



City of Avondale

City Council Meeting

Monday, April 17, 2023

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Council Member | Curtis Nielson, Council Member

Veronica Malone, Council Member | Gloria Solorio, Council Member

Max White, Council Member

Administration

Ron Corbin, City Manager

Cherlene Penilla, Assistant City Manager | Tracy Stevens, 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, April 17, 2023

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

**SPECIAL MEETING
5:30 PM**

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. PROCLAMATION - PROFESSIONAL MUNICIPAL CLERKS WEEK

The City Council will present a proclamation recognizing April 30 through May 6, 2023, as Professional Municipal Clerks Week. This item is for discussion only.

3. NEW EMPLOYEE INTRODUCTION (DISCUSSION ONLY)

City Manager's Office

- Sandra Salas, Management Analyst

Human Resources Department

- Dawn Gosson, Senior Human Resources Analyst
- Natalie Kurdoghlian, Human Resources Specialist

Development Services Department

- Arrianna Ramirez, Administrative Assistant
- Dorothy Williams, Senior Management Analyst

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

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

5. HOLIDAY SCHOOL SPIRIT FOOD DRIVE AWARDS PRESENTATION

The Mayor and City Council will recognize schools that participated in the 2022 Holiday School Spirit Food Drive and provide special recognition to the schools that generated the greatest amount of food to support the community. This item is for discussion only.

6. ADJOURNMENT

REGULAR MEETING

6:00 PM

CALL TO ORDER BY MAYOR PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

1. ROLL CALL 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 March 6, 2023 and March 20, 2023 City Council meeting minutes. The Council will take appropriate action.

b. APPOINTMENT TO BOARDS AND COMMISSIONS

City Council will consider a request to approve the appointment of Larry Rooney, Fire Chief, to the Volunteer Fire Department Pension Board and Honorable Frank Moskowitz to the Judicial Advisory Board. The Council will take appropriate action.

c. AMERICAN RESCUE PLAN ACT (ARPA) UPDATE

City Council will consider a request to update the city's American Rescue Plan Act (ARPA) plan as detailed in Exhibit A and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER, RON CORBIN

City Council will consider a request to approve an amendment to the Employment Agreement with City Manager, Ron Corbin and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1019-0423 - THE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) SUBSTANTIAL AMENDMENT

City Council will consider a request to adopt Resolution 1019-0423, amending the 2020/2021 Annual Action Plan to reallocate unused CDBG-CV Funds to the City's Emergency Housing Assistance Program and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 2023-0423 - SALT RIVER PROJECT POWER DISTRIBUTION EASEMENT FOR THE TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS PROJECT - AVONDALE BOULEVARD AND LOWER BUCKEYE ROAD

City Council will consider a request to adopt Ordinance 2023-0423 authorizing the granting of a power distribution easement to Salt River Project (SRP) in connection with the Traffic Signal and Intersection Improvements Project at Avondale Boulevard and Lower Buckeye Road (T0173) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. ORDINANCE 2024-0423 - FIRST AMENDMENT TO POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT (SRP)

City Council will consider a request to adopt Ordinance 2024-0423 authorizing the granting of a first amendment to a power distribution easement to Salt River Project (SRP) in connection with the Avondale Boulevard Widening Project (T0016) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

4. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1020-0423 - MINOR GENERAL PLAN AMENDMENT FOR ANGELINA LUXURY LIVING - APPLICATION PL-22-0085

City Council will hold a public meeting and consider a request to adopt Resolution 1020-0423, approving a request by Mr. Taylor Earl of Earl & Curley, on behalf of Trinity Lutheran Church of Litchfield Park and Litchfield Park First Baptist Church, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for the Angelina Luxury Living Planned Area Development (PAD), and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. If approved, the Minor General Plan Amendment will amend the General Plan 2030 Land Use Map designation from Local Commercial (LC) and Medium Density Residential (MDR) to High Density Residential (HDR), on 8.4 net acres located south of the southwest corner of Indian School Road and Dysart Road. A concurrent request for a Rezone (PL-22-0084; to be covered in a separate item) will rezone this site to Angelina Luxury Living PAD. The Council will take appropriate action.

b. PUBLIC HEARING AND ORDINANCE 2026-0423 - REZONE FOR ANGELINA LUXURY LIVING - PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-22-0084

City Council will hold a public hearing and consider a request to adopt Ordinance 2026-0423, approving a request by Mr. Taylor Earl of Earl & Curley, on behalf of Trinity Lutheran Church of Litchfield Park and Litchfield Park First Baptist Church, to rezone approximately 8.4 net acres (9.2 gross acres) located south of the southwest corner of Indian School Road and Dysart Road, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. PUBLIC HEARING - ORDINANCES - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATIONS PL-22-0307, PL-22-0315, PL-22-0316, PL-22-0317, PL-22-0318, PL-22-0340, AND PL-22-0358

The City Council will hold a public hearing and consider a request to adopt seven (7) Ordinances, approving City-initiated requests to rezone seven (7) City-owned properties at various locations to conform with specific existing and planned public uses and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C1. PUBLIC HEARING - ORDINANCE 2027-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0315 AQUATIC CENTER

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2027-0423, rezoning approximately 22-acre City-owned property generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C2. PUBLIC HEARING - ORDINANCE 2028-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0316 CIVIC CENTER

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2028-0423, rezoning approximately 10.3-acre City-owned property generally located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow for an existing public use (Civic Center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C3. PUBLIC HEARING - ORDINANCE 2029-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0318 CIVIC CENTER PARK

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2029-0423, rezoning approximately 4.39-acre City-owned property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (park) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C4. PUBLIC HEARING - ORDINANCE 2030-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0307 FIRE STATION

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2030-0423, rezoning approximately 2.98-acre City-owned property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from Urban Residential (R1-6) to Planned Area Development (PAD) to allow for an existing public use (fire station) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C5. PUBLIC HEARING - ORDINANCE 2031-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0317 CIVIC CENTER LIBRARY

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2031-0423, rezoning approximately 4.5-acre City-owned property generally located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow for an existing public use (library) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C6. PUBLIC HEARING - ORDINANCE 2032-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0358 POLICE DEPARTMENT DETENTION CENTER AND SUBSTATION

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2032-0423, rezoning approximately 3.3-acre City-owned property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue from General Industrial (A-1) to Planned Area Development (PAD) to allow for a public use (Police Department Detention Center and Substation) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C7. PUBLIC HEARING - ORDINANCE 2033-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0340 ARIZONA COMPLETE HEALTH RESOURCE CENTER

The City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2033-0423, rezoning approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from General Industrial (A-1) to Planned Area Development (PAD) to allow for a public use (resource center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1018-0423 - AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES CHAPTER 14 TUITION REIMBURSEMENT PROGRAM

City Council will consider a request to adopt Resolution 1018-0423, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 14 Tuition Reimbursement Program, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. ORDINANCE 2025-0423 - AVONDALE CITY CODE AMENDMENT, CHAPTER 1, CHAPTER 14, AND CHAPTER 15; RELATING TO THE PROPERTY MAINTENANCE ORDINANCE

City Council will consider a request to adopt Ordinance 2025-0423 amending Avondale City Code, Chapter 1, Chapter 14, and Chapter 15, Relating to the Property Maintenance Ordinance and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. UPDATE ON AVONDALE CITY CODE CHAPTER 23, ARTICLE III, SECTION 23-62; RELATING TO THE PARKING OF TRUCKS AND TRAILERS

City Council will receive an update from the Office of Public Safety and the Police Department on Avondale City Code Chapter 23, Article III, Section 23-62; Relating to the Parking of Trucks and Trailers. This item is for discussion only.

5. ADJOURNMENT INTO EXECUTIVE SESSION

City Council will consider a request to adjourn the Regular Meeting and hold an Executive Session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), discussion with the City Attorney or attorneys for the City for legal advice concerning pending litigation and to instruct the City Attorney and attorneys for the City on such litigation in the matter of Charles Montoya vs. City of Avondale, et al.

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

CITY COUNCIL REPORT

SUBJECT: Proclamation - Professional Municipal Clerks Week

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other.

PURPOSE:

The City Council will present a proclamation recognizing April 30 through May 6, 2023, as Professional Municipal Clerks Week. This item is for discussion only.

BACKGROUND:

The International Institute of Municipal Clerks has been celebrating the Annual Professional Municipal Clerks Week since it was initiated in 1969 and is endorsed by all of its members throughout the United States, Canada and 15 other countries. In 1984 and in 1994, Presidents Ronald Reagan and Bill Clinton, respectively, signed a Proclamation officially declaring Professional Municipal Clerks Week the first full week of May and recognizing the essential role Municipal Clerks play in local government.

DISCUSSION:

The presented proclamation is to recognize the vital and appreciated services performed by Municipal and Deputy Clerks in serving the changing needs of their communities.

BUDGET IMPACT:

This item does not have a budget impact.

RECOMMENDATION:

This item is for discussion only.

Contact person for document distribution: n/a



PROCLAMATION

54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

April 30 - May 6, 2023

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW THEREFORE, I, Kenneth Weise, by virtue of the authority vested in me as Mayor of the City of Avondale, Arizona, do hereby proclaim the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our City Clerk's Office and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they

Mayor

Attest:

City Clerk

CITY COUNCIL REPORT

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

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Christopher Lopez, Neighborhood and Family Service Director

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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. Avondale seeks to recognize students that are working diligently to pursue their academic goals, personal interests and serve others in the community.
-

PURPOSE:

The Mayor and 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.

CITY COUNCIL REPORT

SUBJECT: Holiday School Spirit Food Drive Awards Presentation

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Christopher Lopez, Neighborhood and Family Services Director

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values. The Annual Holiday School Spirit Food Drive and its participating schools help to create a sense of pride and community by caring for those in need.
-

PURPOSE:

The Mayor and City Council will recognize schools that participated in the 2022 Holiday School Spirit Food Drive and provide special recognition to the schools that generated the greatest amount of food to support the community. This item is for discussion only.

BACKGROUND:

The Holiday School Spirit Food Drive was created in 2008 to address the overwhelming demand that local food banks experience during the holidays. The concept was to establish a competition sponsored by the Avondale Youth Advisory Commission and challenge students to address a critical need. Since its inception in 2008, the food drive has generated over 150,000 lbs of food.

DISCUSSION:

The Neighborhood and Family Services Department - Youth and Community Engagement Division and Avondale Youth Advisory Commission partnered with 10 local schools in Avondale for the Annual School Spirit Holiday Food Drive. The food drive took place from November 14 - December 21, 2022 to benefit Avondale residents through the St. Mary's Food Bank. The food drive generated 5,477 pounds of food, which equates to 4,564 meals provided to those in need. Avondale schools and students will be recognized for their kindness, generosity and school spirit.

BUDGET IMPACT:

None

RECOMMENDATION:

This item is for discussion only.

Contact person for document distribution:

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item provides residents with access to a previous meeting's minutes. The meeting minutes provide another outlet for residents to connect with the City Council.

PURPOSE:

City Council will consider a request to approve the March 6, 2023 and March 20, 2023 City Council meeting minutes. The Council will take appropriate action.

BACKGROUND:

Pursuant to Arizona Revised Statute §§ 38-431.01(B), the City must provide written minutes of all City Council meetings.

DISCUSSION:

City Council held a meeting and the attached minutes have been prepared for approval.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve the attached meeting minutes.

Contact person for document distribution: Chris Pierson

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
March 6, 2023

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 5:30 p.m.

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

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Mark Neerings, Assistant Chief Information Officer; Jodie Novak, Development Services Director; Abril Ruiz-Ortega, Court Administrator; Larry Rooney, Fire Chief; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately fifteen members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. VALLEY OF THE SUN UNITED WAY PRESENTATION

Laura Kaiser, Chief Corporate Relations & Brand Officer of Valley of the Sun United Way, provided an update to City Council regarding the 2022 Employee Giving Campaign. This item was for discussion only.

Marcella Carrillo, City Clerk, introduced Laura Kaiser, who joined United Way in 2008 as Corporate Development Officer and grew her career by leading the development of the organization. Ms. Kaiser is a graduate of UA and remains engaged with the Eller School of Management and Valley Leadership.

Ms. Kaiser, along with Megan Epley, Corporate Relations Manager for United Way expressed their gratitude to the City of Avondale for their longstanding and dedicated partnership with United Way to include the Employee Campaign with 100% participation to raise \$122,000. Those who acted in a leadership role stood to be recognized.

The partnership with the City of Avondale is a model that shows what true partnership means for creating a better community through collaboration together. The City of

Avondale and United Way align with the Strategic Plan especially for the following initiatives.

1. Read on Avondale, that provides tools to ensure a child is reading by 3rd grade.
2. Read Better Be Better, where 6th grade students mentor 3rd grade students in reading
3. Sonar Initiative
4. Project Connect addresses barriers to prevent homelessness and safety
5. Read Across America

Mayor Weise and Council Members offered their gratitude to City employees for their creative involvement and support of United Way and United Way for how they give back to the community through multiple necessary initiatives.

3. SWEARING-IN AND BADGE-PINNING CEREMONY

Mr. Larry Rooney was sworn in as the new Fire Chief of the City of Avondale. This item was for discussion only.

4. ADJOURNMENT

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

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 5:50 p.m.

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 6:02 p.m.

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

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

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs

Administrator; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Mark Neerings, Assistant Chief Information Officer; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

Brother Steven Gerard Sapolsky of the 3rd Order of St Francis, addressed City Council stating the Arizona March for Life at the State Capital was successful and encouraged all to research the march to learn about the speakers. The Supreme Court declared new Dobbs rules of law, however, anyone can claim personhood within a charter city.

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. Council Member White requested agenda item 3b be pulled for separate consideration and Council Member Malone requested agenda item 3h be pulled for separate consideration.

Motion was made by Council Member White, seconded by Council Member, to approve the Consent Agenda with the exception of agenda item 3b and 3h.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the February 06, 2023 City Council meeting minutes.

b. SERIES 7 (BEER AND WINE BAR) LIQUOR LICENSE - VALLEY GOLF CENTER

City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 7 (Beer and Wine Bar) Liquor License submitted by Jeffrey Craig Miller for the sale of alcohol at Valley Golf Center located at 12247 West Indian School Road in Avondale and authorized the City Clerk to execute the necessary documents.

c. PARK 10 PHASE 4 – RE-PLAT – APPLICATION PL-22-0106

City Council approved a request by Jeff D. Behrana of Optimus Design Group, on behalf of the property owner Gunbo LLC, for approval of a Re-Plat for Park 10 Phase 4. The proposed Re-Plat divides 9.81 acres of undeveloped land into four (4) lots. The property is located approximately 1,200 feet east of the southeast corner of McDowell Road and 107th Avenue.

d. RESOLUTION 1014-0323 – INTERGOVERNMENTAL AGREEMENT WITH VARIOUS AGENCIES FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY FOR THE RIO REIMAGINED PROJECT

This item was pulled from the consent agenda to be considered separately. Full discussion and vote are listed below.

e. ORDINANCE 2015-0323 – ACCEPTANCE OF DEDICATION OF PUBLIC UTILITY EASEMENTS FROM BROOKFIELD LAKIN, LLC

City Council adopted Ordinance 2015-0323 authorizing the acceptance of dedication of public utility easements along El Mirage Road from Brookfield Lakin, LLC, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. ORDINANCE 2016-0323 – ACCEPTANCE OF DEDICATION OF PUBLIC DRAINAGE EASEMENTS FROM BROOKFIELD LAKIN, LLC

City Council adopted Ordinance 2016-0323 authorizing the acceptance of dedication of public drainage easements along El Mirage Road from Brookfield Lakin, LLC, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. ORDINANCE 2017-0323 – ACCEPTANCE OF DEDICATION OF PUBLIC SIDEWALK EASEMENTS FROM BROOKFIELD LAKIN, LLC

City Council adopted Ordinance 2017-0323 authorizing the acceptance of dedication of public sidewalk easements along El Mirage Road from Brookfield Lakin, LLC, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

h. ORDINANCE 2018-0323 - LOWER BUCKEYE ROAD AND EL MIRAGE ROAD RIGHT-OF-WAY ANNEXATION

This item was pulled from the consent agenda to be considered separately. Full discussion and vote is listed below.

i. ORDINANCE 2019-0323 - REPEAL AND REPLACE ORDINANCE 2068-1222 FOR LOWER BUCKEYE ROAD RIGHT-OF-WAY ANNEXATION

City Council repealed and replaced Ordinance 2068-1222 and adopted Ordinance 2019-0323 to correct the legal description previously approved authorizing the annexation of a portion of Lower Buckeye Road right-of-way from 4th Street to Litchfield Road and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

j. ORDINANCE 2020-0323 - ACQUISITION OF REAL PROPERTY FOR PUBLIC USE AS A PUBLIC SAFETY FACILITY

City Council adopted Ordinance 2020-0323 authorizing the acquisition, by dedication, purchase, or condemnation of real property for public use as a public safety facility and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY:

d. RESOLUTION 1014-0323 - INTERGOVERNMENTAL AGREEMENT WITH VARIOUS AGENCIES FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY FOR THE RIO REIMAGINED PROJECT

City Council considered a request to adopt Resolution 1014-0323, approving an Intergovernmental Agreement with the City of Buckeye, the City of Goodyear, the City of Mesa, the City of Phoenix, the City of Tempe, the Gila River Indian Community, the County of Maricopa, the Salt River Pima-Maricopa Indian Community, the Salt River Project Agricultural Improvement and Power District, the Maricopa Association of Governments, and the Arizona Board of Regents for and on behalf of Arizona State University; relating to the engagement of an outside consultant to represent the Rio Reimagined Project and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Bryan Hughes, Parks and Recreation Director, stated the Rio Reimagined IGA is a culmination of five years of work that began in 2018 when the City of Avondale signed onto a coalition with ten partners the Salt River, previously known as the Rio Salado Reimagined. Steps were taken to see a new vision for conservation and development along the Rio Salado and Gila Rivers that span 58 miles from the Granite Reef Dam to State Route 85 in Buckeye. In 2021, the Environmental Protection Agency designated the Rio Reimagined project a 20th Urban Waterway of America, which opened access to Federal funds to assist with the rehabilitation of the river's corridors.

The goal of the initial four-year IGA is to appoint an ambassador to be the liaison to the Federal Government and assist with the red tape. This position is estimated to cost \$15,000 per year and would be funded by all the 11 partners listed in the IGA and contracted with MAG. All funding would go to MAG and be overseen by an advisory board.

A short video about the project was screened for Council Members.

In response to questions from Council Members, Mr. Hughes stated the Gila River Indian Community has not joined but are anticipated to upon some amendments to the agreement. The Lower Gila Valley River Consortium is a subgroup acting in concert with the Rio Reimagined project seeking Federal grants that allow them to get a jump start on the vision for this area.

Mayor Weise stated this was a vision of Senator McCain which Mayors Lord and Meck were integral in getting started. As Mr. Hughes stated, \$15,000 per year with MAG and ASU overseeing it makes sense for Avondale. When the project comes to Avondale, City Council will make decisions going forward.

Council Member White moved to adopt Resolution 1014-0323, approving an Intergovernmental Agreement with the City of Buckeye, the City of Goodyear, the City of Mesa, the City of Phoenix, the City of Tempe, the Gila River Indian Community, the County of Maricopa, the Salt River Pima-Maricopa Indian Community, the Salt River Project Agricultural Improvement and Power District, the Maricopa Association of Governments, and the Arizona Board of Regents for and on behalf of Arizona State University; relating to the engagement of an outside consultant to represent the Rio Reimagined Project and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Vice Mayor Pineda seconded the motion.

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

h. ORDINANCE 2018-0323 - LOWER BUCKEYE ROAD AND EL MIRAGE ROAD RIGHT-OF-WAY ANNEXATION

City Council considered a request to adopt Ordinance 2018-0323 authorizing the annexation of portions of Lower Buckeye Road and El Mirage Road right-of-way and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Council Member Malone stated this has been a long time coming and will provide safe walking and crossing in that area. She thanked the staff for their hard work.

Council Member Malone moved to adopt Ordinance 2018-0323 authorizing the annexation of portions of Lower Buckeye Road and El Mirage Road right-of-way and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Conde seconded the motion.

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

4. REGULAR AGENDA

a. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR KIDS BLVD CHILD CARE CENTER – APPLICATION PL-22-0226

City Council held a public hearing and considered a request by Sahib Singh, GM Capital Investments LLC, for approval of a Conditional Use Permit (CUP) to allow for the operation of a childcare center. The 2.58-acre subject property is located approximately 800 feet west of the southwest corner of Van Buren Street and Avondale Boulevard.

Catherine Lorbeer, Deputy Director of Planning presented City Council with an overview of the Conditional Use Permit (CUP) for the Kids BLVD Childcare Center.

- The site is approximately 2.5 acres and part of the Coldwater Springs Promenade, located 800 feet west of the southwest corner of Van Buren and Avondale Blvd.
- General Plan property designation is Promenade District
- Current zoning is Coldwater Springs PAD, which allows childcare centers
- The childcare will operate Monday through Friday from 6:00 a.m. to 6:00 p.m. with staggered drop-off and pick-up schedules and estimated enrollment of 172 children.
- The north and south parking area and outdoor play areas are shown on the Conceptual Site plan.
- The Conceptual Landscape Plan shows perimeter planting and trees, a six-foot block wall and buffer of trees along the southern boundary of the playground
- The Conceptual Building Design complements the existing shopping area.
- A detailed site plan and design review will begin upon Council's approval of the CUP.
- The CUP meets all five findings within the City's Zoning Ordinance.
- A neighborhood meeting was held in October 2022 with two members of the public in attendance with no concerns raised.
- In February 2023 the Planning Commission conducted a public hearing with concerns raised about access, traffic turning, potential roadway improvements, and proximity to

existing residential uses. The Planning Commission recommended the CUP application number PL-22-0226 to allow Kids BLVD Childcare Center in Coldwater Springs PAD subject to three conditions.

- The existing facilities were appropriate to support the proposed childcare use
- Code requires a 50-foot setback to residential and the building is 123 feet north and the playground is 70 feet away.

Mayor Weise opened the public hearing and received one request to speak from Gerardo Gonzales, who stated his concern is with cars parking along the wall and suggested a buffer zone and having the cars park elsewhere.

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

Mayor Weise stated homeowners have made prior complaints related to semi-trucks parking there and inquired if the applicant is willing to designate the back parking lot as employee only parking. Ms. Lorbeer provided photos depicting the existing parking and landscaping and felt the back parking spaces would be sufficient for the employees.

In response to Council Member questions, Kenneth Eller with Archi-CAD Architects stated he specializes in preschools and is a reviewer for DHS. He provided a detailed overview of the proposed car park for employees and parents for drop-off and pick-up which will occur during operating hours, which includes spaces around the north curb. There are two entrances, one off west of Banner Health and one next to the Lams Market. Food deliveries will be made once a week or biweekly using the third entrance. A discussion ensued pertaining to the parking arrangements and access to the site, noting parents can only enter on the north side of the building where there is a secure entrance, in accordance with DHS regulations.

Chief Espinoza stated prohibited parking signs exist on the property and officers issue warnings or summons when someone is parked there. Unfortunately, where this is a vacant lot and isolated it is a continuous challenge that will hopefully be mitigated once it is no longer a vacant lot.

In response to questions from Mayor Weise, Mr. Eller stated the lighting in the back of the building is shielded and intended only to light the walkway.

Mayor Weise asked for employee designated signage to be installed and for deliveries and trash pick up not occur until after 8:00 a.m. to eliminate the noise in the early morning hours.

Council Member Conde moved to approve Application PL-22-0226 Kids BLVD Childcare Center, a request for approval of a Conditional Use Permit to allow for the operation of a childcare center approximately 800 feet west of the southwest corner of Van Buren Street and Avondale Boulevard, subject to three (3) conditions of approval as listed in the staff report; Council Member Malone seconded the motion.

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

b. USE OF ONE ARIZONA DISTRIBUTION OF OPIOID SETTLEMENT FUNDS

City Council considered a request to: a) approve the use of the yearly One Arizona Distribution of Opioid Settlement Funds for the education and prevention of the use and misuse of opioids in the community; b) authorize staff to process the necessary budget transfers; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Dale Nannenga, Chief of Public Safety provided City Council with an overview of the status of the settlement funds, statistics in Avondale compared to state, national, and local levels, status since developing strategies and action items, current actions occurring within the City, and recommended use of the One Arizona Distribution of Opioid Settlement funds.

The pin map shows that over the last two years, there isn't one community or neighborhood that hasn't been touched by the opioid crisis. In 2021 there were 107,000 deaths from opioid and fentanyl use across the U.S. In 2022 there were 3,400 nonfatal overdoses and 1,819 fatal overdoses in Arizona, with 145 nonfatal overdoses and 14 fatal overdoses in Avondale.

In November 2021, the City Council approved Avondale to join the Arizona settlement discussions that were part of a national settlement. The agreement was finalized in 2022 and resolved litigation with pharmaceutical distributors. The settlement provided 56% of the funds to local governments within Arizona, with Maricopa County receiving an estimated \$80 million. The factors used to determine the amount of funds included the number of opioids shipped to the region, the number of opioid deaths, and the number of people suffering from opioid use disorder. To date Avondale has received \$161,290.

The One Arizona Settlement funds can only be used on treatment, prevention, other strategies, such as initiatives for first responders, leadership planning, coordination, training, or research. The Executive City Management Team's direction was to come up with strategies and action items that focused on prevention and education.

A team was developed consisting of the Police Department, Neighborhood and Family Services, the Office of Public Safety, marketing and Public Relations Department, and the Fire and Medical. The team decided to work on proactive actions within the community.

- Education awareness - create campaigns that can be put on social media, and online that focus on youth programs. The Police Department is developing strategies and action items to reach out to the community and bring awareness to the opioid problem.
- Prevention and Intervention - reach out to the vulnerable community members who need extra support to obtain the tools necessary to break the addiction cycle.

Existing initiatives include:

- A K-9 specifically trained for fentanyl detection
- Attending KidFest on April 8 to offer pamphlets, education, and giveaways to bring awareness to the community.
- Developing partnerships with Littleton and Avondale Elementary schools to educate and work with the young people in the community.
- Naloxone (Narcan) training for City employees, which is a directive from the Executive
- Avondale Detectives, while working with Federal, State, and local partners seized 22 pounds of fentanyl, equivalent to 5.5 million fatal doses.

