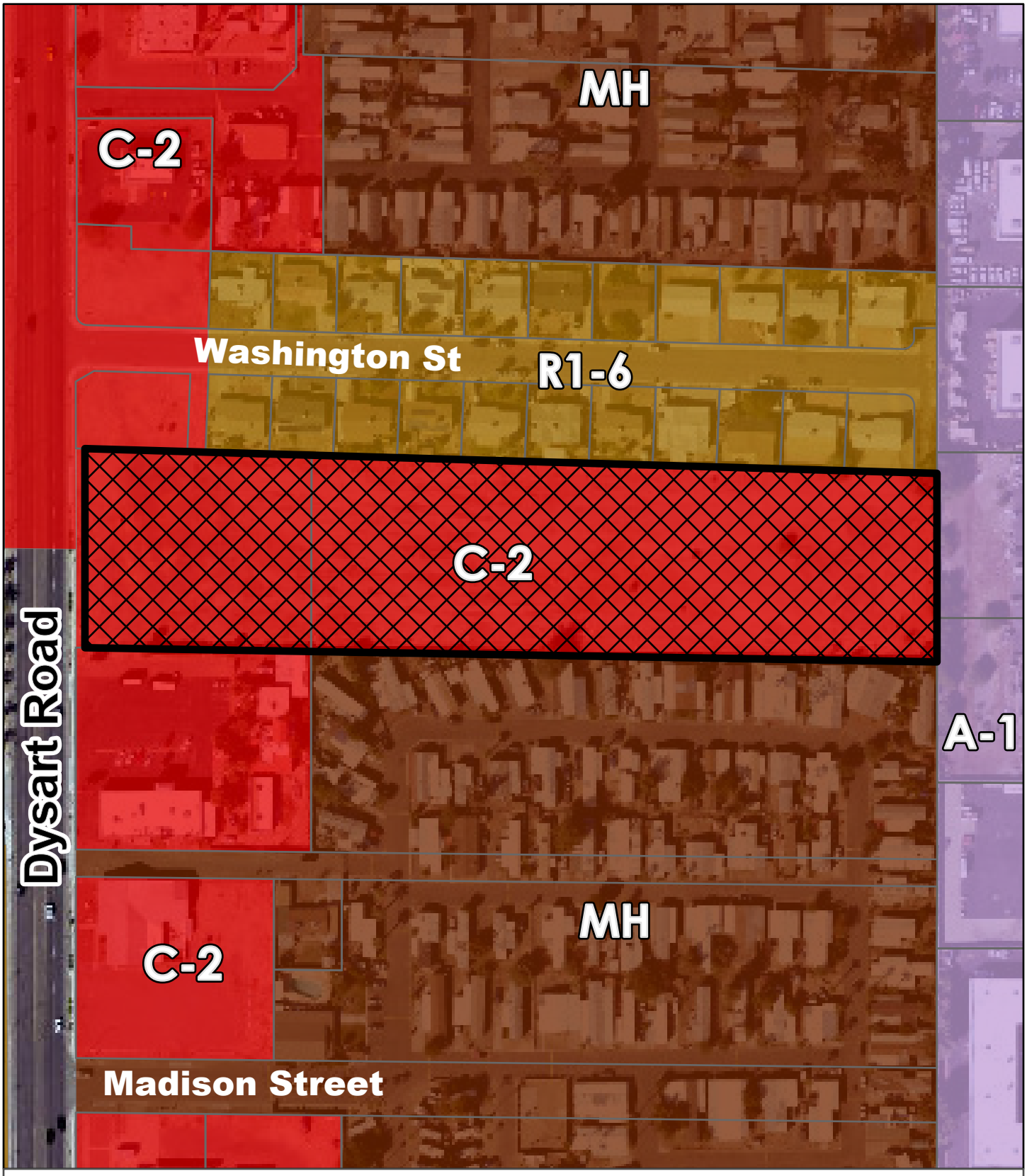
Date: 8/22/2022

Exhibit B




# Zoning Vicinity

Avondale

Subject Property

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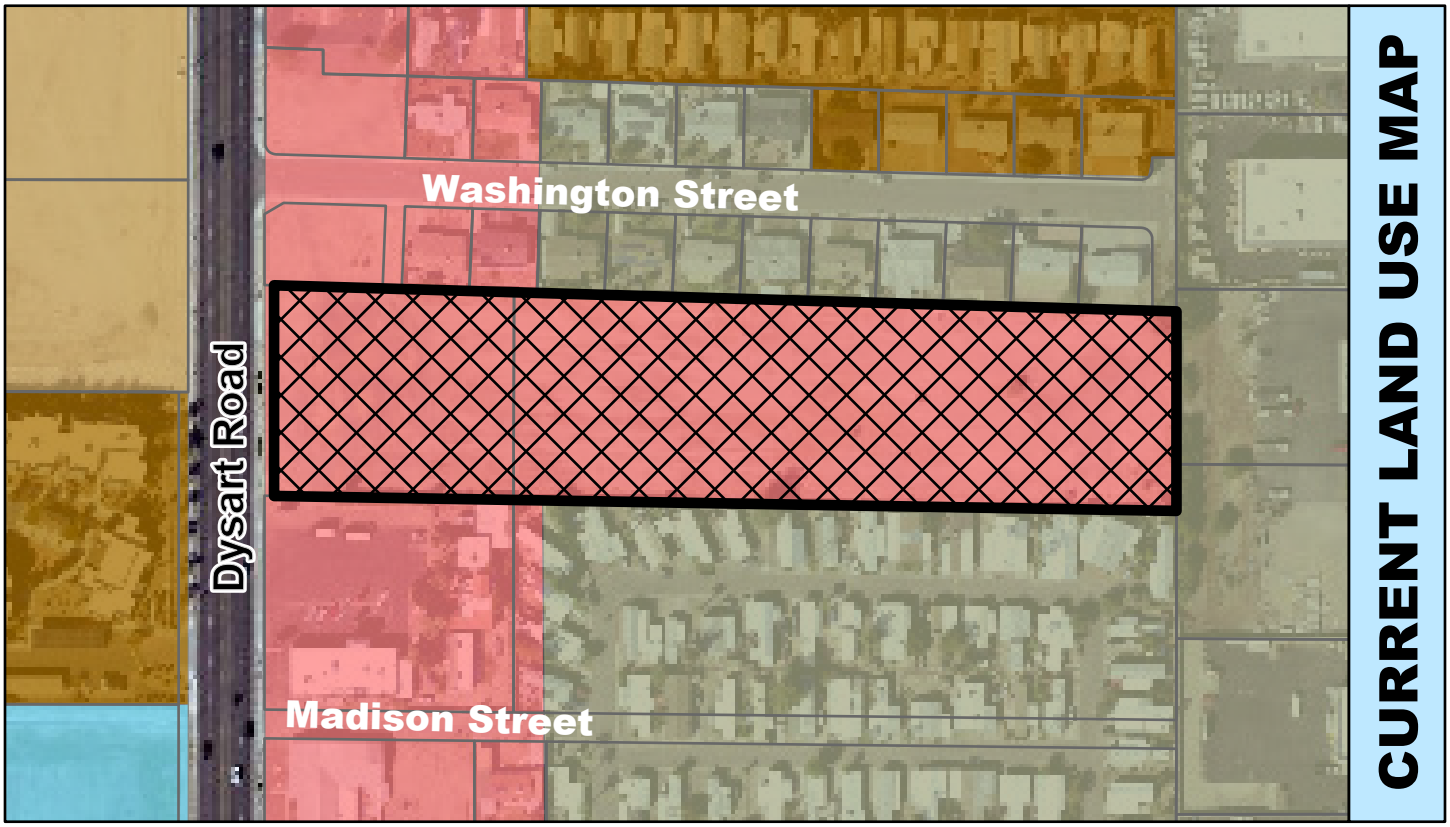
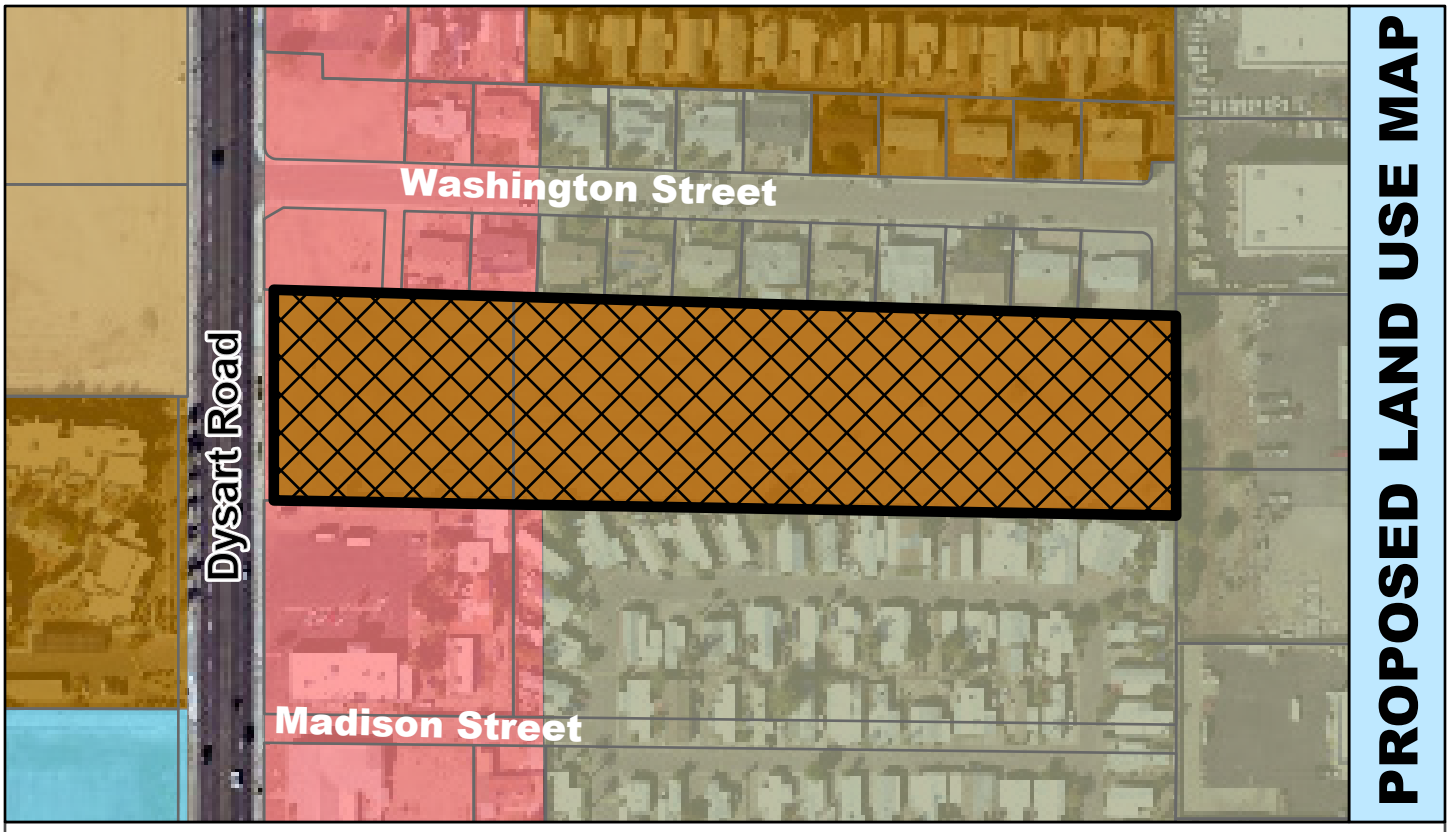
Date: 8/22/2022

Exhibit C




# General Plan Land Use

Avondale

- Education
- Medium/High Density Residential
- High Density Residential
- Industrial
- Local Commercial

Subject Property

N
W E
S

Date: 8/22/2022

Exhibit D

# Rio Pointe

## Planned Area Development (PAD)

Application PL-22-0154

**Prepared :** May 13, 2022
**2nd Submittal:** June 23, 2022

**Submitted to:**
City of Avondale
11465 W. Civic Center Drive, #110
Avondale, AZ 85323

# Applicant and Consultant Team

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nicodhoward@gmail.com

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**Architect:**
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**Architect:**
CCBG Architects
Rick Linan
102 E. Buchanan St.
Phoenix, AZ 85004
P: (602) 258-2211
rlinan@ccbgarchitects.com

# Site Data

| | |
|---|---|
| **Project Location:** | On Dysart Rd. just south of Washington St. |
| **Request:** | PAD |
| **General Plan Designation:** | Local Commercial |
| **Proposed Plan Designation:** | High Density Residential |
| **Existing Zoning:** | C-2 |
| **Proposed Zoning:** | PAD |
| **Existing Use:** | Undeveloped vacant land |
| **Proposed Use:** | Multi-family rental homes |
| **Gross Area:** | 4.87 ac. |
| **Net Area:** | 4.62 ac. |
| **Maximum Proposed Dwelling Units:** | 65 units |
| **Maximum Proposed Density:** | 14.07 du/ac. |
| **Approximate Open Space:** | 1.39 ac. (30.1%) |

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# 1. Project Overview

## 1.1 Introduction

Rio Pointe is a proposed 4.87 gross acre (4.62 net acre) development located on Dysart Road, just south of Washington Street (hereafter referred to as the "Site"). See **Exhibit 1: Vicinity Map**. The Site is presently zoned Commercial (C-2). This application proposes to rezone the parcels from Community Commercial (C-2) to "PAD" in order to develop the Site as luxury rental villas that give the appearance and feel of a single-family home at a more attainable price point.

Rio Pointe is a luxury, single-family rental project designed for starting families and individuals who will be home buyers within the next three years. Though they have not yet made the jump into single family home ownership, the appearance and feel of home ownership is an important characteristic for this demographic. These individuals tend to be high quality tenants with higher-than-average disposable incomes who work, shop, and recreate in the areas that they live. Increasing the appeal, each unit will have its own private and enclosed back yard. Altogether, the project features close to 30% open space, which is blended across public, usable open space and the private yards. In addition to the guest parking provided, which is distributed throughout the project, each single-story unit would have its own car port, and each two-story unit will have its own enclosed garage. This housing type has been very popular in other municipalities and provides an important diversity of housing product within the City of Avondale.

The configuration of this Site makes it very difficult to develop, as it is very long and skinny. The parcel is approximately 220 feet wide, and 940 feet long, making it more than four times longer than it is wide. Potential commercial tenants look for several things when evaluating a potential retail location, such as generous frontage on a major road, visibility, high traffic counts, circulation enabled by multiple points of ingress and egress, and the ability to locate near an "anchor tenant," such as a grocery store, that will bring additional customers to the center. This property will not be able to attract commercial development given the access and frontage constraints.

Development of the Site as multi-family will not only provide for a boost to the trade area by bringing new residents in close proximity to existing commercial uses, but will also become an eligible project under the Historic Avondale Opportunity Zone. These zones incentivize investment and development that may not otherwise occur by offering investors certain tax benefits. In order to realize the full benefits, the investor must (1) build on the Site, and (2) hold the property for over ten-years. These requirements are significant, as they align the interests of the property holder with those of the City and while many investors purchase land with no intention of actually building, this is unlikely to be the case in an Opportunity Zone. In addition, many developers come in with the intent to build and sell quickly. However, individuals who commit to build in an Opportunity Zone are much more likely to be long-term community players, as they will be in the neighborhood for the next decade. The sheer fact that they must own and maintain the building for over ten years has a dramatic impact on the quality of construction that goes into it.

Importantly, an investor cannot individually plat a residential project in an Opportunity Zone and still reap the tax benefits. This fact makes it extremely difficult to incentivize the construction of single-family homes in Opportunity Zones. It also makes this Site a prime candidate for a multi-family project, as a high-quality commercial project simply isn't viable at this location.

It is also important to consider the macroeconomic trends currently facing the City of Avondale. Since the start of the pandemic, Avondale has seen an unprecedented increase in the cost of housing. Several articles report Avondale as having the fastest growing rents in the nation. Elliot D. Pollack and Company cites an increase in the cost of housing across the Phoenix MSA of over 30% in the last twelve months alone. These increases are unsustainable and, if left unchecked, they will start to price Avondale's work force out of employment corridors and, eventually, out of the city. As this happens, it will be harder for companies in Avondale to attract and retain key employees, as those employees will have to live farther away from work and commute into the City of Avondale. Those employees will begin to look for employment elsewhere and, as they do, it will become harder for Avondale to attract major employers. As a state, Arizona is in a housing shortage, and the only solution to a housing shortage is to increase supply across all residential product types. This project will not just increase supply, but it will do so in a way that emphasizes high quality housing units built near major employment corridors in areas that benefit from multi-modal transportation, including the Zoom Bus, which is specifically designed to cater toward Avondale's workforce. This is particularly important when gasoline prices hover near $5.00 per gallon, as they do at the time of this narrative's writing.

## 1.2 Existing Property Conditions and Surrounding Area Conditions

As shown on **Exhibit 1: Vicinity Map, Exhibit 2: Context Area Map,** and **Table 1** below, the Property is effectively an infill development with existing land uses all around it.

**Table 1: Surrounding Zoning**

| Direction | General Plan Land Use Category | Existing Zoning | Existing Use |
|---|---|---|---|
| **Site** | Local Commercial | C-2 | Undeveloped |
| **North** | Local Commercial and Industrial | R1-6, C-2 | Community Commercial Retail, Single-family residential, Mobile Homes, Vacant |
| **South** | Local Commercial and Industrial | C-2, MH | Mobile Homes and Commercial |
| **East** | Industrial | A-1 | General Industrial Warehousing/ Wholesaling |
| **West, across Dysart Road** | Medium/High and High Density Residential, | PAD, R-3 | Undeveloped land, Multi-family residential |

## 1.3 Existing General Plan

Comprised of parcels 500-23-040 and 500-23-041, the Site is currently shown as Local Commercial on the Existing General Plan. Through a concurrent General Plan Amendment, the Site land use designation will be modified to High Density Residential to better respond to the viability of the Site as residential versus commercial due to its shape and location. See **Exhibit 3: General Plan Map**.

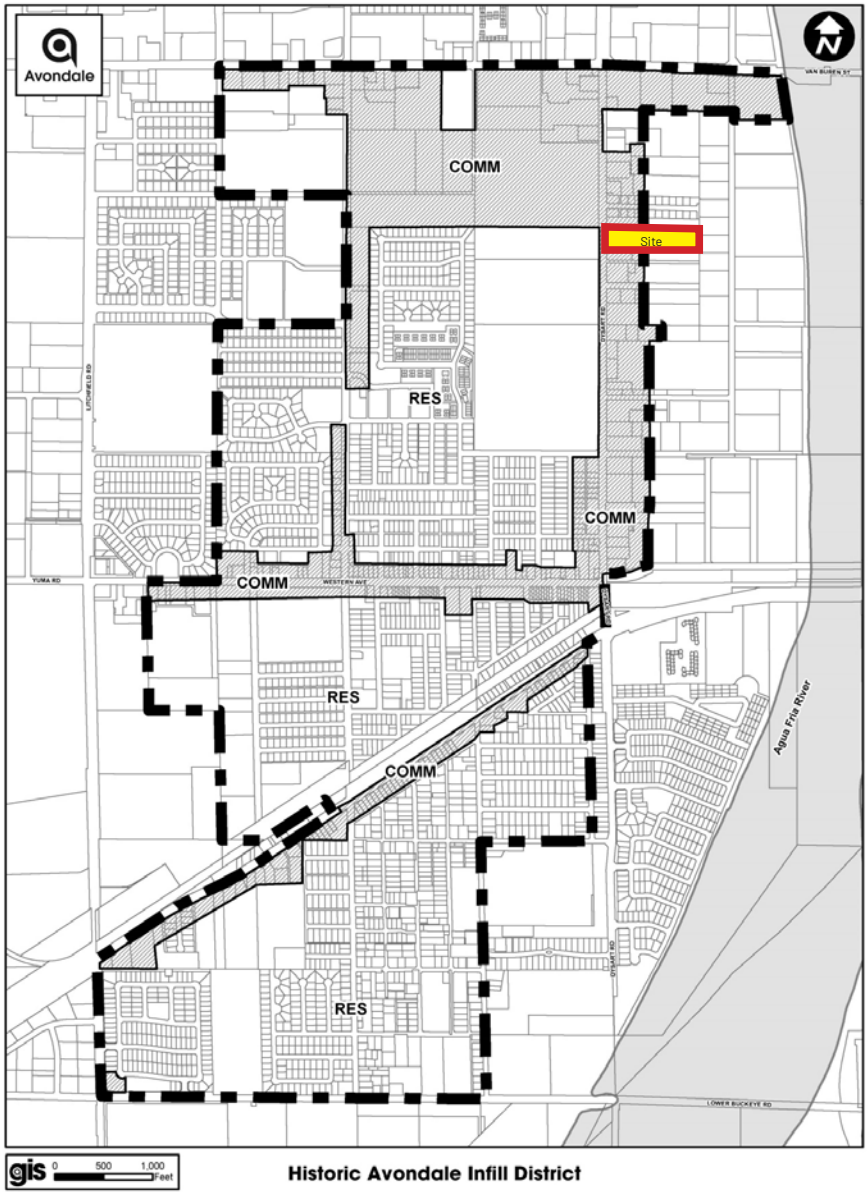
The western portion of the Site is called out on the Avondale General Plan 2030 on the Infill Districts/Revitalization Areas as an Infill Incentive District with the category of Commercial District. The City of Avondale Infill Incentive Program is:

> *"...designed to reinvigorate existing neighborhoods in Avondale's most historic areas and to support new, compact, mixed-use development that recaptures the "sense of place" in those neighborhoods. Investment in these infill areas increase economic mobility, encourage residential in-migration, and contribute to the City's rich historic, cultural, and artistic heritage."*

The area to the west of the across Dysart Road is designated also as Infill Incentive District with the category of Residential District One.

The design of the Site builds upon the City of Avondale's goals of the Infill Incentive Program and responds to the current market trends. It offers a high quality residential development that captures the "sense of place" through the architectural and landscape character and increases economic mobility by providing attainable housing options for renters who are on the road towards home ownership within the next few years. See **Figure 1: Historic Avondale Infill District Map.**

**Figure 1: Historic Avondale Infill District Map**




*Source: City of Avondale Infill Incentive Program (2015)*

## 1.4 Proposed Zoning

The applicant proposes to modify the existing zoning of C-2 to PAD with maximum density of 14.07DU/AC in order for the Site to respond to current market trends and the growing need for attainable rental housing. See **Exhibit 4: Existing and Proposed Zoning**. The Site is currently surrounded by existing commercial and residential development and the addition of multi-family housing to the area conforms with the City of Avondale Infill Incentive Program to "reinvigorate existing neighborhoods in Avondale's most historic areas and to support new, compact, mixed-use development that recaptures the 'sense of place' in those neighborhoods".

# 2. Project Description

## 2.1 Findings

A. The proposed PAD is in conformance with the General Plan and applicable specific plan(s) through meeting the requirements of the following Goals and Policies from the General Plan.

1. 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.

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

Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

Policy F: Support higher density/urban land uses to support future transit and rail.

**Response:** The design of the Site draws together multiple land use goals through the implementation of high-density housing to a crucial infill location within Avondale. The additional residences will support the surrounding commercial areas, particularly those to the north of Van Buren which are within a half-mile walking distance. The Site's proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus (which has stops north of the Site at Van Buren and south of the Site at Riley Drive), provides convenient access to multi-modal transportation. The Avondale ZOOM Circulator bus provides free transit service to employment, entertainment, and commercial throughout Avondale and more. Building residential housing near multi-modal transportation options is more important now than ever, as the cost of gasoline continues to rise at a rate that burdens many of Avondale's residents.

Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.

Policy D: Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.

**Response:** Open space tracts at all four sides of the Site help to buffer the residences and the adjacent land uses, providing a visual and spatial shift from the existing character. Locating the entry drive along the north portion of the Site creates a gentle transitioning buffer between the less dense existing single-family residences and the multi-family residences proposed in this PAD request.

Goal 8: Support mixed-use land use patterns that increase transit and pedestrian oriented development within specific and appropriate areas of the City.

Policy C: Take alternative methods of transportation, including transit, bus, and walking into account when considering all proposals for development.

**Response:** The additional residences will support the surrounding commercial areas, particularly those to the north of Van Buren which are within a half-mile walking distance. The Site's proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus (which has stops north of the Site at Van Buren and south of the Site at Riley Drive), provides convenient access to multi-modal transportation.

2. Neighborhoods Theme, Housing Element

Goal 1: Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.
Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

Policy B: Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.