In response to Council Member questions, Mr. Nannenga stated in his experience fentanyl is not being produced in the U.S. and is being manufactured and brought across the boarder from countries such as Mexico and India. One of the team's strategies is to educate parents and make them aware of things they can look for at home and stop the use before it happens. The K-9 is still being trained and is expected to join the police department in five to six weeks. The 22 pounds of fentanyl were seized using other tactics. Another part of this program is to determine how to help city employees if they are exposed to an opioid.

Council Member Conde suggested partnering with the Kiwanis and Rotary clubs to help get the message out to children and parents to be proactive and "scare them straight". Council Member Solorio discussed obtaining training so community members would be able to assist those in need. Council Member Nielson stated it is important to get the information out there, because saving one person can make a difference. Council Member White shared her experience during a ride-along with the Police Department and the need for education and protection of the community members and the police officers who deal with these situations.

Mayor Weise asked for City Council to be provided with Naloxone training opportunities. He suggested including charter and private schools when providing education for the youth. Border enforcement is a key component to keeping the opioids from coming into the country.

Council Member White moved to approve the use of the opioid settlement funds for the education and prevention of the use and misuse of opioids in the community; authorize staff to process the necessary budget transfers; and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Nielson seconded the motion.

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

5. ADJOURNMENT

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

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 7:16 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 6th day of March 2023. 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

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
March 20, 2023

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 5:30 p.m.

Members Present: Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Gloria Solorio and Max White.

Members Absent: Mayor Kenn Weise and Council Member Curtis Nielson.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris; City Attorney; Lisa Maxie-Mullins, Deputy City Attorney; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Margaret Carey; Deputy City Clerk; Ken Chapa, Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: 26 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. RECOGNITION OF AVONDALE A+ SCHOOL OF EXCELLENCE AWARD RECIPIENTS

City Council recognized Rancho Santa Fe Elementary School and Garden Lakes Elementary School for their recent accomplishment of receiving the A+ School of Excellence Award from the Arizona Educational Foundation. This item was for discussion only.

Council Member Solorio explained the A+ School of Excellence Award began in 1983 as a way to showcase public schools by identifying, celebrating, and recognizing educational excellence for schools in Arizona. Schools who earn this distinguished award go above and beyond every day in practices all schools are expected to implement. These schools share such traits as modeling quality and equity, a strong commitment to academic excellence, responding successfully to the changing educational environment, encouraging innovative instruction by supporting teachers, actively addressing student social, emotional, physical, and intellectual needs, and demonstrating superior ability to go above and beyond the norm by providing services to children, families, and the local community. The program provides schools with an outstanding comprehensive framework that serves as the basis for school self-assessment and planning.

Welcome to Rancho Santa Fe Elementary School and Garden Lakes Elementary School on their recent accomplishment in receiving the A+ School Excellence Award. Present this evening are Jody Gunning, Superintendent of Litchfield Elementary School District; Vanessa Zuniga, Principal of Rancho Santa Fe Elementary School; Jennifer Cruz, Superintendent of Pendergast School District; Jill Helland, Principal of Garden Lakes Elementary School; and Ann-Jeanette Estrada, Assistant Principal of Garden Lakes Elementary School.

3. EMPLOYEE INTRODUCTIONS (DISCUSSION ONLY)

The following new employees were introduced to City Council.

Finance & Budget Department

- Elvira Dye, Senior Revenue Analyst

Information Technology Department

- Vladislav Sihov, Sr. Systems Engineer

Parks and Recreation Department

- Chelsea Abasta, Parks Maintenance Worker
- Paige Berriochoa, Recreation Programmer
- Daniele Cornejo, Recreation Programmer
- Armando Garza, Parks Maintenance Worker
- Cindy Hernandez, Recreation Programmer
- Rachelle Nunez, Administrative Assistant
- Laura Pimentel, Customer Services Representative
- Saul Rabadan, Parks Maintenance Worker
- Brandon Rodriguez, Parks Maintenance Lead
- Luis Rosales, Parks Maintenance Worker
- Zakrey Simmons, Parks Maintenance Worker
- Brian Thompson, Parks Maintenance Lead

4. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 5 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye

Meeting adjourned at 5:46 p.m.

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 6:00 p.m.

Vice Mayor Pineda led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Gloria Solorio and Max White.

Members Absent: Mayor Kenn Weise and Council Member Curtis Nielson.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: No members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES:

None.

3. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately. Vice Mayor Pineda asked if any Council Member wished to have an item removed from the Consent Agenda. Council Member White requested agenda item 3c be removed from the Consent Agenda to be considered separately.

Motion was made by Council Member Malone, seconded by Council Member White, to approve the Consent Agenda with the exception of agenda item 3c.

Upon vote, the motion carried unanimously 5 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye

a. AWARD AUTHORITY FOR VEHICLE MAINTENANCE REPAIR

City Council recommended approval to increase spending authority for fire apparatus maintenance and repairs in the amount of \$150,000 and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

b. SETTLEMENT AGREEMENT AND PAYMENT FOR THE CLAIM OF JAVIER CASTANEDA AND SAMUEL CASTANEDA, JR.

City Council approved the settlement agreement with Javier Castaneda and Samuel Castaneda, Jr., a minor, in the amount of \$75,000 for the claim and \$2,500 for the minor's conservatorship and authorized the Mayor, City Manager, City Attorney and City Clerk to execute the necessary documents.

c. RESOLUTION 1013-0323 - AUDIT COMMITTEE BYLAWS

This item was pulled from the consent agenda to be considered separately. Full discussion and vote is listed below.

d. RESOLUTION 1015-0323 - 5TH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES

City Council adopted Resolution 1015-0323, approving Amendment five (5) of an Intergovernmental Agreement with Maricopa County Human Services Department for reduction of the FY2023 funding amount from \$107,500 to \$76,250 related to the Family Navigator/Bridge Housing Case Manager line item; and (b) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. FINAL PLAT - A RE-PLAT OF LOT 2 FOR MGN, LLC - APPLICATION PL-22-0357

City Council approved a request by James Williamson of Superior Surveying Services, Inc., on behalf of the property owner Max Ghazool of MGN1, LLC, to approve a Re-Plat at the southeast corner of Avondale Boulevard and The BLVD, and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

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3c. RESOLUTION 1013-0323 - AUDIT COMMITTEE BYLAWS

City Council considered a request to adopt Resolution 1013-0323, approving the Audit Committee Bylaws to establish voting rights, meetings, member terms, and conflicts of interest and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Council Member White stated she wanted to make sure Council is transparent, since the Audit Committee is new to the City and to hear more about the Bylaws and processes started.

Barbara Coppage, City Auditor, stated this item is for Council to consider the resolution for approving the Audit Committee Bylaws. Recently Council approved the City Audit Department and Audit Committee, which held its first meeting in February. Council Member White is the Chair of the Audit Committee with a member of the public as Vice-Chair.

Vice-Mayor Pineda stated this is another layer of checks and balances that addresses concerns related to compliance within the City.

Council Members expressed their gratitude for establishing the Audit Committee and the transparency they provide while making sure the City remains in compliance.

Council Member White stated a member of the Maricopa County Audit Committee will be joining this committee. The Avondale committee will be approaching the audit differently than Maricopa County, but it will be beneficial to have different sets of eyes reviewing the information.

Council Member White moved to adopt Resolution 1013-0323, approving the Audit Committee Bylaws to establish voting rights, meetings, member terms, and conflicts of interest and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents, approving the Audit Committee Bylaws; Council Member Conde seconded the motion.

Upon vote, the motion carried unanimously 5 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye

4. REGULAR AGENDA

a. FISCAL YEAR 2024 CONTRIBUTIONS ASSISTANCE PROGRAM

Edith Baltierrez, Assistant Director of Neighborhood & Family Services, provided an overview of the Contributions Assistance Program noting the purpose and background, criteria, process and timeline, and agencies funded in FY2023. Twenty-six non-profit agencies that provided health and human services to Avondale residents received funding. New recipients include Avondale Firefighter Charities, AZ Community Impact, Friends of Southwest Advocacy Center, and Westside Recreation. All recipients are on track to spend funds on or before June 2023.

In FY 24 there will be temporary \$200,000 increase to the funding supported by ARPA. This funding will continue the \$20,000 award per project per agency, which City Council approved in April 2022. This established amount provides adequate funding to effectively complete the proposed projects. Applicants can reside outside of Avondale so long they are serving Avondale residents.

The Council Subcommittee has Council Members Malone, Conde, and Nielson on it, and they assist with putting together the recommendation for award recipients. Applications

open on April 3rd and close on April 27th and the Subcommittee will review them on May 22nd and prepare recommendations to City Council for approval on June 5th. Once applications are available a press release, social media, and posting on the website will be made; current recipients will be notified by email.

Council Member Conde stated the difficult part is deciding who receives the funding as you want everyone to get it and inquired of success stories from the mid-year review process. Ms. Baltierrez stated some non-profits do not start until mid-year and some purchase equipment or products prior to December.

- New Life Center uses their funds in preparation for volunteers and programs that take place over the spring and for the resource center for tax preparation.
- Mission of Mercy purchases all medications early in the fiscal year in preparation to serve underinsured or noninsured residents.
- Read Better Be Better purchases book kits for their program early in the fiscal year.

Council Member Conde stated she hopes more new organizations apply this year and inquired if there was support available for completing applications. Ms. Baltierrez explained the process of an orientation as required by ARPA funding, where applicants are provided with a detailed overview of how to complete the application. Staff also make themselves available to assist anyone who reaches out to them.

Council Member Malone commented that assisting non-profit agencies ripples back into the community.

Council Member White stated how grateful she is to have all these organizations wanting to serve Avondale residents

Council Member Solorio shared her opportunity to speak to a panel of students and share her passion regarding community support and being able to see the results.

Vice-Mayor Pineda shared his experience of sitting on the subcommittee during the selection process and how they are the stewards of this public money and must make sure all agencies are reviewed fairly with funding going to those recipients that benefit from it. Ms. Baltierrez provided answers to Vice-Mayor Pineda's questions, noting that currently reporting is done quarterly and the scoring process is completed by the Neighborhood and Family Services staff prior to the subcommittee's review.

b. PAVEMENT MANAGEMENT PROGRAM UPDATE

Aric Stewart, Director of Engineering provided an update on the City's Pavement Management Program and information on the overall condition of the City streets.

Avondale has over 7 million square yards of paved assets (also known as pavement), equal to over 290 miles of roadway with a replacement value of \$450 million. Mr. Stewart described how pavement is a combination of materials ; knowing the combination used for each road ensures proper treatment.

A roadway has four layers with asphalt on the top to seal and protect the layers below. If weather penetrates the asphalt the base materials can wash away and lose structural support, which is why pavement health is important because pavement is costly to replace.

The City recently hired a consultant to conduct a roadway condition assessment. Visual data was collected using a vehicle equipped with cameras and lasers to measure cracking and smoothness types. Structural data collection was done using a falling weight deflectometer, a non-destructive device that pounds on the pavement to measure structural integrity. The data collected is processed using software that determines the pavement index in accordance with the national standard ASTM D6433.

Pavement has a life cycle, and the age is determined using the Pavement Condition Index (PCI). Properly maintained pavement will have a longer life span. The average PCI in Avondale is 68.6 which is pretty good for 7 million square yards of paved assets. The goal is to reach an average of 80 PCI because a higher PCI means safer roads, less traffic noise, and higher quality of life.

Pavement condition changes over time due to asphalt oxidation, weather, and traffic. Pavement preservation can prevent deterioration of pavement assets by applying treatment early on, which allows the pavement to stay in better condition, perform longer, and save the city expensive preservation and reconstruction cost. Assigning pavement treatment at the right time is important.

Typical surface treatment consists of three types:

1. Preservation

- a. Road Maintenance for roads with a PCI >85
- b. Seal Coating for roads with a PCI of 70-85
Pavement rejuvenators applied prior to pavement oxidation
- c. Crack Sealing for roads with a PCI of 50-75
Seals cracks to prevent damage to the structure

Based on Performance Curves

- d. Patching is a lower cost treatment for local roads with a PCI of 55 -65
- e. Slurry Seals replaces the fines that wash away on the top surface of asphalt
- f. F.A.S.T (Fractured Aggregate Surface Treatment) Seal is for collector roads that show signs of pavement distress
- g. Microsurfacing is for arterial roads that provides a smoother roadway surface

2. Rehabilitation

- a. Overlay is the process of installing a new layer of asphalt on top of existing asphalt
- b. Mill & Fill is removing 1 to 3 inches of asphalt and replace it with new asphalt

3. Reconstruction

- a. Full depth reclamation for asphalt that has reached the end of its surface life

The goal is to portion out funding to optimize the service delivery of the asset inventory with approximately 40% goes to rehabilitation, 35% goes to preservation, and 25% goes to reconstruction. There are five funding options for the 5-year plan beginning in FY24:

1. \$66 million is the cost to complete all necessary preservation, rehabilitation, and reconstruction to bring the network into the best possible pavement condition, not considered a realistic option.
2. \$9 million each year over a ten-year period will fund all projects and bring the PCI to 80.
3. \$7.4 million is the recommended budget for the next five years and would bring the PCI to 70. This is a feasible option that will support capital improvement projects.
4. \$5.7 million per year creates a flat line maintenance program.
5. Doing nothing is not realistic; the PCI would drop 2 points per year.

In response to Council Member Conde's questions, Mr. Stewart stated a beta project will start in the spring where cool pavement treatment will be installed in Old Town. He explained the process. The level of traffic noise is determined by the products used, traffic volume, and type of surface. A new pavement management module has been budgeted for and will assist in being proactive in road maintenance and cost efficiency.

In response to Council Member Malone's questions, Mr. Stewart stated the budget for FY23 is \$2.5 million which allows them to treat 1 million square yards of paved assets. The plan over the next three years is to complete the work in Old Town and begin to minimize the backlog. City Manager Ron Corbin summarized that \$6 million is being spent to preserve \$16 million in assets. He explained City Council made a commitment to Old Town; staff has prioritized the work, funding, and resources.

In response to Council Member White's questions, Mr. Stewart stated the most common problems seen in Avondale are cracks, potholes, and patches from utilities who provide a one-year warranty. An update on the cool pavement pilot project will be presented next year.

In response to Council Member Solorio's questions, Mr. Stewart explained the ways to increase the PCI at a lower cost, such as the newest technology that recycles old asphalt could save 15-20%. Unfortunately, it has not been grasped by contractors in the community, but the plan is to introduce it near the end of the five-year plan. A further presentation can be presented during a future meeting. The pavement layers for local roads consist of three inches of asphalt and six inches of AB&C and the arterial roadways consist of eight inches of asphalt with 15 inches of AB&C.

Vice-Mayor Pineda stated these presentations are important as they help the community understand the five-year plan and feel comfortable knowing the professionals are on top of it.

5. ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the Council, Council Member Conde moved to adjourn the Regular Meeting into Executive Session pursuant to: (a) Ariz. Rev. Stat. § 38--431.03(A)(1) for discussion regarding the City Auditor's mid-year evaluation; and (b)

Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), discussion with the City Attorney for legal advice concerning contemplated or pending litigation and to instruct the City Attorney on such litigation for the claim of Amanda L. Gregory; Council Member White seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	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 20th day of March 2023. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

Date Approved by City Council

CITY COUNCIL REPORT

SUBJECT: Appointment to Boards and Commissions

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will consider a request to approve the appointment of Larry Rooney, Fire Chief, to the Volunteer Fire Department Pension Board and Honorable Frank Moskowitz to the Judicial Advisory Board. The Council will take appropriate action.

BACKGROUND:

- Volunteer Fire Department Pension Board - Arizona State Statute §9-954, requires that a Chief serve as an appointed board member on the Volunteer Fire Department Pension Board. On March 6, 2023, Larry Rooney was appointed to serve as the City of Avondale Fire Chief; therefore, he shall serve as a member of the Volunteer Fire Department Pension Board.
- Judicial Advisory Board - Avondale City Code - Chapter 5, Article II, requires a member to be the presiding judge of the Arizona Superior Court for Maricopa County, or their designee. On March 21, 2023, Judge Joseph C. Welty designated the Honorable Frank Moskowitz as a member of the Avondale Judicial Advisory Board.

As required in the City Council Rules of Procedures, all candidates have been notified of the recommendations.

DISCUSSION:

If approved, Larry Rooney will serve as a Regular Board Member for a term to follow his employment with the City of Avondale and the Honorable Frank Moskowitz will serve as a Regular Board Member for a term to expire on July 1, 2026.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff is recommending that the City Council approve the Board and Commission Member appointments.

Contact person for document distribution: n/a

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

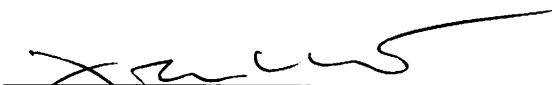
IN THE MATTER OF THE CITY OF)
AVONDALE JUDICIAL ADVISORY)
BOARD)
_____)

ADMINISTRATIVE ORDER
NO. 2023-043

Pursuant to the Avondale City Code, Chapter 5, Article II, Section 5-12, The Presiding Judge of the Superior Court in the County of Maricopa County, or his designee shall serve as a member of the City of Avondale Judicial Advisory Board. Therefore,

IT IS ORDERED designating the Honorable Frank Moskowitz, a judge of the Superior Court in Maricopa County, as a member of the city of Avondale Judicial Advisory Board to serve a term from July 1, 2022 to July 1, 2026.

Dated this 21st. day of March 2023.



Judge Joseph C. Welty
Presiding Judge

Original: Clerk of the Superior Court

Copies: Honorable Frank Moskowitz
Raymond L. Billotte, Judicial Branch Administrator
Bob James, Deputy Court Administrator
Karen Sadler, Deputy Court Administrator
Craig Jennings, City of Avondale Presiding Judge
Chris Pierson City Clerk, City of Avondale

CITY COUNCIL REPORT

SUBJECT: American Rescue Plan Act (ARPA) Update

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Director

THROUGH: Ron Corbin, City Manager, (623) 333-1016

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

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

This action assists the city in recovering from the impact of the COVID-19 pandemic and making investments to make the community even more resilient in the future.

PURPOSE:

City Council will consider a request to update the city's American Rescue Plan Act (ARPA) plan as detailed in Exhibit A and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The American Rescue Plan Act (ARPA) of 2021 was signed into law on March 11, 2021 to address the on-going impacts of the COVID-19 pandemic. As part of the legislation, \$65.1 billion of direct and flexible aid was provided to America's cities and towns. Avondale's share of the local aid is \$17,887,327.

DISCUSSION:

The American Rescue Plan Act (ARPA) provides support to local governments to address the impacts of the COVID-19 pandemic and to rebuild a strong economy as the country recovers. Eligible uses of ARPA include:

- Support public health expenditures
- Address negative impacts caused by the public health emergency
- Replace lost public sector revenue
- Invest in water, sewer, and broadband infrastructure

Council approved a plan for FY2022 and the plan was adjusted as part of the FY2023 budget process. As the federal government has clarified the rules associated with this funding, staff believes it is appropriate that the city reexamine its use of ARPA to ensure maximum benefit to the community and that the funds are expended within the necessary timeframe.

Proposed changes include:

- Funding the city's FY2023 and FY2024 homeless services division
- Funding the city's contribution to the Bridge Housing project.
- Using ARPA to fund the city's contribution assistance program for non-profits in FY2024 and FY2025 at \$200,000 each year
- Unfunding public wifi projects that were planned to use ARPA

BUDGET IMPACT:

The proposed changes do not increase or decrease the city's ARPA allocation.

RECOMMENDATION:

Staff recommends that Council approve the adjustment to the city's ARPA plan as outlined in Exhibit A and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Contact person for document distribution: Renee Weatherless; Keith Fallstrom

Exhibit A - Proposed ARPA Allocation

Project	FY22 Actuals	FY2023 Est.	FY2024 Est.	FY2025 Est.	Total
Homeless Services	55,837	345,600	874,800	143,296	1,419,533
Neighborhood Revitalization	121,135	-	-		121,135
On Demand Technical Assistance Platform	245,650	154,000	500,000		899,650
Quarterly Job Fairs for Avondale Businesses (Tourism, Hospitality, and Restaurant Focus)		40,000	40,000		80,000
Scholarships to attend EMCC/NAU Hospitality Leadership Program	149,605	160,000	160,000		469,605
Contributions Assistance Program	113,300	200,000	200,000	200,000	713,300
Non-profit expansion	73,120	44,200	-		117,320
City Events: Billy Moore, Fiesta, and Cycle Avondale Events	87,414	-	-		87,414
Tourism NASCAR promotion	17,995	-	-		17,995
Destination Marketing Organization (Tourism)- local match	86,487	-	-		86,487
Community Action Program	118,055	113,400	547,200		778,655
Youth Services	217,604	-	-		217,604
Resource Management Software	13,759	-	-		13,759
Police Salaries		4,000,000	4,000,000		8,000,000
Fire Salaries		1,000,000	1,000,000		2,000,000
Deconcini Park Improvements			1,000,000		1,000,000
Agua Fria Wetlands Conceptual Design for new Recharge Basin	139,170	191,600	84,000		414,770
City-Wide Fiber Expansion and Redundency		12,100	688,000		700,100
Bridge Housing Project		-	613,000		613,000
	1,439,131	6,260,900	9,844,000	343,296	17,887,327
ARPA Allocation					17,887,327
Unallocated / (Over Allocated)					0

CITY COUNCIL REPORT

SUBJECT: Amendment to the Employment Agreement with the City Manager, Ron Corbin

MEETING DATE: 4/17/2023

TO: Mayor and Council

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

THROUGH: n/a

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

None

PURPOSE:

City Council will consider a request to approve an amendment to the Employment Agreement with City Manager, Ron Corbin and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

On August 22, 2022, City Council approved the Employment Agreement with Ron Corbin to serve as the City of Avondale's new City Manager with a start date of November 14, 2022. Under the current Agreement, the City Manager's annual review shall occur within a reasonable time after each anniversary date of the Agreement.

DISCUSSION:

The purpose of this agenda item is to amend the Employment Agreement for the City Manager, Ron Corbin (the "Agreement") to revise the time frame for the City Manager's annual review to coincide with the fiscal year. With this amendment, the City Manager's annual review shall occur no later than June 30th of each year.

BUDGET IMPACT:

This item is budgeted through the City Administration departmental budget.

RECOMMENDATION:

Staff is requesting approval of an amendment to the Employment Agreement with Ron Corbin.

Contact person for document distribution: Nicholle Harris, Ted Flores, Renee Weatherless

**FIRST AMENDMENT
TO
PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
RON CORBIN**

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT AND EMPLOYMENT AGREEMENT (this “First Amendment”) is entered into as of April 17, 2023, between the City of Avondale, an Arizona municipal corporation (the “City”) and Ron Corbin (“Employee” or “Corbin”).

RECITALS

A. The City and the Employee entered into Professional Services Agreement No. 22-276C, dated August 22, 2022, for Employee to serve as City Manager (the “Agreement”). All capitalized terms not otherwise defined in this First Amendment have the same meanings as set forth in the Agreement.

B. The City and the Employee desire to enter into this First Amendment to revise the time frame for the Employee’s annual performance evaluation.

AGREEMENT

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

1. Amendment. Section 6, Performance Evaluation, of the Agreement is hereby deleted in its entirety and replaced with the following:

6. Performance Evaluation. Prior to June 30 of each year, the Council shall provide Corbin with an annual performance review using an evaluation form and criteria that is acceptable to the Council. The performance review will include an opportunity for Employee to meet and discuss the review and shall also include a Council review of the Employee’s compensation, which includes salary and benefits. It is understood and agreed that the award of any increase in Employee’s compensation or benefits, including Employee pay raise(s) shall be at the sole and exclusive discretion of the Council.

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

3. Non-Default. By executing this First Amendment, the Employee affirmatively asserts that (i) the City is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Agreement and (ii) any and all Employee claims, known and unknown, relating to the Agreement and existing on or before the date of this First Amendment are forever waived.

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

EMPLOYEE:

CITY:

CITY OF AVONDALE, an Arizona
municipal corporation

Ron Corbin

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

CITY COUNCIL REPORT

SUBJECT: Resolution 1019-0423 - The Community Development Block Grant CARES Act (CDBG-CV) Substantial Amendment

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Chris Lopez, Director of Neighborhood and Family Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values. The Housing and Community Development Division utilizes federal funding to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities for low and moderate income persons.

PURPOSE:

City Council will consider a request to adopt Resolution 1019-0423, amending the 2020/2021 Annual Action Plan to reallocate unused CDBG-CV Funds to the City's Emergency Housing Assistance Program and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The City received an allocation in the amount of \$1,028,963 in Coronavirus Aid, Relief and Economic Security Act (CARES) Community Development Block Grant (CDBG-CV1) to provide funds for activities that prevent, prepare, or respond (PPR) to coronavirus (COVID-19).

The City of Avondale's Annual Action Plan (AAP) details the funding strategy and describes how funds will be used to address the priorities and goals outlined in the 2020-2024 Consolidated Plan (CP). The City's Citizen Participation Plan (CPP) describes the efforts that the City will take to encourage its residents to participate in developing AAPs. The CPP also outlines the requirements for public process when a substantial amendment to an AAP is proposed. Because the City is requesting to change the funding distribution by more than 20% of the CDBG-CV1 allocation, the City is required to complete a substantial amendment and public notice as described in the CPP.

DISCUSSION:

This Amendment to the FY2020-2021 AAP is to consolidate remaining funds from a Residential Eviction Prevention Program, School Hot Spot Program, and Small Business Assistance Program to a **(New)** Emergency Housing Assistance Program in the amount of \$374,300.76.

The Emergency Housing Assistance Program will replace the Residential Eviction Prevention Program and will be a single, comprehensive Program which will assist Avondale residents with rent and mortgage payments, deposits, and utilities. The new Emergency Housing Assistance Program will specifically fund emergency housing needs related to COVID-19 to prevent foreclosures, evictions, or homelessness facing Avondale residents. These adjustments are essential to meeting critical needs in the community. Additionally, funds will also be allocated to support administration, planning, and coordination of these services. The City is no longer receiving requests for the Hot Spot and Small Business Program as these needs have been met by other resources.

The City of Avondale published a notice of public comment period in the Southwest Valley Republic on February 17, 2023, as part of the CPP requirements. The public comment period was February 17, 2023, through March 20, 2023. A Public Hearing was held on Wednesday, March 15, 2023, at 5:30 p.m. at 995 E. Riley in the Avondale Resource Center. No comments were received during the public comment period nor at the Public Hearing.

The table below outlines the reallocation of funds:

Activities:	Current Allocation:	Adjustment:	Proposed Allocation:
Program Administration	\$15,000.00	\$60,000.00	\$75,000.00
Residential Eviction Prevention	\$407,378.00	(\$38,457.00)	\$368,921.00
Small Business Assistance	\$411,585.00	(\$290,110.00)	\$121,475.00
Temporary Shelter	\$85,000.00	-	\$85,000.00
School Hot Spot	\$110,000.00	(\$105,733.76)	\$4,266.24
Emergency Housing Assistance (New)	-	\$374,300.76	\$374,300.76
Total CDBG-CV1 Funding	\$1,028,963.00	-	\$1,028,963.00

BUDGET IMPACT:

The funding is allocated in the FY2023 budget and the FY2024 proposed budget.

RECOMMENDATION:

Staff recommends Council adopt a Resolution approving a CARES Substantial Amendment to the City's FY2020-2021 AAP to reallocate funds to an Emergency Housing Assistance Program responding to the COVID-19 pursuant to the CARES Act authorized by Public Law 116-136, enacted on March 27, 2020, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Regina Marrette, Housing & Community Development Manager

RESOLUTION NO. 1019-0423

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE 2020/2021 ANNUAL ACTION PLAN TO REALLOCATE UNUSED CDBG-CV FUNDS TO THE CITY'S EMERGENCY HOUSING ASSISTANCE PROGRAM.

WHEREAS, by Resolution No. 1028-0520, the City of Avondale (the "City") approved the 2020-2024 Consolidated Plan and the 2020/2021 Annual Action Plan (the "Action Plan") for the U.S Department of Housing and Urban Development ("HUD") Community Development Block Grant (CDBG) program funding; and

WHEREAS, in the Action Plan, HUD allocated \$426,811 in CDBG CARES Act (CDBG-CV) funds to the City for the CDBG program; and

WHEREAS, by Resolution No. 1026-0521, the City amended the 2020/2021 Action Plan to accept from HUD an additional \$602,152 in CDBG-CV funding and allocated the additional funding; and

WHEREAS, the City desires to reallocate unused program funding to the newly established comprehensive Emergency Housing Assistance Program; and

WHEREAS, the City has completed public participation requirements for the substantial amendment through (i) a month long comment period beginning February 17, 2023 and extending through March 20, 2023, during which time comments were able to be received from City residents for incorporation into the amended Action Plan and (ii) a public hearing was held on Wednesday, March 15, 2023, at 5:30 p.m. at 995 E. Riley in the Avondale Resource Center. No comments were received during the public comment period nor at the public hearing.

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 amends the 2020/2021 Annual Action Plan and the allocation of CDBG-CV funding to the activities to be undertaken as described below.

Activities:	Current Allocation:	Adjustment:	Proposed Allocation:
Program Administration	\$15,000.00	\$60,000.00	\$75,000.00
Residential Eviction Prevention	\$407,378.00	(\$38,457.00)	\$368,921.00
Small Business Assistance	\$411,585.00	(\$290,110.00)	\$121,475.00
Temporary Shelter	\$85,000.00	-	\$85,000.00
School Hot Spot	\$110,000.00	(\$105,733.76)	\$4,266.24
Emergency Housing Assistance (New)	-	\$374,300.76	\$374,300.76
Total CDBG-CV1 Funding	\$1,028,963.00	-	\$1,028,963.00

SECTION 3. The City Council hereby approves and authorizes the expenditure of the funds in the manner set forth in the 2020/2021 Annual Action Plan.

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 Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

CITY COUNCIL REPORT

SUBJECT: Ordinance 2023-0423 - Salt River Project Power Distribution Easement for the Traffic Signal and Intersection Improvements Project - Avondale Boulevard and Lower Buckeye Road

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Aric M. Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2023-0423 authorizing the granting of a power distribution easement to Salt River Project (SRP) in connection with the Traffic Signal and Intersection Improvements Project at Avondale Boulevard and Lower Buckeye Road (T0173) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Traffic Signal and Intersection Improvements at Avondale Boulevard and Lower Buckeye Road Project (T0173) includes the design and construction of a traffic signal using rectangular cocoa brown double mast arms and poles at the intersection of Avondale Boulevard and Lower Buckeye Road. Previously, City Council adopted Ordinance 2047-0822 on August 22, 2022, authorizing the annexation of a portion of Lower Buckeye Road right-of-way from Avondale Boulevard to 112th Lane to operate and maintain the proposed improvements to be constructed for the project. In order to provide electric service for the new signal, the City will need to grant an easement to SRP.

DISCUSSION:

The easement consists of an area of 113.88 feet by 8 feet and is located on the north side of Lower Buckeye Road just west of the intersection with Avondale Boulevard.

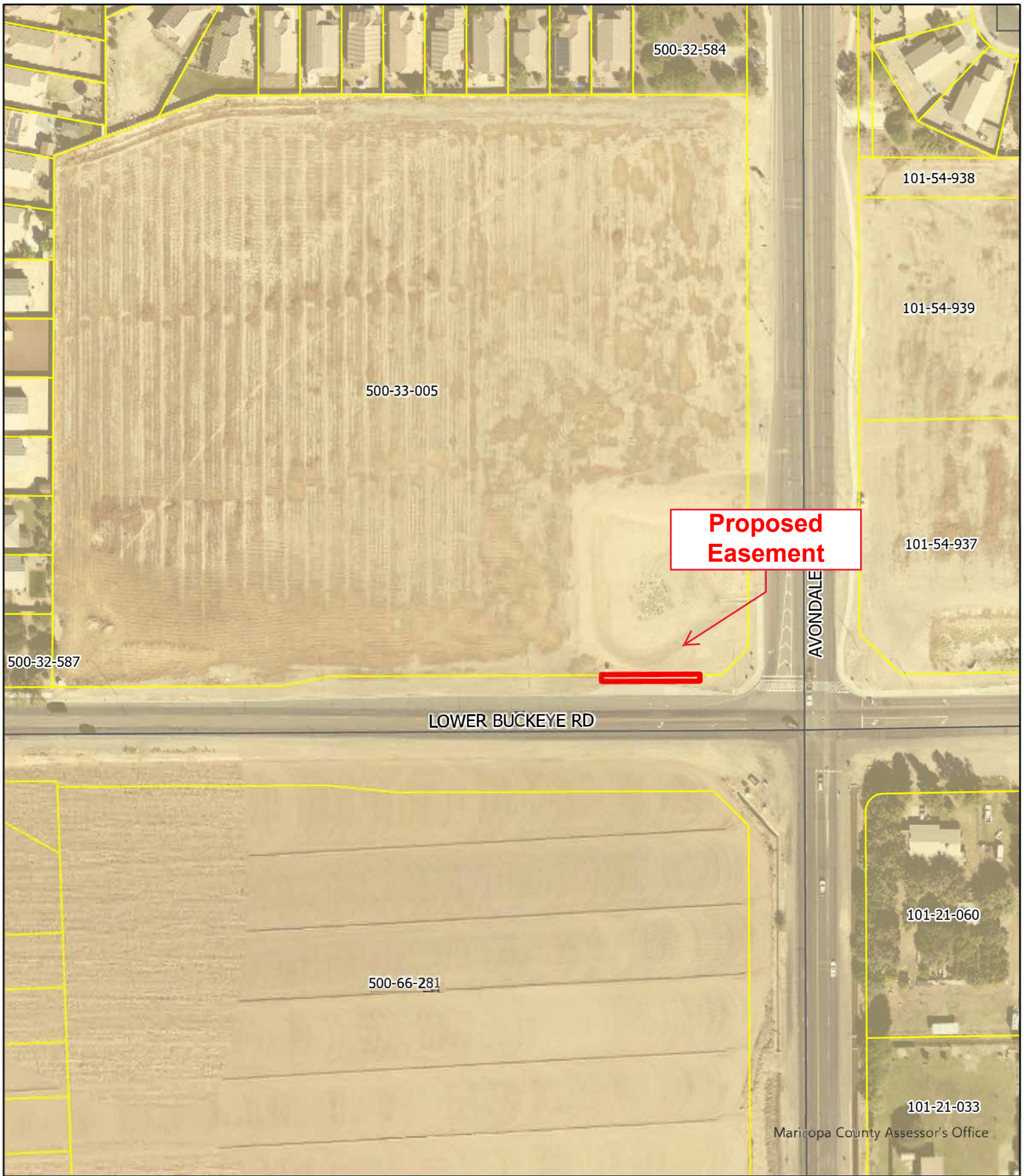
BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the granting of a power distribution easement to Salt River Project in connection with the Traffic Signal and Intersection Improvements Project at Avondale Boulevard and Lower Buckeye Road (T0173) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Terry Dorschied



**Proposed
Easement**

AVONDALE

LOWER BUCKEYE RD

Maricopa County Assessor's Office



VICINITY MAP

ORDINANCE NO. 2023-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, GRANTING AN EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AT AVONDALE BOULEVARD AND LOWER BUCKEYE ROAD FOR THE TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS PROJECT.

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

SECTION 1. A power distribution easement is hereby granted to Salt River Project Agricultural Improvement and Power District, in substantially the form attached hereto as Exhibit 1 and incorporated herein by reference, through, over, under and across a portion of real property, generally located at Avondale Boulevard and Lower Buckeye Road, as depicted and described as part of Exhibit A to the easement form attached hereto as Exhibit 1.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT 1
TO
ORDINANCE NO. 2023-0423

[Power Distribution Easement]

See following pages.

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB10W

P. O. Box 52025

Phoenix, Arizona 85072-2025

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

POWER DISTRIBUTION EASEMENT

Maricopa County
AVONDALE BLVD & LOWER BUCKEYE
SE ¼, SEC. 13, T01N, R01W

Agt. HAS
Job # LJ85297 / T3335550
W HAS C JEP
R/W #

CITY OF AVONDALE, an Arizona municipal corporation,

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

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

Grantor's Property:

A portion of the Southeast quarter of Section 13, Township 01 North, Range 01 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Easement Parcel:

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

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

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

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

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

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

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

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

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

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EXHIBIT "A"

SRP JOB NUMBER: T3335550

DATE: 02-17-2023

SRP JOB NAME: CUS UW AVONDALE BLVD & LOWER BUCKEYE RELOCATION

PAGE: 1 OF 3

TTRRSS: 1N1W13

AN EASEMENT LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13, BEING A BRASS CAP FLUSH, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 13, BEING A PK NAIL, BEARS SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 2653.56 FEET (**BASIS OF BEARINGS**);

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 120.01 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 57.00 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 113.88 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 89 DEGREES 43 MINUTES 04 SECONDS EAST, A DISTANCE OF 113.88 FEET;

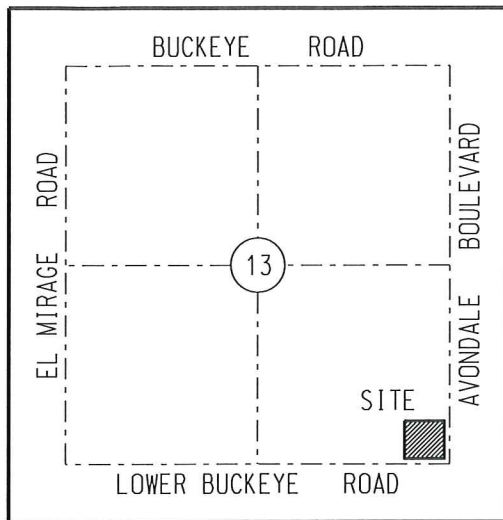
THENCE SOUTH 00 DEGREES 16 MINUTES 56 SECONDS EAST, A DISTANCE OF 8.00 FEET TO SAID **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS AN AREA OF 911 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

END OF DESCRIPTION



EXHIBIT "A"



VICINITY MAP (NTS)
T1N, R1W
G&SRM

LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- LIMITS OF SRP EASEMENT
- EXISTING EASEMENT
- TIE LINE
- ◆ SECTION CORNER AS NOTED

ABBREVIATION TABLE

APN	ASSESSOR'S PARCEL NUMBER
MCR	MARICOPA COUNTY RECORDER
(M)	MEASURED
LVI	LAST VISUAL INSPECTION
NTS	NOT TO SCALE



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

CAUTION

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

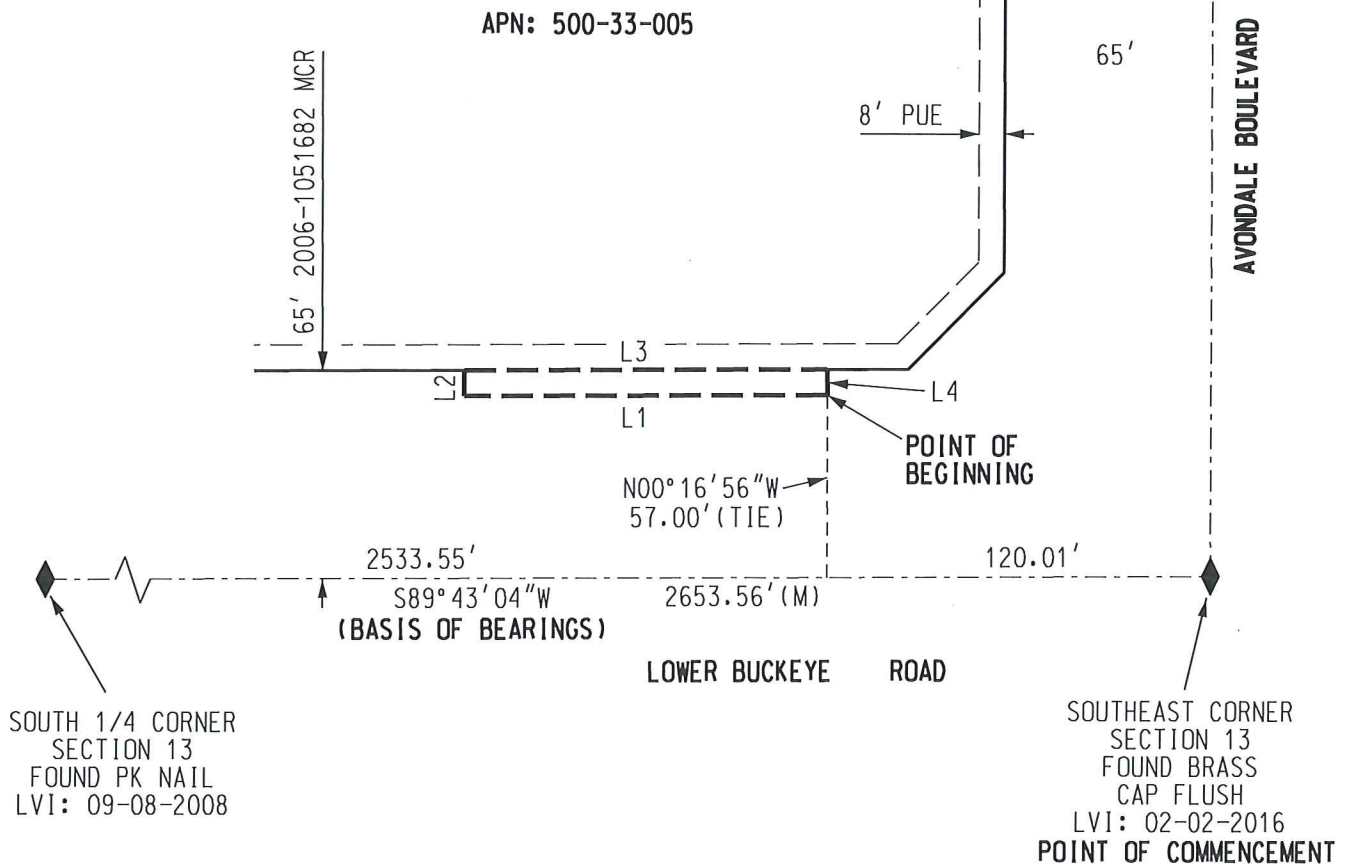
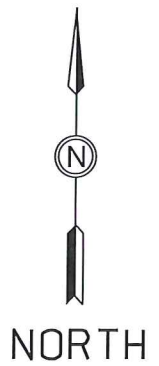
NOTES

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

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT CUS UW AVONDALE BLVD & LOWER BUCKEYE RELOCATION SE 1/4 SECTION 13 T.1 N., R.1 W. 0.04W-3.01N
SRP LDWR NUMBER:	SCALE: NTS	
I.O. NUMBER: T3335550	SHEET: 2 OF 3	
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 0	
CHECKED BY:	CREW CHIEF:	
DATE: 02-17-2023 JEP	FIELD DATE:	

EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°43'04"W	113.88'
L2	N00°16'56"W	8.00'
L3	N89°43'04"E	113.88'
L4	S00°16'56"E	8.00'



SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT & POWER DISTRICT



SURVEY DIVISION
LAND DEPARTMENT

SRP LDWR NUMBER:	SCALE: 1" = 60'
I.O. NUMBER: T3335550	SHEET: 3 OF 3
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"
DRAWN: HICK	REVISION: 0
CHECKED BY:	CREW CHIEF:
DATE: 02-17-2023	JEP FIELD DATE:

CUS UW AVONDALE BLVD
& LOWER BUCKEYE RELOCATION
SE 1/4 SECTION 13
T.1 N., R.1 W.
0.04W-3.01N

CITY COUNCIL REPORT

SUBJECT: Ordinance 2024-0423 - First Amendment to Power Distribution Easement to Salt River Project (SRP)

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Aric M. Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2024-0423 authorizing the granting of a first amendment to a power distribution easement to Salt River Project (SRP) in connection with the Avondale Boulevard Widening Project (T0016) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

As part of the Avondale Boulevard Widening Project (T0016), the road will be widened with a single southbound lane along Avondale Boulevard from McDowell Road to Encanto Boulevard. The project improvements include vertical curb and gutter, sidewalk, bike lanes, conduit, streetlights, a new pavement section, and new striping. The project also consists of relocating existing overhead electric lines. Previously, City Council adopted Ordinance 2039-0622 on June 6, 2022, authorizing the granting of an eight-foot power distribution easement to SRP for the relocation of existing overhead power lines.

DISCUSSION:

Since the current eight-foot power distribution easement was granted to SRP, it has been determined that additional area is required in the new easement. A modification of the legal description is requested to accommodate two power poles located outside the current easement. The power poles in question are located 65 feet south of Encanto Boulevard along the west side of Avondale Boulevard. The current easement area will not be impacted.

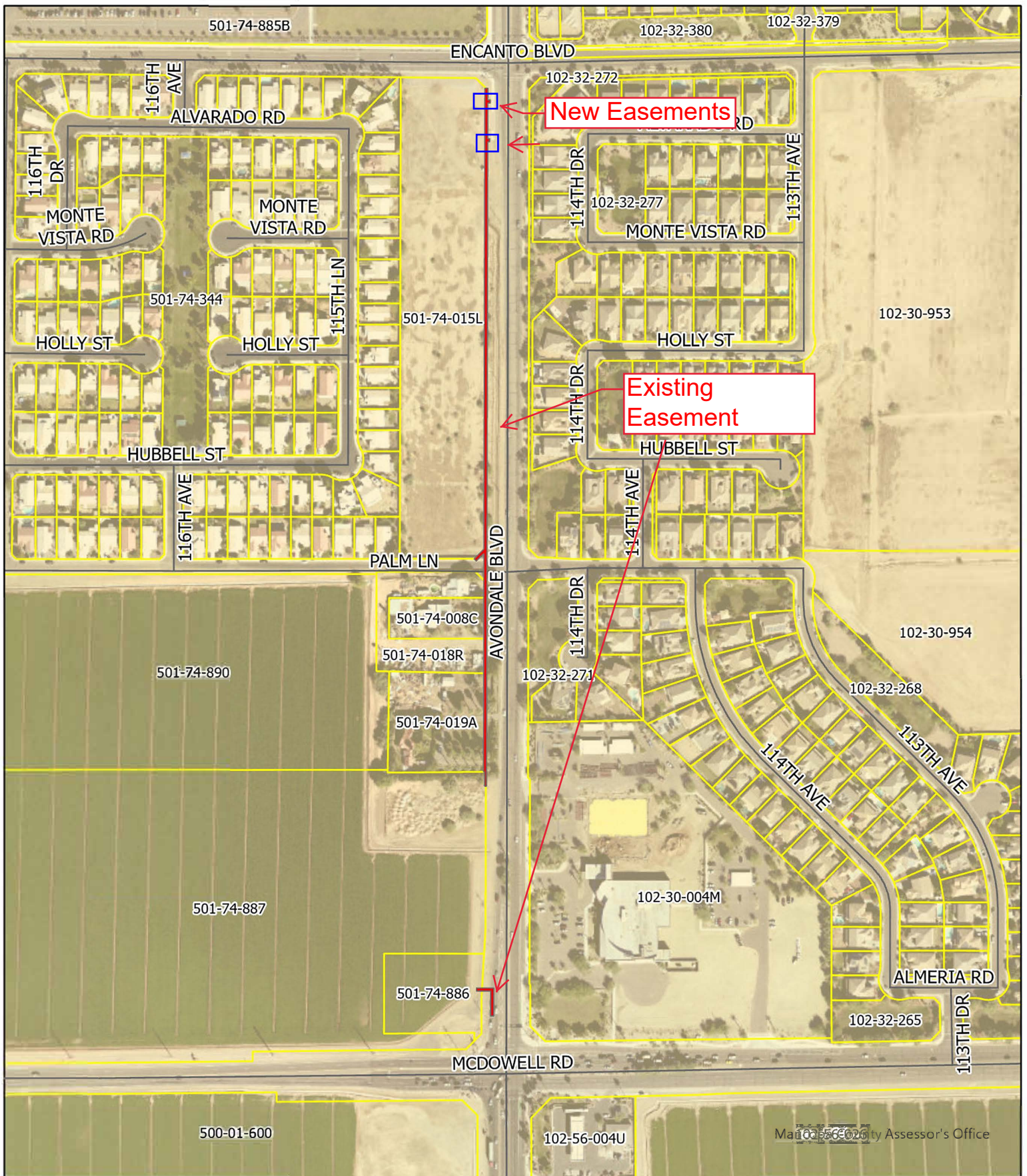
BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the granting of a first amendment to a power distribution easement to Salt River Project (SRP) in connection with the Avondale Boulevard Widening Project and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Terry Dorschied



Map 00356-026 City Assessor's Office



Not to Scale

VICINITY MAP

ORDINANCE NO. 2024-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE POWER DISTRIBUTION EASEMENTS GRANTED TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT ALONG AVONDALE BOULEVARD FROM MCDOWELL ROAD TO ENCANTO BOULEVARD FOR THE AVONDALE BOULEVARD WIDENING PROJECT.

WHEREAS, on June 6, 2022, the Council of the City of Avondale (the “City Council”) approved Ordinance No. 2039-0622 granting two power distribution easements generally located along Avondale Boulevard from McDowell Road to Encanto Boulevard (the “Power Distribution Easements”) to Salt River Project Agricultural Improvement and Power District (“SRP”) for the Avondale Boulevard Widening Project; and

WHEREAS, SRP desires to expand the easement areas to allow for street light overhang in the existing right of way generally located along Avondale Boulevard from McDowell Road to Encanto Boulevard as set forth in the First Amendment to Power Distribution Easement for Salt River Project Agricultural Improvement and Power District (the “First Amendment”), attached hereto as Exhibit 1 and incorporated herein by reference; and

WHEREAS, City Council desires to approve the First Amendment to expand the easement areas for the Avondale Boulevard Widening Project.

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 First Amendment is hereby approved in substantially the form and substance attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 3. The Power Distribution Easements are hereby amended as depicted and described in the First Amendment, attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT 1
TO
ORDINANCE
2024-0423

[Amendment]

See following pages.

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB10W

P. O. Box 52025

Phoenix, Arizona 85072-2025

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

**FIRST AMENDMENT TO
POWER DISTRIBUTION EASEMENT
[Amend Legal Description of Easement Parcel]**

Maricopa County
Avondale Blvd
SE ¼, SEC. 36, T02N, R01W

Agt. HAS
Job# LJ82318 /T3250261
W HAS C JEP
R/W#

**City of Avondale,
an Arizona municipal corporation,**

THIS FIRST AMENDMENT TO POWER DISTRIBUTION EASEMENT ("Amendment") is made and entered into this _____ day of _____, 2023 ("Effective Date") by and between City of Avondale, ("Grantor") and SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, an agricultural improvement district organized and existing under the laws of the State of Arizona (the "Grantee").

RECITALS:

A. Grantor granted Grantee a non-exclusive easement in, upon, over, under, across, through, and along the Easement Parcel to construct, install, reconstruct, replace, remove, repair, operate and maintain the Facilities for the transmission and distribution of electricity and for all other purposes connected therewith, pursuant to that certain Power Distribution Easement, which was recorded in the official records of Maricopa County on June 21st, 2022, as instrument number 2022-0517074 (the "Easement Agreement").

B. Pursuant to the Easement Agreement, Grantor and Grantee reserved the right to modify the legal description of the Easement Parcel pursuant to a written amendment executed by both Grantor and Grantee, and agreed that such revised legal description shall have the same force and effect, and create the same priority of interest, as if recorded concurrently with the Easement Agreement.

AGREEMENT:

1. Defined Terms. Unless otherwise defined in this Amendment, each capitalized term used herein shall have the meaning given to such term in the Easement Agreement.

2. Easement Parcel. Grantor and Grantee hereby amend the Easement Agreement to modify the legal description of the Easement Parcel to be the legal description set forth on Exhibit "A" to this Amendment (Avondale Blvd: McDowell Rd to Encanto Blvd Relo, SRP Job Number T3250261, prepared by Salt River Project Agricultural Improvement & Power District, dated 01-23-2023), said Exhibit "A" attached hereto and made a part hereof (the "Revised Legal Description"). All references in the Easement Agreement to the Easement Parcel shall mean and refer to the real property, legally described as the Revised Legal Description.

3. Effectiveness of Revised Legal Description. As provided in the Easement Agreement, the Revised Legal Description shall be effective as of the date of the Easement Agreement, and shall have the same force and effect, and create the same priority of interest, as if recorded concurrently with the Easement Agreement.

4. No Further Modifications. Except as specifically amended by this Amendment, the terms and conditions of the Easement Agreement shall remain in full force and effect, unmodified, and are hereby ratified and affirmed by Grantor and Grantee.

5. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

6. Execution by Grantor. The individual executing this Amendment represents and warrants: (i) that he or she is authorized to do so on behalf of Grantor; (ii) that he or she has full legal power and authority to bind Grantor in accordance with the terms herein and, if necessary, has obtained all required consents or delegations of such power and authority (whether from any partner, owner, spouse, shareholder, director, member, manager, creditor, investor, developer, governmental authority, judicial or administrative body, association, or other person or entity); and (iii) that the execution, delivery, and performance by Grantor of this document and all others relating to the Easement Agreement will not constitute a default under any agreement to which Grantor is a party. The individual executing this Amendment shall indemnify, defend and hold harmless Grantee for, from and against any and all losses, costs, expenses, liabilities, claims, demands, and actions of any kind or nature, including court costs and attorneys' fees, arising or accruing as a result of the falsity of any of his or her representations and warranties contained in this Amendment.