**Response:** Modification of the zoning and land use of the Site to allow for high density residential creates opportunities for development that is attainable to renters of diverse price points. In the current market the demand for retail space has diminished and many businesses have shifted to home delivery over in-person shopping. These trends are expected to persist, creating challenges for the development of existing commercial parcels that do not enjoy premium locations somewhat obsolete. Rezoning some of these parcels to residential will bring in an influx of residents and incomes that will support the existing commercial, rather than competing with it. It is also important to have a diversity of housing options for renters of varying incomes and demographics. Though the City has done an exceptional job attracting single-family for sale homes and traditional multi-family, such as apartments, there is still significant demand among Avondale's residents for asset classes like this one, which produces attainably priced rental units that still provide the appearance and feel of a single-family home.

3. Sustainability Theme, Energy Element

Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.

Policy C: Encourage "walkable" communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage.

**Response:** The Site has appropriately scaled one and two-story product offering adjacent to a variety of transit options, which encourages the minimization of fuel consumption. 100% of garages will include Level 2 EV charging capabilities for renters to be able to install a charging station that is compatible with their vehicle.

4. Community Mobility Theme, Circulation Element

Goal 4: Promote and support an integrated transportation system that mitigates congestion, fosters a sense of community, and preserves the environment.

Policy A: Provide and support opportunities for all modes of travel for all ages and abilities.

Policy C: Develop adequate links to arterial roadways from new residential, recreation, and employment areas.

**Response:** The Site's internal pedestrian connections and proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus, promotes and supports an integrated transportation that mitigates congestion. The Avondale ZOOM Circulator bus provides free transit service to employment, entertainment, and commercial throughout Avondale and more.

5. Transit Oriented Development Element

Goal 2: Require development and redevelopment within areas designated as TOD on the General Plan Land Use Map to facilitate and encourage the use of transit by visitors and residents.

Policy A: Increase residential densities and mixed uses within ½ mile of transit facilities, at transit stops, and along bus routes.

Policy C: Emphasize accessibility for pedestrians and bicyclists by providing direct and linked access internally as well as to adjacent residential and non-residential areas.

Policy D: Consider a range of housing types that will encourage a mix of residents, such as families, singles, and seniors, and allow for a mix of income levels.

**Response:** The Site is an ideal location for transit-oriented development as residents can easily access multi-modal transportation options such as the Avondale ZOOM Circulator bus which has stops located to the north and south of the Site, less than a half-mile in either direction. Dysart Road has dedicated bike lanes on both sides of the street providing options for residents to travel to nearby employment areas as well as access to the north to the Sun Circle Trail.

6. Quality of Life Theme, 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.

**Response:** The proposed high-density Site will maximize housing options in locations within a half-mile of transit, access to employment areas, neighborhood services, and public facilities in order to promote a healthy community both sustainably and economically. The Site is located in close proximity to multiple commercial areas such as Coldwater Plaza, Baldridge Commons, and Palm Valley Cornerstone to the north.

B. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

**1. Response:** Deviations from the Zoning Ordinance made by this PAD can be found in **Section 3: Land Uses and Development Standards**. Deviations to the City's Multi-family Design Manual can be found within **Section 4: Design Guidelines**.

C. That adequate public infrastructure and services exist to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

**1. Response:** Existing public infrastructure services are discussed in several locations within this PAD. Information regarding the existing infrastructure can be found in **Section 2.4: Circulation** and more in-depth information on other infrastructure services such as utilities and utility providers can be found within **Section 5: Infrastructure**.

D. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

**1. Response:** The proposed PAD land use of Multi-Family is compatible with the existing surrounding uses as it is in keeping with the residential uses to the west of the Site across Dysart Road and the increase in residences will in turn support the surrounding commercial uses in the area as residents utilize services and patronize businesses. See **Section 2.5 Density and Land Use Justification** for more information.

E. The development standards of the proposed PAD are consistent with or exceed the desired character of development for the area.

**1. Response:** The Development Standards proposed within this PAD are in conformance with the desired character development for the area save for some deviations that are necessary due to the unique constraints of the Site. These deviations and areas of exceeding are explained in more detail in **Section 3: Land Use and Development Standards**.

## 2.2 Development Plan

The Site has been planned to concentrate the multi-family residences towards the southern half of the property to allow for landscape tracts and the entry drive to buffer the single-family residences towards the north and concentrate the activity on the southern portion of the Site. Along the southern edge of the Site, an area of open space includes a community trail and transitions from the multi-family housing to the mobile home community to the south. Internal to the Site is a community pool, a clubhouse with a fitness center, small leasing office, and entertainment room, and an activity lawn with benches where tenants can congregate and recreate. For more information see **Exhibit 5: Conceptual Land Use Development Plan.**

## 2.3 Project Character and Theme

Touching on the historical roots of Avondale that blended the architectural styles of small western towns in the early 1900's, the primary theme for the Site blends the influence of contemporary architecture with Spanish influences. This is established through the materials and architectural forms of the residences, see **Section 4.2 Architectural Character**. Covered overhangs at the carports incorporate painted steel beams into the colors and textures of the buildings to create a shaded entryway into the one-story residences. Two-story residences include enclosed garages. Landscape materials are organized to compliment and accentuate the architecture, see **Section 3.3 Open Space, Theming, and Landscaping** for more information.

## 2.4 Circulation

The project is located along Dysart Road which provides the main access point to the Site. Dysart Road is classified as a four-lane arterial road with bike lanes on either side according to the Avondale General Plan 2030 ("General Plan"). According to the City of Avondale 2017 Transportation Plan Update, Dysart Road is also designated as a Road of Regional Significance (RRS). The Site also includes an emergency access route at the northeast corner connecting to Washington Street. See **Figure 2: General Plan Circulation Map.**

The Site includes a four-foot (4') sidewalk connecting pedestrians in the community to the central amenity area and the four-foot (4') wide community trail that runs along the southern edge of the Site. The sidewalk will include five-foot (5') turn around areas to comply with ADA requirements. See **Exhibit 9: Circulation Plan**.

**Figure 2: General Plan Circulation & Streets Classification Map**

*Source: Avondale General Plan 2030*

## 2.5 Density and Land Use Justification

The proposed modification of land use from Local Commercial to High Density Residential permits a density of 12 to 30 du/ac. In accordance with the General Plan:

> *"These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums or townhomes are suitable for this land use."*

The Site is designed to accommodate 65 villa dwelling units offering two housing options: 40 one-story units and 25 two-story units. The maximum density proposed by this PAD request is 14.07 du/ac, well within the density range for High Density Residential and is justified for purposes of the General Plan.

As part of the PAD zoning, the Site is deviating from the standard R-3 of one (1) unit for every 3,630 square feet of net Site area which calculates to a target density of 12 du/ac. The PAD Ordinance includes stipulations for a density bonus:

> *"Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided."*

The Site exceeds the minimum open space by 7.6%. Furthermore, the Site utilizes the target density of one (1) unit for every 3,000 square feet of net Site area which calculates to a density of 14.52 du/ac. This justifies the proposed density of 14.07 du/ac for the purposes of the Zoning Ordinance.

# 3. Land Uses and Development Standards

The requirements of the Zoning Ordinance, as amended shall apply to the Site except where explicitly stated otherwise in this PAD. This PAD sets forth the development standards and uses for the Site. The requirements of the Zoning Ordinance, as amended, and Avondale Subdivision Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD. The sections below detail the permitted and conditionally permitted uses and applicable development standards for the Site. Deviations are noted in bold lettering and all uses not specifically provided for herein are prohibited unless a subsequent determination by the Zoning Administrator finds a specific use to be analogous to a permitted or conditionally permitted use.

## 3.1 Residential Permitted Uses

**Table 2: Residential Land Uses**

| Table 2: Permitted Uses (R-3) | |
|---|---|
| **Land Use** | **Designation** |
| Assisted Living Facility | C |
| Boarding House | C |
| Child care in the home for four (4) or fewer children not related to the residents, as an accessory to the primary residential use of a dwelling. | P |
| Child care in the home for five (5) to ten (10) children not related to the residents, as an accessory to the primary residential use of a dwelling. | C |
| Child Care Center in conjunction with a Place of Worship | C |
| Community Garden, one acre or less | P |
| Convalescent Home | C |
| Group Home | P |
| Home Occupation, as an accessory to the primary residential use of a dwelling. | PC |
| Manufactured or Mobile Home | N |
| Multi-Family dwelling | P |
| Nursing Home | C |
| Park and recreation areas, public | P |
| Place of Worship | C |
| Public utility facility required for local service | PC |
| Public utility facility with the exception of those allowed as a Use Permitted with Conditions above | C |
| School, public | P |
| Single-Family attached dwelling | P |
| Single-Family detached dwelling | P |

P - Permitted Use

C - Conditional Use Permit required

PC - Permitted with Conditions

N - Not Permitted

## 3.2 Residential Development Standards

The Residential Development Standards below, **Table 3: Residential Development Standards** shall replace the development standards as shown in the City of Avondale Zoning Ordinance. Deviations from the City's standard are shown in bold lettering. In the case where no development standard is provided in this PAD, the Zoning Administrator shall determine the applicable development standard to apply.

**Table 3: Residential Development Standards**

| DESCRIPTION | AVONDALE C-2 | AVONDALE R-3 | PROPOSED PAD |
|---|---|---|---|
| **Maximum units allowed** | NA | 1 unit for every 3,630 sf net site area | 1 unit for every 3,000 sf net site area |
| **Minimum lot width** | None | 50' | 50' |
| **Minimum lot depth** | None | 100' | 100' |
| **Maximum height** | 30' | 30' | 30' |
| **Maximum building coverage** | None | 45% | 60% ** |
| **Minimum setbacks: front yard** | 20' | 25' | 25' * |
| **Side yard** | 15' | 15' | 15' |
| **Rear yard** | 20' | 15' | 10' |
| **Street side and/or private vehicle tract** | 20' | 20' * | 20' |
| **Minimum 3-story setback adjacent to SF** | NA | 75' | 75' |

* 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. villas 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.

** Building coverage to be calculated by dividing the total building ground floor area from the total net site area (minus the private street).

## 3.3 Open Space, Theming, and Landscaping

### *3.3.1 Open Space, Trails, and Parks*

The design of the Site strikes a careful balance between general open space areas and private open space. The thin linear shape of the Site presented challenges in allocating open space areas that would provide meaningful benefits to all of the residents without fragmenting. Allotting larger private open space to backyard patios benefitted every resident and built on the Site's design intent of rental villas having the appearance and feel of living in a single-family home. The site contains the following open space: 0.80 acres (17.3%) of general, usable open space; 0.23 acres (5%) of open space that is not defined as usable but provides for landscaping and a more spacious feeling on the Site; and 0.36 acres (7.8%) of private open space for residents. The total combined open space is 1.39 acres (30.1%). Importantly, the Design Guidelines for this site only require 80 square feet of private open space for each balcony or patio unit. This project provides over 200 square feet of private open space per unit, which is more than twice the minimum required size. This site requires total open space of 20%. At 30.1%, this Site exceeds that requirement significantly.

Centrally located is a communal amenity area which is envisioned to include a pool, fitness center, and open activity area. Each cluster of homes also have an access path south to the trail along the southern portion of the Site. Traveling beyond the Site, residents can travel north towards Van Buren and connect to the Sun Circle Trail which provides convenient linkages to larger parks and open space areas such as Friendship Park. See **Exhibit 6: Open Space Plan.**

### *3.3.2 Character and Theme*

The Site utilizes a blend of modern materials coupled with a soft landscape palette of native and desert adapted vegetation to create an inviting community. Residents will be greeted upon arrival by the faceted entry monument and the tree lined entry drive. The landscape and open space areas are designed to complement the contemporary architecture with Spanish influences.

### *3.3.3 Walls and Monumentation*

Organized landscape forms visually frame the architecture and emphasizes the arrival and amenity areas. The entry monument is designed to be solid, low scale, and directs the eye up into the community. At night soft lights illuminate the signage providing visual wayfinding. See **Exhibit 11: Entry Monument** and **Exhibit 12: Wall Details.**

## 3.4 Landscape

### *3.4.1 Site landscaping*

The landscape programming complements the architecture, shading walking paths throughout the community, and softening the scale of the two-story elements. Locations of shrubs, groundcover, and trees have been carefully chosen to visually buffer the Site and the adjacent properties. Landscape along Dysart Road will be in accordance with the City of Avondale Street Tree Master plan and applicable landscaping requirements of the City of Avondale. See **Exhibit 8: Landscape Plan.**

In recognition of the increased private open space and constrained nature of the site from a connectivity and size standpoint, the following deviations from the Avondale Zoning Ordinance are specifically permitted in this PAD.

> *1204.B.3. "For all development within the Multi-Family Residential Zoning District (R-4, R-3, R-2) a minimum of one and one-half (1 ½) trees per dwelling or guest unit shall be provided. This number of trees shall not include the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in this Section 12."*

In lieu of this, this standard shall be replaced with: "The Site shall provide a minimum of threequarters (.75) trees per dwelling unit. This number of trees shall not include the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in Section 12."

**Response:** The reason for this deviation is that a majority of the trees for the Site lay within the landscape buffers and setbacks. Trees are incorporated into the Site design, where possible, to provide shade, soften and compliment the built environment, and enhance the character of the area.

> *1204.C.5.a.i. Minimum Landscape Buffer: "Fifteen (15) feet where any Multi-Family Residential Zoning District or use abuts a Single-Family Residential Zoning District or use."*

In lieu of this, this standard shall be replaced with: "Eight feet (8') where any Multi-family Residential Zoning District or use abuts a Single-Family Residential Zoning District or use."

**Response:** In addition to locating the private entry drive towards the north to buffer the existing single-family units from the proposed multi-family units, a minimum of 8' landscape buffer has been provided. This layout creates approximately 50' of separation from the proposed units and the existing single-family homes.

# 4. Design Guidelines

## 4.1 Residential

As is acknowledged under the City's Multi-family Design Manual, the Zoning Administrator has latitude to interpret the qualitative and quantitative standards to provide flexibility so long as projects meet the intent of the Manual, which is guided by the over-arching goal of creating sustainable neighborhoods which promote walkable communities with plentiful open space amenities. The configuration of the Site lends itself to a linear layout that logically arranges building forms and the amenity area located centrally.

Multi-family Residential Design Manual – Site Design

The following multi-family design standards are listed followed by how the Site complies with or is deviating from the Multi-Family Residential Design Manual.

### *4.1.1 Site Design:*

A. Design entrances with a strong sense of arrival and place incorporating decorative gates, walls, pavement, landscape planters, and the like.

- **Response:** The entry monument creates a sense of arrival at the Site's main entry on Dysart Road. The solid low scale form of the monument directs the eye up into the community and at night soft lights illuminate the signage providing a sense of visual wayfinding.

B. Streets should be designed to contain entry landscape medians at all collector/arterial, collector/collector, and collector/local intersections.

- **Response:** The small linear nature of the Site leaves room for one private road with small stub drives for residents to access carports and garages. The Site does not include any larger category streets so landscape medians would not be needed.

C. Maximize the number of units that front onto common open spaces and maximize opportunities for view corridors.

- **Response:** Due to the narrow nature of the Site and adjacent developments, there are limited view corridors available from within the Site. The units along Dysart Road will have views of the White Tank Mountains to the west while the units along the southern edge of the Site have views south towards the Estrella Mountains. Within the Site, units are oriented towards the common open space/ amenity area at the center when possible.

D. When siting buildings, highlight view corridors of prominent natural features, such as the Estrella Mountains, from streets, backyards, and open space.

- **Response:** The residences along Dysart have views of the White Tank Mountains to the west while the units along the southern edge of the Site have views south towards the Estrella Mountains.

E. Stagger buildings throughout a development to avoid a monotonous streetscape and incorporate patios, courtyards, porches, and other design features.

- **Response:** The layout of the Site incorporates visual variety through the placement of one and two-story units, with varying planes on the front elevations. Back patios, carports, and garages also serve to create breaks and changes in the architectural mass.

F. Site buildings within the City Center planning area to strongly interface with streets and provide direct pedestrian access to plazas, open spaces, retail, office, and activity areas.

- **Response:** The Site is not located within the City Center planning area.

G. Locate activity centers, parks, or plazas central to the project allowing for a short walk to the City of Avondale's Zoom service, transit bus stop and/or bus shelter.

- **Response:** The nearest transit stop is in close proximity to the Site, less than a half mile from the central amenity area.

H. Plan streets to efficiently connect all parts of the neighborhood, integrate all modes of transportation, simplify circulation patterns, and connect with adjacent streets through shaded corridors.

- **Response:** Due to the constraints of the Site, the simplest and most efficient circulations patterns have been laid out according to **Exhibit 9: Circulation Plan**. The orientation of the structures and placement of trees on Site create shaded pedestrian pathways connecting the community and the adjacent Dysart Road.

I. Provide direct vehicular, bicycle, and pedestrian connections to adjacent residential and non-residential areas through trail development and buffered bike lanes.

- **Response:** As the Site is an infill development, existing constraints limit the creation of additional connections. The Site connects to the existing vehicular, bicycle, and pedestrian connections from Dysart Road.

J. Use traffic calming measures such as islands or traffic circles to slow vehicular speeds.

- **Response:** In lieu of this standard, the primary private road though the Site has been narrowed by including on street parking which promotes reduced vehicular speeds. The private road provides access to short stub drives for residents to reach the carports and garages of each home. Due to the shallow depth and linear nature of the Site, additional traffic calming features are not needed.

K. Provide trash receptacles, benches, and pedestrian scale lighting along trails, near barbecues, playgrounds, sports courts, and other active open spaces.

- **Response:** The central amenity area will include trash receptacles, seating, and both ground and pole lighting. Final placement and quantity of trash receptacles and seating to be determined by the building management.

L. Incorporate residentially-scaled LED streetlights and accent paving at entries and crosswalks throughout the development and incorporate LED lights in all common areas.

a. Provide decorative lighting on all buildings and pedestal lighting throughout the project.

- **Response:** Entries and porches include decorative lighting in a style complimenting the architectural theme.

b. Design site lighting and parking area lighting so that it does not shine on adjacent uses.

- **Response:** Lighting within the Site will comply with City of Avondale lighting requirements. Lights will consist of appropriately sized LED lights and other equivalent approved lights.

M. Provide direct access for pedestrians to parks, commercial centers, and schools without exiting onto the main roadway. Place pedestrian gates appropriately to ensure safe pedestrian access. Discretion and flexibility in choosing how and where to install pedestrian connections will be provided.

- **Response:** Due to the existing constraints and the infill nature of this project, the only access route for residents to nearby parks, commercial centers, and schools are via Dysart Road.

N. Incorporate accent paving material at all entrances and auto courts.

- **Response:** Due to the small intimate nature of the Site, The entry drive into the community at Dysart Road will provide visual enhancement through painting or stamped ashplant. No additional locations will be provided within the community.

O. Enhance the transition between multi-family residential and existing single-family residential areas to achieve maximum compatibility through height transitions, setbacks, buffers, and screening.

- **Response:** The Site enhances the transition between the multi-family villas and existing single-family residences by locating the entry drive along the northern border. This increased distance between new structures and the existing homes as well as 6' perimeter wall and landscape tracts create a more harmonious sense of compatibility. In total, there is a separation of fifty (50') feet between any new buildings proposed on the Site and the existing single-family residential to the north.

P. Provide amenities such as community centers, pools, splash pads, sports activities, internal trails, event spaces, dog parks, and other unique features.

a. Centrally locate multi-purpose buildings, community swimming pools, and other amenities so all units are in close – proximity and allow residents ease of access.

- **Response:** The amenity area is centrally located and features a pool, a clubhouse with a fitness center, a small leasing office, and an entertainment room, and outdoor activity lawn with benches for residents to come enjoy.

Q. Incorporate trees with wide canopies in close proximity to pedestrian seating areas.

- **Response:** Pedestrian seating areas will be shaded where appropriate via tree canopy, shade umbrella, or other method.

R. Provide appropriate guest parking spaces and parking areas for useable open space areas in addition to required parking for individual units.

- **Response:** The Site includes ample on-street parking spaces along the private entry street for guests, all within a short walking distance of the amenity area.

S. Provide loading and/or delivery areas for package delivers, mobile order deliveries, and ride sharing services.

- **Response:** Loading and delivery areas are provided via the on-street parking that is allowed on the primary private drive.

T. Screen parking areas from street views with solid masonry screen walls. Screening needs to include walls a minimum of three (3) feet up to four (4) feet in height, three (3) foot high berms, or a combination of both.

- **Response:** Guest parking areas within the Site is limited to on-street parking. The architecture and perimeter walls screen the visibility of the on-street parking from all locations other than looking directly down the street from Dysart Road.

U. Perimeter walls on property lines around the development need to be a minimum of six (6) feet up to eight (8) feet in height.

- **Response:** All perimeter walls are designed to be six (6) feet in height. See **Exhibit 12: Wall Details**.

V. All walls need to be architecturally integrated with the development's architectural style through materials, paint colors, form, and character.

- **Response:** The perimeter wall complements the architectural style of the residences and complies with all wall requirements set forth by the City of Avondale Zoning Ordinances.

W. Provide covered parking canopies designed with colors, forms, and/or materials consistent with the building architecture.

- **Response:** Parking for residents consists of enclosed garages for the two-story units and covered carports for the one-story units. The design of these utilizes colors and materials to complement the architectural character.

X. Provide garages for developments with more than 100 units. Garages should be attached and account for a minimum of twenty-five (25) percent of the required parking, excluding guest parking. Incorporate a portion of the garages under the living quarters to minimize standalone, long garage buildings.

- **Response:** While the Site does not include more than 100 units, it has provided enclosed garages for all of the two-story units. The garages are attached to the living quarters minimizing the standalone, long garage buildings.

### *4.1.2 Landscape:*

A. All new developments need to be designed in accordance with the Street Tree Master Plan and provide full canopy coverage over walkways.

- **Response:** Canopy coverage over the walkway at Dysart Road will comply with the requirements of the Street Tree Master Plan.

B. Provide enhanced landscaping including six (6) large specimen trees, and landscaped medians at entries.

- **Response:** Six (6) large trees are provided at the entry to the Site along Dysart Road. Due to the small intimate design of the community, a landscape median is not included in the design of the Site.

C. To ensure effective management of stormwater and healthy growth of native vegetation, all landscape areas should, to the extent practicable, be part of the drainage infrastructure and make all conveyance features landscape amenities utilizing LID design.

- **Response:** Due to the intimate nature of the combined landscape and pedestrian areas, onsite drainage will drain into the underground drainage network to keep the landscape areas from being dirtied by the typical oils, dirt and debris associated with rainstorms that occur after long periods between precipitation.

D. Provide a minimum twelve (12) foot wide landscape tract, inclusive of public utility easement, along buildings adjacent to a street side yard.

- **Response:** Due to the constraints to the Site and in lieu of the twelve (12') foot wide landscape tracts, all internal streets are private drives, with a minimum of 8' of landscape being provided along the perimeter property boundary from any building or private drive.

E. Provide a variety of planting palettes that soften the development, reinforce the building design and add variety to the streetscape.

- **Response:** Due to the small size of the Site (less than 5 gross acres) only one unifying plant palette has been developed in order to create a cohesive visual character. The palette complements the architectural style while utilizing native and drought tolerant species, all of which will conform to low water use species list.

F. For greater shading and cooling, plant a multi-layered composition of shrubs and small trees with a minimum height of ten (10) feet and a width of four (4) feet next to buildings.

- **Response:** The landscape for the Site is comprised of groundcovers, shrubs, cacti/accents, and trees which will comply with the ten (10) feet height and four (4) feet width at maturity.

### *4.1.3 Open Space*

A. A multi-generational approach should be considered when designing open space to promote resident interaction and recreation for all age groups. Co-locating physical activity spaces for children and parents or guardians can simultaneously promote physical activity in different age groups.

- **Response:** The amenity area with pool, fitness center, and activity lawn are centrally located within the Site to allow for convenient access for all residents.

B. Devote a minimum of twenty (20) percent of the site area to usable open space.

- **Response:** The Site exceeds the 20% requirement and provides 22.3% usable open space.This is comprised of 0.80 acres (17.3%) of useable public open space and 0.36 acres (7.8%) of useable private open space. Though it is not defined as "usable", the Site also features 0.23 acres (5%) additional open space that features lush desert landscaping.

C. Preserve or create natural terrain in children's outdoor play areas.

- **Response:** While there is not an outdoor play area specifically for children, the central amenity area includes an open activity lawn for residents and their families to enjoy.

D. Aggregate open space in one large area rather than dispersing into smaller pieces and provide residents with access to open space within a 5-minute walk.

- **Response:** The amenity area with pool, fitness center, and activity lawn are centrally located within the Site to allow for convenient access for all residents within less than a 5-minute walk.

E. Provide drinking fountains to encourage the consumption of tap water for rehydration.

- **Response:** The small nature of the Site allows residents to be within a few minutes walking distance from their homes from any portion of the community, therefore a drinking fountain will not be included in the Site.

F. New playgrounds should also be designed to reflect the changing knowledge about injury prevention.

- **Response:** The Site does not include any playgrounds.

G. Turf should only be used in open space areas and not used on slopes greater than four feet of horizontal distance per one-foot vertical change (4:1).