IN WITNESS WHEREOF, Grantor and Grantee have each caused this Amendment to be executed in its name by its duly authorized representative(s) as of the day and year first above written.

GRANTOR:

City of Avondale, an Arizona municipal corporation,

By _____

Its _____

By _____

Its _____

STATE OF _____)

) ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
_____ by _____ and _____,
_____, as
_____ and _____, respectively, of
City of Avondale, an Arizona municipal corporation, on behalf of such corporation.

My Commission Expires:

Notary Public

Notary Stamp/Seal

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

Its _____

COUNTY OF _____) ss
_____)

My Commission Expires:

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

EXHIBIT "A"

SRP JOB NUMBER: T3250261

DATE: 01-23-2023

SRP JOB NAME: AVONDALE BLVD: McDOWELL RD TO ENCANTO BLVD RELO

PAGE: 1 OF 7

TTRRSS: 2N1W36

TWO EASEMENTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

EASEMENT NO. 1:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 36, BEING AN ALUMINUM CAP FLUSH, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 36, BEING A BRASS CAP IN HAND HOLE, BEARS SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 2632.04 FEET (**BASIS OF BEARINGS**);

THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 65.89 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING OF EASEMENT NO. 1**;

THENCE SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 30.38 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 08 SECONDS EAST, A DISTANCE OF 6.00 FEET;

THENCE SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 6.00 FEET;

THENCE SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 93.03 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 08 SECONDS EAST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 1677.73 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 52 SECONDS EAST, A DISTANCE OF 38.08 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST, A DISTANCE OF 3.00 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 52 SECONDS EAST, A DISTANCE OF 567.78 FEET;

EXHIBIT "A"

SRP JOB NUMBER: T3250261

DATE: 01-23-2023

SRP JOB NAME: AVONDALE BLVD: McDOWELL RD TO ENCANTO BLVD RELO

PAGE: 2 OF 7

TTRRSS: 2N1W36

THENCE SOUTH 45 DEGREES 01 MINUTES 37 SECONDS WEST, A DISTANCE OF 27.84 FEET;

THENCE NORTH 44 DEGREES 58 MINUTES 23 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 45 DEGREES 01 MINUTES 37 SECONDS EAST, A DISTANCE OF 35.86 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 52 SECONDS EAST, A DISTANCE OF 1199.97 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 08 SECONDS EAST, A DISTANCE OF 8.00 FEET TO SAID **POINT OF BEGINNING OF EASEMENT NO. 1.**

SAID EASEMENT NO. 1 CONTAINS AN AREA OF 14,766.97 SQUARE FEET, OR 0.34 ACRES, MORE OR LESS.

EASEMENT NO. 2:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 36, BEING AN ALUMINUM CAP FLUSH, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 36, BEING A BRASS CAP IN HAND HOLE, BEARS SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 2632.04 FEET (**BASIS OF BEARINGS**);

THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 2408.31 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING OF EASEMENT NO. 2;**

THENCE SOUTH 00 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 73.00 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 52 SECONDS EAST, A DISTANCE OF 65.00 FEET;

THENCE NORTH 89 DEGREES 51 MINUTES 26 SECONDS WEST, A DISTANCE OF 36.99 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 34 SECONDS EAST, A DISTANCE OF 8.00 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 26 SECONDS EAST, A DISTANCE OF 44.98 FEET TO SAID **POINT OF BEGINNING OF EASEMENT NO. 2.**

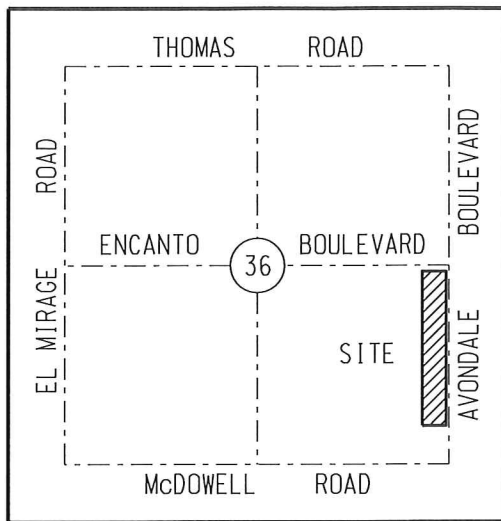
SAID EASEMENT NO. 2 CONTAINS AN AREA OF 879.89 SQUARE FEET, OR 0.02 ACRES, MORE OR LESS.

THIS DOCUMENT DESCRIBES MULTIPLE EASEMENTS EACH INTERDEPENDENT ON THE OTHER AND SHOULD BE REPRODUCED IN ITS ENTIRETY.

END OF DESCRIPTION



EXHIBIT "A"



VICINITY MAP (NTS)
T2N, R1W
G&SRM

LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- LIMITS OF SRP EASEMENT
- TIE LINE
- ◆ SECTION CORNER AS NOTED

ABBREVIATION TABLE

APN	ASSESSOR'S PARCEL NUMBER
MCR	MARICOPA COUNTY RECORDER
(M)	MEASURED
LVI	LAST VISUAL INSPECTION
NTS	NOT TO SCALE
R/W	RIGHT OF WAY



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

NOTE: THIS JOB WORKS WITH SRP JOB NUMBER 21-0016-NM/ T3266315

CAUTION

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

NOTES

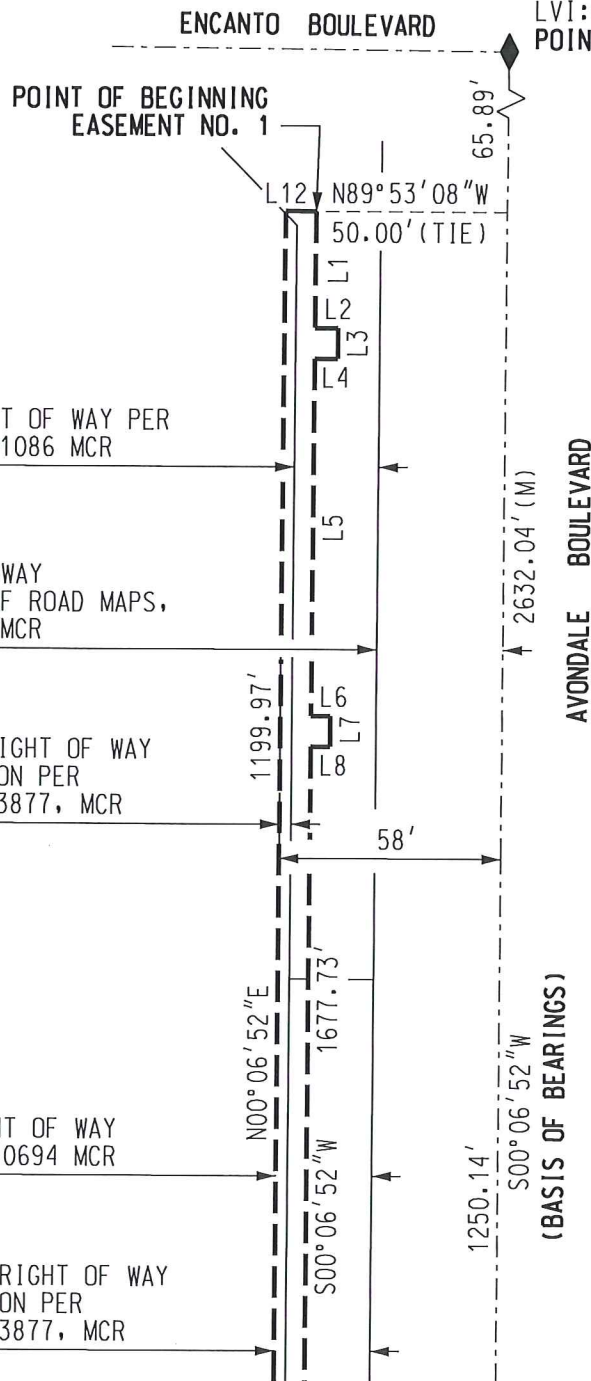
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SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: 20-0903-NM	SCALE: NTS	
I.O. NUMBER: T3250261	SHEET: 3 OF 7	AVONDALE BLVD: McDOWELL RD TO ENCANTO BLVD RELO SE 1/4 SEC 36, T2N, R1W 6.1N - 0.1W
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 1	
CHECKED BY: GOREHAM	CREW CHIEF: BAFALOUKOS	
DATE: 01-23-2023 JEP	FIELD DATE: 01-14-2021	

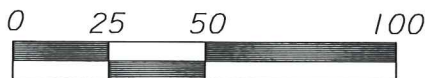
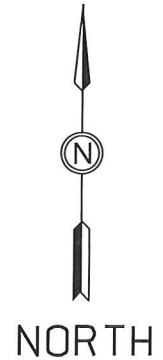
EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°06'52"W	30.38'
L2	S89°53'08"E	6.00'
L3	S00°06'52"W	8.00'
L4	N89°53'08"W	6.00'
L5	S00°06'52"W	93.03'
L6	S89°53'08"E	5.00'
L7	S00°06'52"W	8.00'
L8	N89°53'08"W	5.00'
L12	S89°53'08"E	8.00'

EAST 1/4 CORNER
SECTION 36
FOUND ALUMINUM
CAP FLUSH
LVI: 11-26-2018
POINT OF COMMENCEMENT



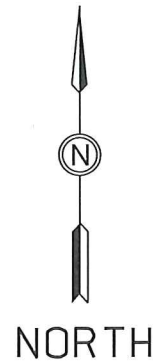
APN: 501-74-015H



MATCH SHEET 5

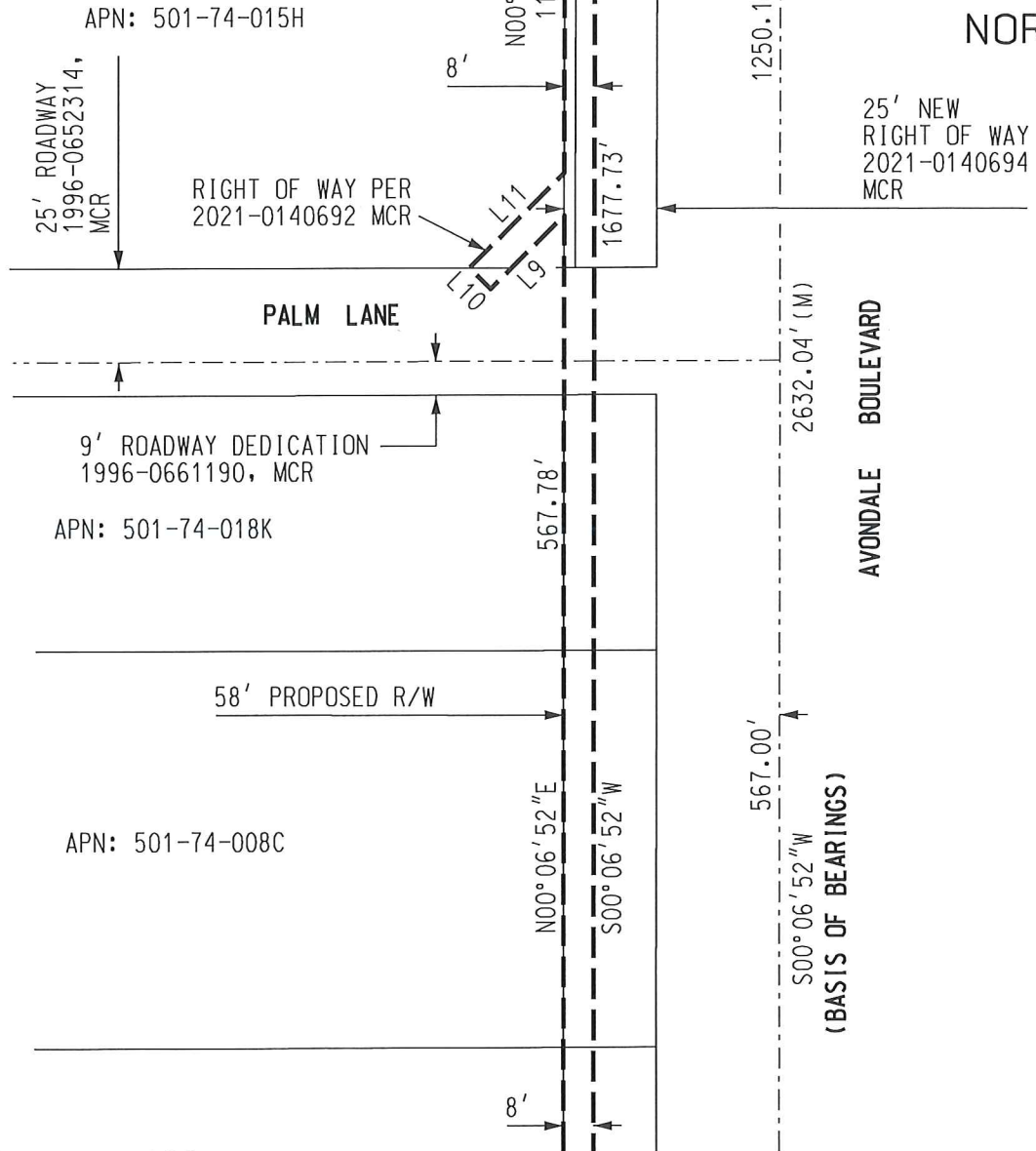
SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: 20-0903-NM	SCALE: 1" = 50'	
I.O. NUMBER: T3250261	SHEET: 4 OF 7	AVONDALE BLVD: McDOWELL RD TO ENCANTO BLVD RELO SE 1/4 SEC 36, T2N, R1W 6.1N - 0.1W
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 1	
CHECKED BY: GOREHAM	CREW CHIEF: BAFALOUKOS	
DATE: 01-23-2023 JEP	FIELD DATE: 01-14-2021	

EXHIBIT "A"



LINE TABLE		
LINE	BEARING	DISTANCE
L9	S45°01'37"W	27.84'
L10	N44°58'23"W	8.00'
L11	N45°01'37"E	35.86'

MATCH SHEET 4



MATCH SHEET 6

SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT & POWER DISTRICT



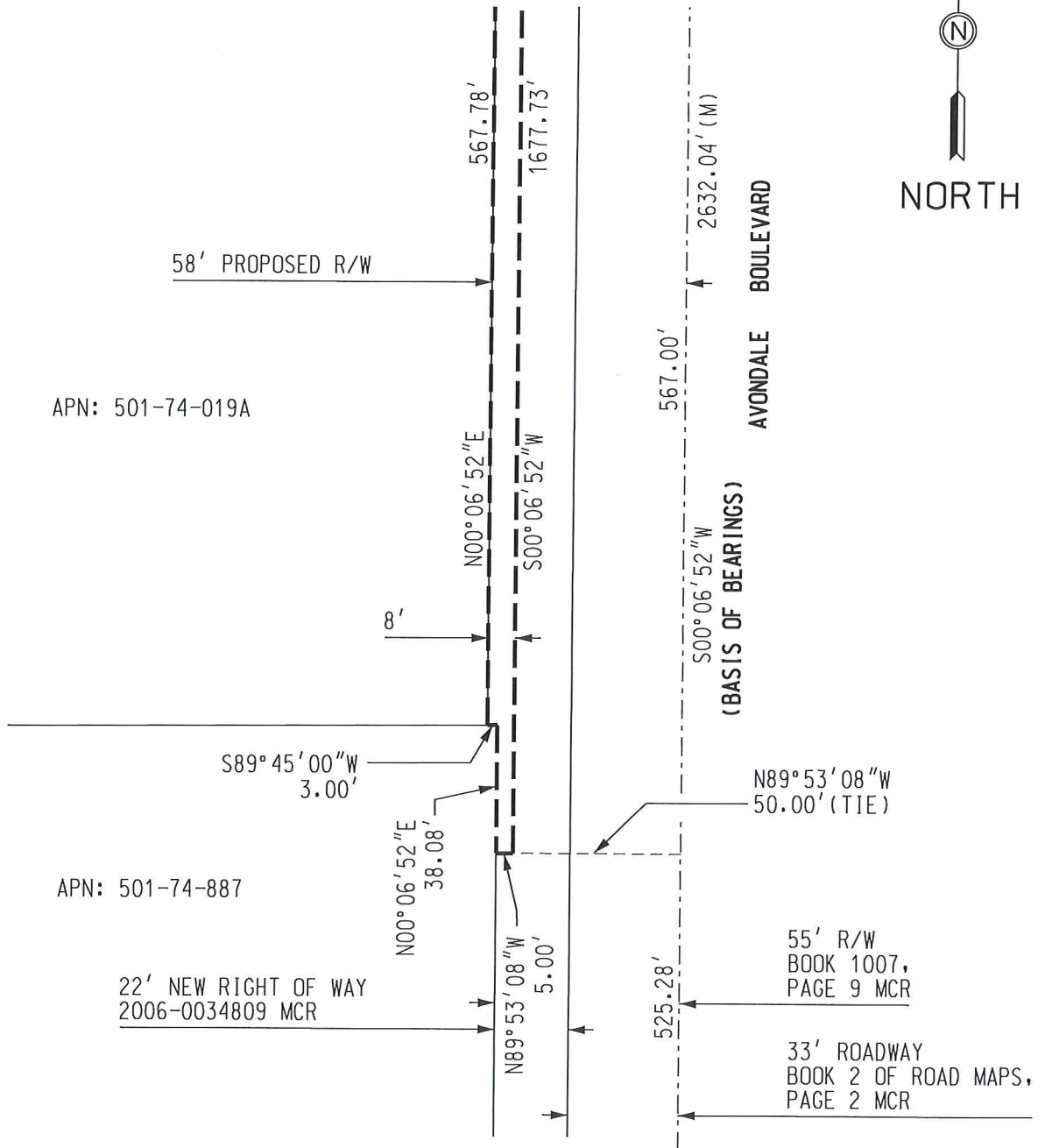
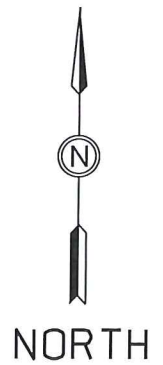
SURVEY DIVISION
LAND DEPARTMENT

SRP LDWR NUMBER: 20-0903-NM	SCALE: 1" = 50'
I.O. NUMBER: T3250261	SHEET: 5 OF 7
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"
DRAWN: HICK	REVISION: 1
CHECKED BY: GOREHAM	CREW CHIEF: BAFALOUKOS
DATE: 01-23-2023	JEP FIELD DATE: 01-14-2021

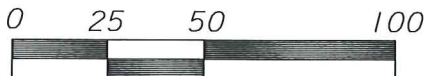
AVONDALE BLVD: McDOWELL
RD TO ENCANTO BLVD RELO
SE 1/4 SEC 36, T2N, R1W
6.1N - 0.1W

EXHIBIT "A"

MATCH SHEET 5

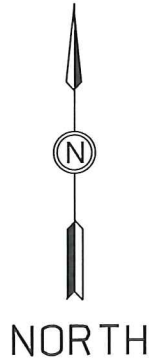


MATCH SHEET 7



SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: 20-0903-NM	SCALE: 1" = 50'	
I.O. NUMBER: T3250261	SHEET: 6 OF 7	AVONDALE BLVD: McDOWELL RD TO ENCANTO BLVD RELO SE 1/4 SEC 36, T2N, R1W 6.1N - 0.1W
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 1	
CHECKED BY: GOREHAM	CREW CHIEF: BAFALOUKOS	
DATE: 01-23-2023	JEP FIELD DATE: 01-14-2021	

EXHIBIT "A"



MATCH SHEET 6

33' ROADWAY
BOOK 2 OF ROAD MAPS,
PAGE 2 MCR

80' PROPOSED R/W

POINT OF BEGINNING
EASEMENT NO. 2

APN: 501-74-886

AVONDALE BOULEVARD

(BASIS OF BEARINGS)

LINE TABLE		
LINE	BEARING	DISTANCE
L13	S00°06'52"W	73.00'
L14	N89°53'08"W	8.00'
L15	N00°06'52"E	65.00'
L16	N89°51'26"W	36.99'
L17	N00°08'34"E	8.00'
L18	S89°51'26"E	44.98'



NEW RIGHT OF WAY
2006-0034809, MCR

SOUTHEAST CORNER
SECTION 36
FOUND BRASS CAP
IN HAND HOLE
LVI: 08-09-2010

McDOWELL ROAD

525.28'
2632.04' (M)
223.72'
S00°06'52"W

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: 20-0903-NM	SCALE: 1" = 50'	
I.O. NUMBER: T3250261	SHEET: 7 OF 7	AVONDALE BLVD: McDOWELL RD TO ENCANTO BLVD RELO SE 1/4 SEC 36, T2N, R1W 6.1N - 0.1W
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"	
DRAWN: HICK	REVISION: 1	
CHECKED BY: GOREHAM	CREW CHIEF: BAFALOUKOS	
DATE: 01-23-2023	JEP FIELD DATE: 01-14-2021	

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Resolution 1020-0423 - Minor General Plan Amendment for Angelina Luxury Living - Application PL-22-0085

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

STRATEGIC OUTCOME: 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 meeting and consider a request to adopt Resolution 1020-0423, approving a request by Mr. Taylor Earl of Earl & Curley, on behalf of Trinity Lutheran Church of Litchfield Park and Litchfield Park First Baptist Church, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for the Angelina Luxury Living Planned Area Development (PAD), and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. If approved, the Minor General Plan Amendment will amend the General Plan 2030 Land Use Map designation from Local Commercial (LC) and Medium Density Residential (MDR) to High Density Residential (HDR), on 8.4 net acres located south of the southwest corner of Indian School Road and Dysart Road. A concurrent request for a Rezone (PL-22-0084; to be covered in a separate item) will rezone this site to Angelina Luxury Living PAD. The Council will take appropriate action.

BACKGROUND:

This proposed request involves a portion of an approximately 20.5-acre parcel owned by Trinity Lutheran Church of Litchfield Park, as well as a portion of an approximately three (3)-acre parcel owned by Litchfield Park First Baptist Church. The two church properties are generally located south and west of the southwest corner of Indian School Road and Dysart Road, and directly off Plaza Circle, a private street. The 8.4-acre area to be rezoned is located immediately adjacent to Dysart Road (Exhibit A).

The site is designated by the General Plan 2030 Land Use Map as a combination of Medium Density Residential (eastern and southern portion of the site) and Local Commercial (northern and western portion of the site). The Medium Density Residential (MDR) designation is intended for residential uses with a density of 2.5 to 4 units per acre (with a target density of 2.5 units per acre) and associated uses such as churches and parks. The Local Commercial (LC) designation is intended for uses that fulfill the daily needs of the surrounding residents for goods and services. Typical uses in the Local Commercial designation could include grocery stores and other retail businesses, gas stations, medical uses, and professional services.

The applicant proposes to amend the General Plan's land use designations on the 8.4-acre site from Medium Density Residential (MDR) and Local Commercial (LC) to High Density Residential (HDR) to facilitate the development of a 130-unit, for-rent townhome complex.

The existing uses and zoning of surrounding properties include:

NORTH: Zoned Palm Valley Planned Area Development (PAD); General Plan Designation is Local Commercial. The Litchfield Park First Baptist Church property is located on the south side of Plaza Circle. The parcel on the north side of Plaza Circle (at the immediate southwest corner of Indian School and Dysart) is currently vacant but has a pending Conditional Use Permit application for a car wash, as well as a Site Plan and Design Review application for the same car wash and additional retail and restaurant uses.

EAST: Zoned Palm Valley PAD and Ascend PAD; General Plan Designations are Public/Civic, Local Commercial, and Mixed Use. An existing Liberty Utilities well water treatment facility is located at the immediate southeast corner of Indian School and Dysart, and a self-storage facility is located immediately east of that. An approximately 40-acre site is currently vacant and zoned for an approximately 432-unit multi-family residential apartment development, a 125-unit townhome development, and commercial parcels under the Ascend PAD zoning.

SOUTH: Zoned Palm Valley PAD; General Plan Designation is Medium Density Residential. Land use is a single-family residential development (Dysart Ranch).

WEST: Zoned Palm Valley PAD; General Plan Designations are Local Commercial and Medium Density Residential. Land uses include Trinity Lutheran Church to the direct west of the rezone site, and a single-family neighborhood beyond the church.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Minor General Plan Amendment (GPA) to the General Plan 2030 Land Use Map to change the land use designation of the subject property from a combination of Medium Density Residential (MDR) and Local Commercial (LC) to High Density Residential (HDR), to facilitate the development of a 130-unit townhome complex. The HDR designation is intended for developments containing densities between 12 and 30 dwelling units per acre. Units in the HDR designation may include apartments, townhomes, condominiums, or patio homes, and may have limited private outdoor space and rely on shared or common open space for recreation. They may have direct access to open space, transit, or other multi-modal amenities.

A Rezone request (PL-22-0084) is running concurrently with this GPA request and will change the site's zoning from Palm Valley PAD (allowing a residential use of six to 12 units per acre) to Angelina Luxury Living PAD, with an underlying Multi-Family Residential (R-4) zoning district. Approval of this GPA request is required for the rezoning to be approved, and the two requests are scheduled for the same Planning Commission and City Council meetings. The proposed Angelina Luxury Living development plan incorporates design measures and development standards for the R-4 zoning district with some deviations as described in the Rezone narrative. The development will provide for efficient on-site and off-site circulation, ample parking, and private and common space with a range of amenities.

To implement the project as planned, a Re-Plat will be necessary to separate the 8.4-acre development site from the larger parcels owned by Trinity Lutheran Church and First Baptist Church. As of the date of this report, an application has not been submitted for the Re-Plat. Once the application is submitted and reviewed by staff, the Re-Plat will be brought to City Council on a consent agenda for approval.

PUBLIC PARTICIPATION:

A Neighborhood Meeting was held on December 13, 2022, to discuss the proposal with neighboring property owners and other interested parties. All notices of the meeting were completed as required and met notification requirements.

The meeting was held at Trinity Lutheran Church. Twenty-one people attended the meeting, in addition to City

staff and the applicant's team. Topics of discussion included the design quality of the proposed units, on-site amenities (including perimeter landscaping, parking, and entry gates), impacts on traffic, and anticipated street improvements (such as a traffic signal at the Dysart Road entrance to the development). Some attendees identified themselves as residents of the neighboring Dysart Ranch and were concerned about pass-through traffic in their neighborhood. The applicant noted that vehicular access to the development would be via a driveway on Dysart Road and a secondary exit-only gate on Plaza Circle (as described later in this report). No direct access to the development site will be provided from the adjoining single-family neighborhood.