- **Response:** Turf is utilized only in open space areas and has not been included in any location where the slope is greater than four feet or horizontal distance per one-foot vertical change (4:1).

H. Locate tree plantings adjacent to all roadways throughout a development in common areas to soften the streetscapes.

- **Response:** Trees are located along roadways in common areas.

I. Usable open space may include:

1. Community pools and splash pads
2. Clubhouses/community center
3. Play areas
4. Private parks and trails
5. Community gardens
6. Dedicated park sites
7. Multi-use paths
8. Improved utility corridors
9. Sports courts
10. Seating areas
11. Picnic ramada areas with barbecues outside of retention areas
12. Pickle ball, putting greens, or other similar sports amenities
13. Tot lots
14. Resort-style amenities, entertainment areas
15. Rooftop entertainment spaces

- **Response:** The Site includes the following useable open space amenities; community pool, activity lawn, and community trail along the south.

J. Provide a clubhouse and community pool for developments over 50 units.

- **Response:** The Site includes a community pool and a club house with a fitness center, small leasing office, and entertainment room for residents to gather and enjoy.

K. Provide parking in proximity to a main, centralized community open space.

- **Response:** On-street parking spaces have been located in close proximity to the main central community amenity area.

L. Design multi-use trails a minimum of (ten) 10 feet in width, lighted with low level security lights, and connect through the neighborhood as a greenbelt.

- **Response:** Due to the constraints of the Site it does not include a multi-use trail. In lieu of the multi-use trail, the Site does include a four (4) foot wide decomposed granite community trail along the south.

M. Site buildings at a maximum of one-quarter of a mile from a park or usable open space amenity.

- **Response:** All residences are within a quarter mile of the central amenity area.

N. Provide pedestrian amenities such as benches, trash receptacles, bicycle racks, and pedestrian scale lighting along trails and near the tot lots, sport courts, and other active open spaces.

- **Response:** Due to the small intimate nature of the Site, it does not include tot lots, and sport courts. The Site will include a trash receptacle and pet waste station along the trail at the south. At the activity lawn and pool area, the Site includes seating, trach receptacle, bicycle racks, and pedestrian scale lighting. See **Exhibit 7: Amenity Enlargement.**

O. Plant tree species with wide canopies near pedestrian seating to provide cover from the sun and cover all playground areas with shade structures.

- **Response:** Tree species planted at the community amenity area shall be a wide canopy species to provide shade where possible.

P. Locate LED decorative lighting throughout the development in open space areas.

- **Response:** Low voltage lighting is included along the trail and other areas of sidewalk adjacent to open space areas where appropriate.

### *4.1.4 Building Design*

A. Design buildings with multiple unit square footages and number of bedrooms that accommodate a variety of choices for the prospective homeowner or renter.

- **Response:** The Site includes a single bedroom floorplan for the single-story homes and a two bedroom floorplan for the two-story homes.

B. Articulate all façades, including variation in massing, roof forms, and wall planes, as well as surface articulation with a separation of twenty (20) feet or more between buildings.

- **Response:** The architecture of the Site includes varying articulation on the front elevations and maintains a minimum separation of twenty (20) feet or more between buildings.

C. Multi-family units need to step-down/step-back in height when adjacent to detached single-family residential subdivisions.

- **Response:** In lieu of step-down/step-back in height, the Site enhances the transition between the multi-family villas and the existing single-family residences to the north by locating the entry drive along the northern border. This increased distance between new structures and the existing homes as well as 6' perimeter walls and landscape tracts create a more harmonious sense of compatibility.

D. Carriage style garages or tuck under designs are encouraged to reduce standalone, long garage buildings.

- **Response:** The Site does not include any standalone or long garage buildings. Garages with the two-story units are incorporated into the livable space under the second floor.

E. Incorporate architectural elements and details that add visual interest, scale, and character to all four-sides of buildings.

- **Response:** Architectural elements have been incorporated to all four sides of the buildings as shown on architectural elevations on **Exhibit 13: Conceptual Architectural Elevations**.

F. Vary building elevation designs having differences in the horizontal and vertical massing elements, building composition, building elements, building materials, and paint colors; however, design theme and architectural style may warrant more similar looking buildings.

- **Response:** The Site is comprised of attached one and two-story villas where the architectural style blends the forms of contemporary design with Spanish influence. While the style across all units is unified, the varying massing and elements such as the enclosed garages and covered carports give create visual interest and variety.

G. Design buildings within the City Center planning area to be attractive and present contemporary and modern style architectural designs using materials appropriate for this style of architecture. Natural materials, vertical and horizontal elements, unique forms, and vibrant colors are encouraged.

- **Response:** The Site is not located within the City Center planning area.

H. Incorporate pavers or other similar treatments to all driveways.

- **Response:** No pavers or other treatments will be provided at the driveways of the homes.

I. Utilize high-quality, durable, natural materials. Synthetic materials are acceptable if they are sustainable products.

- **Response:** The trail along the southern edge of the Site is comprised of a decomposed granite which retains less heat than asphalt or concrete while incorporating a more naturalized feeling to the open space. Steel accents included with the entry monument and at the single-story unit carports are comprised of a recycled steel.

J. Utilize contrasting, but complementary, colors for trim, windows, doors, and key architectural elements.

- **Response:** The pop of color from features such as doors, carport covers, windows, and red clay roof tiles all contrast with the white stucco of the building as part of the contemporary design with Spanish influence.

K. Roof materials and colors need to be consistent with the desired architectural style and may include clay tile, slate, barrel, flat, or cool roof tile.

a. The colors of roofing materials need not be altered by staining or painting.

b. Roof materials need to exhibit earth-tone colors and be non-reflective in muted tones. Acceptable roof materials include: clay tile, slate tile, barrel tile, flat tile, cool roof tile.

- **Response:** Roof tiles for the project are red clay tiles.

L. The roofline may be changed by the following options:

a. Alternating the ridgeline between parallel and perpendicular to the street.

b. Alternating the roof type between gable and hip.

c. Alternating the roofline pitch by a minimum of three units vertical, for example 3:12 to 6:12.

d. Alternating between two- to three-story units.

- **Response:** The rooflines within the Site are designed to create a complex village feeling with the mixture of one and two-story units. A variety of rooflines such as flat, pitched, and gabled add depth and texture to the planes of the buildings.

M. The design, color, and materials of accessory structures needs to be architecturally tied to the main structure.

- **Response:** The Site does not include any accessory structures.

N. Metal flashing, vents, pipes, gutters, electrical panels and other exposed metal must be painted to match the color of the house and avoid exposed metal flues.

- **Response:** All exposed metal shall be painted to match the color of the residences, except where intentionally left unfinished to create a rustic finish to match the architectural design style of the and community theme.

O. Design chimneys as an architectural element.

- **Response:** The Site does not include any chimneys.

P. Buildings located along public streets need to be designed to give prominence to the street frontages, especially at the corner of two street frontages. This prime exposure warrants greater architectural design.

- **Response:** The design to the leading building will have enhanced design.

Q. Design entries as the dominant feature, clearly articulated, with enhanced pedestrian space that reflects the style of the building.

- **Response:** The entry to each unit is a private entry rather than the typical apartment style of one entry leading to a long hallway. This gives the appearance and feel of single-family home ownership. It is anticipated individual tenants will enjoy adding decorative potted plants to their individual front door entry for instance to create greater texture and color.

R. Wrap balconies and porches around corner units to enhance the side elevations.

- **Response:** Due to the type of attached homes within the Site, porches have not been wrapped around the end units. In lieu of this,the size of private open space has been enhanced with larger porches for all units.

S. Mixed-use buildings with multi-family residential and commercial uses should include first floor window fenestration with greater amounts of glazing, and floor heights should be at least 15 feet or greater floor- to-floor.

- **Response:** The Site consists entirely of multi-family residential units and does not include any commercial areas.

T. Compose a building to appear as multiple buildings or units through use of different building materials and paint colors to emphasize the appearance that smaller buildings were built next to one another rather than a single building.

- **Response:** Due to the small intimate natural of the site and the design of the attached residential units, differing paint colors and materials does not the fit the architectural theme. In lieu of this to create the visual sense of multiple-separate units within a multi-family setting, the design of the architecture makes use of variations in the massing, wall planes, and roof lines. Enclosed garages and carports also create a sense of a joined village of units rather than one singular building.

U. Make stairs wide enough to accommodate travel in groups and in two directions and incorporate appealing finishes, and LED lighting.

- **Response:** The Site does not include any external stairs. All stairs for the two-story units is contained within the residence.

V. Increase stair use by locating a highly visible and appealing stair within the building orientation areas and points of decision and along the principal paths of travel.

- **Response:** The Site does not include any external stairs. All stairs for the two-story units is contained within the residence.

W. Provide for fire-rated glass enclosures for stairs instead of traditional opaque enclosures.

- **Response:** The Site does not include any external stairs. All stairs for the two-story units is contained within the residence.

X. For attached multi-family housing types such as townhomes and condominiums, locate units' primary entrance on front elevations.

- **Response:** All primary entrances to both the one and two-story units are located on the front elevation on the ground floor.

Y. Incorporate balconies, porches, and patios onto or within the building form, providing a minimum of eighty (80) square feet for each balcony or patio per unit.

- **Response:** All units within the Site enjoy patios that exceed 200 square feet which is more than twice the minimum required size.

Z. Incorporate stylized garage doors reflecting the building's architectural style.

- **Response:** Garage doors will be selected in a style that compliments the architectural style of the building.

### *4.1.5 Walls and Entry Area*

A. Entry features need to reflect the overall architectural identity, character, and theme of the development.

- **Response:** The entry monument for the Site incorporates materiality from the architecture and walls to feel cohesive.

B. Design entry landscape medians at a minimum of seven (7) feet wide to accommodate planting of trees, LID design, and stormwater retention.

- **Response:** Due to the entry street width, a landscape median is not required nor included in the design of the Site.

C. Design entry gates and walls to be compatible with overall design intent of the development and create a dramatic identity for the community.

- **Response:** The Site does not include entry gates. Varying materials are provided for the entry monument which echo those incorporated in the architecture. See **Exhibit 11: Entry Monument**.

D. Include enhanced wall materials such as stone, brick, tile, metal, cladding, or other sustainable materials on entry features and perimeter walls.

- **Response:** The existing walls surrounding this small community feature predominantly grey CMU therefore the community walls will provide CMU of similar character. The side of the existing walls on the Site and the proposed walls will be painted to compliment the community architecture. Additionally, the entry feature will include steel and CMU materials.

E. Other unique identifying features may be proposed subject to approval by the Zoning Administrator.

### *4.1.6 City of Avondale Zoning Code Section 206: Multi-Family Districts*

The following design standards are listed followed by how the Site complies with or is deviating from the City of Avondale Zoning Code for multi-family districts.

A. Multi-Family Districts

1. Open Space: Open Space that is attractive shall be an integral part of a multiple family development. Open Space shall be provided in an amount comparable to the size of the development, subject to the applicable Design Manual.

   a. Open Space areas shall be the central focus of the development. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

**Response:** Due to the linear nature of the Site, the amenity area is located centrally in the development so that all residents are within a few minutes' walk. All residents can traverse the uninterrupted community trail along the southern end to reach the pool amenity area. Vehicular circulation and parkin do interrupt the access to the amenity area from the north and several configurations were considered but locating the entry drive along the northern side allowed for additional buffer space between the units and existing single-family homes north of the Site.

   b. Storm water detention basins shall not occupy more than fifty (50) percent of any landscaped area front on a public street if maximum basin depth exceeds three (3) feet below grade. Where maximum basin depth is less than or equal to three (3) feet and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.

**Response:** The Site is utilizing subsurface retention rather than traditional basins.

   c. Required yards and landscaped setback areas fronting on a public street shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area.

**Response:** The frontage along Dysart Road will meet the landscape requirements.

   d. Private outdoor space shall be provided in the form of patios or balconies with a minimum size of eighty (80) square feet per unit.

**Response:** The Site provides backyard patio spaces exceeding the minimum size of eighty (80) square feet.

2. Building Separation.

   a. The minimum separation between the principal entrance or exit of a multi-family building and any other building shall be as follows:

| Building Height | Minimum Separation |
|---|---|
| 1 story | 20 feet |
| 2 story | 30 feet |

**Response:** The Site exceeds this requirement as building separation has been increased above thirty (30) feet to accommodate pedestrian walkways and drives for both the single-story and two-story buildings.

b. The minimum separation between buildings on a multi-family site shall be fifteen (15) feet.

**Response:** The Site exceeds this requirement as building separation has been increased above thirty (30) feet to accommodate pedestrian walkways and drives. Where the back yards of units abut one another, the separation between buildings also exceeds fifteen (15) feet.

3. Relationship of Project to Surrounding Uses.

4. Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.

a. Multi-Family buildings two (2) stories or greater in height shall not be placed within seventy-five (75) feet of a Single-Family Residential area or Zoning District.

**Response:** Multi-family buildings two (2) stories or greater in height shall not be placed within sixty (60) feet of a Single-Family Residential area or Zoning District.

b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through the imposition of one (1) or more of the following design considerations:

i. Use of one (1) story buildings;

**Response:** The majority of the units proposed are single-story.

ii. Additional landscaping to serve as buffer area;

**Response:** The entry drive is located along the northern portion of the Site to provide additional buffer area between the existing residences and the multi-family units. All units within the Site are oriented to minimize the impact on the adjacent residential uses. Six (6) foot perimeter walls and six (6) foot rear yard walls provide additional visual and noise screening. See **Exhibit 12: Wall Details**.

iii. Wider setbacks from property line;

**Response:** In lieu of wider setbacks from the property line along the north, the Site locates landscape buffers and the entry drive along the northern boundary so that buildings are located towards the south.

iv. Modifying the orientation of buildings;

**Response:** Units have been oriented to minimize the impact for existing residents on the north and south.

v. Modifying the orientation of windows and balconies;

**Response:** All windows that offer views are oriented to the east and west in order to minimize impact on the existing residents to the north and south. Sides facing existing homes have some high windows that are located to provide light and ventilation for end units but are placed in such a way that they will not offer views into the neighboring properties. See **Exhibit 13: Conceptual Architectural Elevations**.

vi. Providing screen walls.

**Response:** The Site provides screen walls. See **Exhibit 12: Wall Details**.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

**Response:** The pool amenity area is centrally located in the Site and provides a minimum buffer of fifty-five (55) feet from the adjacent residential area.

d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

**Response:** Due to the infill nature of the Site, pedestrian and visual linkages to off-site amenities are limited to the pedestrian path that connects the Site to Dysart Road. Pedestrians utilizing this path have a clear view towards Dysart Road. The nearest off-site amenities via Dysart Road are Agua Fria High School to the south and Sun Circle Trail north of the Site.

e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

**Response:** The design of the Site endeavors to minimize negative traffic impacts on the surrounding uses by minimizing vehicular circulation, buffering the existing adjacent residential uses through landscape buffers, landscape tracts, and walls.

5. Parking.

a. All parking lots shall be screened from public streets by masonry walls or earth berms or combination thereof to a height of at least three (3) feet above the grade of the parking lot or adjacent street, whichever is higher in elevation. Such walls shall be designed and colored to complement the main buildings on and provided architectural features throughout the site.

**Response:** All designated parking spaces are located within the community and screened from the public. On-street parking is not considered a parking lot.

b. A minimum of one (1) covered parking space per unit shall be provided.

**Response:** All single-story units include a covered carport, and all two-story units include garages. See **Exhibit 14: One-Story Unit Plan** and **Exhibit 15: Two-Story Unit Plan**.

c. Garage parking shall be provided for a minimum of twenty (20) percent of parking, excluding visitor parking, in apartment developments with one hundred (100) or more dwelling units. Single-Family attached, townhomes and condominiums shall provide a garage at a ratio of one (1) per dwelling unit, the same as a single-family detached dwelling unit.

**Response:** All single-story units include a covered carport, and all two-story units include garages. See **Exhibit 14: One-Story Unit Plan** and **Exhibit 15: Two-Story Unit Plan**.

## 4.2 Architectural Character

The architectural character of the Site blends clean contemporary shapes with touches of Spanish influence through sanded white stucco walls that contrast with a pop of color from the rounded red roof tiles. Covered overhangs at the carports incorporate painted steel beams into the colors and textures of the buildings and create a shaded entryway into the one-story residences. See **Exhibit 13: Conceptual Architectural Elevations**, **Exhibit 16: Architectural Materials**, and **Exhibit 17: Conceptual Architectural Renderings**.

## 4.3 Site Design

The Site accommodates sixty-five (65) dwelling units with ninety (90) garage/carport parking space, and fifty-two (52) surface parking spots. The design of the garages compliments the roofline and scale of the single and two-story homes. Site parking was designed to be ample enough to ensure that all residents and guests would be able to park on-site without overflow disturbing the neighborhoods to the north or south.

To accommodate future residents access to EV Parking Spaces according to Avondale Zoning Ordinance Section 802.G requirements, Level 2 EV charging capability will be provided in 100% of the garages for all two-story units. Due to the variety of vehicles with varying charging requirements and plugs, this will allow renters to be able to install a charging station that is compatible with their vehicle for the duration that they reside there. The foregoing standards may be amended by the Zoning Administrator in recognition of any applicable technological advancements that justifies an alteration of these requirements.

# 5. Infrastructure

## 5.1 Roadway Improvements

Dysart Road is fully improved with curb, gutter, sidewalk, paving and street lighting. No offsite roadway improvements are needed other than modifications for the driveway entrance into the project from Dysart Road. The secondary access to the Site is at the northeast corner at the southern termination of the 25-foot right-of-way of 9th Street as recorded on the Plat of Cielos Patricia Unit 1, MCR 155-31. This area will be improved as necessary to provide for fire truck access to the Site. See **Exhibit 10: Street Sections.**

## 5.2 Utilities

See **Table 5** below detailing the utility providers for Ascend.

**Table 5, Utility Providers**

| Utility | Provider |
|---|---|
| **Water** | City of Avondale |
| **Wastewater** | City of Avondale |
| **Electric** | SRP |
| **Natural Gas** | Southwest Gas |
| **Phone** | Cox/CenturyLink |
| **Cable** | Cox/CenturyLink |

## 5.3 Water

The Site is served by a 12-inch ductile iron water line located in Dysart Road. There is an 8" stub-out to the Site from this 12-inch water line. The design will include this connection as well as an additional 8" tap to provide a fire line loop through the Site. This private fire line loop will include the necessary backflow prevention devices at the street to separate the onsite from the public offsite water line. Private fire hydrants will be located throughout the Site and fed from the looped fire line. The domestic portion of the water line will be installed in the same trench as the fire line loop with the fire line sitting at a depth of 4 feet of cover and the domestic water line installed with 3 feet of cover. This provides a clear pathway for water and fire line crossings as necessary with no conflicts. The domestic system will consist of two taps off the 12-inch water main in Dysart Road. Each tap will have a domestic water meter and backflow preventer and will connect to a 4-inch onsite loop.

## 5.4 Wastewater

The Site slopes at a rate of +/-1% across approximately 940 feet from west to east, resulting in an elevation differential of roughly 9 feet. An existing 8-inch VCP sewer is located in Dysart Road. According to the available records it is approximately 8 feet deep. There is an existing 6-inch sewer tap that serves the Site. Due to the elevation differential across the Site, it will be necessary to install a sanitary sewer lift station to provide sewer service to the Site.

## 5.5 Drainage

The Site slopes from the west (Dysart Road) to the northeast corner where a storm drain sump is located. This sump collects runoff from not only Dysart Commons, but also Cielo's Patricia Subdivision which is located north of and adjacent to the Site. The Site slopes at an average 1% with a total elevation difference of approximately 9 feet with the east property line lower than Dysart Road. Runoff is directed to the sump located in 9th Street where it is piped to the Agua Fria River. This existing storm drain system will continue to be utilized in the design of the Site which will allow for a reduction of the required runoff from the 100-year, 2-hour storm event. The flows will consist of roof runoff and overland sheet flows from individual units to the adjacent drive aisles where it will be conveyed to either surface retention basins or underground storage tanks. The requirement for emptying storm water storage facilities within a 36-hour period will be achieved by basin infiltration and the installation of Drywells.

## 5.6 Phasing

The project will be constructed in a single phase.

# 6. Maintenance of Common Areas and Facilities

Maintenance of common areas, open space, and the amenity areas of the Site will fall under the responsibility of the building management. Ownership has extensive experience owning and managing various residential property types and will use professional, third-party management companies. Such companies will not just maintain the property to a Class A standard but will ensure a high quality of tenant through a thorough screening process that will include financial and criminal background checks.

# 7. Conformance with City Plans

## 7.1 General Plan Conformance

**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.**

> *Policy C: Diversify Avondale's housing stock by providing for varied residential types with an emphasis on large lot development in the southern core of the City.*
>
> *Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.*
>
> *Policy F: Support higher density/urban land uses to support future transit and rail.*

**Response:** The design of the Site draws together multiple land use goals through the implementation of high-density housing to a crucial infill location within Avondale. The additional residences will support the surrounding commercial areas, particularly those to the north of Van Buren which are within a half-mile walking distance. The Site's proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus (which has stops north of the Site at Van Buren and south of the Site at Riley Drive), provides convenient access to multi-modal transportation. The Avondale ZOOM Circulator bus provides free transit service to employment, entertainment, and commercial throughout Avondale and more. Building residential housing near multi-modal transportation options is more important now than ever, as the cost of gasoline continues to rise at a rate that burdens many of Avondale's residents.

**Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.**

> *Policy D: Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.*

**Response:** Open space tracts at all four sides of the Site help to buffer the residences and the adjacent land uses, providing a visual and spatial shift from the existing character. Locating the entry drive along the north portion of the Site creates a gentle transitioning buffer between the less dense existing single-family residences and the multi-family residences proposed in this PAD request.

**Goal 8: Support mixed-use land use patterns that increase transit and pedestrian oriented development within specific and appropriate areas of the City.**

> *Policy C: Take alternative methods of transportation, including transit, bus, and walking into account when considering all proposals for development.*

**Response:** The additional residences will support the surrounding commercial areas, particularly those to the north of Van Buren which are within a half-mile walking distance. The Site's proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus (which has stops north of the Site at Van Buren and south of the Site at Riley Drive), provides convenient access to multi-modal transportation.

**Neighborhoods Theme, Housing Element**

**Goal 1: Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.**
**Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.**

> *Policy B: Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.*

**Response:** Modification of the zoning and land use of the Site to allow for high density residential creates opportunities for development that is attainable to renters of diverse price points. In the current market the demand for retail space has diminished and many businesses have shifted to home delivery over in-person shopping. These trends are expected to persist, creating challenges for the development of existing commercial parcels that do not enjoy premium locations somewhat obsolete. Rezoning some of these parcels to residential will bring in an influx of residents and incomes that will support the existing commercial, rather than competing with it.

It is also very important to have a diversity of housing options for renters of varying incomes and demographics. Though the City has done an exceptional job attracting single-family for sale homes and traditional multi-family, such as apartments, there is still significant demand among Avondale's residents for asset classes like this one, which produces attainably priced rental units that still provide the appearance and feel of a single-family home.

**Sustainability Theme, Energy Element**

**Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.**

> *Policy C: Encourage "walkable" communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage.*

**Response:** The Site has appropriately scaled one and two-story product offering adjacent to a variety of transit options, which encourages the minimization of fuel consumption. 100% of garages will include Level 2 EV charging capabilities for renters to be able to install a charging station that is compatible with their vehicle.

**Community Mobility Theme, Circulation Element**

**Goal 4: Promote and support an integrated transportation system that mitigates congestion, fosters a sense of community, and preserves the environment.**

> *Policy A: Provide and support opportunities for all modes of travel for all ages and abilities.*
>
> *Policy C: Develop adequate links to arterial roadways from new residential, recreation, and employment areas.*

**Response:** The Site's internal pedestrian connections and proximity to elements such as dedicated bike lanes and the Avondale ZOOM bus, promotes and supports an integrated transportation that mitigates congestion. The Avondale ZOOM Circulator bus provides free transit service to employment, entertainment, and commercial throughout Avondale and more.

**Transit Oriented Development Element**

**Goal 2: Require development and redevelopment within areas designated as TOD on the General Plan Land Use Map to facilitate and encourage the use of transit by visitors and residents.**

> *Policy A: Increase residential densities and mixed uses within ½ mile of transit facilities, at transit stops, and along bus routes.*
>
> *Policy C: Emphasize accessibility for pedestrians and bicyclists by providing direct and linked access internally as well as to adjacent residential and non-residential areas.*
>
> *Policy D: Consider a range of housing types that will encourage a mix of residents, such as families, singles, and seniors, and allow for a mix of income levels.*

**Response:** The Site is an ideal location for transit-oriented development as residents can easily access multi-modal transportation options such as the Avondale ZOOM Circulator bus which has stops located to the north and south of the Site, less than a half-mile in either direction. Dysart Road has dedicated bike lanes on both sides of the street providing options for residents to travel to nearby employment areas as well as access to the north to the Sun Circle Trail.