As of the writing of this staff report, two phone calls have been received about the project, from neighbors within the Dysart Ranch single-family residential community to the south of the project site. The first caller expressed concerns about noise and density, staff informed the inquirer that their concerns would be relayed to the two hearing boards. The second caller was concerned about water consumption, dust and noise generated by construction activities, and privacy. Staff explained that a dust control plan will be required for this project as part of the application process for civil permits, and no two-story townhomes will be placed within 70 feet of the shared boundary between the townhome site and Dysart Ranch to help preserve the privacy of the adjacent single-family residences.

Additionally, three anonymous comments were received through the City's online public engagement platform. Two of the three comments expressed approval for the project, though only one provided a specific reason, which was that they considered it a good use of space. The third comment was from an attendee of the neighborhood meeting who was opposed to the project, citing reasons such as density, traffic concerns (especially along Plaza Circle), and skepticism about the quality of the townhomes.

PLANNING COMMISSION ACTION:

On March 15, 2023, the Planning Commission conducted a public hearing on the project. The Commission asked about the justification for the reduced setbacks on the north and west sides of the project site (see the "Analysis" section below for more information about requested standard deviations). They also asked for clarification about setbacks on the south side of the project site. Staff explained that the applicant had requested reduced setbacks on the north and west sides of the property to achieve their optimal unit density and building placement, and that the adjacent uses on those sides of the property (a private street and church properties) are less intensive than a commercial or single-family residential development, with less risk for land-use conflicts. Staff also explained that R-4 development standards require a 15-foot setback from the south property line for any building within the townhome development (regardless of building height or adjacent use), while an additional standard requires two-story buildings within multi-family developments to maintain a buffer of at least 75 feet from any single-family use. The project will maintain a 15-foot building setback requirement along the south property line but the applicant has requested a 70-foot buffer for the two-story units, instead of the standard 75-foot buffer.

Additional questions from the Planning Commission concerned the distance between the entrance gate on Dysart Road and the street, the amount of parking to be provided on the site, and whether a left-turn deceleration lane will be constructed at the Dysart Road entrance. Staff and the applicant could not provide a setback measurement for the gate but explained that the distance is adequate to provide turning room for vehicles in the event the gate does not work (and a traffic circle is provided within the driveway to aid this movement). The project will provide 255 garage spaces and 40 guest spaces. The applicant explained that the overall project is overparked since guest parking quantities will exceed minimum requirements. The project underwent review by the City's Traffic Engineering staff and a deceleration lane is not included in the project design. The applicant will contribute toward a signal at the Dysart entrance, and will work with staff to design that intersection to City standards.

The Commission passed a motion (5-0 vote) to recommend approval of the proposed Rezone, subject to the recommended conditions.

Following Planning Commission, a resident contacted the City with concerns and opposition to this proposal. The resident attended this meeting but did not request to speak. In summary, the resident shared that they reside in the subdivision south of the proposed development. Their concerns are that the townhouse development will add traffic to the area, which would be in addition to traffic that will come from recently

approved developments on the east side of Dysart Road. The resident does not support the increased residential density for this property as proposed by the Minor General Plan Amendment, the 5-foot building setback reduction from the south property line the residential lots share with the townhouse project, or the two-story height of townhomes near the existing single-family residential homes.

Staff responded to the resident advising that City staff in various departments and divisions including engineering, traffic engineering, city planning, public works utilities, and fire review development applications in relation to the City codes and guidelines and reviewed this project over several months before scheduling it for public hearings. During this time a neighborhood meeting was held inviting property owners who own property within a 1,000-foot radius of the subject site to provide feedback to the applicant as well as city staff. The zoning process allows consideration for development standards deviations which are considered on a case-by-case basis. The request to reduce the building setback 5 feet (75 ft. required, proposed 70 ft.) was supported finding the distance minimal in relation to the existing one- and two-story single-family homes to the south being setback from the shared property line ranging from approximately 20 feet to over 50 feet. In addition, the developer is providing the required 15-foot wide landscape buffer along the south property line for additional visual separation.

Staff also shared that the traffic signal is needed to accommodate traffic management for the projects on both sides of the street. The developments on the east side of Dysart Road were already approved by Council called Ascend; including two future commercial parcels fronting Dysart Road, a townhouse development, and an apartment complex. Both projects are required to share in the cost of the signal improvements at this four-corner intersection as infrastructure is required on each of the four corners. There is a commercial corner on the southwest corner of Dysart Road and Indian School Road that has yet to develop; however, there have been proposed commercial projects for that parcel. The signal with further aid traffic generated by that development.

Regarding the land use change and density, staff conveyed that the General Plan for this land is designated for both commercial (retail, restaurant, office) and medium-density residential (up to 4 dwelling units per acre, typically single-family residential lots). The proposed land use change in the General Plan replaces the commercial and medium-density residential with high-density residential land use allowing residential density between 12 and 30 dwelling units per acre. The proposed density is 15.5 dwelling units per acre. The increased density is supported by staff as the reduction in commercial land use on the subject site de-intensifies traffic and land use activity on the parcel.

ANALYSIS:

The Planning Commission 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.

The proposed amendment will allow the property to be rezoned to accommodate a for-rent townhome development, furthering the goal of the General Plan to attract a diverse range of residential products. Per the companion Rezone request (PL-22-0084), the proposed townhomes would consist of one-story and two-story buildings that would not exceed 26 feet in height, comparable to a two-story single-family residence, and well below the 45-foot height limit typically applied to the R-4 zone.

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.

The majority of the land currently owned by Trinity Lutheran Church and First Baptist Church falls within the Local Commercial land use designation of the 2030 Plan, with a relatively small portion at the east end of the Trinity property falling within the MDR designation. Due to its size, the development of the MDR portion with its intended use would be difficult. The proposed Minor GPA would enable the development of townhomes on an 8.4-acre portion of the church parcels. Currently, townhomes are not well-represented in Avondale's housing stock, but they combine certain benefits of single-family homes (private garages and yards) with other benefits of multi-family developments (community amenities and less maintenance responsibility for individual residents). The Minor GPA will introduce a high-density residential use as a buffer between the commercial

zoning to the north and west and the single-family neighborhood to the south, softening what would otherwise be a sharp transition from commercial to single-family.

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 townhome development site is currently undeveloped and will be separated from the larger church property via a Re-Plat process, to be completed after approval of this General Plan Amendment and the companion Rezone. The introduction of a high-density residential townhome development to this site will buffer an existing single-family residential neighborhood (Dysart Ranch) from potentially more intensive commercial uses to the north. The amendment will not require larger and more expensive infrastructure improvements beyond what would already be expected for this property and its current designation. A new driveway entrance to the project site will be constructed on Dysart Road, to align with the planned driveway to the Ascend residential and commercial mixed-use development to the east across Dysart Road, and a stipulation is proposed for the companion Rezone request (PL-22-0084) to require the applicant to pay a share toward the installation of a traffic signal at this entrance.

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

The amendment will further Housing Element Goal #2 by championing the development of a housing type that currently is not common in Avondale. The project design has been reviewed for conformance with the Multi-Family Residential Design Manual and the R-4 standards in the Zoning Ordinance (with deviations as described in the Rezone request). The proposed buildings will utilize a neutral, desert-themed color palette, and landscape setbacks along the east and south sides of the project site (adjacent to Dysart Road and Dysart Ranch, respectively) will meet or exceed the minimum widths for multi-family residential zoning.

DISCUSSION:

Staff finds this request meets the four (4) required findings and recommends approval of the proposed Minor General Plan Amendment.

BUDGET IMPACT:

The associated rezone will require the developer to contribute 15% of the estimated cost of a traffic signal located at Dysart Road and the project's main entrance. It is anticipated that the city will be responsible for 35% of the cost of the signal, estimated at \$245,000.

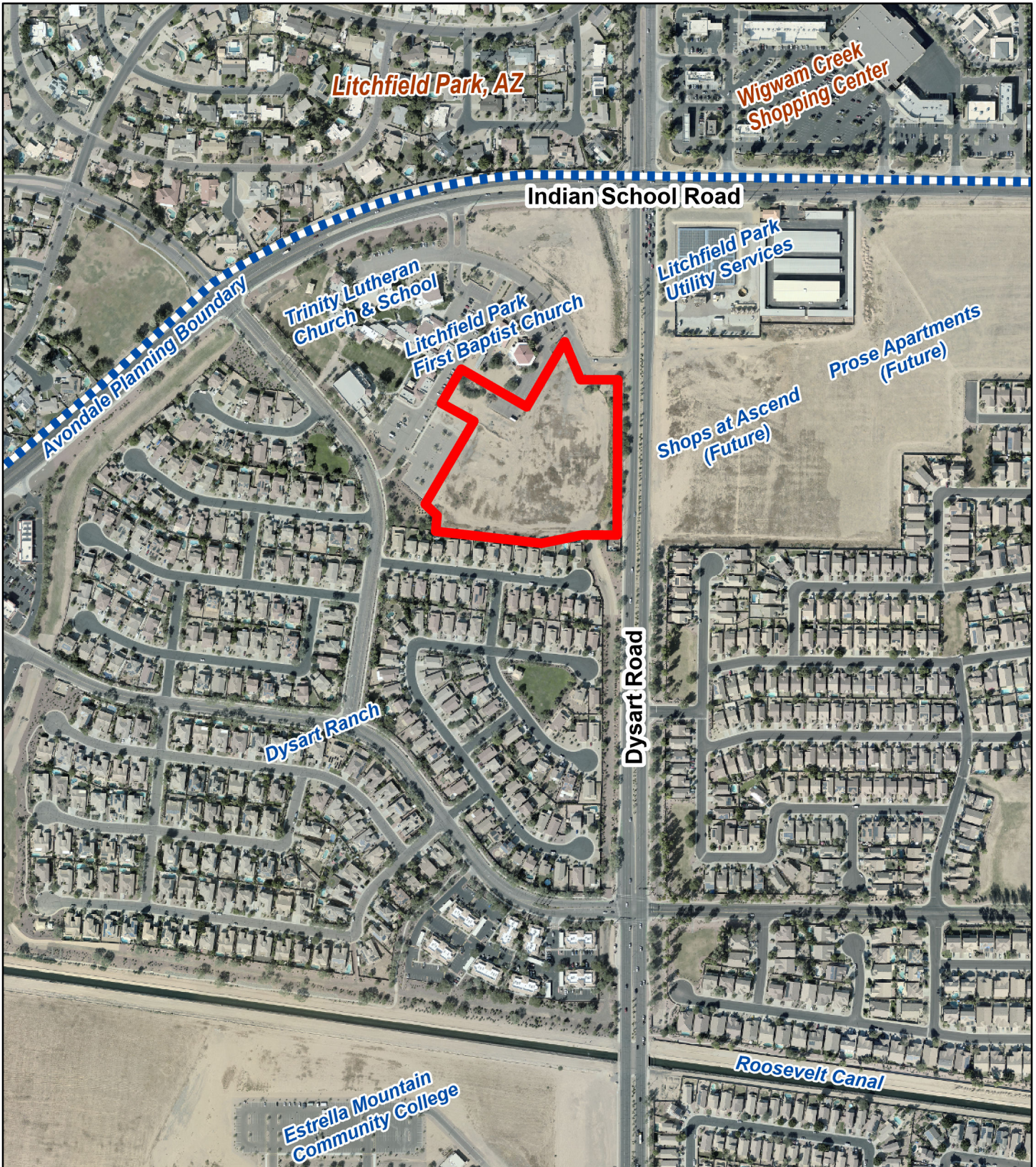
RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** a Resolution approving Application PL-22-0085 Angelina Luxury Living, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation of the project site from Local Commercial and Medium Density Residential to High Density Residential.

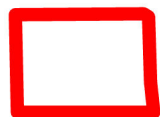
PROPOSED MOTION:

I move that City Council **ADOPT** a Resolution approving Application PL-22-0085 Angelina Luxury Living, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation of the project site from Local Commercial and Medium Density Residential to High Density Residential.

Contact person for document distribution: Ann Dolmage

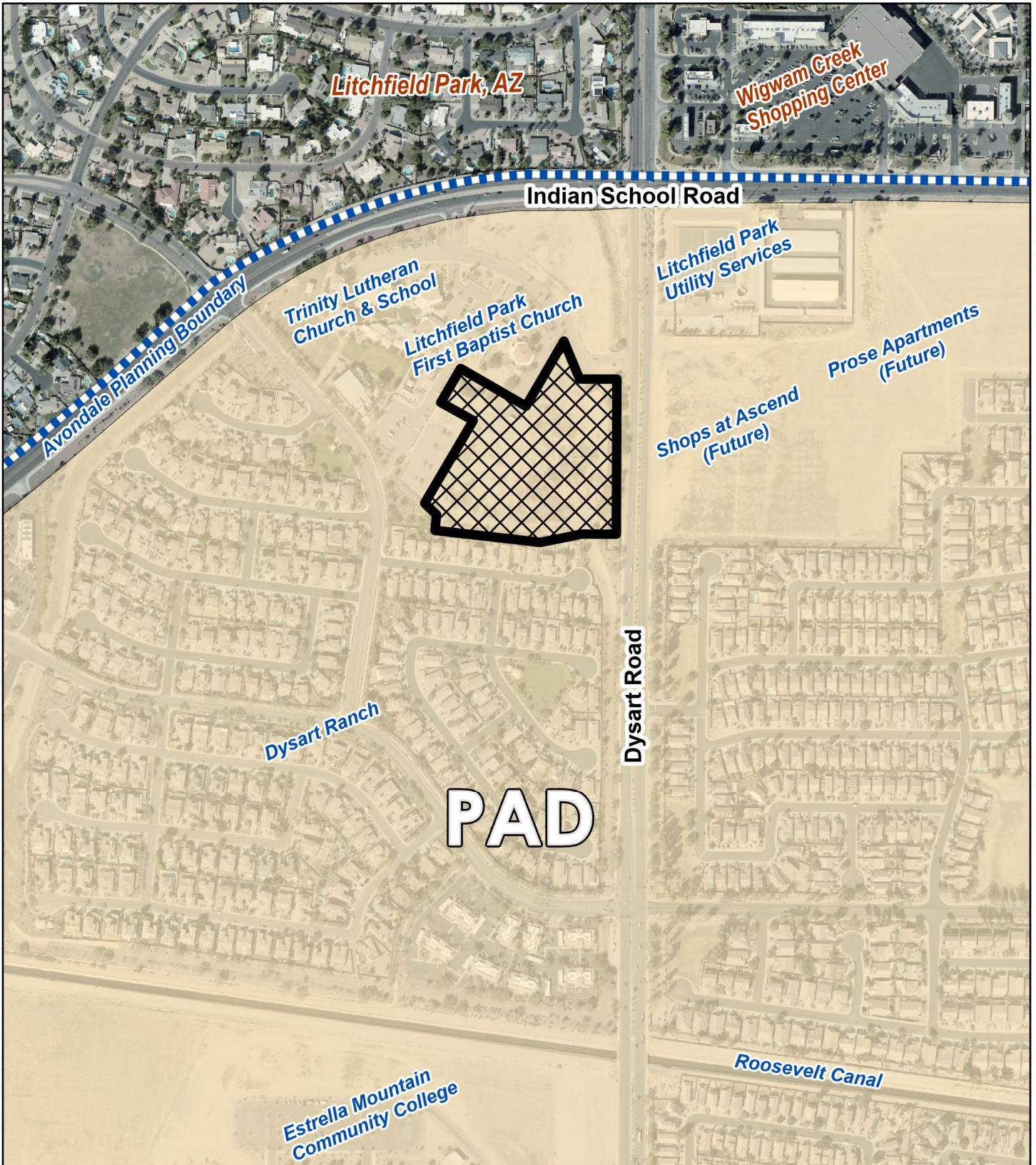


Aerial Map

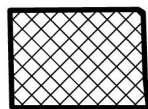


Subject Property





Zoning Vicinity



Subject Property



Project Narrative

The Angelina Minor General Plan Amendment and PAD Amendment

Angelina Luxury Townhome Project
South of the SWC Indian School Road and Dysart Road

Originally Submitted: March 8, 2022

Resubmitted: **January 3, 2023**

PAD - PL-22-0084

Minor GPA Amendment- PL-22-0085

Developer:

Porter Kyle
Mike Stephan
480-542-1220
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PORTER KYLE
multifamily developers & builders

Representative/Land Use Counsel:

Earl & Curley
Taylor Earl (Partner)
Brian Vaccaro (Planner)
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Introduction

This Project Narrative is provided in support of a minor General Plan Amendment and a PAD Zoning request for a vacant 8.40-acre (net) property south of the southwest corner of Indian School Road and Dysart Road (the “Property”). The Property currently has two General Plan designations on site. This proposal requests to modify the designations from Medium Density Residential and Local Commercial to “High Density Residential.” This request also seeks to rezone the property to “The Angelina PAD” designation with High Density Residential (with underlying R-4 zoning) to allow the development of a 130-unit luxury residential community.

The developer is Porter Kyle, a Scottsdale-based developer with a well-earned reputation for creating high-end residential communities throughout the Valley. Designed by award winning architects, the new luxury townhomes live more like a single-family home compared to a traditional apartment building.

Site Background

As stated earlier, the site is located south of the southwest corner of Indian School Road and Dysart Road, just 2 miles north of the I-10 freeway. The site is a challenging parcel with an odd shape that is currently vacant and part of a larger parcel that contains a church and school, which are not affiliated with this application. See aerial below with the application area outlined in red.



General Plan Amendment (Minor)

As stated above, Porter Kyle is proposing a high-end residential community that will assist the city in its development of diverse housing and add density to support the City's employment and commercial developments. Rather than develop at the edge of the city, we are developing in the heart of the city. Developing in the heart of the city contributes to much needed housing stock as an infill project furthering the goals of the city to promote and provide density in the city center. The Angelina will be a premium community for the city and will provide benefits to the immediate neighborhood and to the surrounding area. This community will not only bring higher income individuals to support the neighboring services and commercial, but it will also be an architecturally pleasing addition to the neighborhood. Due to the size of the property, only a Minor Amendment is required and sought.

The city needs density in appropriate areas with appropriate designs to support its employment and its retail. We believe this site is very appropriate for this development and that the high-quality design is what the city encourages and expects.

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

The existing General Plan Land Use Designation on the property is split. The northern half of the property is designated as Local Commercial which allows for low-intensity commercial developments such as small to moderate scaled professional office buildings. The southern half is designated as Medium Density Residential (MDR), which allows for a density of 2.5-4 dwelling units per acre.

The map to the right depicts the existing General Plan Land Use designation.



EXISTING GENERAL PLAN DESIGNATION

The proposed designation for the Property is High Density Residential (HDR), as depicted on the map to the right. The High-Density Residential designation allows for densities of up to 30 dwelling units per acre. Our proposal is 15.5 dwelling units per acre and would conform to the proposed general plan designation. While this does alter



PROPOSED GENERAL PLAN DESIGNATION

the land use patterns, it does not do so negatively. Having split land uses on an irregularly shaped parcel that is under 9 acres would be tough for any owner or developer. Having a mixed-use project with commercial to the north and single family to the south would be nearly impossible due to the size limitations and shape of the parcel. Fortunately, there is adequate existing commercial on the northeast corner of Dysart Road and Indian School Road that is approximately 17 acres and consists of an anchor grocery store, a gas/convenience store, a bank, auto parts store, a fitness studio, various service retail establishments and 8 restaurants. Additionally, Avondale recently annexed properties at El Mirage and Indian School and the General Plan now calls for commercial on all four corners which provides plenty of commercial offerings. Furthermore, just east of the proposed Ascend project (approximately ½ mile away) there is additional commercial that consists of professional and medical offices, auto parts store, and two more restaurants. Lastly, the Ascend project directly to our east will include 9.63 acres of commercial uses which is larger than the entire Angelina project. The existing commercial along Indian School along with the future commercial from the Ascend project offers ample commercial in the area ensuring that our minor GPA is not negatively impacting the change from Commercial to High Density Residential. As mentioned above, the site includes split land use designations, and the southern portion is medium-density residential. Again, the shape and small acreage would make it nearly impossible for a single-family developer to place a development of high quality on the site. If you look at an aerial of the surrounding area, it's evident that there is ample single-family residential. Most parcels that are undeveloped are either PAD/Commercial, Estrella Mountain Community College, public parks, or industrial uses and the Agua Fria River to the east. With the amount of commercial nearby, the limited size and shape constraints, and sufficient existing single family residential, altering the land use to High Density Residential near the hard corner will be an asset to Avondale.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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

This particular area of Avondale is dominated by single family residential. What limited multi-family is present has been developed as garden style apartments. Our proposal will provide a unique, townhome product, something that is not represented in the market area. The Angelina will help diversify Avondale's housing stock by providing for a varied residential type that is almost non-existent in the area. It will attract high-income earners that will fill employments needs in the area and support commercial developments.

The Amendment will not adversely impact the community as a whole and/or a portion of the community by: significantly altering the acceptable land use patterns, requiring larger and more expensive public infrastructure, or adversely impacting the existing land uses.

As mentioned above, the approved land use patterns are split on this property. The property size and shape make it almost impossible to do both commercial and medium density residential. There is an excess of medium density residential already to the south and east of the site. The Palm Valley General Development plan was not followed and medium density residential was built where commercial and high density residential were supposed to be built. This proposed project helps to bring back the density that was needed, but never developed.

Infrastructure improvements are minimal and little if any improvements should be needed. The roads have been built out and appropriate discussions have been had with the City of Avondale and the adjacent development project to the east to ensure vehicular and pedestrian safety along Dysart Road. The proposed GPA from Medium Density Residential and Local Commercial to High Density Residential helps reduce the water and wastewater demands from a commercial land use. It is not anticipated that this request will significantly increase water and wastewater demands for the existing land uses. The project will have low water fixtures, high efficiency appliances, low flow irrigation, and xeriscape landscaping where appropriate to ensure sustainability for the neighborhood and City of Avondale.

This project certainly does not adversely impact the existing land uses. The lot has been vacant since annexation and the owner (Trinity Lutheran Church) does not need to expand the campus or parking. The vacant site continues to see its fair share of dumping, trash, and vagrants. A luxury townhouse development would certainly be a better use than for it to remain vacant.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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

This particular area of Avondale is dominated by single family residential. What limited multi family is present has been developed as garden style apartments. Our proposal will provide a unique, townhome product, something that is not represented in the market area. The Angelina will help diversify Avondale's housing stock by providing for a varied residential type that is almost non-existent in the area. It will attract high-income earners that will fill employments needs in the area and support commercial developments.

Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

In areas where single family housing is the dominant type, it can be difficult to develop smaller, irregular patches of vacant land with similar single-family products. The resultant pattern of remnant vacant land, caused by leap-frog development, creates a unique opportunity for infill development. Such is the case with this proposal. These smaller parcels typically have the required infrastructure and services needed for higher density developments. They provide for a high-quality mix of housing types, that focus on upward development versus sprawl. And they often fill these gaps between single family homes with a desirable product for families that prefer a more urban lifestyle. This project improves the desirability and attractiveness of infill for the neighborhood and the city.

3. Land Use Element– Goal 4: Ensure all land use decisions meet the long-term social and economic goals of the community.

Policy B : Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

Policy D : Ensure that low-cost construction materials essential for growth and development are readily available.

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

Request is an improvement to the 2030 General Plan and is not solely for the good or benefit of a particular landowner or owners

This Minor GPA is helpful to the area and its benefit is not solely for the owner and developer. Vacant land with split General Plan designations is notoriously difficult to develop. Separating the uses according to their General Plan designations would not work as these unusually shaped parcels would continue to be abnormally shaped and the amount of developable land would be reduced dramatically. Instead of it remaining vacant, this is infill piece provides the City of Avondale diversity of housing types that is highly sought after within City limits.

This amendment will complement and enhance the surrounding property values and provide additional stability for the neighborhood. Just to the south of our site, along McDowell Road, there is an intensity of uses that includes the Abrazo medical campus. This amendment will complement those existing land uses and designations in the immediate area. The type of housing diversity and supply that is proposed with this development will greatly support and improve the vitality of the surrounding area. This is further defined in the land use goals and policies of the General Plan.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

***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 D:** Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.*

In areas where single family housing is the dominant type, it can be difficult to develop smaller, irregular patches of vacant land with similar single-family products. The resultant pattern of remnant vacant land, caused by leap-frog development, creates a unique opportunity for infill development. Such is the case with this proposal. These smaller parcels typically have the required infrastructure and services needed for higher density developments. They provide for a high-quality mix of housing types, that focus on upward development versus sprawl. And they often fill these gaps between single family homes with a desirable product for families that prefer a more urban lifestyle. This project improves the desirability and attractiveness of infill for the neighborhood and the city.

***Policy F:** Support higher density/urban land uses to support future transit and rail*

There is a high demand for quality multifamily in the area. This area has seen an uptick in development and zoning activity as it sits between the Loop 101 and the Loop 303, which link

I-10 with the I-17 through this area and serves as a major growth center within the west valley. The proximity of Luke Air Force Base, PV 303, and many other larger employers and an expanding base of businesses in the area makes this site ideal for this type of unique and luxury-level multifamily development. The proposed development will deliver needed housing diversity in this area.