**Quality of Life Theme, 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.**

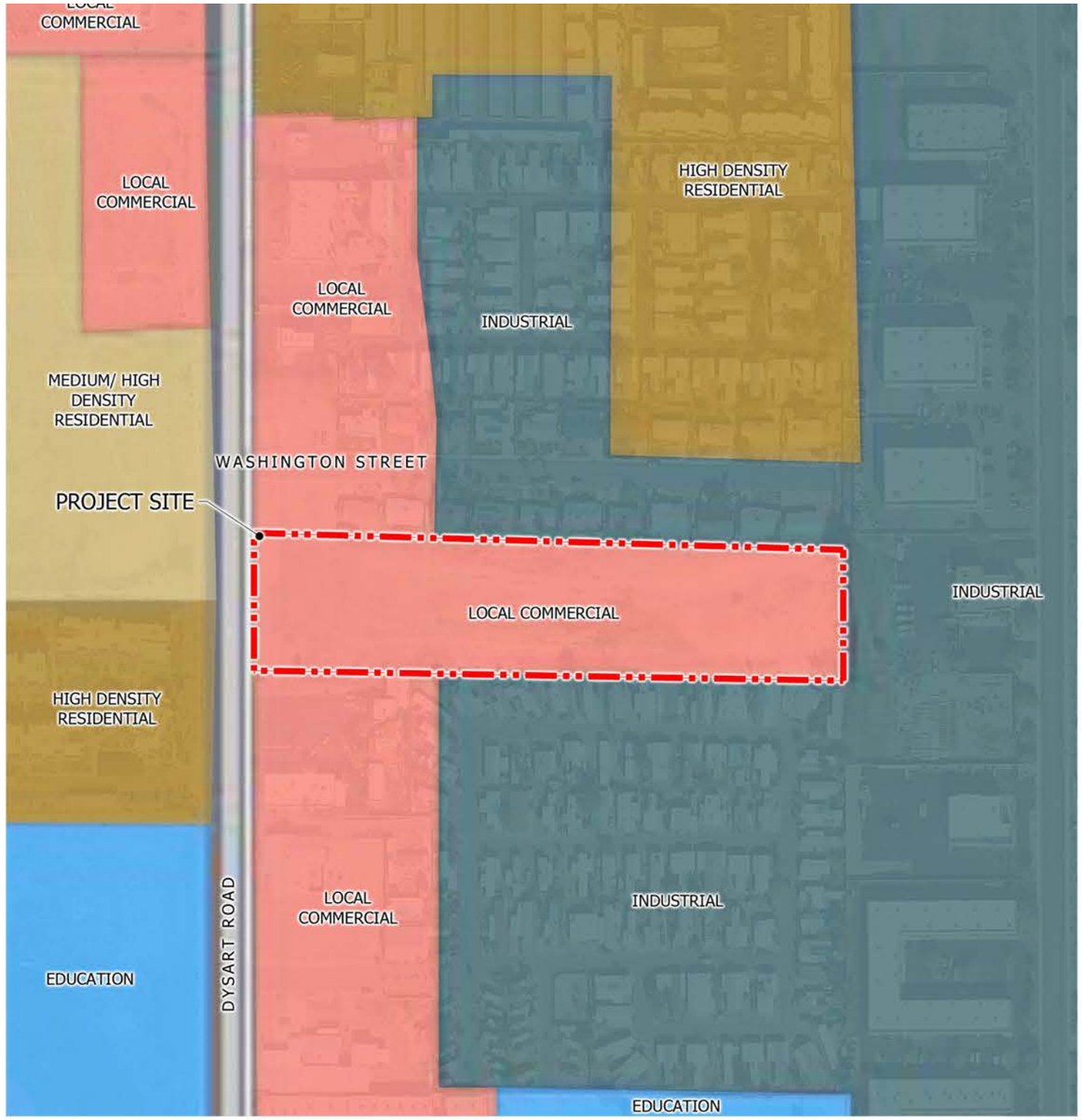
**Response:** The proposed high-density Site will maximize housing options in locations within a half-mile of transit, access to employment areas, neighborhood services, and public facilities in order to promote a healthy community both sustainably and economically. The Site is located in close proximity to multiple commercial areas such as Coldwater Plaza, Baldridge Commons, and Palm Valley Cornerstone to the north.

## 8. Conclusion

The proposed PAD request will provide for development of a long-awaited infill parcel with access to transit, employment, entertainment, and recreation. The transition to PAD from C-2 will contribute to both Avondale's population and revenue bases to create a sustainable mixture of residential opportunities in an area where reduced reliance on vehicles is possible.

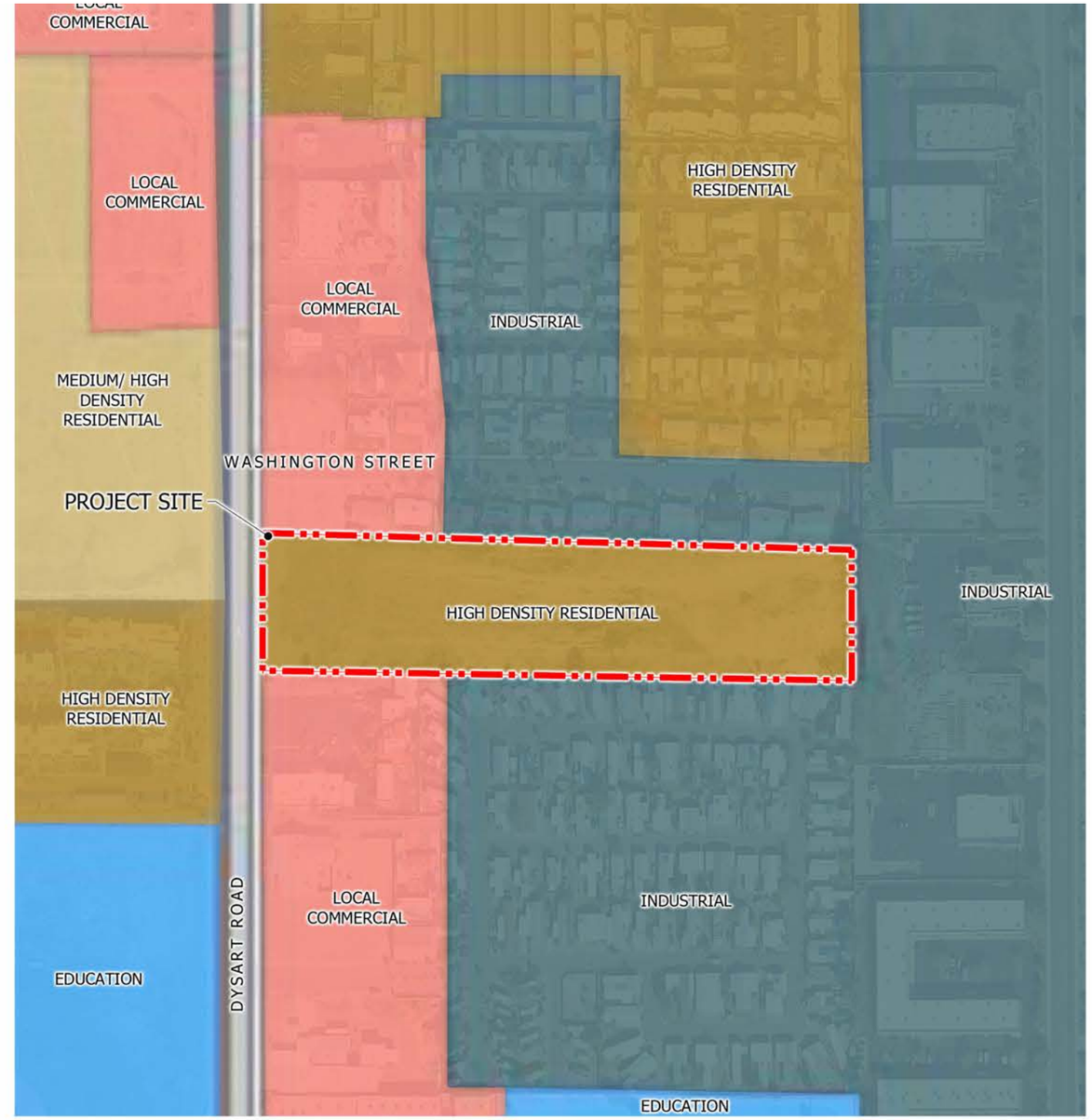
Exhibit 1: Vicinity Map

Exhibit 2: Context Area Map




EXISTING GENERAL PLAN

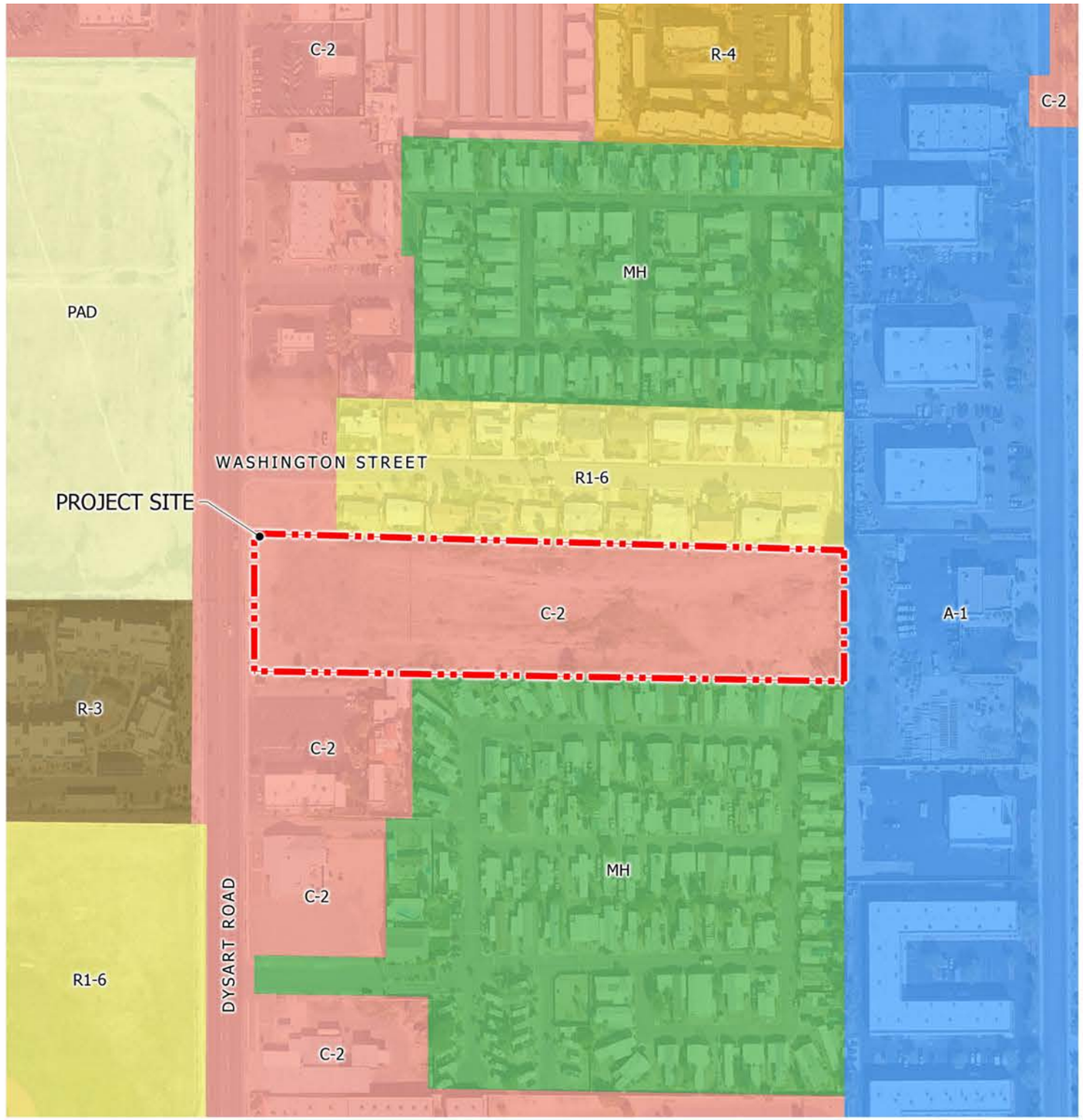
- EDUCATION
- INDUSTRIAL
- MEDIUM/HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- LOCAL COMMERCIAL




PROPOSED GENERAL PLAN

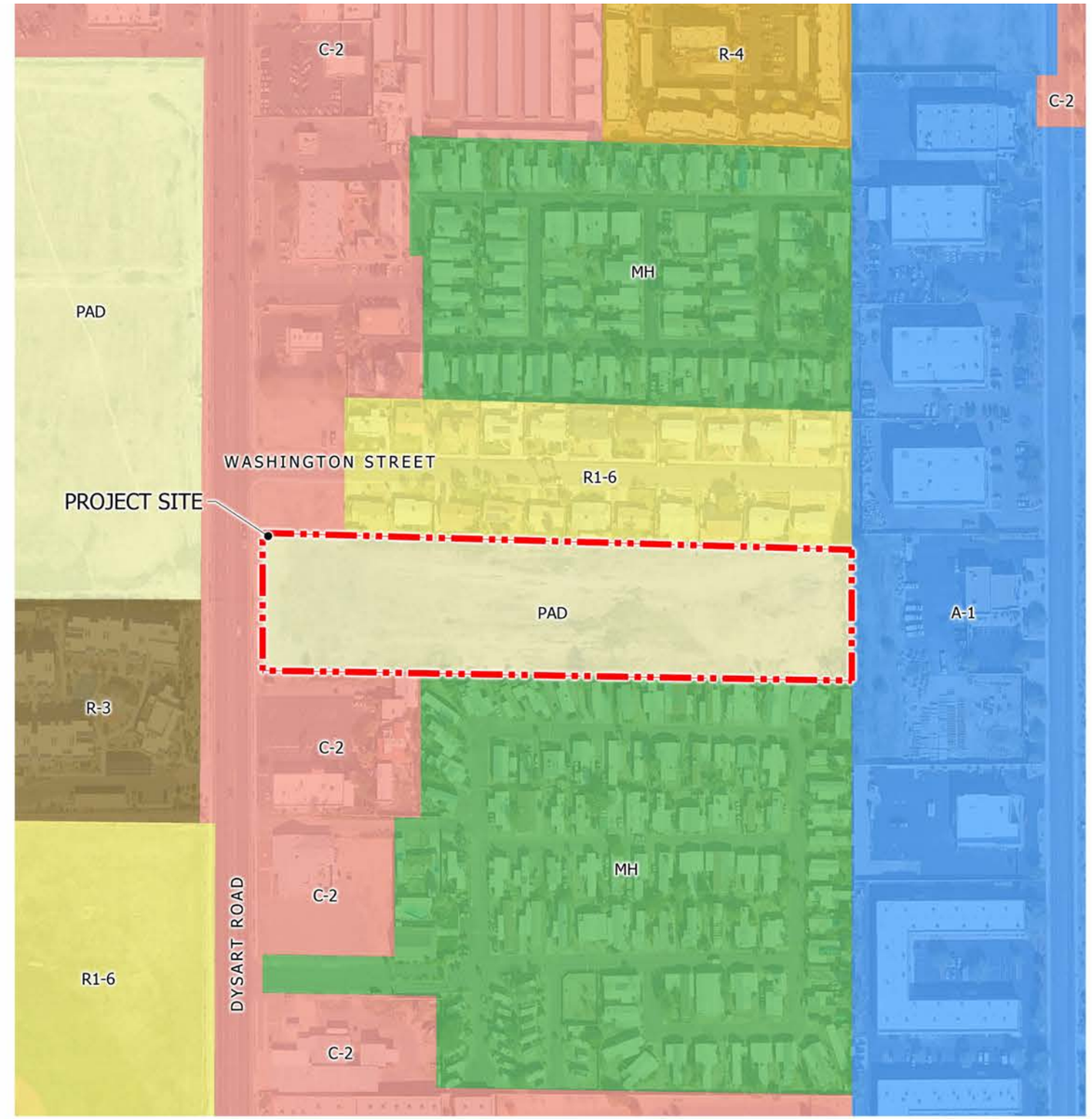
- EDUCATION
- INDUSTRIAL
- MEDIUM/HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- LOCAL COMMERCIAL

## Exhibit 3: General Plan Map




EXISTING ZONING

| | | | |
|---|---|---|---|
| A-1 | GENERAL INDUSTRIAL | R-3 | MULTI-FAMILY RESIDENTIAL-3 |
| C-2 | COMMUNITY COMMERCIAL | R-4 | MULTI-FAMILY RESIDENTIAL-4 |
| MH | MANUFACTURED HOME PARK | PAD | PLANNED AREA DEVELOPMENT |
| R1-6 | URBAN RESIDENTIAL-6 | | |




PROPOSED ZONING

| | | | |
|---|---|---|---|
| A-1 | GENERAL INDUSTRIAL | R-3 | MULTI-FAMILY RESIDENTIAL-3 |
| C-2 | COMMUNITY COMMERCIAL | R-4 | MULTI-FAMILY RESIDENTIAL-4 |
| MH | MANUFACTURED HOME PARK | PAD | PLANNED AREA DEVELOPMENT |
| R1-6 | URBAN RESIDENTIAL-6 | | |

## Exhibit 4: Existing and Proposed Zoning

| SITE DATA | | |
|---|---|---|
| GROSS AREA | 4.87 AC. | 13.35 DU/AC. |
| NET AREA | 4.62 AC. | 14.07 DU/AC. |
| USABLE OPEN SPACE | 1.03 AC. | 22.3% |
| PRIVATE OPEN SPACE | 0.36 AC. | 7.8% |
| **TOTAL OPEN SPACE** | **1.39 AC.** | **30.1%** |
| **UNIT** | **OTY** | **MIX** |
| 1 STORY UNIT | 40 D.U. | 61.5% |
| 2 STORY UNIT | 25 D.U. | 38.5% |
| **TOTAL** | **65 D.U.** | |

| PARKING | | |
|---|---|---|
| **PARKING REQUIRED** | | |
| **DESCRIPTION** | **SPACES PER UNIT** | **PARKING SPACES** |
| 1 BED UNITS | 1.5 | 60 |
| 2 BED UNITS | 1.75 | 44 |
| GUEST PARKING FOR EVERY 5 UNITS | | 13 |
| **TOTAL REQUIRED** | **117 SPACES** | |
| **PARKING PROVIDED** | | |
| **DESCRIPTION** | **PARKING SPACES** | |
| GARAGE/CARPORT | 90 | |
| SURFACE PARKING | 52 | |
| **TOTAL PROVIDED** | **142 SPACES** | |

**Exhibit 5: Conceptual Land Use Development Plan**

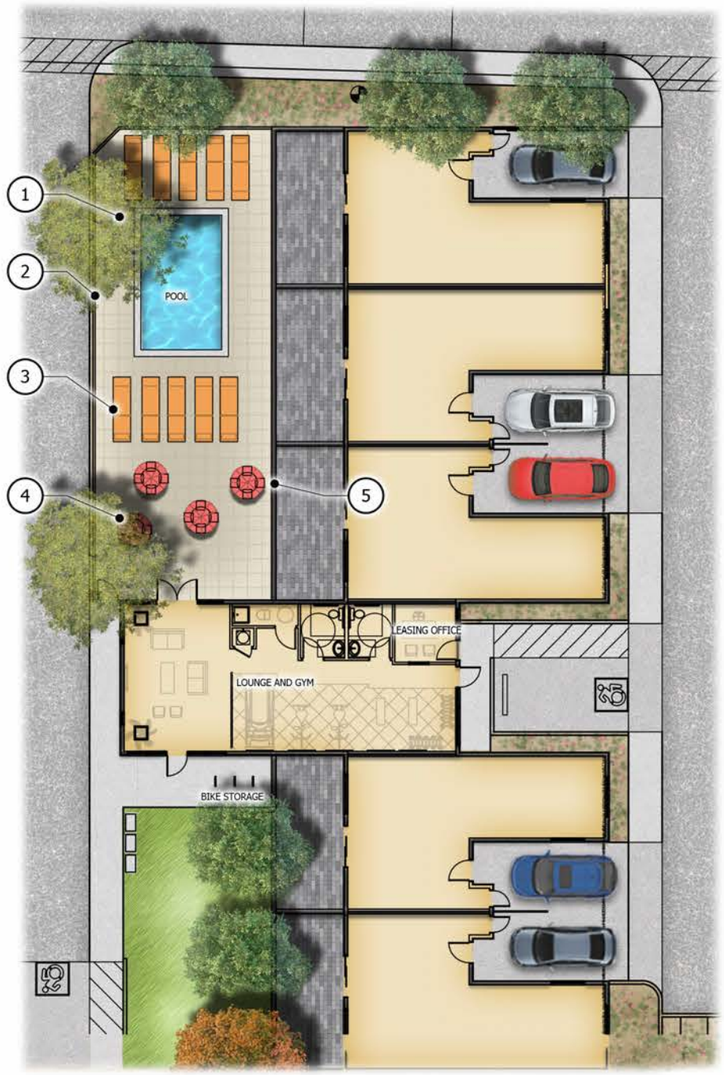
| OPEN SPACE DATA | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| SITE GROSS AREA | 4.87 AC. | | | | | | | |
| SITE NET AREA | 4.62 AC. | | | | | | | |
| OPEN SPACE REQUIRED | | | | | | | | |
| DESCRIPTION | OPEN SPACE | | USABLE OPEN SPACE | | USABLE PRIVATE OPEN SPACE | | TOTAL OPEN SPACE | |
| COMMON OS | | | 0.92 AC. | | | | | |
| 1 STORY UNITS | | | | | 0.07 AC. * | | | |
| 2 STORY UNITS | | | | | 0.05 AC. * | | | |
| SUBTOTAL REQUIRED | | | 0.92 AC. | 20% | 0.12 AC. | 2.6% | 1.04 Ac. | 22.5% |
| OPEN SPACE PROVIDED | | | | | | | | |
| DESCRIPTION | OPEN SPACE | | USABLE OPEN SPACE | | USABLE PRIVATE OPEN SPACE* | | TOTAL OPEN SPACE | |
| COMMON OS | 0.23 AC. | | 0.80 AC. | | | | | |
| 1 STORY UNITS | | | | | 0.22 AC. ** | | | |
| 2 STORY UNITS | | | | | 0.14 AC. *** | | | |
| SUBTOTAL PROVIDED | 0.23 AC. | 5.0% | 0.80 AC. | 17.3% | 0.36 AC. | 7.8% | 1.39 AC. | 30.1% |

* 80 SF PER UNIT REQUIRED
** 243 SF PER UNIT PROVIDED
*** 247 SF PER UNIT PROVIDED

## Exhibit 6: Open Space Plan

## KEYNOTE LEGEND

1. POOL DECKING
2. POOL FENCE, SEE EXHIBIT "WALL ELEVATIONS"
3. LOUNGE FURNITURE
4. 36" TABLES AND CHAIRS WITH UMBRELLAS
5. RESIDENTIAL SECONDARY THEME WALLS, 6' TALL WHITE STUCCO -SEE EXHIBIT "WALL ELEVATIONS"




POOL AND AMENITIES

Exhibit 8: Landscape Plan

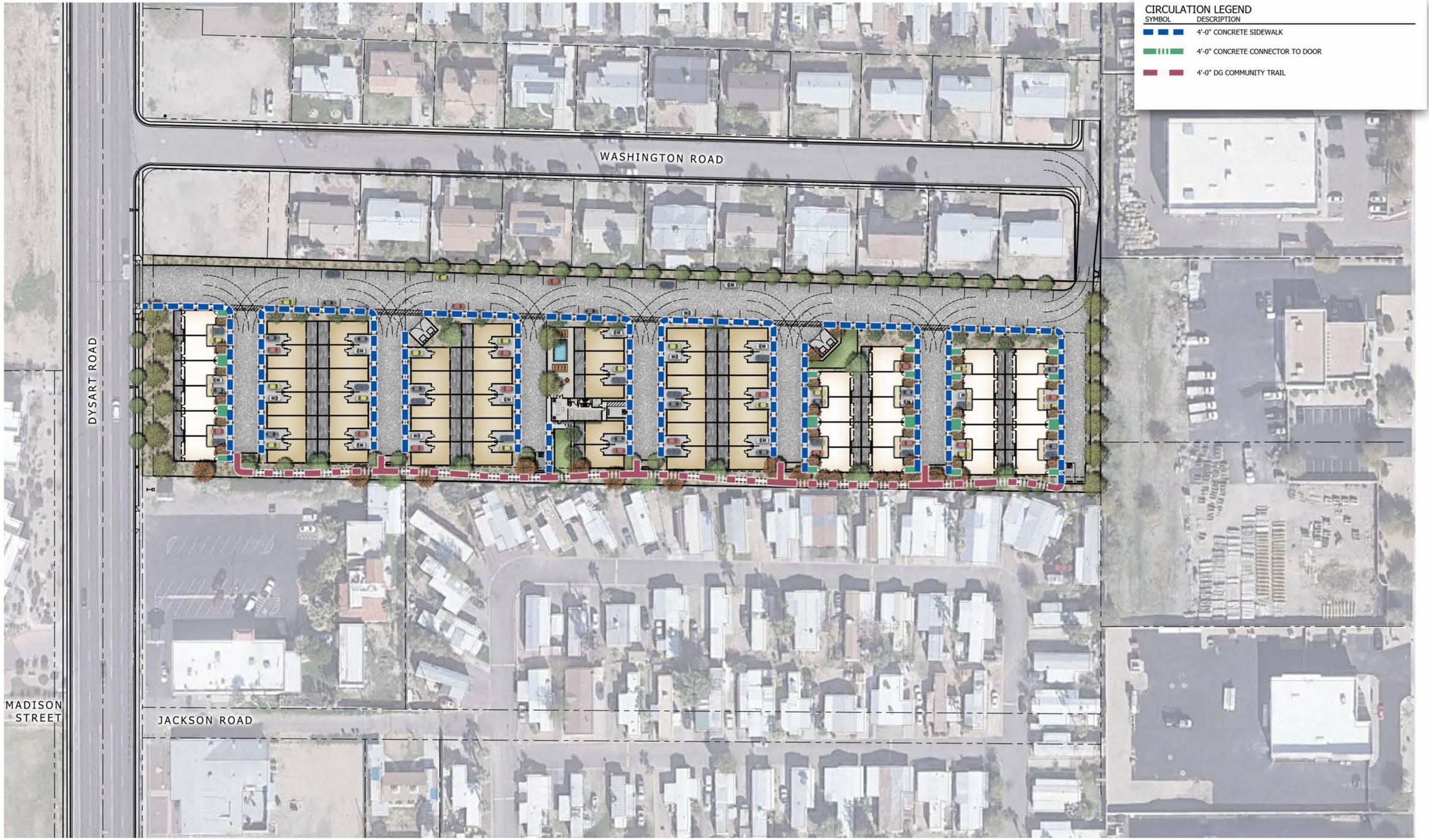
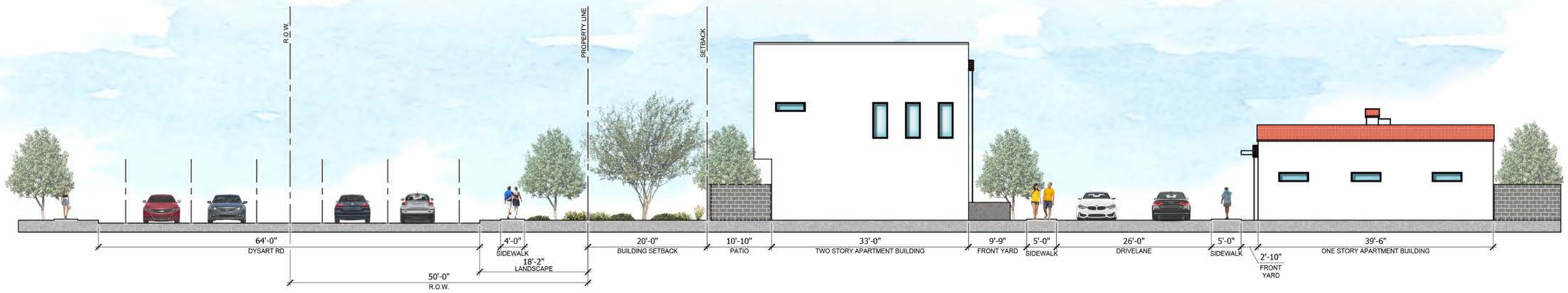



Exhibit 9: Circulation Plan

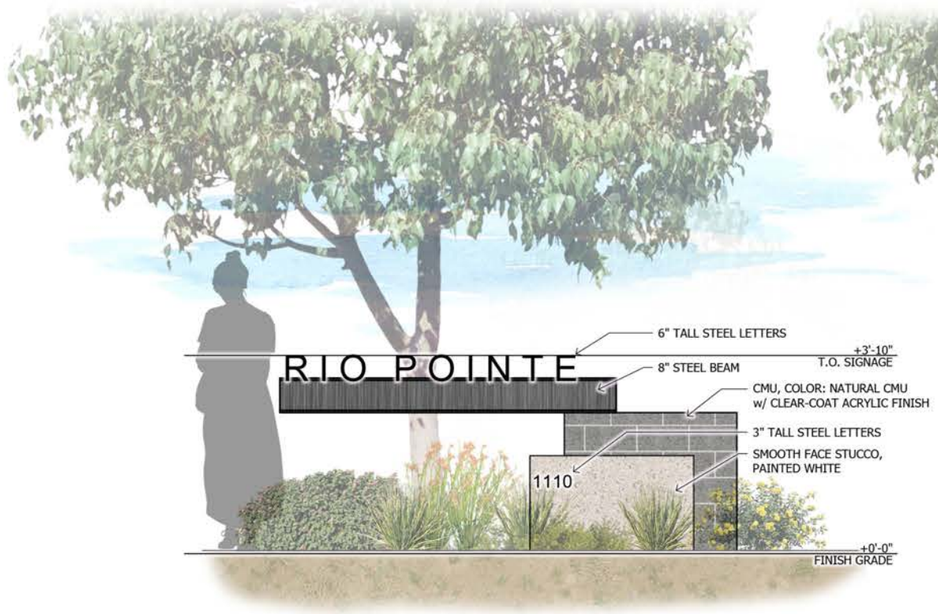



1 STREET SECTION AT DYSTART ROAD

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

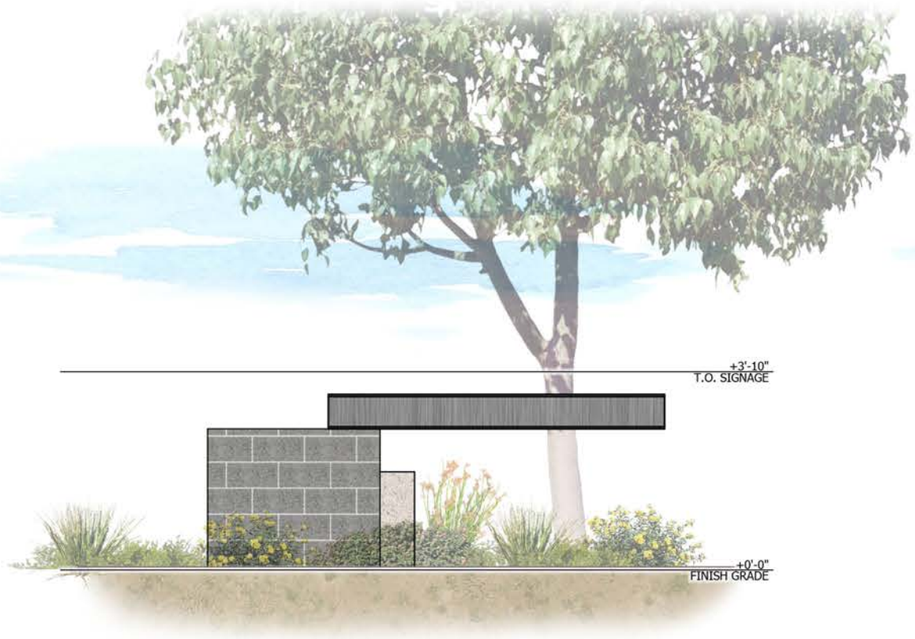
2 FRONT BUILDING AND 38'-0" WIDE PRIVATE STREET SECTIONS

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

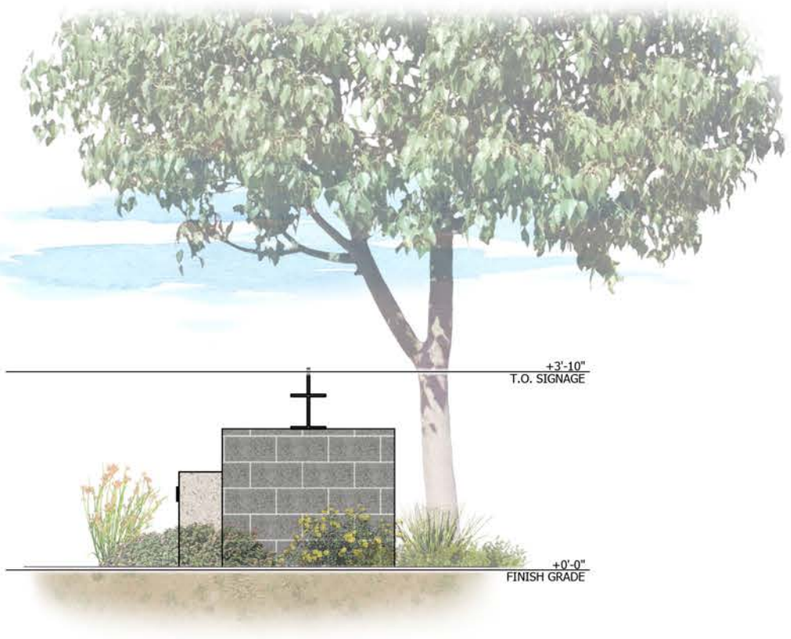



1 FRONT VIEW
SCALE: 3/4"=1'-0"

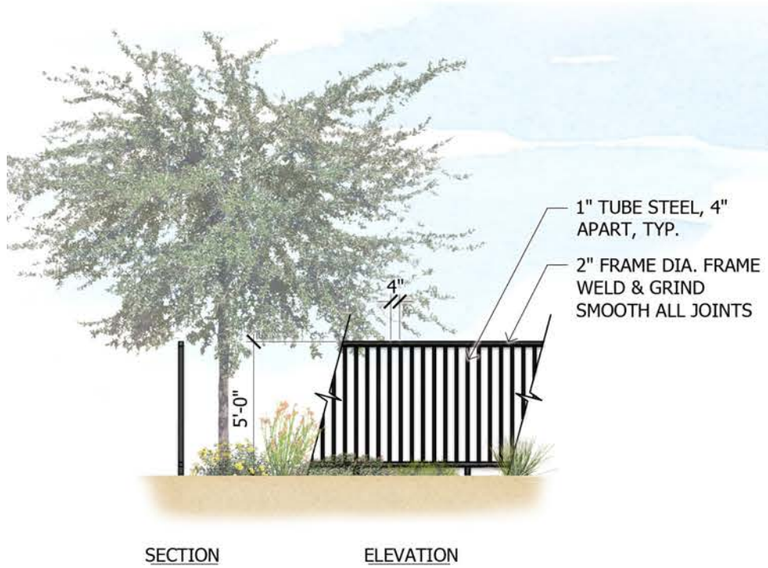
2 SIDE VIEW
SCALE: 3/4"=1'-0"



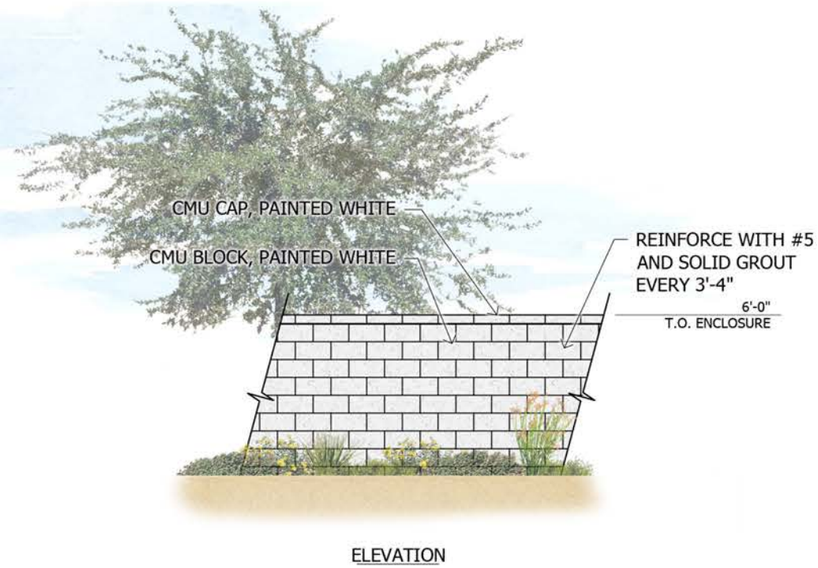

3 REAR VIEW
SCALE: 3/4"=1'-0"




4 SIDE VIEW
SCALE: 3/4"=1'-0"

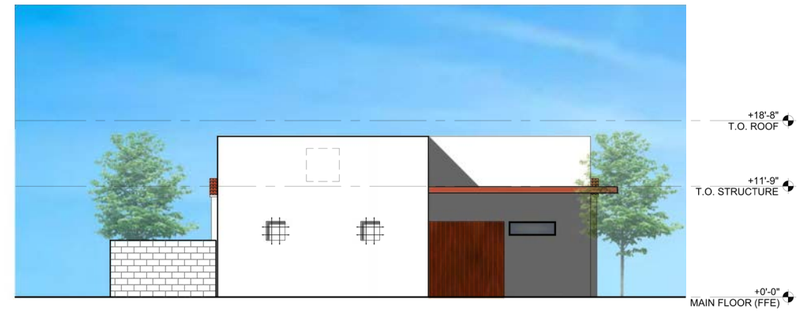



1 POOL FENCE
SCALE: 3/8"=1'-0"




2 PERIMETER FENCE & BACKYARD PATIO WALLS
SCALE: 3/8"=1'-0"

4 BLDG 1 - SIDE ELEVATION
1/8" = 1'-0"

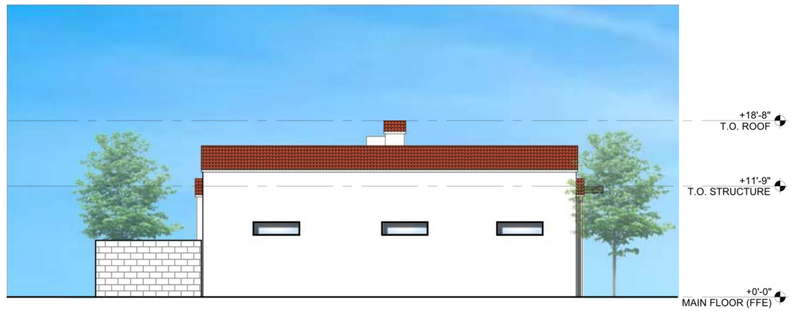



3 BLDG 1 - SIDE ELEVATION
1/8" = 1'-0"

2 BLDG 1 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 1 - FRONT ELEVATION
1/8" = 1'-0"

## Exhibit 13: Conceptual Architectural Elevations




4' 16'
0' 8'

4 BLDG 2 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

3 BLDG 2 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

2 BLDG 2 - REAR ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

1 BLDG 2 - FRONT ELEVATION
1/8" = 1'-0"

4 BLDG 3 - SIDE ELEVATION
1/8" = 1'-0"

3 BLDG 3 - SIDE ELEVATION
1/8" = 1'-0"

2 BLDG 3 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 3 - FRONT ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

4 BLDG 4 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

3 BLDG 4 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

2 BLDG 4 - REAR ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

1 BLDG 4 - FRONT ELEVATION
1/8" = 1'-0"

4 BLDG 5 - SIDE ELEVATION
1/8" = 1'-0"

3 BLDG 5 - SIDE ELEVATION
1/8" = 1'-0"

2 BLDG 5 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 5 - FRONT ELEVATION
1/8" = 1'-0"

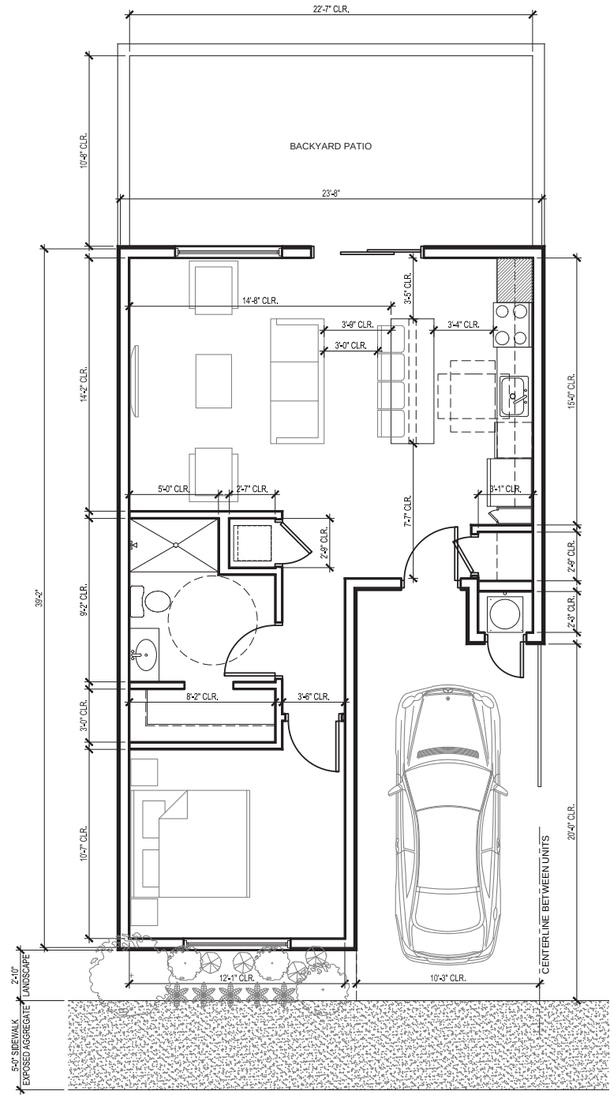
4 BLDG 6 - SIDE ELEVATION
1/8" = 1'-0"

3 BLDG 6 - SIDE ELEVATION
1/8" = 1'-0"

2 BLDG 6 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 6 - FRONT ELEVATION
1/8" = 1'-0"

# Conceptual Architectural Elevations Continued




1 ONE-STORY UNIT PLAN
1/8"=1'-0"

| | |
|---|---|
| FLOOR AREA | 726 SF |
| PATIO | 242 SF |

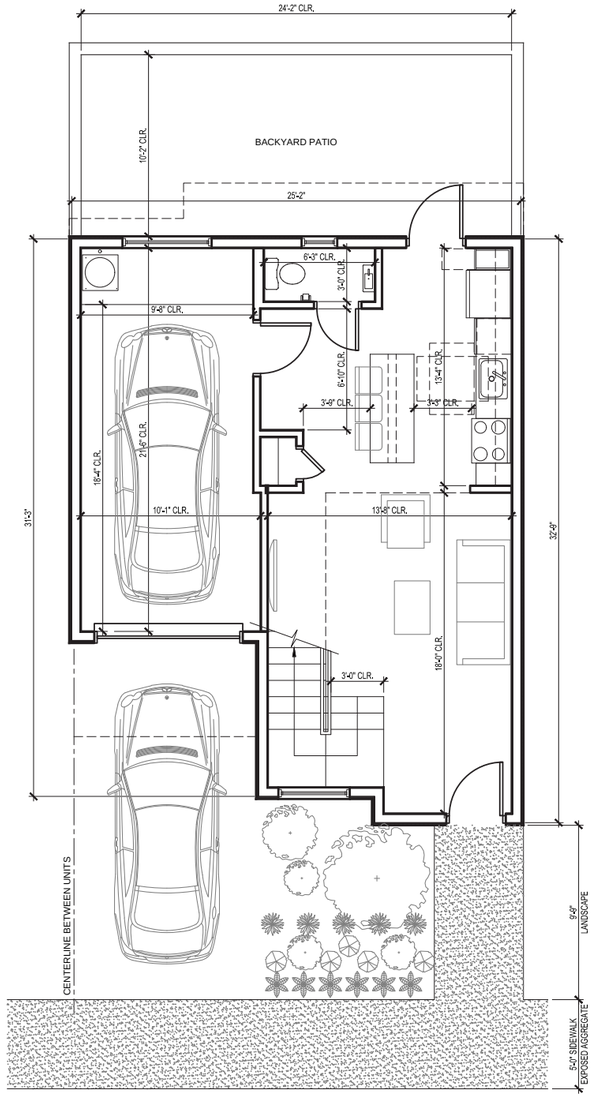
DYSART

UNIT PLAN
APRIL 19, 2022

CCBG Architects, Inc.
Phoenix – San Diego
802 East Buchanan Street
Phoenix AZ 85004 602.258.2211
www.ccbgarchitects.com

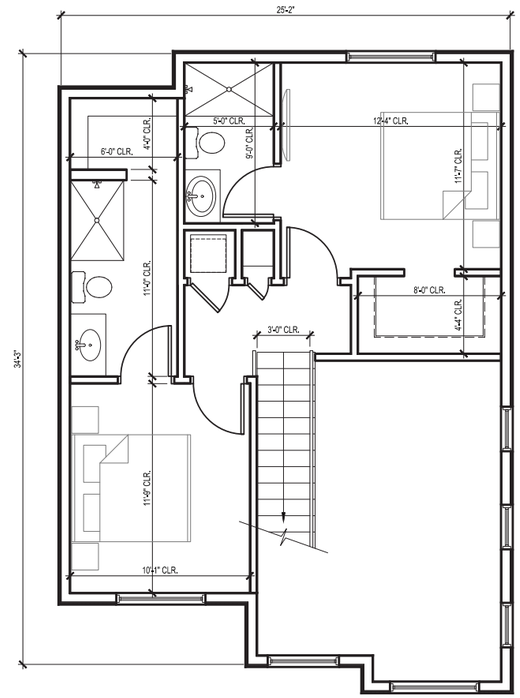
ONE-STORY UNIT PLAN

## Exhibit 14: One-Story Unit Plan




1 FIRST FLOOR
1/8"=1'-0"

| | |
|---|---|
| 1ST FLOOR | 471 SF |
| 2ND FLOOR | 607 SF |
| TOTAL | 1,031 SF |
| | |
| GARAGE | 235 SF |
| PATIO | 246 SF |




2 SECOND FLOOR
1/8"=1'-0"

DYSART
UNIT PLANS
APRIL 19, 2022

CCBG Architects, Inc.
Phoenix - San Diego
102 East Buchanan Street
Phoenix AZ 85004 602.258.2211
www.ccbgarchitects.com

TWO-STORY UNIT PLAN

## Exhibit 15: Two-Story Unit Plan

**1**
**CMU**
PAINTED WHITE

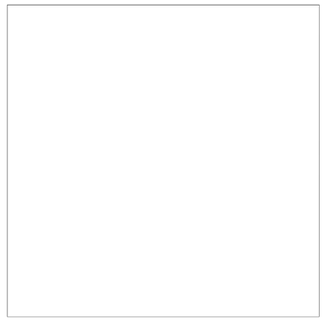
**2**
**STEEL**
CAR PORT, SIGNAGE & RAILING

**3**
**STUCCO**
SMOOTH FACE SAND FINISH

**4**
**TILE**
CLAY ROOF TILES

**5**
**WOOD PANELS**
AT CAR PORT & FRONT DOORS

**6**
**GLASS**
DUAL PANE VINYL WINDOWS w/
BLACK ANODIZED ALUMINUM
EXTERIOR



**7**
**WHITE PAINT**
AT STUCCO & CMU

**8**
**RED PAINT**
AT GARAGE DOORS

**9**
**CRUSHED GRAVEL**
OPEN SPACE TRAIL

**10**
**STONE PAVERS**
AT BACKYARD PATIOS

**11**
**EXPOSED AGGREGATE**
SIDEWALKS & DRIVEWAYS


CCBG
Architects, Inc.
Phoenix - San Diego
192 East Buchanan Street
Phoenix AZ 85004 602.258.2511
www.ccbgarchitects.com


**PRELIMINARY**
**NOT FOR CONSTRUCTION**

APARTMENT VILLAS
RIO POINTE
- - -
DYSART ROAD & WASHINGTON STREET
AVONDALE, AZ 85323

ISSUE

| DATE | REV | FOR |
|---|---|---|
| 10.18.2021 | | PRE APP SITE PLAN |
| 05.12.2022 | | REZONING SUBMITTAL |

Drawn
VRS RL
Checked
VRS
Job Number
2149
Drawing
MATERIAL SAMPLE BOARD
Sheet
A6.0

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X:\2149 DYSART & WASHINGTON\2149 DRAWING\ACAD\ PROJECT 1\EXE\DYSART\DEVELETS\A6.0 MATERIAL SAMPLE BOARD.DWG Plotted by: NICK LINVIN on 5/12/2022 3:50:28 PM

## Exhibit 16: Architectural Materials

Front Elevation

Front Elevation

Driveway

Two-Story Driveway

Main Entry

Backyard

Exhibit E

# Rio Pointe Minor GPA & Rezone
# Summary of Neighborhood Meeting
# August 30, 2022 at 6:00 pm
# Case No. PL-22-0153 & PL-22-0154

# August 30, 2022, Neighborhood Meeting

# Rio Pointe Minor GPA & Rezone

PL-22-0153 & PL-22-0154

The virtual meeting opened to the public at 6:00 PM and the presentation began at 6:03 PM. Carolyn Oberholtzer instructed participants in both English and Spanish before she introduced the Rio Pointe Development on the east side of Dysart Road just south of Washington Street. Members of the Development Team and City Staff that attended the meeting are provided in Appendix A to this Summary. Approximately 8 members of the public attended.