Land Use Element– Goal 4: *Ensure all land use decisions meet the long-term social and economic goals of the community.*

Policy B : *Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.*

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

Policy D : *Ensure that low-cost construction materials essential for growth and development are readily available.*

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

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.*

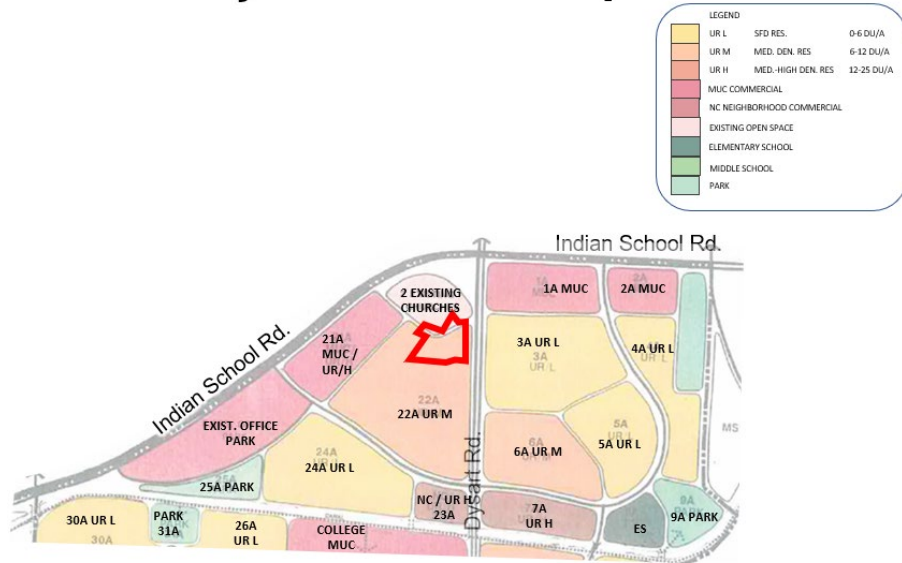
Policy B : *Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.*

The city has for some time promoted large-lot single-family residences, along with garden style apartments that have developed in more densely populated areas of the city. There is a need for more townhouse and condo style housing units. This project will help to provide more of these types of housing that will help fill this gap. By the general nature of condominiums and townhomes, large front and back yards have been replaced with common space that is maintained by the HOA. These types of housing units are usually privately owned by individuals seeking their own residence. Maintenance of the common areas for this project by the development's HOA will greatly reduce the maintenance responsibilities for the townhome owners.

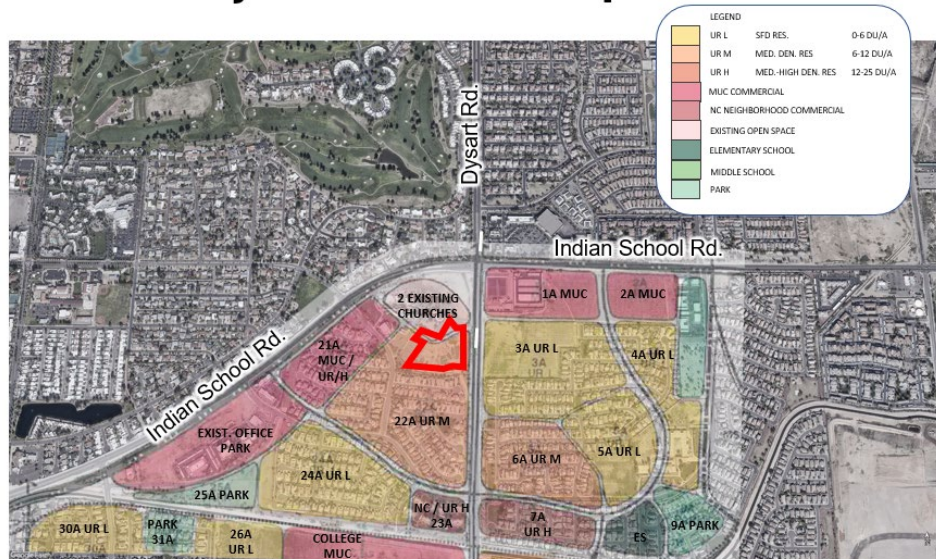
That the amendment is consistent with the overall intent of the 2030 General Plan and other adopted plans, codes and ordinances

The Palm Valley General Development Plan became effective in 1984. This mixed-use plan was generally located in two areas and consisted of 770 acres. The first was between Old Litchfield and Dysart Roads between Thomas and Indian School Roads. The second was between McDowell and Indian School east of Dysart. When looking at the development plan, the majority of our irregularly shaped parcel is in Parcel 22A which was slated to be “UR M” which is medium density residential with up to **12 du/ac**. The proposed townhomes follow the Palm Valley Development Plan and the increase from 12 to 15.5 du/ac is a marginal increase. Furthermore, if you overlay the Palm Valley Development Plan with what was built (see image to the right), none of the medium or high density residential was ever built. If we followed the proposed density, the area was approved for over 2,000 units, but less than a 1,000 was built. The addition of 130 units does not come close to exceeding what was allowed for the Palm Valley Development Plan. Simply stated, no multi-family was ever built in an area that needed it. Our proposed development finally gives the area the density that was intended and still needed.

Palm Valley PAD General Development Plan-1984



Palm Valley PAD General Development Plan-1984



Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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

This particular area of Avondale is dominated by single family residential. What limited multi family is present has been developed as garden style apartments. Our proposal will provide a unique, townhome product, something that is not represented in the market area even though it was supposed to be with the Palm Valley General Development Plan. The Angelina will help diversify Avondale’s housing stock by providing for a varied residential type that is almost non-existent in the area. It will attract high-income earners that will fill employment needs in the area and support commercial developments.

Policy F: Support higher density/urban land uses to support future transit and rail

There is a high demand for quality multifamily in the area. This area has seen an uptick in development and zoning activity as it sits between the Loop 101 and the Loop 303, which link I-10 with the I-17 through this area and serves as a major growth center within the west valley. The proximity of Luke Air Force Base, PV 303, and many other larger employers and an expanding base of businesses in the area makes this site ideal for this type of unique and luxury-level multifamily development. The proposed development will deliver needed housing diversity in this area.

2. Land Use Element – Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.

Policy C: Encourage a mix of uses and amenities when master planning large developments, such as single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents.

Infill projects typically help act as a catalyst for a healthy mix of uses. They also act more comprehensively as part of a larger vision for the neighborhood. Infill projects also tend to attract more infill which also provides a more diverse mix of uses. Where opportunities to encourage mixed uses were once perhaps missed in the master planning process, infill provides that opportunity to help fill in the gaps and help to create a larger sense of community

and encourage more social interaction. This high-end multi-family development is part of a changing dynamic that in time will encourage a better use of mixes and services in the future for the area.

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

A portion of the site is adjacent to an existing single-family subdivision and multi-family housing is a good transition between land uses. In addition to functioning as a transitional use, this project will also provide an adequate buffer from these adjacent properties. Single story units occur closest to the adjacent single-family homes with a setback of 15-feet. This smaller setback includes a landscape buffer with a meandering pedestrian pathway. The taller, two-story products occur outside of a 75-foot building setback and allow for a tiered approach in which the taller buildings sit further back and more towards the middle of the project allowing for a stepped back vertical buffer. The front of the project along Dysart Road, allows for a 50-foot building setback and a 40-foot landscape buffer, which also includes a pedestrian pathway. Two-story units are proposed along this project front which is appropriate for larger arterial streets, such as Dysart Road. Along the northwest portion of the site the adjacent land use changes to an intermittent use with two churches. These non-residential uses allow for a smaller setback that includes 12-foot-wide fenced private yards with a 5-foot landscape setback. Throughout the project adequate and appropriate buffers and transitions have been provided that vary with the intensity and character of the adjacent land uses.

***3. Land Use Element– Goal 4:** Ensure all land use decisions meet the long-term social and economic goals of the community.*

***Policy B :** Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.*

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

***Policy D :** Ensure that low-cost construction materials essential for growth and development are readily available.*

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

4. Housing Element–Goal 1: *Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.*

Policy A : *Ensure developers and/or HOA’s properly maintain perimeter areas, open spaces, and other common areas within subdivisions.*

As a part of this project, it is essential that the development and or it’s HOA performs regular maintenance for perimeter areas, open spaces and other common areas within the project. This not only provides for a clean and well-maintained space, but also lets others know that the project is of high quality and value for the surrounding community. This project will provide proper maintenance for the development.

Policy B : *Ensure that all properties requiring building permits meet all city codes prior to final approval.*

The development process will typically require that many life-safety issues conform to city code and performance standards to ensure that construction occurs as per the approved plans. This helps ensure that not only the widely accepted national building code will be followed, but also the code of the City of Avondale. This process necessitates the obtaining of all required city permits. The project will meet all city codes prior to final approval and issuance of a certificate of occupancy.

5. 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.*

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.*

The city has for some time promoted large-lot single-family residences, along with garden style apartments that have developed in more densely populated areas of the city. There is a need for more townhouse and condo style housing units. This project will help to provide more of these types of housing that will help fill this gap. By the general nature of condominiums and townhomes, large front and back yards have been replaced with common space that is maintained by the HOA. These types of housing units are usually privately owned by individuals seeking their own residence. Maintenance of the common areas for this project by the development’s HOA will greatly reduce the maintenance responsibilities for the townhome owners.

6. Housing Element–Goal 3: *Maximize the efficiency and effectiveness of affordable housing and neighborhood stabilization programs.*

***Policy B :** Identify new prototypes for quality high-density residential housing.*

Recent trends in multi-family housing include single-family to rent products, featuring tall ceilings, higher end appliances and better-quality interior finishes. As a result, the multi-family housing market has shifted towards a higher quality product with many other new prototypes such as this, coming to market with quality high-density residential housing. The Angelina is one of these newer product types that provides these higher quality finishes and detail for the high-density market.

***7. Safety Element–Goal 1:** Provide a safe and healthy environment for all Avondale residents, employees, and visitors.*

***Policy A :** Encourage new developments to be planned and designed to minimize negative and undesirable health and safety hazards to the community.*

It is always the goal of the community and the development team to provide a safe and healthy environment for its residents. We believe that it is important for a community to always use best practices when designing and laying out the site plan. The use of methods described in the Crime Prevention through Environmental Design (CPTED) guidelines help promote safer environments by providing proper site lighting, eliminating blind alley ways and encouraging the safe placement of landscape items. All of these assists in making the development a place that positively influences human behavior and minimizes undesirable health and safety hazards to the community.

***8. Safety Element–Goal 5:** Continue to provide for the protection of life and property from the destruction of fire and to mitigate other life-threatening incidents.*

***Policy B:** Provide and maintain state-of-the-art apparatus and equipment to enable safe and adequate emergency response capabilities for the protection of the public and fire personnel.*

It is critical that a development provides for the protection of life and property. This is why this development uses the latest standards in fire alarm and suppression equipment. Also, the activities typically associated with fire safety require that all portions of the development can be reached by a fire truck hose within 150-feet of the closest fire lane, which has been planned for this development. Wider turning radii, painted fire lanes, location of FDCs and proper signage have been provided in the design to allow the fire department to access the site quickly and safely in case of an emergency or fire.

9. Urban Design Element–Goal 1: Identify and preserve Avondale’s cultural resources and local sense-of-place.

Policy C : Provide opportunities for landscaping and streetscape improvements.

Good urban design should not only require but embrace the opportunities to provide for enhanced landscaping and streetscape improvements. A proper balance of landscaping helps to soften the hardscape and building forms. Trees provide much needed shade and flowering shrubs, and groundcovers provide important accents to the overall design of a site. This project provides these types of landscape treatments. Unique areas are emphasized with enhanced plantings and a wider variety of plant materials. This development utilizes appropriate tree spacing and plant groupings to help define key access points, provide splashes of color at focal points and help to break up the hardscape. Streetscapes are enhanced with more dense planting and wider setbacks that promote safe places for pedestrians and cyclists.

10. Urban Design Element–Goal 2: Establish a positive and distinctive city image and identity by developing and improving focal points, gateways, specific areas, and major corridors.

Policy G : Utilize landscape as an important aesthetic and unifying element.

The project uses a variety of trees and plant material to help create an aesthetically pleasing environment. Groupings of similar species of trees along walkways provide a unifying element to the landscape design for this project. Clusters of accent trees are used in key locations and help to put emphasis on those areas. Masses of groundcover plantings are used near the project’s signage and at corners to help identify that you have arrived at a place of importance. Taller trees are used in the landscape to help create visual landmarks throughout the property. Accent plants are dotted throughout the landscape to provide variety and visual texture to the landscape and help complement the site design. All of these plantings provide unifying elements that are woven throughout the design and bind the site together into one cohesive whole.

11. Urban Design Element–Goal 4: Utilize redevelopment to mend the urban fabric.

Policy C : Utilize building materials that are durable and contextual.

In the Phoenix metro area leap-frog development has created fragments of undeveloped land between projects. Our project has taken one of those fragments and is weaving together and mending the urban fabric of this neighborhood in Avondale. As a part of this process, it is important to read the landscape, understand the neighborhood and respond with the use of building materials that relate to the neighborhood. The use of high-quality building materials helps when working to establish permanency for these infill projects. High-quality building materials are more durable and when selected in context to mending the urban fabric, they

can appropriately represent the symbolism and physical properties of the neighborhood. This project uses building materials that are durable and contextual.

Policy D : Use pattern and scale of development to provide visual diversity, choice of lifestyle and social interaction.

Variation in urban spaces has fueled the current wave of form based urban code throughout the country. This development utilizes key components from form-based design that informs individuals about the human scale of the property. It also employs the use of pattern repetition and rhythm to provide consistent visual interest and weave together common elements used throughout the site in a cohesive way. These elements help to inform the public about how interactions are different when compared to suburban development and promote a more urban lifestyle. Within this project you can see undulation in the form, step-backs in the massing, second story balconies and small courtyards at the residence entrances. These are all items that contribute to a diverse, human scaled development that promotes social interaction and an urban lifestyle.

As stated earlier, there is a high demand for this type of product in this area, which is mostly dominated by single family residential or garden style apartment complexes. With the increase in large employers in the immediate area, multi-family housing helps provide a strong balance in the mix of uses.

In addition to the goals above, below are additional topics in the General Plan and our answers below:

Infrastructure

Adequate infrastructure exists for the designation of High Density Residential. Reports regarding water, sewer, streets, and drainage have been provided as appendices to this narrative.

Multifamily Housing Ratio

Per the General Plan, approximately 572 acres or .96% of land area is designated as high density residential. With this proposal, there will be an increase of 7 acres, bringing the overall percentage to .98%.

Water Supply

Avondale has a certificate of assured water and will be the water provider. The minor consumption of water stemming from this proposal will not have a significant impact on the City's water supply. Townhouses use less water than most commercial projects. As stated above, the project will have low water fixtures, high efficiency appliances, low flow irrigation, and xeriscape landscaping where appropriate to ensure sustainability for the neighborhood and City of Avondale.

Transportation Impact

We are currently discussing with the City the circulation and access points for this site. But we would refer the City to our traffic impact statement regarding the potential trip generation and its impact on the area. We have had discussions with the City and to the development to the east regarding a new traffic signal. Our access will align to the new signal which will be a benefit to the residents and to those traveling along Dysart.

Natural Environment

The topography of this site is relatively flat and no riparian areas or floodways are present. Accordingly, there is no significant impact on any notable environment factor. What this application does do is provide a beautiful development to a piece of property that has remained vacant for years. Vacant property that is surrounded by developed land (which this soon will be after development to the east occurs, is unattractive and contributes to a blight condition. It also attracts illegal dumping oftentimes. As such, our proposed development will be an improvement for the natural environment.

Job Population:

As new employment developments continue to come online in the west valley, as they have been for many years, a critical element to attracting and retaining top employers is the presence of employees of different educational and skill backgrounds. The availability of quality and diverse housing is an important element to such employers. Our proposed project will provide a type of housing product that will attract a higher-income earner, which often means those with greater education and skill set. We believe that our project will help to supply this area with an employee base that will be attractive to top employers. That will then result in greater employment for the area, which in turn raises the City's tax revenue, creates even more demand for housing, and then increases demand for commercial services. Our project will, therefore, be part of the domino effect (or ecosystem, if you will) that will benefit the City.

Arizona economist Elliott Pollack issued a warning regarding the current shortage of housing and how this will harm our ability to attract and retain top employers. The following is an excerpt from the Arizona Republic:

“I’ve been doing this work since 1969, and this is worst housing supply/demand imbalance I’ve ever seen,” said Economist Elliott Pollack. “We’re at the precipice of a very serious problem. This will affect our ability to attract and retain top employers, attract and retain top talent, maintain and improve the quality of life for our residents, and increase the customer base for our small businesses. We simply must increase supply or it’s all downhill from here.”

Our proposal will not only add to the City’s housing supply, it will do so with an attractive community that is underrepresented in Avondale.

The City’s General Plan also calls for a multi-family housing ratio. This request will provide additional supply of multi-family, which is a housing type the City needs more of in order to increase density and thus increase commercial supply and increase employment opportunities for its residents.

City Services

The amount of housing proposed will not have a significant impact on City services. This development will also pay its way by virtue of complying with the City’s impact fee requirements. Our development will assist in funding infrastructure expansion and the support for an effective and responsive police and fire department.

General Plan Alignment

The current general plan designations on the site are not as compatible with the current land development pattern in this area as what we are proposing. The Ascend project immediately across Dysart Road from this site proposes 6 acres (net) of commercial development within its parcel #2. Much of that would be up against the land currently designated for 2.5-4 du/ac housing. This is not an ideal transition (see map below).



When the mixed-use designation was put in place, there was no restriction on what type of development could be up against Dysart Road and thus up against the development on the subject property. The fact that the proposed Ascend site plan has commercial up against Dysart Road should be considered.

Furthermore, the current land use designation has 2.5-5 du/ac housing up against commercial. This is also not an ideal situation. Commercial developments bring noise, traffic, and activity. Although a transition between commercial and single-family housing is not always avoidable, it would be rare indeed to find a single-family homeowner who would be happy being up against that type of activity, particularly if it is the back of house activity with its late-night deliveries, trash dumping and collection, and low-security in dark corridors.

Our proposal would be to locate high-quality housing next to the existing housing. This is a much better transition. Moreover, our housing product is a hybrid product between traditional single-family residential and multifamily. Each unit will have its own garage and backyard and will have high-end interior finishes. We have also pushed our two-story homes away from existing single-family houses to the south, for an even better transition.

As for the reduction of the existing commercial designation, we note that the development pattern west of the subject site is also an important factor in our request. The church now occupies the western boundary of our site. Again, it is preferable for the church to be up against residential rather than up against commercial. Even if the commercial proposed were of low impact, it would still likely lead to an open, unsecured parking lot at night, which is when certain church events may exit. Similar to the discussion above, we would expect church patrons to feel more comfortable using the church facilities and parking lot when the neighbor to the east is a quality residential project than a commercial alternative. As evidence of this belief, consider that it is the church that is selling us the property.

If our proposal is successful, there will be a natural and effective break between the commercial on the hard southwest corner of Indian School Road and Dysart Road and our housing development. This internal loop road acts as an effective break and buffer, ensuring that our project will not be directly abutting any commercial development. This is not true of the current land use map, where commercial is directly abutting single-family residential.

Additionally, it is important to consider the supply of rooftops to support commercial. After these many years, despite the area generally being fully developed with residential these parcels have not developed. And now, Ascend will be moving forward with 7.4 acres (net) of commercial development next to new multifamily housing. Whatever commercial demand is in the area will be served by this new commercial development.

The city is need of density in order to reach its broader General Plan goals. The question is not *if* the City should embrace multifamily and density, it is where. We believe that this type of infill parcel is well situated for an increase in density, especially with a product like this that has a transition density of 15.5 du/ac, is only two stories (and one-story up against the single-family residential), and has enhanced design.

Our proposal does not trigger any type of significant increase in the City's public infrastructure, such as roads, water, wastewater, or public safety. At only 130 units, the usage of public infrastructure will not be significant. Moreover, in comparison to the existing land use designations on the property (i.e. commercial and medium density residential), the net impacts of the proposal would be negligible. Commercial development generates greater traffic and relies to a greater degree on public safety services than residential. As for water and wastewater, we would expect our proposal to generate greater demand of those services. However, it is not anticipated that we would need to

upgrade the City's existing water and wastewater infrastructure available adjacent to the site. As such, we would simply be generating more users to pay the City for infrastructure it already has in place. And to the extent that later engineering determines that upgrades are needed, we would be required to pay for our commensurate portion of that infrastructure, again shielding the City from any negative impacts.

Conclusion

This general plan amendment is minor in nature. The site currently being designated as local commercial and medium density residential is not much different than a high-density residential designation in terms of intensity. This minor amendment allows for the development of a luxury townhome type product, which is a much-needed housing type in this immediate area.

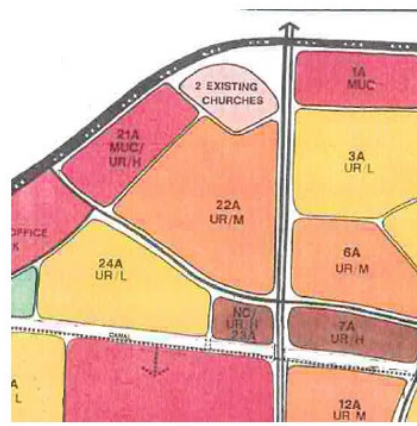
PAD Rezone

In addition to the requested minor General Plan amendment, this application also seeks to rezone the Property from the existing PAD designation within the Palm Valley PAD to a stand-alone PAD. This allows the Property to develop as High Density Residential.

As shown in the images below, the Property is currently zoned PAD, within the Palm Valley Planned Area Development. Within the PAD the property is designated as medium density residential. The proposal is to rezone the entirety of the subject Property to PAD (Planned Area Development) with underlying R-4 development standards.



EXISTING ZONING DESIGNATION



EXISTING PAD DESIGNATION



PROPOSED ZONING DESIGNATION

1. Describe unusual physical features of characteristics of the site which present opportunities or constraints to development.

The Property is relatively flat with no natural features. The parcel has a challenging shape, is tucked into a church development, and has no direct access to an arterial. These are development constraints for many types of development, but the proposed development is able to work around these challenges. By selecting a multifamily product that can be broken up into different building sizes, we are able to develop a community that has the quality Avondale is looking for but that is also compatible with the existing single-family communities in the immediate area.

2. Type of development and uses proposed by this zoning request.

The Angelina proposes a residential community of two-story luxury townhomes. The proposed 130 units will be clustered in 5-unit, 6-unit and 8-unit buildings and will be a mix of one-bedroom (30 units), two-bedroom (60 units) and three-bedroom (40 units) units. They will consist of one-story and two-story buildings with a maximum height on the two-stories of 30-feet. The proposed density is approximately 15.5 du/acre (gross), which will greatly support the existing and future employment in the area.

Many multifamily projects require residents to park in a common surface parking lot, and only sometimes with shade. But each of our units will have their own garage. One hundred and twenty-five units will have two car garages and only five units (five of the single-story units on the southern property line) will have a single car garage with excess parking spaces available nearby. Similarly, multifamily projects typically rely on common open space as the *only* means of providing open space to their residents. But we will provide *both* private open space and common open space. Due to site planning constraints, not all units will exceed the 100 square foot of yard or patio space. However, our private space will consist of balconies on every unit. Nearly every unit will have a private backyard, which will feature artificial grass, a tree, a BBQ area, and a doggie door. In those few instances where site planning constraints have prevented the addition of a private backyard, we have provided a private porch instead. In total, there will be 38,000 sf of private open space. The common open space will be enhanced over most communities of this size, and will include a pool, clubhouse, co-working space, gym, dog park and outdoor kitchen area. In addition to the common open space, the project exceeds the 20% requirement for usable open space.

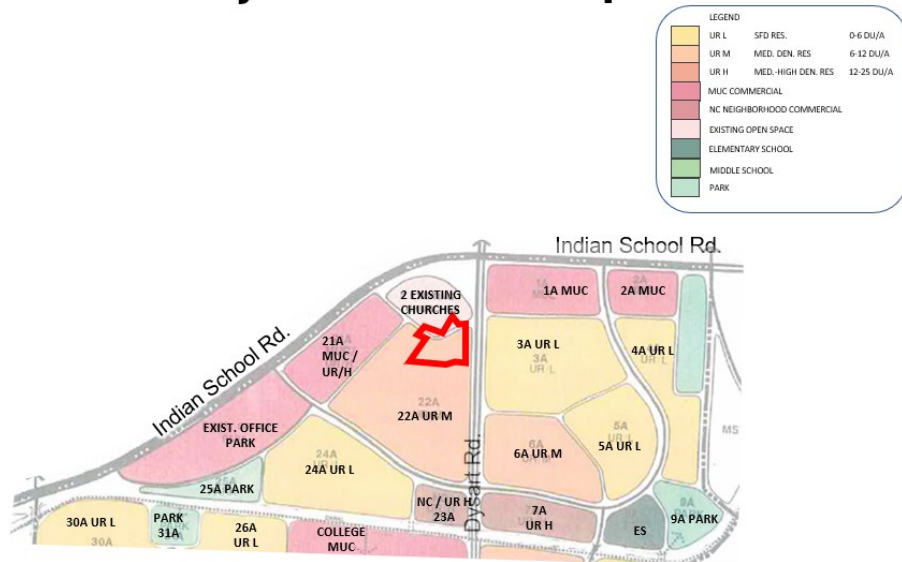
The site includes a walkable environment that is surrounded by landscaping and first-rate modern architecture. Additionally, in order to provide a larger buffer to the single family residential to the south, one story units are proposed within 70' of the south wall.

3. State how your proposal is consistent with the General Plan and applicable Specific Plans, referencing goals and objectives of the applicable plans.

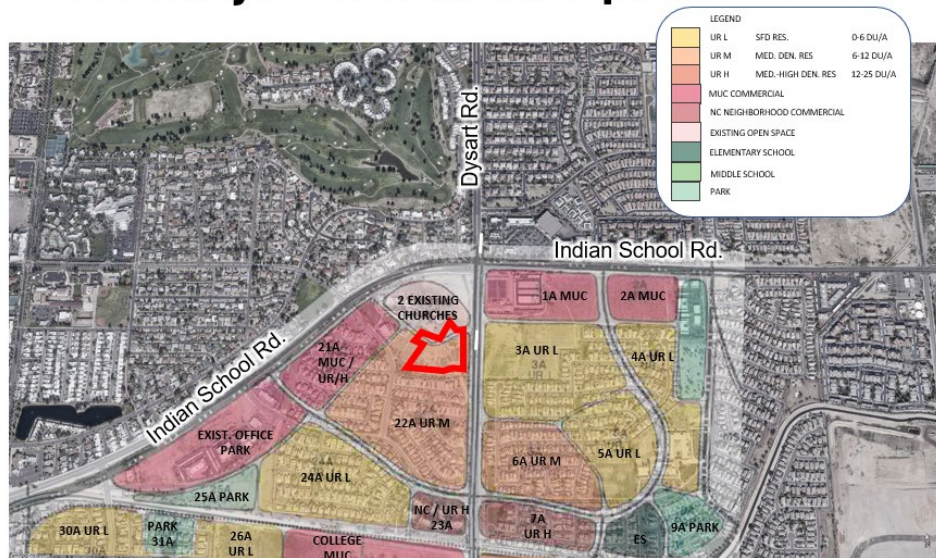
With the above-referenced minor General Plan amendment, the site will be designated as High Density Residential and will be compatible with the uses and vision outlined in the General Plan, and also consistent with the following elements of the 2030 General Plan.