Ms. Oberholtzer began the presentation with an aerial of the site, indicating that the proposed development would only impact the outlined 4.62-acre property. Ms. Oberholtzer showed the City's General Plan map and noted that the site was classified as Local Commercial. She then explained the Current and Proposed Zoning Map, adding that the applicant planned to replace the current C-2 Zoning to Planned Area Development (PAD) Zoning. Ms. Oberholtzer explained, using the color-coded Conceptual Development Plan, the proposed project would consist of 65 one-bedroom and two-bedroom units. These would be 1-story and 2-stories respectively. She emphasized the driveway access onto Dysart would be the only resident access into and out of the development. Ms. Oberholtzer showed the site plan, indicating that the resort-style community would likely cater to smaller households.

Ms. Oberholtzer showcased the proposed elevations, noting architectural features, perspectives, and structural heights. She indicated that the existing on-site and adjacent zoning allowed 30 feet structures by right and the proposed two-story units would not exceed this. Ms. Oberholtzer then covered the Open Space Plan and noted the on-site amenities, private open space, and landscape setbacks on the north/south sides of the project.

Lastly, Ms. Oberholtzer explained what the next steps in the hearing process would be, noting that the Planning Commission Hearing date was set for September 21st at 6 pm and the City Council Hearing Date was set for October 17th at 6 pm.

## Ms. Oberholtzer opened the meeting up for questions

A citizen asked if the property was zoned commercial.

**Ms. Oberholtzer affirmed that the property was zoned Community Commercial.**

A citizen asked what Community Commercial meant.

**Ms. Oberholtzer responded that this zoning category included restaurants, retails, auto services and was one of three commercial zoning classifications in the city.**

A citizen asked where residents would access the development.

**Ms. Oberholtzer responded that there would be a driveway onto Dysart for resident access.**

A citizen asked if the emergency access at the end of Washington would be gated?

**Ms. Oberholtzer responded that if it is gated, that would be decided during the site planning process. The City Fire Department would be required to have access, but residents would not have the codes for that gate.**

A citizen asked if the units would be provided with at least 2 or more parking spaces.

**Ms. Oberholtzer explained the City's parking ratio requirements for residential units and that there would be 142 spaces provided for 65 units. This would average out to about 2 spaces per unit.**

A citizen asked if the project would become Section-8 Housing?

**Ms. Oberholtzer responded this was a market-rate project, with rents between $1,600 and $2,000. It was not government subsidized. Residents would have to be income qualified and pass background checks to secure a lease at Rio Pointe.**

A citizen asked what the construction process would be like.

**Ms. Oberholtzer explained the time frame of construction might be around 18 months or less with construction likely to start next year. She added that a dust permit would be required, and a sign would be installed for neighbors to report any complaints.**

A citizen asked about privacy.

**Ms. Oberholtzer explained the two-story units face east-west and no units peer down into neighboring properties. She added the landscape setback on the north side contain Desert Willow trees which would grow to 30 feet in height, providing a screen. The south side setback would contain Pistache and Chinese Elm trees to further increase screening.**

A citizen asked if there would be a fence.

**Ms. Oberholtzer responded there would be a perimeter wall anywhere one did not already exist.**

A citizen asked if anyone on the call represented the city.

**Ms. Oberholtzer explained the required process for the applicant leading up to the upcoming city hearings in September and October. She added that if members of the public had City-related questions that could direct them to Ms. Wertin, the case planner present on the call.**

A citizen asked what the draw was for the project location.

**Ms. Oberholtzer explained the site was part of both a revitalization area and Opportunity Zone, created to incentivize development in underserved communities. Due to the site dimensions, viable commercial development would be challenging. Due to existing surrounding residences, residential development was seen as a more compatible land use for the property. She added that the feedback received at these meetings would be taken into consideration in the public hearing process with the City and could inform the final product.**

A citizen asked if the project doesn't succeed and becomes subsidized housing.

**Ms. Oberholtzer responded that the project was ill-configured to become Section-8 housing and the property owner intended to manage and hold the property.**

**Mr. Howard, the applicant, introduced himself and responded that he had no intention of this development becoming subsidized housing. He explained the property would be professionally maintained and prospective tenants would have background checks and financial screenings. He added the existing Opportunity Zone compelled him to hold the property for 10 years and he affirmed his commitment to bring more quality development to Avondale.**

A citizen asked where all the parking spaces were on the site plan.

**Ms. Oberholtzer used several graphics to demonstrate that many of the 142-parking spaces are garage units and could not be seen from one aerial.**

A citizen asked if the on-site streets were public or private.

**Ms. Oberholtzer responded the streets were private.**

A citizen asked if they would receive notice of the next hearing and if would be in Spanish?

**Ms. Oberholtzer responded that they would receive a notification and the upcoming hearing dates would also be posted in the newspaper and updated on the sign. Ms. Wertin added that the notification postcards had recently been sent in both English and Spanish.**

A citizen commented on the lack of public notification in Spanish.

**Both Ms. Oberholtzer and Mr. Howard explained the legal requirements by the State Statutes and the City for notifying the public for neighborhood meetings and how these standards were progressively changing. Mr. Howard invited members of the audience to sit down with him and discuss the project.**

**Between 6:45 PM and 7:00 PM, both Ms. Oberholtzer and Mr. Howard had an informal discussion with the remaining meeting participants, reiterating several points that were already discussed earlier in the meeting.**

The meeting concluded at 7:00 PM.

# Appendix A: List of Participants

| Development Team | |
|---|---|
| Carolyn Oberholzter | Bergin, Frakes, Smalley & Oberholtzer |
| Fae Sowders | Bergin, Frakes, Smalley & Oberholtzer |
| Mitchell Willard | Bergin, Frakes, Smalley & Oberholtzer |
| Nico Howard | Applicant & Property Owner |
| Waseem Hamadeh | Applicant |

| City Staff | |
|---|---|
| Jani Wertin | Avondale City Planner |

| Citizens |
|---|
| Paul Faith & 7 members of the public |

**Jani Wertin**

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**From:** Gene G [redacted]
**Sent:** Tuesday, August 30, 2022 10:02 AM
**To:** coberholtzer@bfsolaw.com
**Subject:** City of Avondale-Notice of Neighborhood Meeting
**Attachments:** petition2.jpeg; petition1.jpeg

To whom it may concern,
This is a petition signed by all but 5 residents in our neighborhood. The other 5 were not home when the petition was circulated. We know many may not be able to attend the zoom meeting and since it was only sent in English many threw out your invite. A correction with the wrong date posted was no help as it too was only in English. Please see attached as we are very concerned with the city's plan involving our street.

Thank you,
Gene and Natasha Garcia

**Petition to stop Access from E. Washington street to the "Rio Pointe" development project:**

**Petition para detener el acceso entre la calle Washington Este y el Fraccionamiento "Rio Pointe"**

The Residents of Washington Street are OPPOSED to utilizing the end of Washington street as an access point to the Rio Pointe development. We as community wholeheartedly believe it will increase traffic, which can harm our children, and increase crime. A 12 Ft. Privacy wall would need to be placed Prior to the beginning of construction. The residents of this street have been here since the 70's and some are on fixed incomes. With most of our homes being paid for, this causes a lot of undue stress on our elderly residents. If this moves forward with the inclusion of an access point through E. Washington street we as a community will seek legal aid.

Los residentes de la calle Washington se an opuesto a que se utilize la termination de su calle como punto de acceso a el fraccionamiento Rio Pointe. Todos en un mismo acuerdo hemos llegado a la conclusion de que tal acceso incrementaría drásticamente el trafico por esta calle y como resultado pondría en riesgo la seguridad de nuestros hijos; y aparte incrementaría el crimen en esta zona. En si, una pared de privacidad de mínimo 12 pies de altura tendrá que ser erigida antes de el comienzo de construcción. Los residentes de esta calle an vivdi aquí desde la década de los 70's y muchos vienen de pensiones de apoyo básico o bajos recursos. Aun con la mayoría de casas ya pagadas, estos cambios traerían preocupaciones financieras Innecesarias a nuestros residentes de la 3ra Edad. Si este projecto sigue en marcha e incluye el punto de acceso por la Calle Washington, todos como comunidad buscaremos apoyo leal en contra.

| NAME: Print Nombre :Impresion | Address: Dirección: | Signature: Firma: |
|---|---|---|
| Gene Natividad Garcia | [redacted] | |
| WALTER Porch | | |
| Rosa Gonzales | | |
| Yolanda Lerma | | |
| Alex Rodriguez | | |
| Tonyla Perez | | |
| Tomás Estella Nava | | |
| Freddie Porch | | |
| Ashley Vasquez | | |
| [illegible] | | |

Kaila Nunez
MIGUEL SILVA
[illegible]
Joana Norzagaray
Joann Pastrana
Andrea Ortiz
CAROL PEREZ

[redacted]

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# CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Rio Pointe
Project Manager: Carolyn Oberholtzer - Bergin Frakes, Smalley & Oberholtzer PLLC
Request: PAD for multi-family housing
Acreage/Parcel Size: 4.62 Acres
Current Density Allowed: Approximately 30 units
Density Proposed: 14.07 du/ac
Total number of residential units proposed: 65

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 X 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 X
***If answered yes, how many acres is needed for the school site?*** ____

***Is the district currently working with the developer to provide or help meet the needs identified above through a developer assistance or impact agreement? Yes ___ No X***

***If answered yes, please explain below:***

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

Date Reviewed: 6/16/22
School District: Avondale ESD
District Superintendent: Betsy Hargrove
Phone #: 623-772-5000
E-mail: bHargro @ choosaesd.org
Signature: Betsy Hargrove

*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 meeting*

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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:***
THE DISTRICT REQUESTS THAT DEVELOPER/IMPACT FEES BE PUT INTO PLACE.

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

Date Reviewed: 6/13/22
School District: AGUA FRIA HIGH SCHOOL
District Superintendent: TOM HUFFMAN (DERBY)
Phone #: 623 932 7000
E-mail: THUFFMAN@AGUAFRIA.ORG
Signature: [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 meeting*

Exhibit H

## OPEN SPACE CALCULATIONS

| PUBLIC OPEN SPACE | REQUIRED | PROVIDED |
|---|---|---|
| USABLE OPEN SPACE: | 0.92 ACRES | 0.80 ACRES (17.3%) |
| COMMON OPEN SPACE: | | 0.23 ACRES (5.0%) |
| PRIVATE OPEN SPACE: | 0.12 ACRES | 0.36 ACRES (7.8%) |

**TOTAL:** 1.39 ACRES (30.1%)

## PROJECT TEAM


OWNER:
**HOH INVESTMENT GROUP**
11811 N. TATUM BLVD, STE 1051
PHOENIX, AZ 85028
CONTACT: NICO HOWARD
602.373.4502
NICOHOWARD@GMAIL.COM

PLANNER/ LANDSCAPE ARCHITECT:
**ABLA STUDIO**
310 EAST RIO SALADO PARKWAY
TEMPE, AZ 85281
CONTACT: ANDY BARON
480.530.0077
ANDY.BARON@ABLASTUDIO.COM

ARCHITECT:
**CCBG ARCHITECTS, INC**
102 E. BUCHANAN ST.
PHOENIX, AZ 85021
CONTACT: VIRGINIA SENIOR
VSENIOR@CCBGARCHITECTS.COM
602.258.2211

LEGAL:
**BFSO**
4343 E CAMELBACK RD SUITE 210
PHOENIX, AZ 85018
CONTACT: CAROLYN OBERHOLTZER
COBERHOLTZER@BFSOLAW.COM
602.300.2560

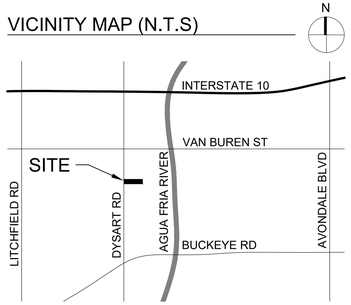
CIVIL ENGINEER:
**KSE DESIGN GROUP, PLC.**
2525 W GREENWAY RD SUITE 306
PHOENIX, AZ 85023
CONTACT: CRAIG SMITH
602.347.7007
CRAIG@KSEAZ.COM

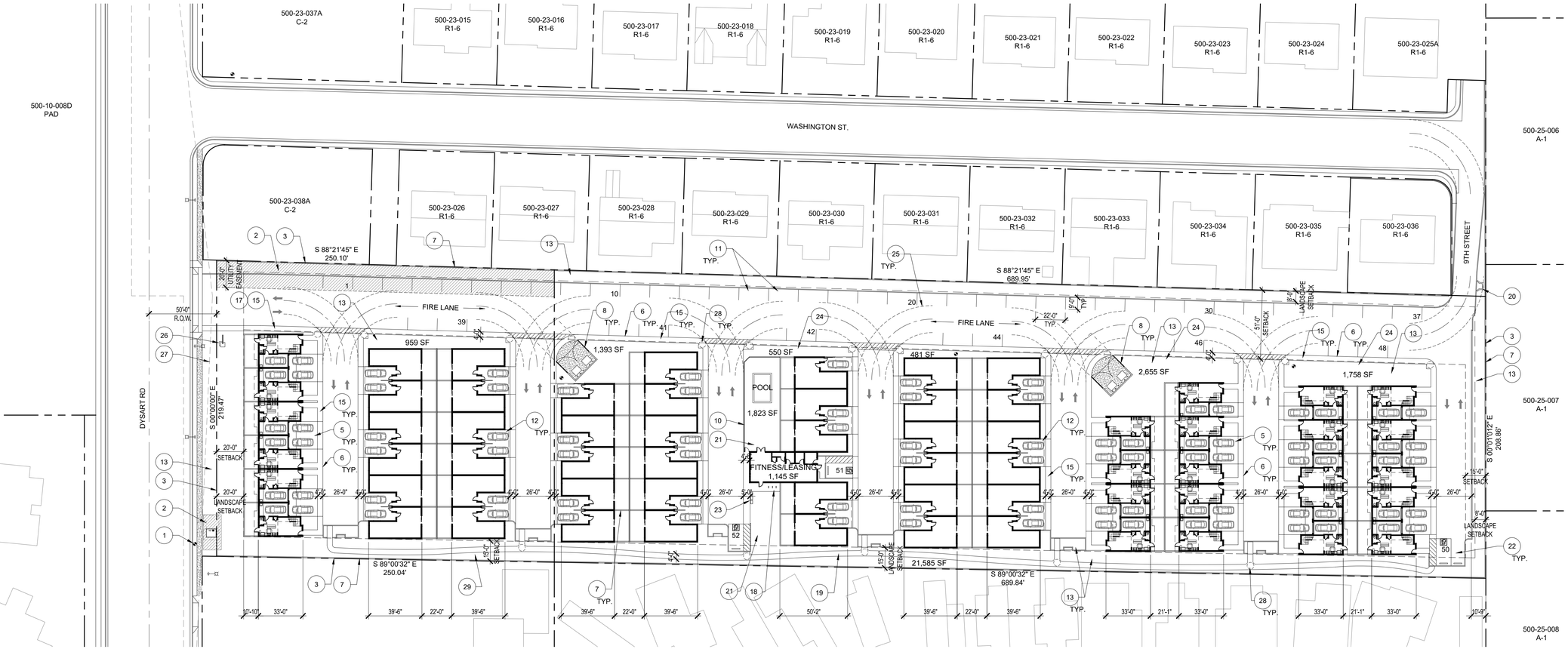
STRUCTURAL:
**TBD**

LANDSCAPE ARCHITECT:
**DESIGN ETHIC**
7525 E 6TH AVE
SCOTTSDALE, AZ 85251
CONTACT: BRANDON PAUL
BPAUL@DESIGNETHIC.NET
480.225.7077

MPE:
**TBD**


## VICINITY MAP (N.T.S)




* TWO-STORY UNITS ARE SHOWN WITH THEIR FLOOR PLANS DISPLAYED ON THE SITE PLAN.

N

0' 20' 40' 80'

1 SITE PLAN
1" = 40'-0"

## PROJECT DATA

PROJECT ADDRESS:
SE CORNER OF DYSART RD & WASHINGTON ST
AVONDALE, AZ 85323

PROJECT DESCRIPTION:
THIS IS A 65 UNIT FOR-RENT APARTMENT PROJECT, TYPE VB WOOD FRAME CONSTRUCTION, SLAB ON GRADE. ALL UNITS HAVE ENCLOSED PRIVATE PATIO SPACES. THE PROJECT ALSO CONTAINS A FITNESS ROOM, SWIMMING POOL AND LEASING OFFICE.

LOT DESCRIPTION:
LOTS 1 AND 2, OF MINOR LAND DIVISION, ACCORDING THE SURVEY OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA RECORDED IN BOOK 1276 OF MAPS, PAGE 22 AND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

APPLICABLE CODES AND STANDARDS:
2018 International Building Code (IBC)
2018 International Mechanical Code (IMC)
2018 International Code Council (ICC)
2018 International Plumbing Code (IPC)
2018 International Fuel Gas Code (IFGC)
2018 International Residential Code (IRC)
2018 International Existing Building Code (IEBC)
2018 International Energy Conservation Code (IECC)
2017 National Electrical Code (NEC)
2010 ADA Standards for Accessible Design (ADASAD)
2012 International Fire Code (IFC)
2018 International Swimming Pool and Spa Code (ISPSC)
2009 ANSI ICC A117.1

APN:
(LOT 1) 500-23-040 & (LOT 2) 500-23-041

EXISTING ZONING:
C-2 (LOCAL COMMERCIAL)

PROPOSED ZONING:
PAD (HIGH DENSITY RESIDENTIAL)

OCCUPANCY:
MIXED — SEPARATED OCCUPANCIES (IBC 508.4)
R-2 — APARTMENTS (IBC 310) - FLOORS 1-2
U — PARKING (IBC 311) FLOORS 1

CONSTRUCTION TYPE:
TYPE VB

SPRINKLERS:
YES, NFPA 13

FIRE ALARM:
NO

EMERGENCY LIGHTING:
NO

GROSS SITE AREA:
212,286 SF (4.87 ACRES)

NET SITE AREA:
(LOT 1) 54,514 SF (1.25 ACRES)
(LOT 2) 146,736 SF (3.37 ACRES)
TOTAL NET AREA: 201,250 SF

DENSITY CALCULATION:
ALLOWABLE: 14.52 DU
PROVIDED: 14.07 DU (65 UNITS/ 4.62 NET ACRES)

UNIT MIX:
1 BEDROOM UNITS: 40 UNITS
2 BEDROOM UNITS: 25 UNITS
**TOTAL: 65 APARTMENT UNITS**

LOT COVERAGE:
BLDG 1: 4,775 SF
BLDG 2: 5,738 SF ( x 5 BLDGS)
BLDG 3: 5,885 SF
BLDG 4: 3,323 SF
BLDG 5: 4,150 SF ( x 3 BLDGS)
BLDG 6: 4,975 SF
TOTAL: 60,098 SF

(EXCLUSIVE OF PRIVATE DRIVE & DRIVE LANES: 61,240 SF)
60,098 + 61,240 = 121,338 SF
121,338 SF / 201,250 SF = **60% PROVIDED**
MAX. REQUESTED FOR PAD = 60% OF NET SF

SETBACKS:
FRONT SETBACK (WEST) 20'-0"
REAR SETBACK (EAST) 15'-0"
SIDE YARD SETBACK (NORTH) 51'-0"
SIDE YARD SETBACK (SOUTH) 15'-0"

LANDSCAPE SETBACKS:
FRONT SETBACK (WEST) 20'-0"
REAR SETBACK (EAST) 8'-0"
SIDE YARD SETBACK (NORTH) 8'-0"
SIDE YARD SETBACK (SOUTH) 15'-0"

OPEN SPACE:
REQ'D: 40,250 SF (20%)
PROVIDED: 60,576 SF (30.1%)

AMENITIES PROVIDED:
1. POOL
2. FITNESS ROOM
3. WALKING TRAIL/ DOG RUN
4. SHADED SEATING AREA

MAX BLDG HEIGHT:
MAX. ALLOWED = 45'-0"
PROVIDED = 29'-10"

BUILDING AREA:
BLDG 1:
FIRST FLOOR GROSS SF: 3,660 SF
BLDG 2:
FIRST FLOOR GROSS SF: 4,393 SF ( x 5 BLDGS)
BLDG 3:
FIRST FLOOR GROSS SF: 4,769 SF
BLDG 4:
FIRST FLOOR GROSS SF: 2,857 SF
SECOND FLOOR GROSS SF: 3,322 SF
BLDG 5:
FIRST FLOOR GROSS SF: 3,569 SF ( x 3 BLDGS)
SECOND FLOOR GROSS SF: 4,150 SF ( x 3 BLDGS)
BLDG 6:
FIRST FLOOR GROSS SF: 4,276 SF
SECOND FLOOR GROSS SF: 4,974 SF
**TOTAL: 68,980 SF**

REFUSE & RECYCLING
REQ'D:
65 APARTMENT UNITS x 0.5 CU YDS = 32.5 CU YDS @ 2 TIMES A WEEK
**= 16.25 CU YDS TOTAL REQ'D**

PROVIDED:
(4) 6 CU YD BINS: **= 24 CU YDS TOTAL PROVIDED**
3 BINS FOR TRASH
1 BIN FOR RECYCLING

PARKING:
**STANDARD PARKING REQ'D:**
(40) ONE-BED UNITS @ 1.5 SPACES EACH = 60 SPACES
(25) TWO-BED UNITS @ 1.75 SPACES EACH = 43.75 SPACES
1 GUEST PARKING FOR EVERY 5 UNITS = 13 SPACES
TOTAL REQ'D: 117 SPACES

2-STORY GARAGE PARKING: 25 SPACES
2-STORY DRIVEWAY PARKING: 25 SPACES
1-STORY CARPORT PARKING: 40 SPACES
SURFACE PARKING: 52 SPACES
TOTAL PROVIDED: 142 SPACES

**ACCESSIBLE PARKING REQ'D: (ADA 2010, TABLE 208.2)**
51-75 SURFACE PARKING SPACES = 3 ADA SPACE REQ'D

52 SURFACE PARKING SPACES 3 SPACES
TOTAL REQ'D: 3 SPACES
TOTAL PROVIDED: 3 SPACES

**ELECTRIC VEHICLE PARKING:**
LEVEL 2 EV CHARGING CAPABILITY WILL BE PROVIDED IN 100% OF THE GARAGES FOR ALL TWO-STORY UNITS.