The Palm Valley General Development Plan became effective in 1984. This mixed-use plan was generally located in two areas and consisted of 770 acres. The first was between Old Litchfield and Dysart Roads between Thomas and Indian School Roads. The second was between McDowell and Indian School east of Dysart. When looking at the development plan, the majority of our irregularly shaped parcel is in Parcel 22A which was slated to be "UR M" which is medium density residential with up to 12 du/ac. The proposed townhomes follow the Palm Valley Development Plan and the increase from 12 to 15.5 du/ac is a marginal increase. Furthermore, if you overlay the Palm Valley Development Plan with what was built (see image to the right), none of the medium or high density residential was ever built. If we followed the proposed density, the

Palm Valley PAD General Development Plan-1984



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area was approved for over 2,000 units, but less than a 1,000 was built. The addition of 130 units does not come close to exceeding what was allowed for the Palm Valley Development Plan. Simply stated, no multi-family was ever built in an area that needed it. Our proposed development finally gives the area the density that was intended and still needed.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

In areas where single family housing is the dominant type, it can be difficult to develop smaller, irregular patches of vacant land with similar single-family products. The resultant pattern of remnant vacant land, caused by leap-frog development, creates a unique opportunity for infill development. Such is the case with this proposal. These smaller parcels typically have the required infrastructure and services needed for higher density developments. They provide for a high-quality mix of housing types, that focus on upward development versus sprawl. And they often fill these gaps between single family homes with a desirable product for families that prefer a more urban lifestyle. This project improves the desirability and attractiveness of infill for the neighborhood and the city.

Policy F: Support higher density/urban land uses to support future transit and rail

There is a high demand for quality multifamily in the area. This area has seen an uptick in development and zoning activity as it sits between the Loop 101 and the Loop 303, which link I-10 with the I-17 through this area and serves as a major growth center within the west valley. The proximity of Luke Air Force Base, PV 303, and many other larger employers and an expanding base of businesses in the area makes this site ideal for this type of unique and luxury-level multifamily development. The proposed development will deliver needed housing diversity in this area.

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

Policy C: *Encourage a mix of uses and amenities when master planning large developments, such as single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents.*

Infill projects typically help act as a catalyst for a healthy mix of uses. They also act more comprehensively as part of a larger vision for the neighborhood. Infill projects also tend to attract more infill which also provides a more diverse mix of uses. Where opportunities to encourage mixed uses were once perhaps missed in the master planning process, infill provides that opportunity to help fill in the gaps and help to create a larger sense of community and encourage more social interaction. This high-end multi-family development is part of a changing dynamic that in time will encourage a better use of mixes and services in the future for the area.

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

A portion of the site is adjacent to an existing single-family subdivision and multi-family housing is a good transition between land uses. In addition to functioning as a transitional use, this project will also provide an adequate buffer from these adjacent properties. Single story units occur closest to the adjacent single-family homes with a setback of 15-feet. This smaller setback includes a landscape buffer with a meandering pedestrian pathway. The taller, two-story products occur outside of a 75-foot building setback and allow for a tiered approach in which the taller buildings sit further back and more towards the middle of the project allowing for a stepped back vertical buffer. The front of the project along Dysart Road, allows for a 50-foot building setback and a 40-foot landscape buffer, which also includes a pedestrian pathway. Two-story units are proposed along this project front which is appropriate for larger arterial streets, such as Dysart Road. Along the northwest portion of the site the adjacent land use changes to an intermittent use with two churches. These non-residential uses allow for a smaller setback that includes 12-foot-wide fenced private yards with a 5-foot landscape setback. Throughout the project adequate and appropriate buffers and transitions have been provided that vary with the intensity and character of the adjacent land uses.

3. Land Use Element– Goal 4: *Ensure all land use decisions meet the long-term social and economic goals of the community.*

Policy B : *Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.*

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

Policy D : *Ensure that low-cost construction materials essential for growth and development are readily available.*

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

4. Housing Element– Goal 1: *Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.*

Policy A : *Ensure developers and/or HOA's properly maintain perimeter areas, open spaces, and other common areas within subdivisions.*

As a part of this project, it is essential that the development and or it's HOA performs regular maintenance for perimeter areas, open spaces and other common areas within the project. This not only provides for a clean and well-maintained space, but also lets others know that the project is of high quality and value for the surrounding community. This project will provide proper maintenance for the development.

Policy B : *Ensure that all properties requiring building permits meet all city codes prior to final approval.*

The development process will typically require that many life-safety issues conform to city code and performance standards to ensure that construction occurs as per the approved plans. This helps ensure that not only the widely accepted national building code will be followed, but also the code of the City of Avondale. This process necessitates the obtaining of

all required city permits. The project will meet all city codes prior to final approval and issuance of a certificate of occupancy.

5. 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.*

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.*

The city has for some time promoted large-lot single-family residences, along with garden style apartments that have developed in more densely populated areas of the city. There is a need for more townhouse and condo style housing units. This project will help to provide more of these types of housing that will help fill this gap. By the general nature of condominiums and townhomes, large front and back yards have been replaced with common space that is maintained by the HOA. These types of housing units are usually privately owned by individuals seeking their own residence. Maintenance of the common areas for this project by the development's HOA will greatly reduce the maintenance responsibilities for the townhome owners.

6. Housing Element–Goal 3: *Maximize the efficiency and effectiveness of affordable housing and neighborhood stabilization programs.*

Policy B : *Identify new prototypes for quality high-density residential housing.*

Recent trends in multi-family housing include single-family to rent products, featuring tall ceilings, higher end appliances and better-quality interior finishes. As a result, the multi-family housing market has shifted towards a higher quality product with many other new prototypes such as this, coming to market with quality high-density residential housing. The Angelina is one of these newer product types that provides these higher quality finishes and detail for the high-density market.

7. Safety Element–Goal 1: *Provide a safe and healthy environment for all Avondale residents, employees, and visitors.*

Policy A : *Encourage new developments to be planned and designed to minimize negative and undesirable health and safety hazards to the community.*

It is always the goal of the community and the development team to provide a safe and healthy environment for its residents. We believe that it is important for a community to always use best practices when designing and laying out the site plan. The use of methods described in the Crime Prevention through Environmental Design (CPTED) guidelines help promote safer

environments by providing proper site lighting, eliminating blind alley ways and encouraging the safe placement of landscape items. All of these assists in making the development a place that positively influences human behavior and minimizes undesirable health and safety hazards to the community.

8. Safety Element–Goal 5: Continue to provide for the protection of life and property from the destruction of fire and to mitigate other life-threatening incidents.

Policy B: Provide and maintain state-of-the-art apparatus and equipment to enable safe and adequate emergency response capabilities for the protection of the public and fire personnel.

It is critical that a development provides for the protection of life and property. This is why this development uses the latest standards in fire alarm and suppression equipment. Also, the activities typically associated with fire safety require that all portions of the development can be reached by a fire truck hose within 150-feet of the closest fire lane, which has been planned for this development. Wider turning radii, painted fire lanes, location of FDCs and proper signage have been provided in the design to allow the fire department to access the site quickly and safely in case of an emergency or fire.

9. Urban Design Element–Goal 1: Identify and preserve Avondale’s cultural resources and local sense-of-place.

Policy C: Provide opportunities for landscaping and streetscape improvements.

Good urban design should not only require but embrace the opportunities to provide for enhanced landscaping and streetscape improvements. A proper balance of landscaping helps to soften the hardscape and building forms. Trees provide much needed shade and flowering shrubs, and groundcovers provide important accents to the overall design of a site. This project provides these types of landscape treatments. Unique areas are emphasized with enhanced plantings and a wider variety of plant materials. This development utilizes appropriate tree spacing and plant groupings to help define key access points, provide splashes of color at focal points and help to break up the hardscape. Streetscapes are enhanced with more dense planting and wider setbacks that promote safe places for pedestrians and cyclists.

10. Urban Design Element–Goal 2: Establish a positive and distinctive city image and identity by developing and improving focal points, gateways, specific areas, and major corridors.

Policy G: Utilize landscape as an important aesthetic and unifying element.

The project uses a variety of trees and plant material to help create an aesthetically pleasing environment. Groupings of similar species of trees along walkways provide a unifying element to the landscape design for this project. Clusters of accent trees are used in key locations and help to put emphasis on those areas. Masses of groundcover plantings are used near the project's signage and at corners to help identify that you have arrived at a place of importance. Taller trees are used in the landscape to help create visual landmarks throughout the property. Accent plants are dotted throughout the landscape to provide variety and visual texture to the landscape and help complement the site design. All of these plantings provide unifying elements that are woven throughout the design and bind the site together into one cohesive whole.

11. Urban Design Element–Goal 4: Utilize redevelopment to mend the urban fabric.

Policy C : Utilize building materials that are durable and contextual.

In the Phoenix metro area leap-frog development has created fragments of undeveloped land between projects. Our project has taken one of those fragments and is weaving together and mending the urban fabric of this neighborhood in Avondale. As a part of this process, it is important to read the landscape, understand the neighborhood and respond with the use of building materials that relate to the neighborhood. The use of high-quality building materials helps when working to establish permanency for these infill projects. High-quality building materials are more durable and when selected in context to mending the urban fabric, they can appropriately represent the symbolism and physical properties of the neighborhood. This project uses building materials that are durable and contextual.

Policy D : Use pattern and scale of development to provide visual diversity, choice of lifestyle and social interaction.

Variation in urban spaces has fueled the current wave of form based urban code throughout the country. This development utilizes key components from form-based design that informs individuals about the human scale of the property. It also employs the use of pattern repetition and rhythm to provide consistent visual interest and weave together common elements used throughout the site in a cohesive way. These elements help to inform the public about how interactions are different when compared to suburban development and promote a more urban lifestyle. Within this project you can see undulation in the form, step-backs in the massing, second story balconies and small courtyards at the residence entrances. These are all items that contribute to a diverse, human scaled development that promotes social interaction and an urban lifestyle.

4. Discuss your proposal's compatibility with the surrounding land use and zoning patterns.

The surrounding area is mostly developed with the exception of the southwest corner of Indian School and Dysart and the large vacant parcel across Dysart Road. There is a true mix of uses in the immediate area, with two churches adjacent to the west property line, single family residential to the south and south east. Commercial is located across Dysart to the northeast. The proposed development will be an effective buffer between potential future commercial uses and the single-family residential neighborhoods.

5. Describe in detail any proposed unique design considerations, beyond Zoning Ordinance requirements, that reduce development impacts and further compatibility with on-site and adjacent land uses and zoning.

The proposed development provides private garages for each unit. This eliminates the need for a sea of parking, which is typical of garden-style multi-family. This allows the development to provide more open space and landscaping which reduces any impact it may have on adjacent properties. We are requesting a deviation from the number of EV chargers installed; however each unit can have one plug-in outlet capable to charge an electric vehicle as a paid upgrade upon request. This deviation allows the vehicles to stay in their garage versus being parked outdoors and away from the unit. Additionally, it provides flexibility to the 4% of resident spaces that must have chargers as 4% could be very low as electric vehicles become more popular. Please see the table below:

Table 1: EV Charging/Capability

Resident Parking- EV Chargers Installed	4% of required resident spaces = 10 spaces	Each private garage will be provided one EV outlet as a paid upgrade, when requested by tenant. There will be 130 private garages, all two-story units have 2 spaces, (5) one story units have 1 parking space. Assuming all residents request EV outlets, the project will provide 130 outlets, which is 50% of the required resident parking spaces.
Resident Parking- EV Capability Provided	16% of required resident spaces = 42 spaces	Each private garage will be provided one EV outlet as a paid upgrade, when requested by tenant. There will be 130 private garages, all two-story units have 2 spaces, (5) one story units have 1 parking space. Assuming all residents request EV outlets, the project will provide 130 outlets, which is 50% of the required resident parking spaces.
Guest Parking- EV Chargers Installed	1% of required guest spaces = 0 spaces (0.26 spaces rounded down)	0 spaces
Guest Parking- EV Capability Provided	3% of required guest spaces = 1 space (0.78 rounded up)	1 space

A deviation to the required amount of parking is requested. The ordinance requires 2 spaces per unit, regardless of the number of bedrooms. There are (5) one-bedroom units that will have a garage but will be a single car garage. This provides 255 proposed spaces versus the 260 spaces required. If we added a second garage space, it would expand the buildings to the south and bring them closer the adjacent neighbors. We feel it is better to deviate this standard than to get closer to the backyards of our single-family neighbors.

An additional deviation request is the amount of private open space for each unit. Due to site planning constraints, not all units will exceed the 100 square foot of yard or patio space. However, our private space will consist of balconies on every unit. Nearly every unit will have a private backyard, which will feature artificial grass, a tree, a BBQ area, and a doggie door. In those few instances where site planning constraints have prevented the addition of a private backyard, we have provided a private porch instead. In total, there will be 38,000 sf of private open space. The common open space will be enhanced over most communities of this size, and will include a pool, clubhouse, co-working space, gym, dog park and outdoor kitchen area.

6. State why the property as zoned is not suitable for the uses allowed under the proposed zoning.

The current PAD zoning within the Palm Valley PAD allows for medium density residential on the Property, which only allows up to 4 du/ac. On a small parcel like this, with the odd shape that this parcel has, and with the need for housing density in Avondale, the existing zoning is not adequate. The proposed project is 15.5du/a, triggering the need for the rezone. Even though we are seeking high density residential, this isn't a 3-story garden style apartment complex. These are 2-story luxury townhomes with private garages and private yard space. That makes it more compatible with the single-family residential in the area.

7. Proposed circulation and traffic impact

Primary access is off Dysart Road which is in alignment of a future traffic signal. Additionally, there is an egress only off North Plaza Circle. At the entrance there is guest parking adjacent to the clubhouse and then gated access to the remainder of the project. A traffic statement is attached with this submittal.

Justifications for Deviations in PAD

Western and Northern Setback 10' in lieu of 15'

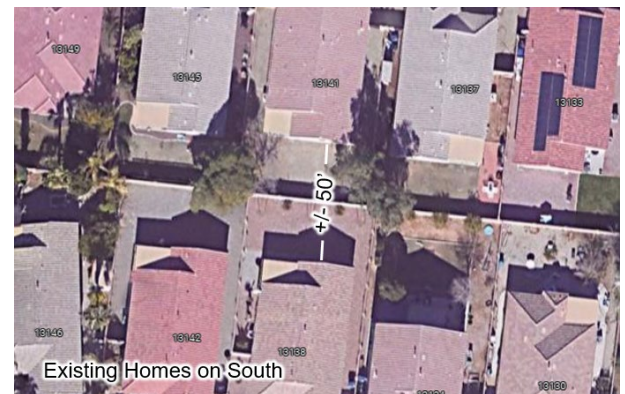
The proposed PAD requests a reduced setback of 10' along the western and northern property line. This reduction is mitigated by the presence of an existing landscape setback and parking

lot on the church property adjacent to the west and a private road to the north. The proposed 10' setback will not have a negative impact on the parking lot or the church itself nor future commercial to the north as it will be adjacent to parking or back of house activities most likely.

Setback from SFR for two story buildings 70' in lieu of 75'



The proposed PAD requests a reduced setback of 70' for two story buildings along the southern property line. This requirement is appropriate for larger garden style multi-family housing products. We are proposing 2 story townhomes at a height that exists along this southern property line where there is existing single- and two-story single-family homes. We have proposed single story units within 70' of this property line to create privacy for the existing single family residential (As shown on the graphic above). The introduction of the two story at the 70' setback (as opposed to 75') will not have an impact on the existing homes. Homes in the adjacent neighborhood have approximately 50' between two story buildings (as shown on the graphic to the right). Our proposal provides a greater distance by 20'.



Conclusion

The Angelina will be a premium community for the City and will both benefit from and provide benefit to the immediate neighborhood. This community will not only provide higher income individuals to support the neighboring services and commercial, but it will be an architecturally pleasing addition to the neighborhood.

The City needs density in appropriate areas in and in appropriate designs to support its employment and its retail. We believe this site is one of those appropriate areas and that our proposed housing product and design is at the level of quality and design the City is seeking.

Exhibit E

**Porter Kyle / The Angelina
PAD- PL-22-0084
Minor GPA Amendment- PL-22-0085
Neighborhood Meeting
December 13, 2022**

The meeting was held on December 13, 2022, at Trinity Lutheran Church and School, 830 E Plaza Circle in Litchfield Park, to provide neighbors with information and answer questions regarding a proposed townhome development south of the southwest corner of Indian School Road & Dysart Road. The Open House format was selected to provide people with greater opportunities to ask questions and provide feedback and for the development team to have one-on-one conversations with more individuals. Members present from the development team were: Taylor Earl (Zoning Counsel), Brian Vaccaro (Planning Consultant), Jessica Sarkissian (Planning Consultant), and Mike Stephan (Developer). The members of the development team positioned themselves around the room and answered questions from participants and presented on the various boards that were displayed around the room. The meeting started at 6:00pm and lasted until about 7:15pm.

See pictures below showing the room layout and engagement:



Positive comments we heard from the crowd:

From adjacent single-family homeowner- “This is preferable to having two story homes in my backyard.”

Homeowner said-“The dumping of trash occurs on this property.”

Homeowner said- “May I take pictures of the boards to show my neighbor who wasn’t able to attend? She’ll also be excited that these are high-end townhomes.”

From multiple homeowners/neighbors: “Knowing that these are upscale townhomes makes me feel much better about the project.”

Many neighbors commented their appreciation for the landscape buffer, single-story buffer, lack of windows facing south, and orientation of balconies being east and west will ensure privacy for the southern neighbors.

Multiple residents within the Dysart Ranch community mentioned that south of Osborn can get dicey and were relieved that a quality product was coming in north of Osborn.

A summary of questions that were asked and the answers provided are as follows:

Question: How many units overall?

Answer: 130

Question: What city will this reside in?

Answer: The address will say Litchfield Park, but will be within City of Avondale.

Question: What will the heights be up against the community boundary?

Answer: We have restricted the units within 70 feet to single story. When the 2-story units do start, there are limited windows on those elevations. Additionally, we have put in a heavy amount of landscaping to mitigate any views. If this were developed with single family homes, and 2-story homes were developed, you would have 2-story views looking down at a much closer distance, perhaps as small as 20 feet.

Question: How will people get out of the project?

Answer: There will be a traffic signal at our entrance that will allow full movement and to which we are contributing as part of our development.

Question: How does our subdivision benefit from this?

Answer: Several benefits were identified, including:

- The improvement of the wash along Dysart
- A significant reduction in noise coming from the adjacent arterials
- Greater security – currently the lot is open to anyone who can come up to the back wall. We will be building a gated project.
- Something will eventually be built here. If it is commercial, that would be a greater negative impact to neighbors adjacent. If it were even just single-family homes, there could be greater 2-story views into the backyard. Additionally, if people try to sell their homes, buyers may speculate negatively about what could be built on the vacant lot. By providing an attractive, secure, and quality development, it answers that question and eliminates negative speculation that could lead to harmed property values.

Question: What school districts are these?

Answer: Litchfield Elementary School District and Agua Fria Union High School District. Both have indicated that they have sufficient capacity.

Question: Will there be so many cars that it will be difficult for people to leave in the morning onto Dysart?

Answer: We are projecting 49 existing trips in the A.M. peak hour. That averages to less than 1 per minute. That includes people turning north and people turning south. With the signal, it should not be a problem. People will queue at the signal and should be able to not have an issue when exiting.

Question: When you say luxury, what does luxury mean? Because a lot of different projects use that title.

Answer: It has to do with the building architecture, the interior finishes, and the common amenities. Here, our interior finishes include 10-foot ceilings and stainless-steel appliances. Other boards provided the responses on our amenities and our enhanced exterior elevations. The common amenities include clubhouse, pool,

garages, gym, co-working space, balconies, and private yards that have trees, BBQ's, artificial grass, and open space.

Question: Was the project to the east approved and what does it contain?

Answer: Yes, it was approved. It contains a mixture of commercial and multifamily.

Question: So, there will be another traffic signal south of the traffic signal at Indian School?

Answer: Yes. This was mostly triggered by the approval of the project to the east of us. But when we came in, the City required us to change our driveway location to align with the traffic signal and to contribute to the cost of the traffic signal, which we have done. We lost units in the process, but it will be a benefit to our community that will allow our residents to have a left turn in and a left turn out, among other movements.

Question: Would you be willing to provide us with information?

Answer: Yes, you can contact us through email, and we will provide you with additional information.

Question: Could we put together something to send out to the Homeowners Association?

Answer: Yes, we would be happy to work with you on that. We would also be happy to come and present at an HOA meeting or to have a one-on-one Zoom meeting with the HOA President (who could not be in attendance, but whose wife was there and was relaying information to him on the phone).

Question: Do you know how it will slope?

Answer: We are not that far along yet with the technical design that we can answer that question.

Question: Will this be for sale or for rent?

Answer: It's too early to tell. We are about three years out from anybody actually living here. If it were to go to market tomorrow, it would probably have to be rental because you couldn't sell in this market. However, we will be placing a condo plat on the project so that it can be sold. Ultimately, this is a market driven decision.

Question: What will the maturity of the trees be?

Answer: It is important to balance the trees that get planted. If we plant them too mature, then they have spent too much time growing in a box and they do not do as well over time. But we don't want to plant them too small, either. So, it will be somewhere in the middle.

Question: What is the price point for these townhouses?

Answer: We don't have a price point as we must await market conditions once built, however these will be priced accordingly as luxury townhomes.

Question: Where is the parking for the residents?

Answer: Instead of a sea of cars in a lot, residents have garages. Also, each garage will have electric vehicle charging capabilities. Also, guest spaces will be provided accordingly.

Question: What is the width of the drive aisle?

Answer: We can confirm, but in the range of 20-30'. We will have further details as we go through the site planning process.

Question: What is the design of the commercial to the east?

Answer: We don't have their plans present, but we know there will be a mixture of commercial and residential.

Question: Will this cause more traffic than retail?

Answer: No, the 130 units creates less traffic than commercial properties.

Question: Will this be a gated community?

Answer: Yes, this will be a gated community.

Question: How many points of access are there?

Answer: There's an ingress/egress at Dysart and an egress only at Plaza Circle. We changed our driveway access which resulted in a loss of units but aligning with the signal is better for the community.

Question: What is being done to protect the privacy for neighbors to the south along Fairmont Avenue?

Answer: First and foremost, the builder/developer (Porter Kyle) has limited the units closest to the residents to single story to limit views into the backyards. The two-story units are 70' from the property line which limits the views. Second, the units face east and west which creates a buffer between our yards and neighboring yards to the south. Also, an east and west orientation ensures primary views will never be towards the houses to the south. Third, ample landscaping along the southern property line including fast growing trees with expansive canopies are planned to shield views. Fourth, there are minimal windows on the southern walls of the units which limit views to the neighbors to the south. Lastly, we can expect tight controls regarding compliance with community standards.

Question: What about traffic along Dysart?

Answer: While any development will increase traffic to some extent, we have submitted estimated traffic counts with the City of Avondale and they have not provided any concerns to date. Additionally, we worked with the City of Avondale to align and contribute towards the signal to the east of Dysart.

Question: When will the townhouses be finished?

Answer: We must first go through the public hearing process, secure building permits, and then begin a single-phase construction anticipated to be completed by the end of 2023 or the beginning of 2024.

Question: Is the developer local?

Answer: Yes, Mike Stephen of Porter Kyle is from the Valley and has multiple projects throughout the Valley.

Question: What is being proposed on the southwestern hard corner of Dysart and Indian School?

Answer: A different developer is working to obtain a Conditional Use Permit to allow a car wash, fast food restaurant, and retail on the vacant parcel.

RESOLUTION NO. 1020-0423

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 $\pm$ 8.4 ACRES GENERALLY SOUTH OF THE SOUTHWEST CORNER OF INDIAN SCHOOL AND DYSART ROAD, AS SHOWN IN APPLICATION PL-22-0085 FROM LOCAL COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL.