BICYCLE PARKING:
**REQUIRED:**
1 BICYLE PARKING SPACE PER 50 PARKING SPACES = 3 SPACES
**PROVIDED:**
6 SPACES

## KEYNOTES

1. EXISTING FIRE HYDRANT
2. EXISTING UTILITY EASEMENT
3. PROPERTY LINE
4. SIGHT VISIBILITY TRIANGLE
5. DRIVEWAY PARKING SPACE IN FRONT OF GARAGE, TYP.
6. ROLLED CURB, TYP.
7. 6' CMU WALL
8. DOUBLE REFUSE ENCLOSURE PER CITY OF AVONDALE
9. NEW TRANSFORMER AND PAD LOCATION
10. 5' TALL WROUGHT IRON POOL FENCE, SEE DETAIL 1/A1.3
11. STREET PARKING ON PRIVATE DRIVE, NO PARKING STRIPES TO BE PAINTED
12. WOOD FRAMED PARKING CANOPY AT ONE-STORY APARTMENT UNITS
13. LANDSCAPE AREA, SEE LANDSCAPE DWGS
14. NEW SES & ELECTRIC METERS
15. NEW 4'-0" CONCRETE SIDEWALK
16. FIRE LINE BACK FLOW PREVENTER
17. ACCESSIBLE ROUTE
18. BIKE RACKS
19. WALKING TRAIL/ DOG RUN, SEE LANDSCAPE
20. EXISTING CATCH BASIN FOR RETENTION/ DRAINAGE, SEE CIVIL
21. OPEN SPACE
22. PARKING SPACES
23. MAILBOXES
24. NEW FIRE HYDRANT
25. CITY OF AVONDALE FIRE TRUCK TURNING RADIUS STANDARD DETAIL
26. MONUMENT SIGNAGE
27. SIGHT VISIBILITY TRIANGLE, STANDARD DETAIL A1120
28. ACCESSIBLE TURNING SPACE AT INTERVALS LESS THAN 200 FEET ALONG THE ACCESSIBLE PATH, PER ICC A 117.1, 403.5.2.
29. LOW VOLTAGE EXTERIOR LIGHTING ALONG WALKING TRAIL


CCBG
Architects, Inc.
Phoenix - San Diego
102 East Buchanan Street
Phoenix AZ 85004 602.258.2211
www.ccbgarchitects.com


PRELIMINARY
NOT FOR CONSTRUCTION

APARTMENT VILLAS
RIO POINTE
- - -
DYSART ROAD & WASHINGTON STREET
AVONDALE, AZ 85323

ISSUE

| DATE | REV | FOR |
|---|---|---|
| 10.18.2021 | | PRE APP SITE PLAN |
| 05.12.2022 | | REZONING SUBMITTAL |

Drawn
VRS RL
Checked
VRS
Job Number
2149
Drawing
SITE PLAN
Sheet
A1.0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X:\2149 DYSART & WASHINGTON\24 DRAWING\ARDT PROJECT HERE\DYSART\SHEETS\A1.0 SITE PLAN.DWG Plotted by: VIRGINIA SENIOR on 6/27/2022 11:45:18 AM

# DYSART COMMONS

Exhibit I

## project consultants

**owner:**

**landscape architecture:**

DESIGN ETHIC, LLC
7525 EAST 6TH AVENUE
SCOTTSDALE, ARIZONA 85251
CONTACT: BRANDON PAUL
PHONE: 480.225.7077
EMAIL:bpaul@designethic.net

**architect:**

CCBG ARCHITECTURE
102 E. BUCHANAN ST
PHOENIX, ARIZONA 85004
CONTACT: VIRGINIA SENIOR
PHONE: 602.258.2211
EMAIL: vsenior@ccbgarchitechts.com

**civil:**

## site data

ZONING:
GROSS SITE AREA:

## sheet index


| SHEET | TITLE |
|---|---|
| L.01 | COVER SHEET AND NOTES |
| L.02 | OVERALL PLAN AND PLANTING LEGEND |
| L.03 - L.05 | PLANTING PLAN |


## general landscape notes

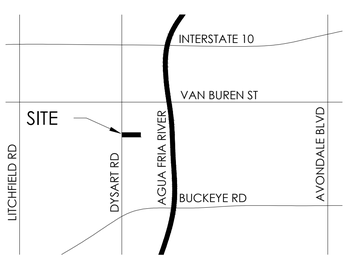
1. CONTRACTOR TO VERIFY ALL QUANTITIES.
2. CONTRACTOR TO PROVIDE DECOMPOSED GRANITE SAMPLES TO LANDSCAPE ARCHITECT FOR APPROVAL.
3. MAINTAIN 3' TO 5' TREE AND SHRUB CLEARANCE FROM WALLS.
4. MAINTAIN 1' TO 2' TREE AND SHRUB CLEARANCE FROM SIDEWALKS.
5. TREES ADJACENT TO PEDESTRIAN WALKWAYS SHOULD HAVE A MINIMUM CANOPY CLEARANCE OF 6'-8".
6. ALL MATURE TREES AND PALM CANOPIES MUST BE A MINIMUM OF 5' FROM ANY BUILDING WALLS OR BUILDING WINDOWS.

ENGINEERING DIVISION DATE

THE CITY APPROVES THESE PLANS FOR CONCEPT ONLY AND ACCEPTS NO LIABILITY FOR ERRORS OR OMISSIONS

Estimated S.F. of landscape in R.O.W. :____ - S.F._____

NOTE:
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MOST RECENT EDITION OF THE CITY OF AVONDALE'S SUPPLEMENT TO M.A.G. SPECIFICATIONS AND STANDARD DETAILS CURRENTLY ON FILE AND AVAILABLE AT THE CITY OF AVONDALE'S ENGINEERING DEPARTMENT OR ONLINE AT THE CITY OF AVONDALE'S WEBSITE.




## vicinity map

NORTH

not to scale

## city of avondale general landscape notes

1. ALL SINGLE-TRUNK TREES REQUIRED ON SITE SHALL BE TWO (2) INCH CALIPER AVERAGE SIZE. TREE CALIPERS FOR SINGLE-TRUNK TREES SHALL BE MEASURED AT 12" ABOVE THE GROUND. ALL MULTI-TRUNK TREES SHALL BE ONE AND ONE-HALF (1-1/2") INCH CALIPER MINIMUM. TREE CALIPER FOR MUL TI-TRUNK TREES SHALL BE MEASURED TWELVE (12) INCHES ABOVE GROUND IF ALL TRUNKS ORIGINATE FROM THE SOIL. CALIPER OF MULTI-TRUNK TRESS SHALL BE DETERMINED BY TAKING THE AVERAGE CALIPER OF ALL ITS TRUNKS. MULTI-TRUNK TRESS SHALL HAVE NO MORE THAN THREE (3) TRUNKS.
2. TREE CALIPER AND HEIGHT SHALL GOVERN OVER ANY OTHER PLANTING SIZE INFORMATION PROVIDED ON THE DRAWINGS. TREES SPECIFIED BY CONTAINER SIZES ONLY SHALL NOT BE ACCEPTED.
3. THE PROPERTY OWNER AND /OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPE WITH THE RIGHT-OF-WAY. ALL LANDSCAPING SHALL BE MAINTAINED AS APPROVED ON THE LANDSCAPE MAINTENANCE SCHEDULE (SEE ATTACHED).
4. A 3-FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH UPON THIS CLEAR SPACE WHEN MATURE.
5. PLANTINGS WITHIN ANY SIGHT VISIBILITY EASEMENT SHALL BE MAINTAINED SO THAT NO LIMBS HAND LOWER THAN SEVEN (7) FEET AND SHRUBS OR OTHER PLANTS PLANTED WITHIN ANY SIGHT VISIBILITY EASEMENT SHALL BE NO TALLER THAN TWO (2) FEET AT FULL GROWTH.
6. THE CITY APPROVES THESE PLANS FOR CONCEPT ONLY AND ACCEPTS NO LIABILITY FOR ERRORS OR OMISSIONS.

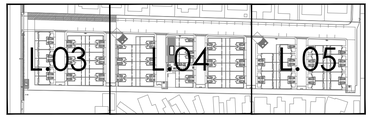
   NOTE: ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AVONDALE SUPPLEMENT TO MAG SPECIFICATIONS & STANDARD DETAILS CURRENTLY ON FILE AND AVAILABLE AT THE CITY OF AVONDALE ENGINEERING DEPARTMENT.

## svt note:

PLANTINGS WITHIN THE SIGHT VISIBILITY TRIANGLE LINE SHALL BE MAINTAINED SO THAT NO LIMBS HANG LOWER THAN SEVEN (7) FEET AND SHRUBS OR OTHER PLANTS PLANTED WITHIN THE SIGHT VISIBILITY TRIANGLE LINE SHALL BE NO TALLER THAN TWO (2) FEET AT FULL GROWTH.

## irrigation connection note:

IRRIGATION SERVICE LINE FROM THE POINT OF CONNECTION AT THE CITY'S SYSTEM, THROUGH THE METER AND PUE TO THE PRIVATE BACKFLOW PREVENTION DEVICE SHALL BE TYPE "K" SOFT COPPER TUBING PER AVONDALE SUPPLEMENT TO M.A.G. ANY SMALL DIAMETER VALVES SHALL BE BRASS BODY. BACKFLOW DEVICES SHALL BE CONSTRUCTED USING ALL COPPER PIPE AND BRASS FITTINGS. ALL PVC SLEEVES WITHIN THE CITY'S RIGHT-OF-WAY SHALL BE SCH 80.




## key map

NORTH


DESIGN ETHIC
LANDSCAPE ARCHITECTURE
FORGING NEW ENVIRONMENTS
7525 E 6TH AVE SCOTTSDALE, ARIZONA 85251
480.225.7077


REGISTERED LANDSCAPE ARCHITECT CERTIFICATE NO. 36104 BRANDON PAUL ARIZONA, U.S.A. EXPIRES 09/30/22

Contact Arizona 811 at least two full working days before you begin excavation

ARIZONA811 BLUE STAKE, INC.

Call 811 or click Arizona811.com

PROJECT:

DYSART COMMONS
DYSART & WASHINGTON
AVONDALE, AZ 85323

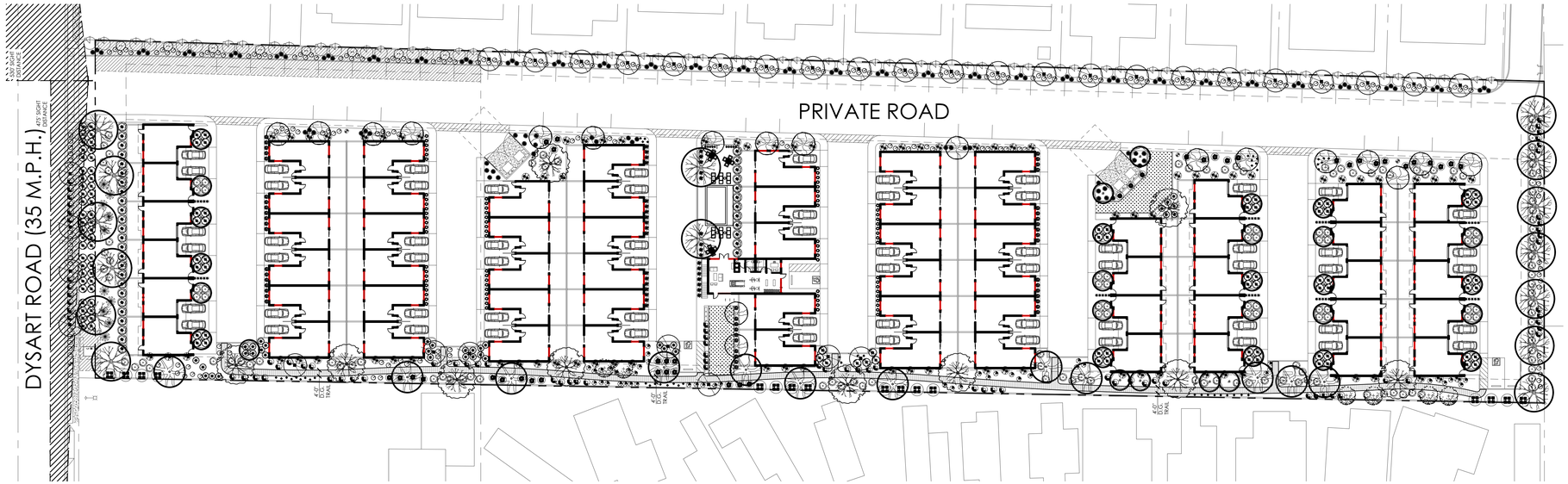
SHEET TITLE:

COVER SHEET & NOTES

| | |
|---|---|
| JOB NO: | 22-003 |
| DATE: | |
| DRAWN BY: | B. PAUL |
| SUBMITTED: | 06.14.2021 |
| REVISED: | |

SHEET

L.01 of L.04




## PLANTING DATA SHEET

| | |
|---|---|
| NET SITE AREA: | 201,249 S.F. |
| ONSITE LANDSCAPE AREA: | 38,366 S.F. |
| STREET RIGHT-OF-WAY: | 2,380 S.F. |

| REQUIRED LANDSCAPE IMPROVEMENTS BY ZONING DISTRICT | REQUIRED | PROVIDED |
|---|---|---|
| A. SINGLE FAMILY RESIDENTIAL (AG, RR-43, RR-18, R1-35, R1-15, R1-8, R1-6, R1-5) | N/A | N/A |
| B. MULTIPLE FAMILY RESIDENTIAL (R-2, R-3, R-4, MH) | 98 TREES | 115 TREES |
| C. CITY CENTER | N/A | N/A |

| REQUIRED LANDSCAPE AREAS | REQUIRED | PROVIDED |
|---|---|---|
| D. CP WITHIN EMPLOYMENT (15% GFA OR 10%) | N/A | N/A |
| E. A-1 WITHIN EMPLOYMENT (15% GFA OR 10%) | N/A | N/A |
| F. ALL DEVELOPMENT WITHIN MULTIPLE FAMILY (20% TO 50%) | 50,313 S.F. | 38,320 S.F. |
| G. ALL DEVELOPMENT WITHIN ALL OTHER ZONING DISTRICTS NOT LISTED ABOVE (20%) | N/A | N/A |
| H. LANDSCAPE SETBACK/ | | |
| 1. TREES | 11 TREES | 6 TREES |
| 2. SHRUBS | 110 SHRUBS | 55 SHRUBS |
| 3. GROUNDCOVER | 2,323 S.F. | 1,417 S.F. |
| I. LAND USE BUFFERS | N/A | N/A |
| J. PARKING LOTS/TREES | 2 TREES | 2 TREES |
| K. BUILDING FRONTAGE | N/A | N/A |
| L. CACTUS/SUCCULENTS | N/A | N/A |
| M. RIGHT OF WAY LANDSCAPING/ | | |
| 1. TREES | 7 TREES | 4 TREES |
| 2. SHRUBS | 70 SHRUBS | 80 SHRUBS |
| N. SPECIAL PLANTING REQUIREMENTS (PAD, ZONING, ETC.) | N/A | N/A |

| TOTALS | REQUIRED | PROVIDED |
|---|---|---|
| TOTAL TREES (LINES A-N) | 118 TREES | 127 TREES |
| TOTAL SHRUBS (LINES A-N) | 180 SHRUBS | 135 SHRUBS |
| TOTAL GROUNDCOVER (LINES A-N) | 2,323 S.F. | 1,417 S.F. |
| TOTAL GROUNDCOVER, INORGANIC (3/4" SCREENED DECOMPOSED GRANITE) | 50,313 S.F. | 38,320 S.F. |
| TOTAL RIGHT-OF-WAY LANDSCAPE AREA | 2,380 S.F. | 2,380 S.F. |
| TOTAL PARKING LOT LANDSCAPING AREA | - S.F. | - S.F. |
| TOTAL USEABLE OPEN SPACE (PAD ONLY) | N/A | N/A |
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REGISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO. 36104
Brian Paul
Date Signed 06-14-21
ARIZONA, U.S.A.
Expires 03/31/23

NORTH

0' 40' 80' 120'

SCALE: 1" = 60'-0"

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PROJECT:
DYSART COMMONS
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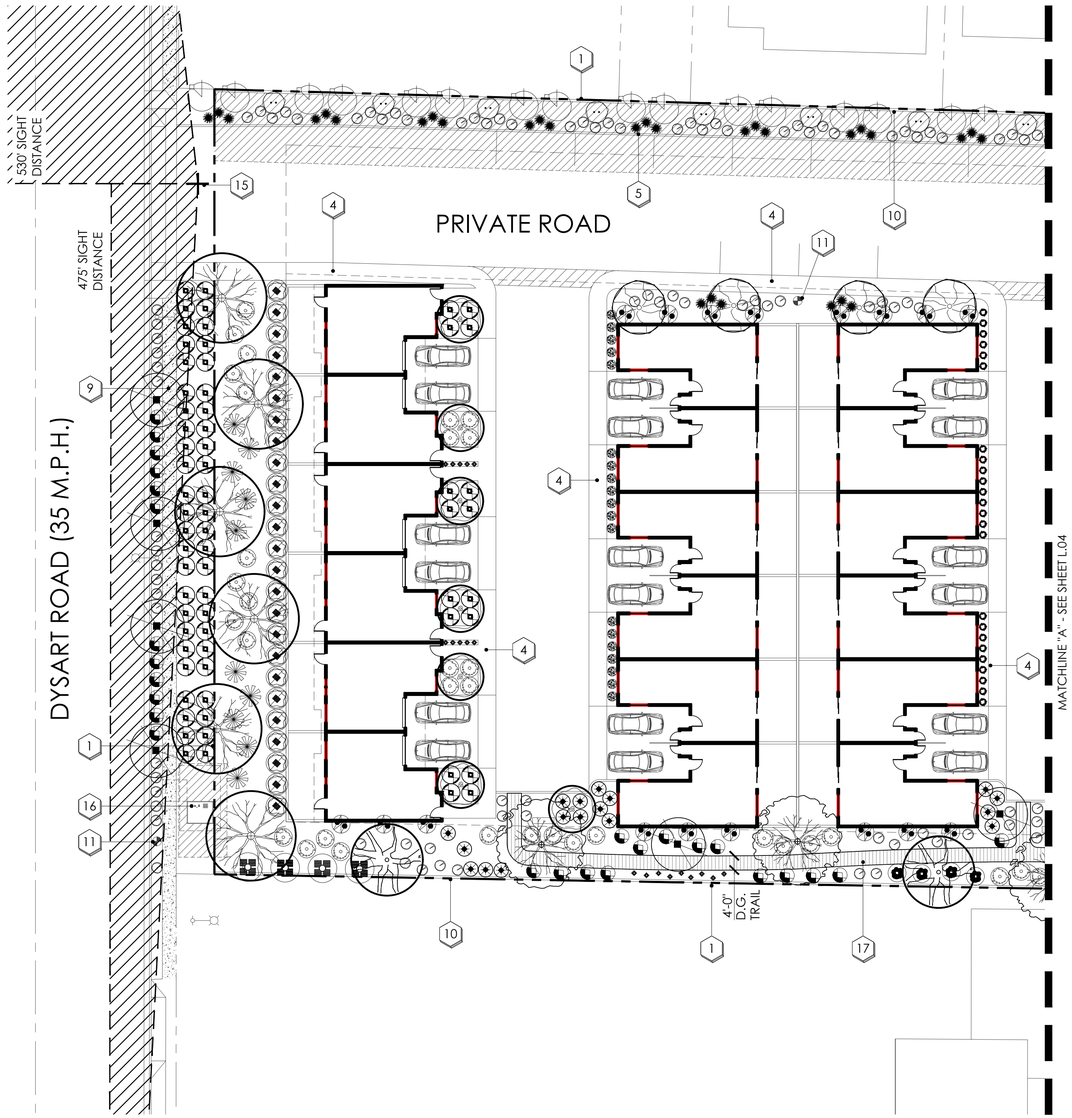
AVONDALE, AZ 85323

SHEET TITLE:
OVERALL PLANTING PLAN

JOB NO: 22-003
DATE:
DRAWN BY: B. PAUL
SUBMITTED: 06.14.2021
REVISED:

SHEET
L.02 of L.04

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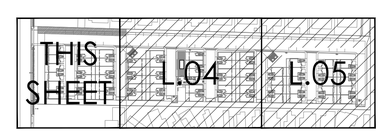


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PROJECT:

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SHEET TITLE:

## PLANTING PLAN

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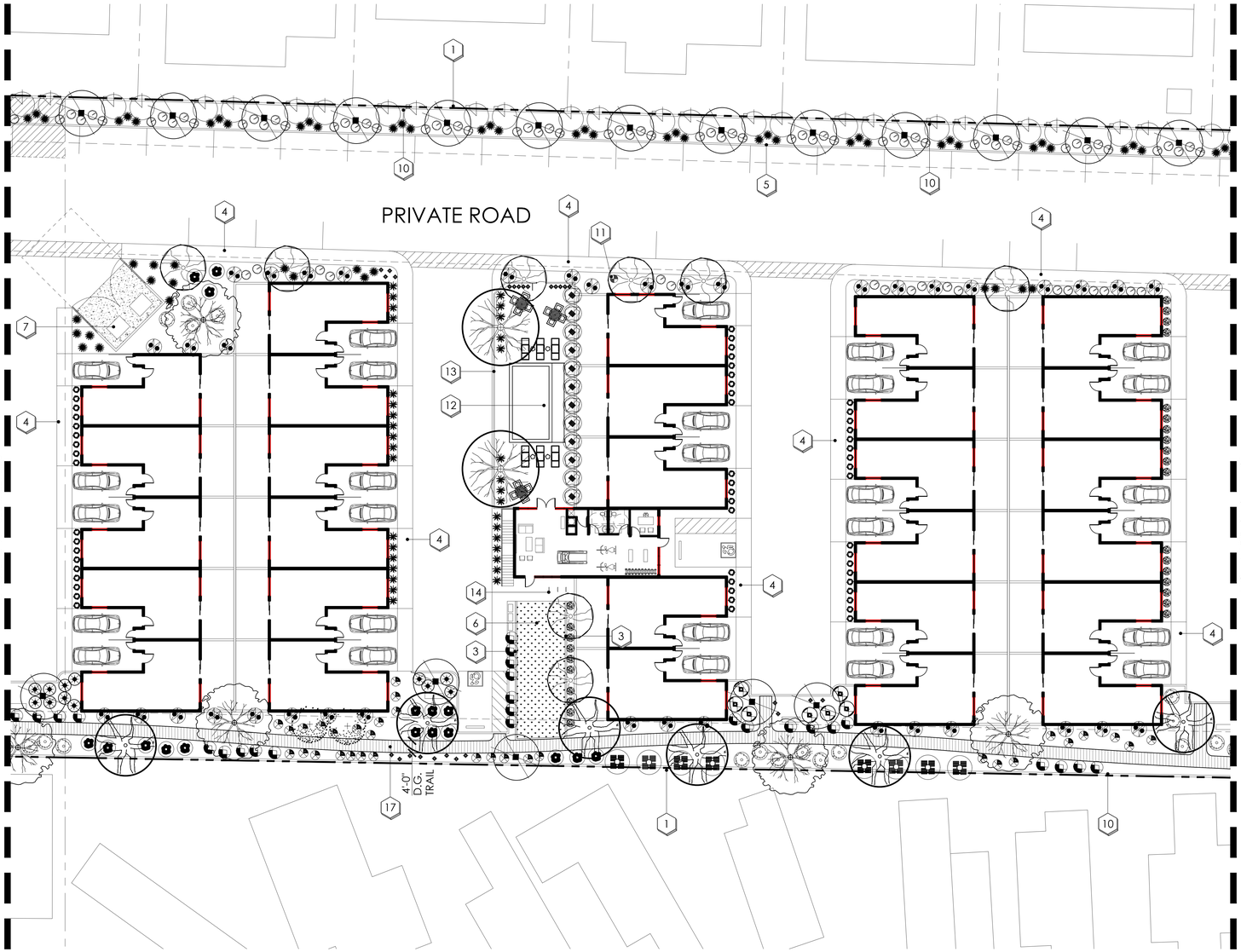


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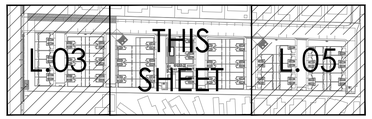


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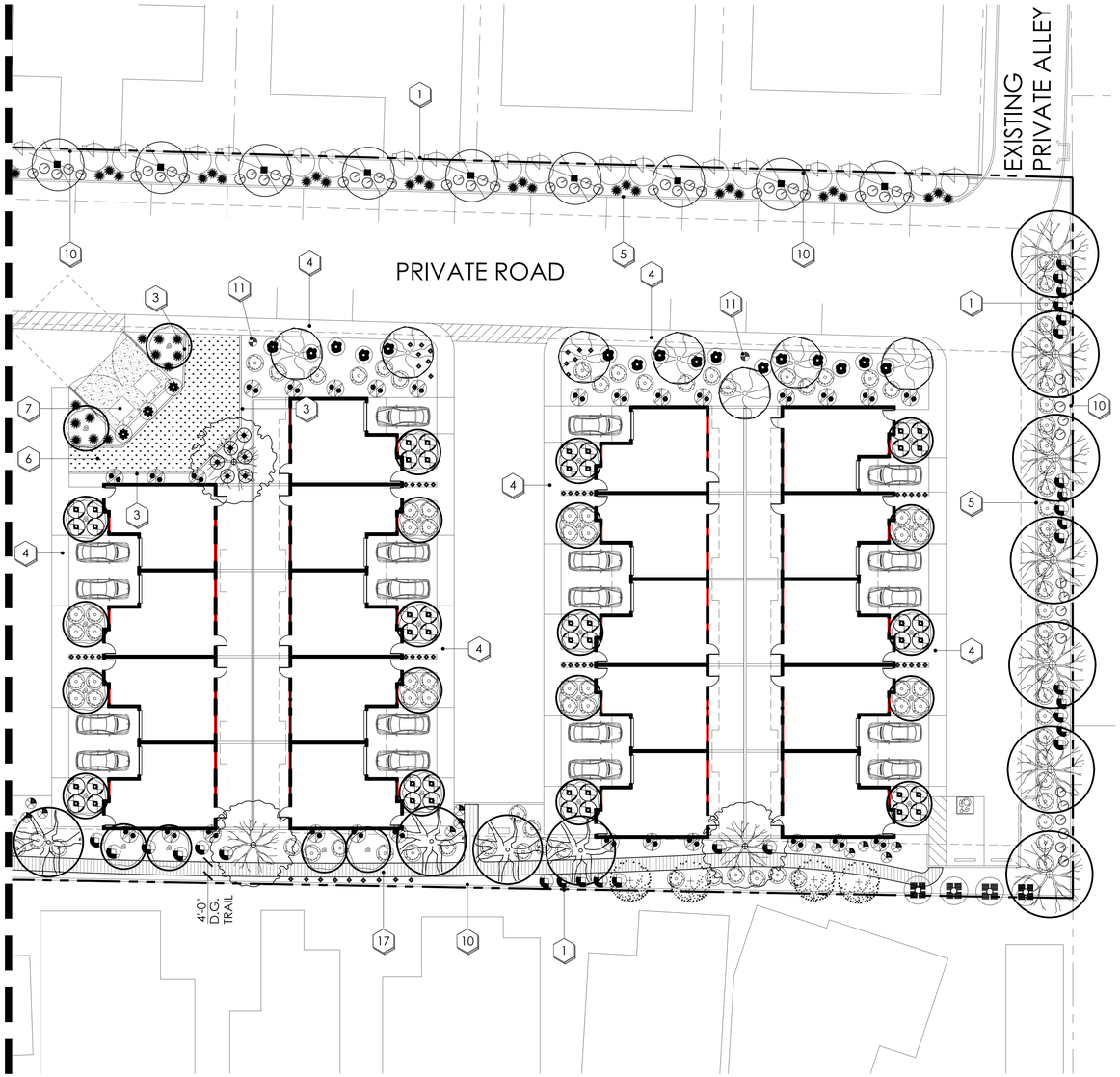


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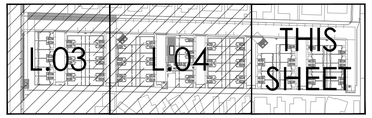
| PISTACIA X. RED PUSH / RED PUSH PISTACHE | (6 @ 2.0 GPH) | 24" BOX | 12 | 7.0H., 2.5W., 1.0CAL. STAKE IN PLACE |
| TIPUANA TIPU / TIPU TREE | (6 @ 2.0 GPH) | 24" BOX | 15 | 7.0H., 3.0W., 1.0CAL. STAKE IN PLACE |
| ULMUS PARVIFOLIA / EVERGREEN ELM | (6 @ 2.0 GPH) | 24" BOX | 10 | 7.0H., 3.0W., 1.0CAL. STAKE IN PLACE |
| **shrubs** | | | | |
| BOUGAINVILLEA X BUTTIANA 'ORANGE KING' / 'ORANGE KING BOUGAINVILLEA | (1 @ 1.0 GPH) | 5 GAL. | 3 | TRAIN TO WALL |
| BOUGAINVILLEA SPECTABILIS 'WHITE STRIPE' / WHITE STRIPE BOUGAINVILLEA | (1 @ 1.0 GPH) | 5 GAL. | 83 | TRAIN TO WALL |
| CORDIA PARVIFOLIA / LITTLELEAF CORDIA | (1 @ 1.0 GPH) | 5 GAL. | 8 | |
| DODONAEA VISCOSA / HOPSEED BUSH | (1 @ 1.0 GPH) | 5 GAL. | 37 | |
| EREMOPHILA SP. / VALENTINE | (1 @ 1.0 GPH) | 5 GAL. | 81 | |
| LEUCOPHYLLUM CANDIDUM / THUNDER CLOUD | (1 @ 1.0 GPH) | 5 GAL. | 239 | |
| LEUCOPHYLLUM LANGMANIAE 'RIO BRAVO' / RIO BRAVO TEXAS RANGER | (1 @ 1.0 GPH) | 5 GAL. | 37 | |
| TECOMA ALATA / ORANGE JUBILEE | (1 @ 1.0 GPH) | 5 GAL. | 16 | |
| TECOMA STANS / YELLOW BELLS | (1 @ 1.0 GPH) | 5 GAL. | 62 | |
| **accents** | | | | |
| AGAVE AMERICANA / CENTURY PLANT | (1 @ 1.0 GPH) | 5 GAL. | 10 | |
| ALOE X. BLUE ELF / BLUE ELF ALOE | (1 @ 1.0 GPH) | 5 GAL. | 102 | |
| ASCLEPIAS SUBULATA / DESERT MILKWEED | (1 @ 1.0 GPH) | 5 GAL. | 34 | |
| EUPHORBIA ANTISYPHILITICA / CANDELILLA | (1 @ 1.0 GPH) | 5 GAL. | 79 | |
| HESPERALOE PARVIFLORA / RED YUCCA | (1 @ 1.0 GPH) | 5 GAL. | 131 | |
| MUHLENBERGIA CAPILLARIS / REGAL MIST | (1 @ 1.0 GPH) | 5 GAL. | 43 | |
| MUHLENBERGIA RIGENS / DEER GRASS | (1 @ 1.0 GPH) | 5 GAL. | 152 | |
| PEDILANTHUS MACROCARPUS / SLIPPER PLANT | (1 @ 1.0 GPH) | 5 GAL. | 47 | |
| **groundcover** | | | | |
| EREMOPHILA GLABRA 'MIGNEW GOLD'. / OUTBACK SUNRISE EMU | (1 @ 1.0 GPH) | 5 GAL. | 115 | |
| SPHAGNETICOLA TRILOBATA / YELLOW DOT | (1 @ 1.0 GPH) | 5 GAL. | 35 | |
| TURF - HYBRID BERMUDA | SPRAYS TO FILTER | SIZE | 1,655 S.F. | COMMENTS |
| **inerts** | | | | |
| 1". DECOMPOSED GRANITE / EXPRESS ARMOR OR LIGHT GRAY EQUIVALENT | | 1" | 40,700 S.F. | 2" MINIMUM IN ALL PLANTERS |
| CONCRETE HEADER / EXTRUDED CONCRETE | | 4" X 6" | 245 L.F. | |
| BELGARD PAVERS / HOLLAND STONE RIO | | | 394 S.F. | |
| 4'-0" 3/8" MINUS DECOMPOSED GRANITE PATH / EXPRESS ARMOR OR LIGHT GRAY | | | 3,592 S.F. | |




key map

NORTH

DESIGN ETHIC
LANDSCAPE ARCHITECTURE
FORGING NEW ENVIRONMENTS
7525 E 6TH AVE SCOTTSDALE, ARIZONA 85251
480.225.7077

REGISTERED LANDSCAPE ARCHITECT CERTIFICATE NO. 35673 BRIAN D. PAUL Expires 03/31/22 ARIZONA, U.S.A.

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'-0"

Contact Arizona 811 at least two full working days before you begin excavation

ARIZONA811

Call 811 or click Arizona811.com

PROJECT:

# DYSART COMMONS
## DYSART & WASHINGTON
## AVONDALE, AZ 85323

SHEET TITLE: PLANTING PLAN

JOB NO: 22-003
DATE:
DRAWN BY: B. PAUL
SUBMITTED: 06.14.2021
REVISED:

SHEET

L.05 of L.04

Exhibit J

## KEY NOTES

1. SMOOTH FACE STUCCO: WHITE (DEW 380) LRV 93 DUNN EDWARDS.
2. ROOF TILE, SEE DETAIL 10/A7.7
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8. SHADE AWNING, SEE DTL 12/A7.5
9. HVAC UNITS BEYOND, SCREENED BY PARAPET
10. GALV. METAL FLASHING CAP, SEE DETAIL 8/A7.6
11. CONTROL JOINT, SEE DETAIL 6/A7.4
12. EXTERIOR LIGHT FIXTURE, VERIFY LOCATION w/ PHOTOMETRIC SITE PLAN. SEE ELECTRICAL DRAWINGS
13. ELECTRICAL METERS, VERIFY LAYOUT w/ SITE PLAN, SEE DTL 15/A7.5
14. GARAGE DOOR, SEE SHEET A8.1 WINDOW & DOOR SCHEDULE
15. ALUMINUM AND GLASS FRONT DOOR IN PAINTED WOOD FRAME, SEE SHEET A8.1 WINDOW & DOOR SCHEDULE
16. STOREFRONT GLAZING, SEE SHEET A8.1 WINDOW & DOOR SCHEDULE
17. 2" GAP BETWEEN BUILDING AND PATIO WALL

## GENERAL NOTES:

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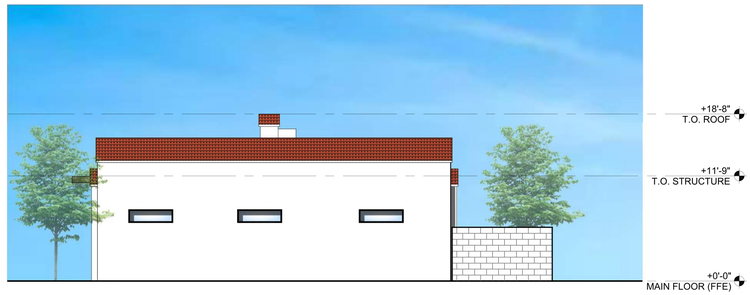
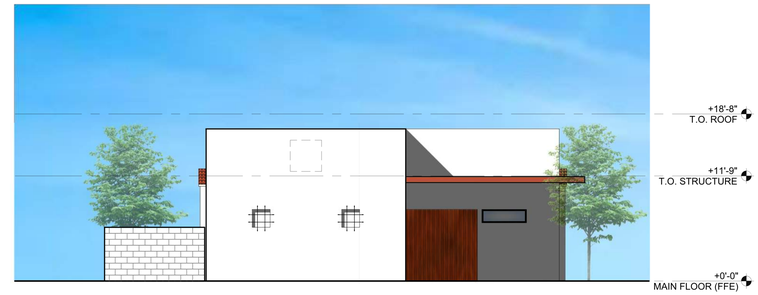
E. SEE PAINT SPEC SHEETS FOR PRIME AND FINISH APPLICATIONS
F. REFER TO SITE PLAN FOR ELECTRICAL METER LOCATION




0' 4' 8' 16'

4 BLDG 1 - SIDE ELEVATION
1/8" = 1'-0"




0' 4' 8' 16'

3 BLDG 1 - SIDE ELEVATION
1/8" = 1'-0"

0' 4' 8' 16'

2 BLDG 1 - REAR ELEVATION
1/8" = 1'-0"

0' 4' 8' 16'

1 BLDG 1 - FRONT ELEVATION
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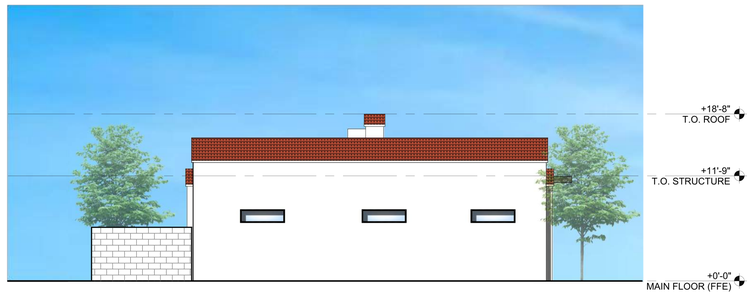
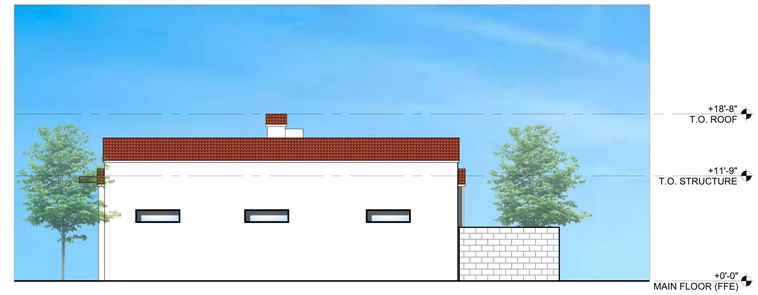



4 BLDG 2 - SIDE ELEVATION
1/8" = 1'-0"




3 BLDG 2 - SIDE ELEVATION
1/8" = 1'-0"

2 BLDG 2 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 2 - FRONT ELEVATION
1/8" = 1'-0"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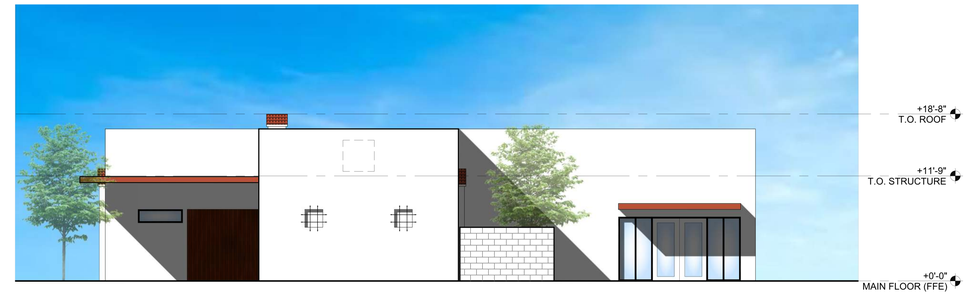
4 BLDG 3 - SIDE ELEVATION
1/8" = 1'-0"

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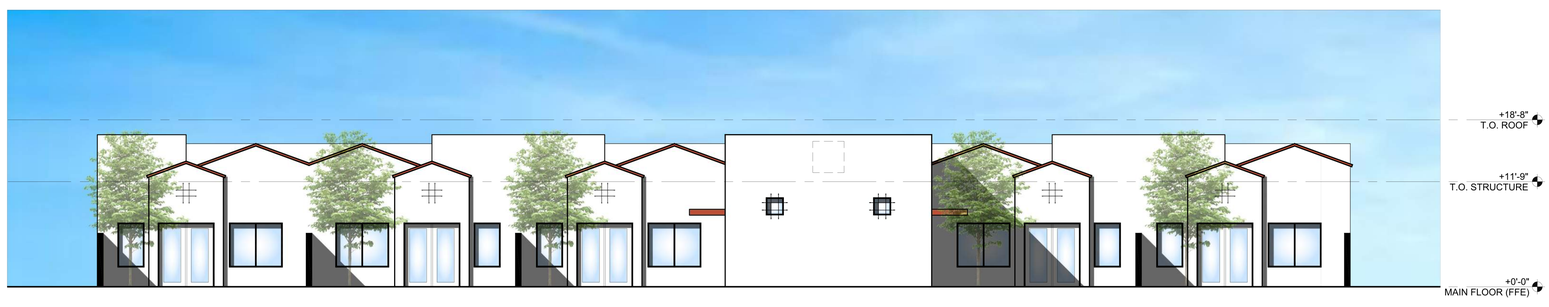


2 BLDG 3 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 3 - FRONT ELEVATION
1/8" = 1'-0"


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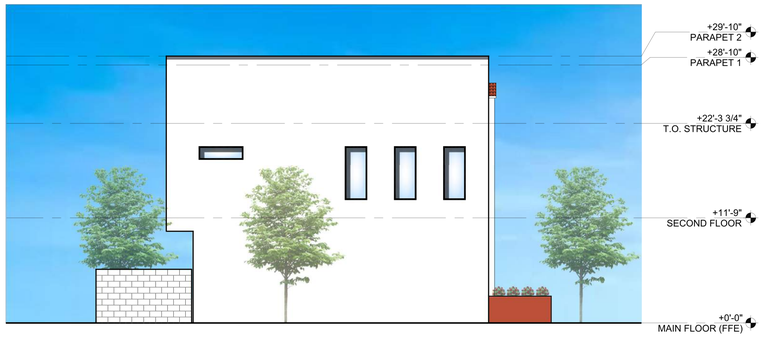


4' 16'
0' 8'

4 BLDG 4 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

3 BLDG 4 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

2 BLDG 4 - REAR ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

1 BLDG 4 - FRONT ELEVATION
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4' 16'
0' 8'

4 BLDG 5 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

3 BLDG 5 - SIDE ELEVATION
1/8" = 1'-0"

4' 16'
0' 8'

2 BLDG 5 - REAR ELEVATION
1/8" = 1'-0"

4' 16'
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1 BLDG 5 - FRONT ELEVATION
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4 BLDG 6 - SIDE ELEVATION
1/8" = 1'-0"

3 BLDG 6 - SIDE ELEVATION
1/8" = 1'-0"

2 BLDG 6 - REAR ELEVATION
1/8" = 1'-0"

1 BLDG 6 - FRONT ELEVATION
1/8" = 1'-0"


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PRELIMINARY
NOT FOR
CONSTRUCTION

APARTMENT VILLAS
RIO POINTE
- - -
DYSART ROAD & WASHINGTON STREET
AVONDALE, AZ 85323

ISSUE

| DATE | REV | FOR |
|---|---|---|
| 10.18.2021 | | PRE APP SITE PLAN |
| 05.12.2022 | | REZONING SUBMITTAL |

Drawn
VRS RL
Checked
VRS
Job Number
2149
Drawing
ELEVATIONS

Sheet
A3.1.6

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X:\2149 DYSART & WASHINGTON\2149 DRAWING\ADT PROJECT HERE\DYSART\SHEETS\A3.1.6 ELEVATIONS.DWG Plotted by: RICK LINAN on 5/12/2022 2:49:56 PM

**ORDINANCE NO. 2061-1022**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 4.87 ACRES GENERALLY LOCATED ALONG DYSART ROAD, SOUTH OF WASHINGTON STREET, AS SHOWN IN APPLICATION PL-22-0154, AND REZONING SUCH PROPERTY FROM COMMUNITY COMMERCIAL (C-2) TO RIO POINTE PLANNED AREA DEVELOPMENT (PAD).

**WHEREAS**, the Council of the City of Avondale (the "City Council") desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas"), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for ± 4.87 acres generally located along Dysart Road, south of Washington Street, as shown in application PL-22-0154, from Community Commercial (C-2) to Rio Pointe Planned Area Development (PAD) (the "Zoning Atlas Amendment"); and

**WHEREAS**, all due and proper notices of the public hearings on the Zoning Atlas Amendment held by the City of Avondale Planning Commission (the "Commission") and by the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

**WHEREAS**, on September 21, 2022, the Commission held a public hearing on the Zoning Atlas Amendment, after which hearing the Commission recommended approval; and

**WHEREAS**, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on October 17, 2022; 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; and

**WHEREAS**, the City Council has considered the probable impact of the Zoning Atlas Amendment on the cost to construct housing for sale or rent and finds that the proposed Zoning Atlas Amendment will have no probable impact on the cost to construct housing for sale or rent.

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

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

SECTION 2. The Zoning Atlas Amendment, is hereby approved, for ± 4.87 acres generally located along Dysart Road, south of Washington Street, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development shall conform to the Rio Pointe Planned Area Development (PAD) Narrative date stamped, 07/05/2022, except as modified by these conditions.

2. The City requires the parcels associated with the subject site to be combined and an eight foot (8') Public Utility Easement (PUE) shall be dedicated to the City through a replat to be reviewed and approved by the City Council.

3. Grandfathered groundwater rights, if any, for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for any portion of the project.

4. All development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.

5. Secondary access to Rio Pointe from Washington Street shall be limited to Emergency Vehicles only. A gate with a Knox box must be installed prior to the issuance of a Certificate of Occupancy.

6. An eight (8) foot masonry wall be constructed along the northern property line of the site prior to the issuance of a Certificate of Occupancy.

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

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

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, October 17, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2061-1022

[Legal Description and Map]

See following pages.

# Parcel Description
# (Gross Area)

Lot 1 and Lot 2 as shown on the Minor Land Division, recorded in Book 1276, Page 22, Maricopa County Records, and a portion of Dysart Road, lying within the northwest quarter of Section 11, Township 1 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

**Commencing** at the northwest corner of said Section 11, a brass cap in handhole, from which the west quarter corner of said Section 11, a City of Avondale brass cap in handhole, bears South 00 degrees 00 seconds 00 minutes East, a distance of 2646.79 feet;

**Thence** along the west line of the northwest quarter of said Section, South 00 degrees 00 minutes 00 seconds East, a distance of 1544.50 feet, to the **Point of Beginning;**

**Thence** leaving said west line, South 88 degrees 21 minutes 45 seconds East, a distance of 50.02 feet, to the easterly right-of-way line of Dysart Road;

**Thence** leaving said easterly right-of-way line, along the northerly lines of said Lots 1 and 2, South 88 degrees 21 minutes 45 seconds East, a distance of 940.05 feet, to the northeast corner of said Lot 2;

**Thence** leaving said northerly line, along the easterly line of said Lot 2, South 00 degrees 01 minutes 12 seconds East, a distance of 208.86 feet, to the southeast corner of said Lot 2;

**Thence** leaving said easterly line, along the southerly lines of said Lots 1 and 2, North 89 degrees 00 minutes 32 seconds West, a distance of 939.88 feet, to the easterly right-of-way line of Dysart Road;

**Thence** leaving said easterly right-of-way line, North 89 degrees 00 minutes 32 seconds West, a distance of 50.01 feet, to the west line of said Section;

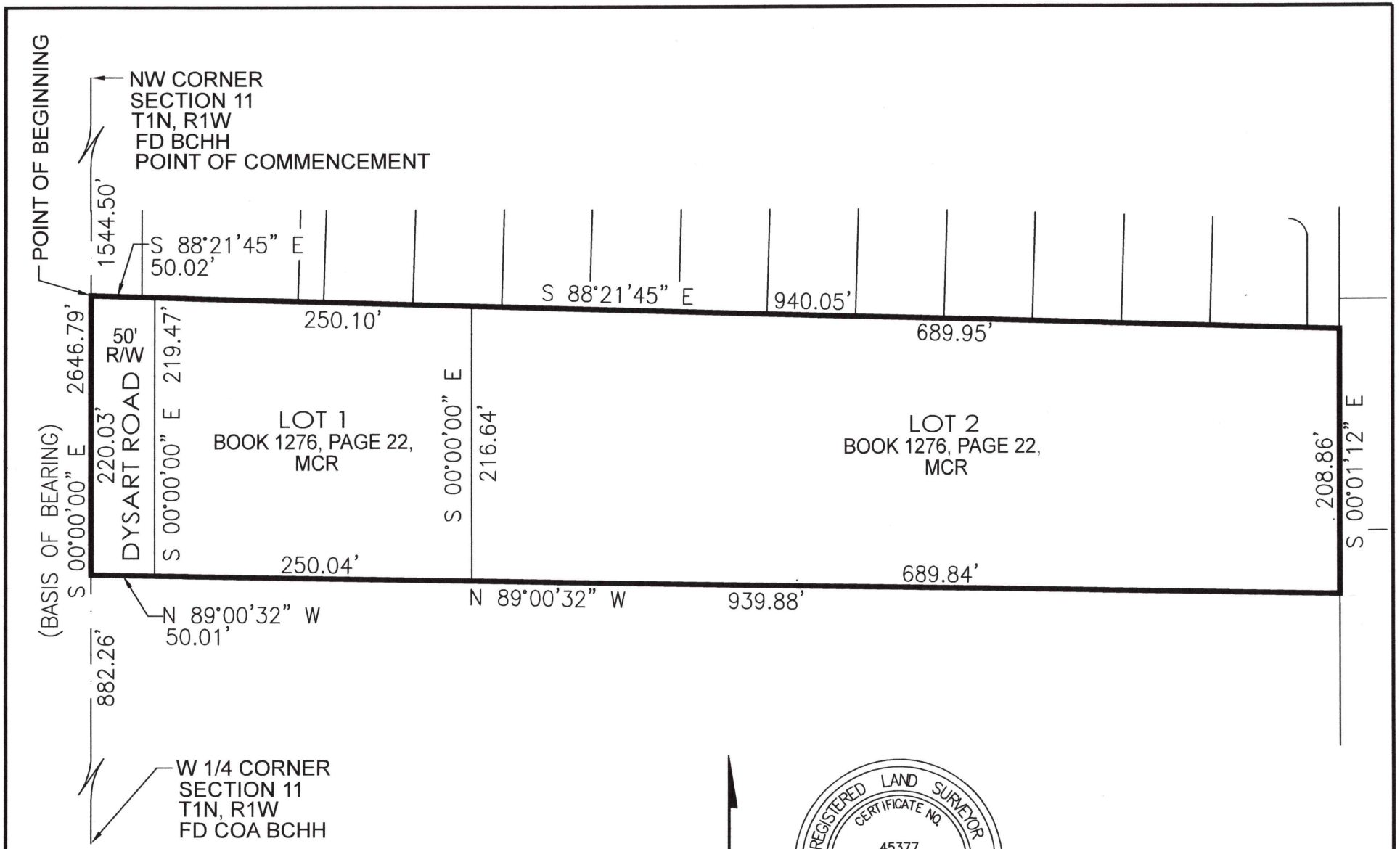
**Thence** along said west line, North 00 degrees 00 minutes 00 seconds West, a distance of 220.03 feet, to the **Point of Beginning.**

Containing 212,236 Square Feet or 4.87 Acres more or less.
Subject to easements, restrictions and rights of way of record.

AW LAND SURVEYING, LLC
P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
45377
DANIEL D.
ARMIJO
Date Signed 6-28-22
Arizona U.S.A.
EXPIRES 12/31/24

June 28, 2022
AWLS #21-043

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Expires 12/31/2024

AW LAND SURVEYING, LLC
PO BOX 2170, CHANDLER, AZ 85244
PH: (480) 244-7630
darmijo@awlandsurvey.com

JOB: 21-043 | SHEET 2 OF 2