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

WHEREAS, the 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 $\pm$ 8.4 acres generally located south of the southwest corner of Indian School and Dysart Road, from Local Commercial and Medium Density Residential to High Density Residential, as shown in Application PL-22-0085 (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 March 15, 2023, 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 April 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 $\pm$ 8.4 acres generally located south of the southwest corner of Indian School and Dysart Road, as shown in Application PL-22-0085, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from Local Commercial and Medium Density Residential to High Density Residential.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

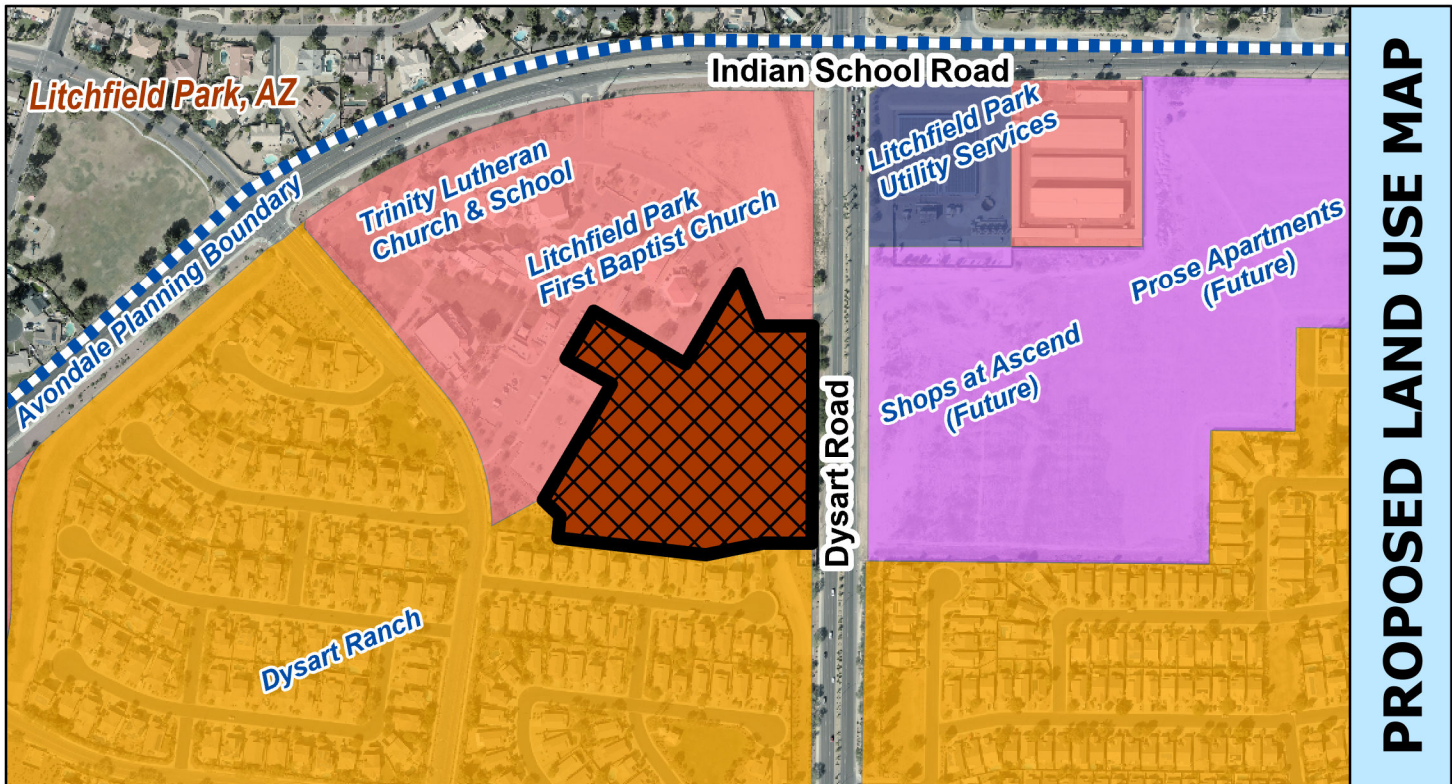
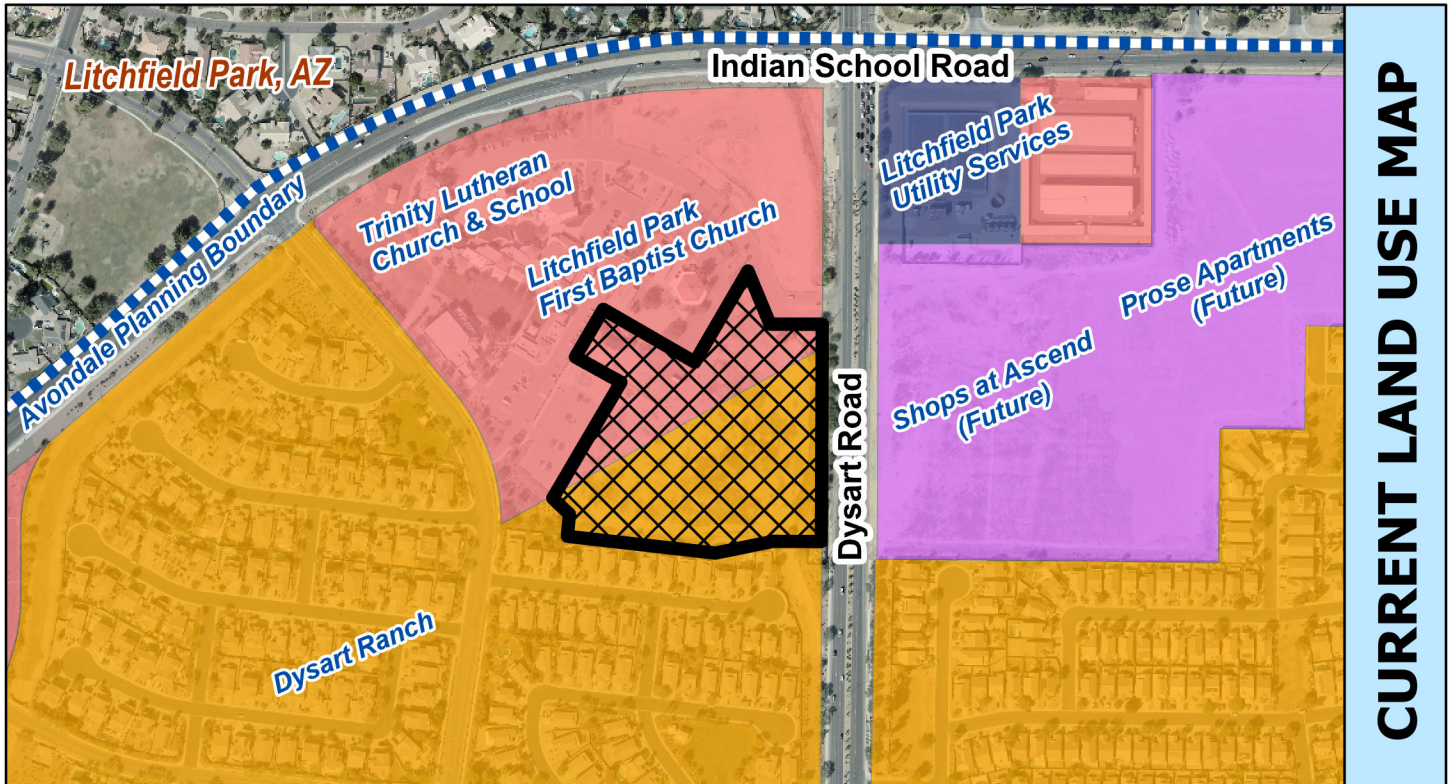
APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1020-0423

[General Plan Amendment Map]

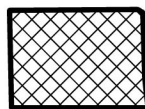
See following page.



General Plan Land Use



- Local Commercial
- Medium Density Residential
- High Density Residential
- Mixed Use
- Public / Civic



Subject Property



CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2026-0423 - Rezone for Angelina Luxury Living - Planned Area Development (PAD) - Application PL-22-0084

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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 2026-0423, approving a request by Mr. Taylor Earl of Earl & Curley, on behalf of Trinity Lutheran Church of Litchfield Park and Litchfield Park First Baptist Church, to rezone approximately 8.4 net acres (9.2 gross acres) located south of the southwest corner of Indian School Road and Dysart Road, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

This proposed request involves a portion of an approximately 20.5-acre parcel owned by Trinity Lutheran Church of Litchfield Park, as well as a portion of an approximately three (3)-acre parcel owned by Litchfield Park First Baptist Church. The two church properties are generally located south and west of the southwest corner of Indian School Road and Dysart Road, and directly off Plaza Circle, a private street. The 8.4-net-acre (9.2-gross-acre) area to be rezoned is located immediately adjacent to Dysart Road (Exhibit A).

The existing uses and zoning of surrounding properties include:

NORTH: Zoned Palm Valley Planned Area Development (PAD); General Plan Designation is Local Commercial. The Litchfield Park First Baptist Church property is located on the south side of Plaza Circle. The parcel on the north side of Plaza Circle (at the immediate southwest corner of Indian School and Dysart) is currently vacant but has a pending Conditional Use Permit application for a car wash, as well as a Site Plan and Design Review application for the same car wash and additional retail and restaurant uses.

EAST: Zoned Palm Valley PAD and Ascend PAD; General Plan Designations are Public/Civic, Local Commercial, and Mixed Use. An existing Liberty Utilities well water treatment facility is located at the immediate southeast corner of Indian School and Dysart, and a self-storage facility is located immediately east of that. An approximately 40-acre site is currently vacant and zoned for an approximately 432-unit multi-family residential apartment development, a 125-unit townhome development, and commercial parcels under the Ascend PAD zoning.

SOUTH: Zoned Palm Valley PAD; General Plan Designation is Medium Density Residential. Land use is a single-family residential development (Dysart Ranch).

WEST: Zoned Palm Valley PAD; General Plan Designations are Local Commercial and Medium Density Residential. Land uses include Trinity Lutheran Church to the direct west of the rezone site, and a single-family neighborhood beyond the church.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Rezone of the site from Palm Valley PAD (allowing residential uses of six to 12 units per acre) to Angelina Luxury Living PAD with an underlying R-4 zoning district. The proposed Rezone will allow for a 130-unit townhome development on approximately 8.4 net acres (9.2 gross acres), with a density of 15.5 units per acre. The development will include a mix of one-bedroom, two-bedroom, and three-bedroom units. Most units will have two stories, though 14 units at the south end of the development (within 70 feet of Dysart Ranch, a single-family neighborhood) will be one-story. Shared recreational amenities such as a clubhouse, swimming pool, dog park, and play area will be provided throughout the development, and units will enjoy private open space in the form of balconies and enclosed yards or patios.

PUBLIC PARTICIPATION:

A Neighborhood Meeting was held on December 13, 2022, to discuss the proposal with neighboring property owners and other interested parties. All notices of the meeting were completed as required and met notification requirements.

The meeting was held at Trinity Lutheran Church. Twenty-one people attended the meeting, in addition to City staff and the applicant's team. Topics of discussion included the design quality of the proposed units, on-site amenities (including perimeter landscaping, parking, and entry gates), impacts on traffic, and anticipated street improvements (such as a traffic signal at the Dysart Road entrance to the development). Some attendees identified themselves as residents of the neighboring Dysart Ranch and were concerned about pass-through traffic in their neighborhood. The applicant noted that vehicular access to the development would be via a driveway on Dysart Road and a secondary exit-only gate on Plaza Circle (as described later in this report). No direct access to the development site will be provided from the adjoining single-family neighborhood.

As of the writing of this staff report, two phone calls have been received about the project, from neighbors within the Dysart Ranch single-family residential community to the south of the project site. The first caller expressed concerns about noise and density, staff informed the inquirer that their concerns would be relayed to the two hearing boards. The second caller was concerned about water consumption, dust and noise generated by construction activities, and privacy. Staff explained that a dust control plan will be required for this project as part of the application process for civil permits, and no two-story townhomes will be placed within 70 feet of the shared boundary between the townhome site and Dysart Ranch to help preserve the privacy of the adjacent single-family residences.

Additionally, three anonymous comments were received through the City's online public engagement platform. Two of the three comments expressed approval for the project, though only one provided a specific reason, which was that they considered it a good use of space. The third comment was from an attendee of the neighborhood meeting who was opposed to the project, citing reasons such as density, traffic concerns (especially along Plaza Circle), and skepticism about the quality of the townhomes.

PLANNING COMMISSION ACTION:

On March 15, 2023, the Planning Commission conducted a public hearing on the project. The Commission asked about the justification for the reduced setbacks on the north and west sides of the project site (see the "Analysis" section below for more information about requested standard deviations). They also asked for clarification about setbacks on the south side of the project site. Staff explained that the applicant had requested reduced setbacks on the north and west sides of the property to achieve their optimal unit density and building placement, and that the adjacent uses on those sides of the property (a private street and church properties) are less intensive than a commercial or single-family residential development, with less risk for land-use conflicts. Staff also explained that R-4 development standards require a 15-foot setback from the

south property line for any building within the townhome development (regardless of building height or adjacent use), while an additional standard requires two-story buildings within multi-family developments to maintain a buffer of at least 75 feet from any single-family use. The project will maintain a 15-foot building setback requirement along the south property line but the applicant has requested a 70-foot buffer for the two-story units, instead of the standard 75-foot buffer.

Additional questions from the Planning Commission concerned the distance between the entrance gate on Dysart Road and the street, the amount of parking to be provided on the site, and whether a left-turn deceleration lane will be constructed at the Dysart Road entrance. Staff and the applicant could not provide a setback measurement for the gate but explained that the distance is adequate to provide turning room for vehicles in the event the gate does not work (and a traffic circle is provided within the driveway to aid this movement). The project will provide 255 garage spaces and 40 guest spaces. The applicant explained that the overall project is overparked since guest parking quantities will exceed minimum requirements. The project underwent review by the City's Traffic Engineering staff and a deceleration lane is not included in the project design. The applicant will contribute toward a traffic signal at the Dysart entrance and will work with staff to design that intersection to City standards.

The Commission passed a motion (5-0 vote) to recommend approval of the proposed Rezone, subject to the recommended conditions.

Following Planning Commission, a resident contacted the City with concerns and opposition to this proposal. The resident attended this meeting but did not request to speak. In summary, the resident shared that they reside in the subdivision south of the proposed development. Their concerns are that the townhouse development will add traffic to the area, which would be in addition to traffic that will come from recently approved developments on the east side of Dysart Road. The resident does not support the increased residential density for this property as proposed by the Minor General Plan Amendment, the 5-foot building setback reduction from the south property line the residential lots share with the townhouse project, or the two-story height of townhomes near the existing single-family residential homes.

Staff responded to the resident advising that City staff in various departments and divisions including engineering, traffic engineering, city planning, public works utilities, and fire review development applications in relation to the City codes and guidelines and reviewed this project over several months before scheduling it for public hearings. During this time a neighborhood meeting was held inviting property owners who own property within a 1,000-foot radius of the subject site to provide feedback to the applicant as well as city staff. The zoning process allows consideration for development standards deviations which are considered on a case-by-case basis. The request to reduce the building setback 5 feet (75 ft. required, proposed 70 ft.) was supported finding the distance minimal in relation to the existing one- and two-story single-family homes to the south being setback from the shared property line ranging from approximately 20 feet to over 50 feet. In addition, the developer is providing the required 15-foot wide landscape buffer along the south property line for additional visual separation.

Staff also shared that the traffic signal is needed to accommodate traffic management for the projects on both sides of the street. The developments on the east side of Dysart Road were already approved by Council called Ascend; including two future commercial parcels fronting Dysart Road, a townhouse development, and an apartment complex. Both projects are required to share in the cost of the signal improvements at this four-corner intersection as infrastructure is required on each of the four corners. There is a commercial corner on the southwest corner of Dysart Road and Indian School Road that has yet to develop; however, there have been proposed commercial projects for that parcel. The signal with further aid traffic generated by that development.

Regarding the land use change and density, staff conveyed that the General Plan for this land is designated for both commercial (retail, restaurant, office) and medium-density residential (up to 4 dwelling units per acre, typically single-family residential lots). The proposed land use change in the General Plan replaces the commercial and medium-density residential with high-density residential land use allowing residential density between 12 and 30 dwelling units per acre. The proposed density is 15.5 dwelling units per acre. The increased density is supported by staff as the reduction in commercial land use on the subject site de-

intensifies traffic and land use activity on the parcel.

CERTIFICATES OF ADEQUATE SCHOOL FACILITIES:

The project site is within the boundaries of Litchfield Elementary School District (LESD) and Agua Fria Union High School District (AFUHSD). The applicant has submitted Certificates of Adequate School Facilities for both districts, indicating that they have sufficient capacity to accommodate the increased enrollment to be generated by this project. Despite their statement that they have adequate capacity, AFUHSD has requested a development agreement with the applicant to assist with growth. The applicant has reached out to the district to discuss their needs.

ANALYSIS:

Conformance with the General Plan

Currently, the General Plan designation for the project site is a combination of Local Commercial (along the north/northwest portions of the site), and Medium Density Residential (in the east and south portions of the site). The Local Commercial (LC) designation is intended to fulfill the daily needs of the surrounding residents for goods and services. Typical uses in this designation could include grocery stores and other retail businesses, gas stations, medical uses, and professional services. The Medium Density Residential (MDR) designation allows residential uses with a density of 2.5 to four units per acre (with a target density of 2.5 units per acre) and associated uses such as churches and parks.

A Minor General Plan Amendment request (PL-22-0085) is running concurrently with this Rezone request and will change the General Plan designation of the entire project site to High Density Residential (HDR), which allows densities between 12 and 30 units per acre, with a target of 12 units per acre. With 130 units on 8.4 net acres (9.2 gross acres), the proposed townhome development will have a density of 15.5 units per acre. Therefore, the Rezone request will meet the intent of the HDR designation, and if PL-22-0085 is approved, the project will be in conformance with the General Plan.

Permitted Uses

The subject property is currently part of the Palm Valley PAD, which designates it for residential uses of six to 12 units per acre. The proposed Rezone will change the zoning of the entire site to Angelina Luxury Living PAD with underlying R-4 zoning, to allow a townhome development of 15.5 units per acre. This density is compatible with R-4 standards, which allow densities of up to 30 units per acre.

Setbacks

Along Dysart Road to the east, the proposed development will conform to the minimum required front setback for the R-4 zone, which is 25 feet. Setback deviations are requested for the north (side) setback and west (rear) setback. In both cases, the R-4 development standards require a minimum 15-foot setback; the Rezone requests a ten-foot setback with the justification that the northern property line will abut a private road (Plaza Circle) and the western property line will abut the Trinity Lutheran Church property, which is generally less populated than a residential or commercial development.

An additional deviation is proposed for the south property line. The Zoning Ordinance generally requires multi-family residential buildings that are two stories in height or taller to be located at least 75 feet from any property lines abutting single-family residential zoning or uses. The Rezone request proposes a 70-foot buffer along the south property line, which abuts Dysart Ranch (an existing single-family neighborhood). The applicant's justification for this reduction is that two-story homes within Dysart Ranch generally have separations of 50 feet or less. Additionally, Angelina Luxury Living will provide a 15-foot wide landscape buffer along its south property line for additional visual separation, as required by the Zoning Ordinance.

Open Space and Landscaping

Per the Zoning Ordinance, a townhome unit is required to provide at least 100 square feet of private yard space. The Rezone requests to eliminate the 100-square-foot requirement, as some units will not be able to achieve it. However, all units will provide a patio or yard, and two-story units will provide balconies on the upper floor. The amount of private open space for the development as a whole will exceed 37,000 square feet, for an average of about 288 square feet per unit.

Landscape standards for the R-4 zoning require landscape setbacks along street-adjacent property lines, equivalent to the minimum building setback for the zoning. The minimum building setback for this project along Dysart Road is 25 feet. As shown on the submitted site plan and landscape plan, all buildings will be at least 40 feet from the Dysart Road property line, and trees, shrubs, and groundcovers will be provided within that area as well as within the area between the right-of-way line and the street, resulting in a generous swath of landscaping between the street and the closest townhome units. An additional 15-foot landscape buffer will be provided along the south border of the project site for visual separation between the townhome development and the neighboring single-family residential neighborhood.

Parking

The Zoning Ordinance requires townhome developments to provide two garage parking spaces for each unit, as well as one guest space for every five units. Therefore, for this 130-unit development, 260 garage spaces for residents and 26 guest spaces are required.

The Rezone request proposes an alternative parking standard that would provide a two-car garage for 125 of the 130 townhomes. The remaining five townhomes would each be allowed a one-car garage, resulting in 255 garage spaces instead of 260 project-wide. The five units to receive one-car garages would all be one-story, one-bedroom units located within the 70-foot buffer described above. The justification for this deviation is that providing a two-car garage for every unit would require the buildings at the south end of the site to be located closer to the adjacent single-family residential neighborhood. Additionally, the project will provide 40 guest spaces throughout the development, which exceeds the 26 that are required, so tenants who have one-car garages and own two vehicles will have enhanced opportunities to park their additional vehicles within the extra guest parking areas.

Per the City of Avondale Zoning Ordinance, townhome developments are required to install electric vehicle (EV) chargers in 4% of resident spaces and 1% of guest spaces (or in one guest space, whichever is greater), while 16% of resident spaces and 3% of guest spaces (or one guest space, whichever is greater) must be EV-capable for future installation. As an alternative to the requirement, the project proposes to provide one electric charger per garage, as an optional paid upgrade to the unit. Additionally, one guest space will receive EV capability.

Streets and Traffic Circulation

Primary access to the development site will be via a gated entry on Dysart Road. A proposed stipulation requires the driveway entrance for Angelina Luxury Living to align with the entrance to the Ascend mixed-use development on the opposite side of Dysart Road. The applicant has confirmed that this alignment with Ascend's entry can be achieved with a minor adjustment to the driveway location shown on the provided site plan. An additional stipulation requires the developer to contribute toward design and construction costs for a future traffic signal to be located at Dysart Road and Angelina's main entrance. The developer will also be responsible for the design and construction of a left turn lane in the Dysart Road median into the Angelina Luxury Living development.

The development will also have a secondary exit-only gate at the north end of the site, on Plaza Circle.

DISCUSSION:

Staff recommends approval of the Rezone request for the following reasons:

1. The proposed Rezone from Palm Valley PAD to Angelina Luxury Living PAD will be in conformance with the General Plan, with concurrent approval of Minor General Plan Amendment PL-22-0085.
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. The townhome units to be developed on the subject property will serve as a buffer between the commercial area on the immediate southwest corner of Indian School Road and Dysart Road and the single-family residential area to the south. The proposed use is also compatible with the approved Ascend mixed-use project to be developed on the east side of Dysart

Road, which will include townhomes, apartments, and commercial uses.

4. Adequate public infrastructure to support the proposed development either presently exists or will be constructed by the developer. The developer will contribute toward the installation of a new traffic signal at the Dysart Road entrance.

5. The proposed land use will provide a different housing type for residents. The townhome development will introduce a new rental product to the community that will provide some shared amenities typical of multi-family residential developments (swimming pool, clubhouse, and dog park) as well as others that are more typical of single-family residential developments (private garages and yards).

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:

The developer shall contribute 15% of the total estimated design and construction for a future traffic signal to be located at Dysart Road and the project's main entrance, estimated at \$105,000. Ascent at Avondale, located on the other side of Dysart Rd, will contribute 50% of the cost of this signal, estimated at \$350,000, and the city will be responsible for 35% of the cost of the signal, estimated at \$245,000.

RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** an Ordinance approving PL-22-0084, a request to Rezone approximately 8.4 acres (9.2 gross acres) from Palm Valley Planned Area Development (PAD) to Angelina Luxury Living Planned Area Development (PAD), subject to the following seven (7) conditions of approval:

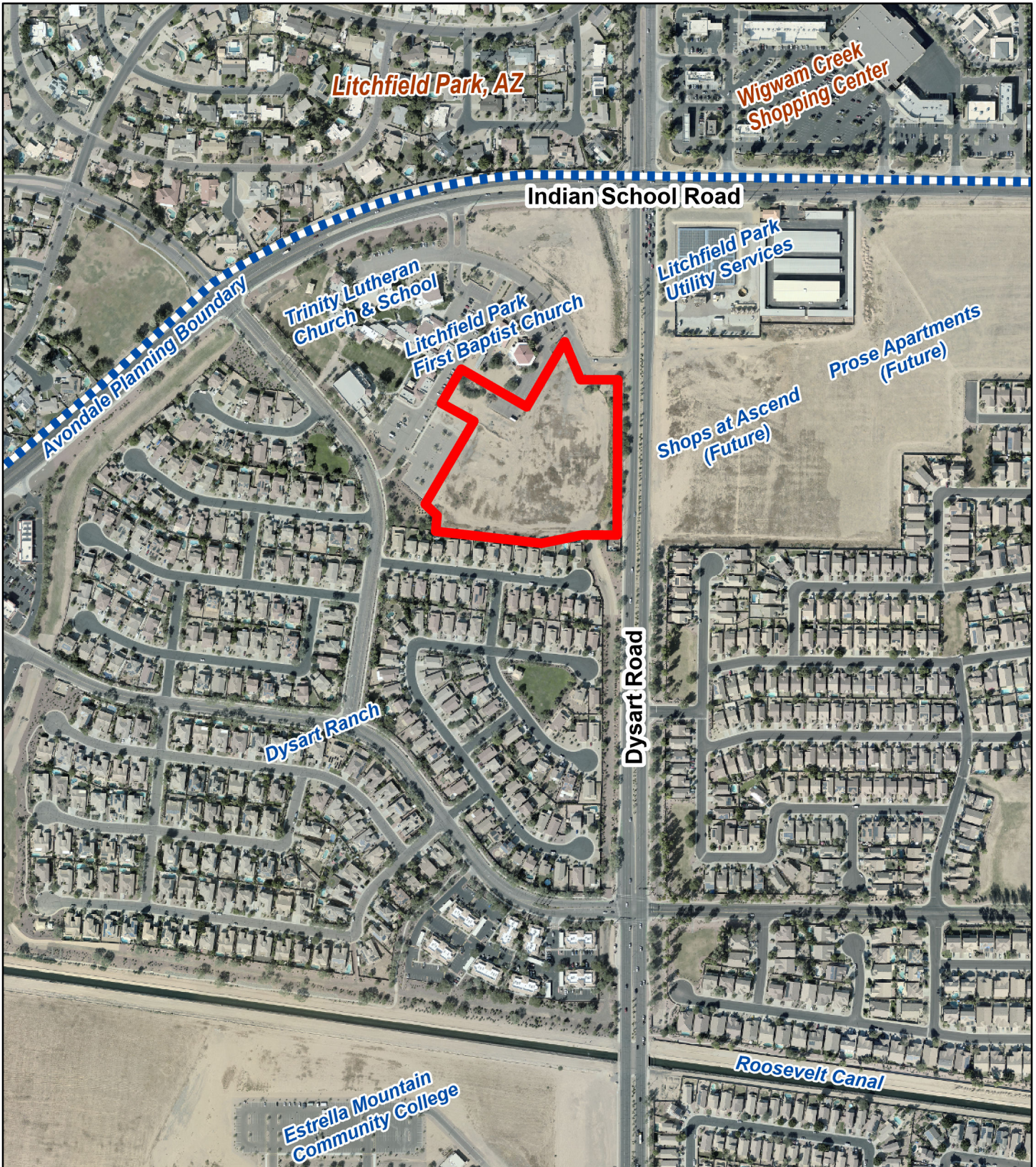
1. Except as modified by these conditions, development shall substantially conform with the following items:
 - a. Angelina Luxury Living PAD Narrative, electronically date-stamped 2/13/23
 - b. Site Plan, electronically date-stamped 2/13/23
 - c. Color Building Elevations, electronically date-stamped 11/21/22
 - d. Conceptual Landscape and Wall Plan, electronically date-stamped 11/21/22
2. Prior to the issuance of any construction permits for Angelina Luxury Living, a Re-Plat shall be approved and recorded to separate the townhome development from the existing Trinity Lutheran Church and Litchfield Park First Baptist Church parcels.
3. The developer shall contribute 15% of the total estimated design and construction costs for a future traffic signal to be located at Dysart Road and the project's main entrance. The estimated traffic signal contribution for the development is \$105,000.00. The development shall design and construct a left turn lane in the Dysart Road median into the development.
4. The Dysart Road driveway entrance shall align with the entrance to the Ascend mixed-use development on the east side of Dysart Road.
5. Powerlines less than 69 kV adjacent to the property shall be converted underground in the first phase of development.
6. All off-site improvements shall be completed in the first phase of development.
7. The development shall be designed and constructed in accordance with the City of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.

PROPOSED MOTION:

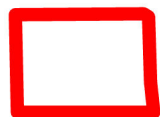
I move that City Council **ADOPT** an Ordinance approving Application PL-22-0084 Angelina Luxury Living PAD,

a request to Rezone approximately 8.4 acres (9.2 gross acres) from Palm Valley Planned Area Development (PAD) to Angelina Luxury Living Planned Area Development (PAD), subject to the seven (7) conditions of approval as listed in the staff report.

Contact person for document distribution: Ann Dolmage

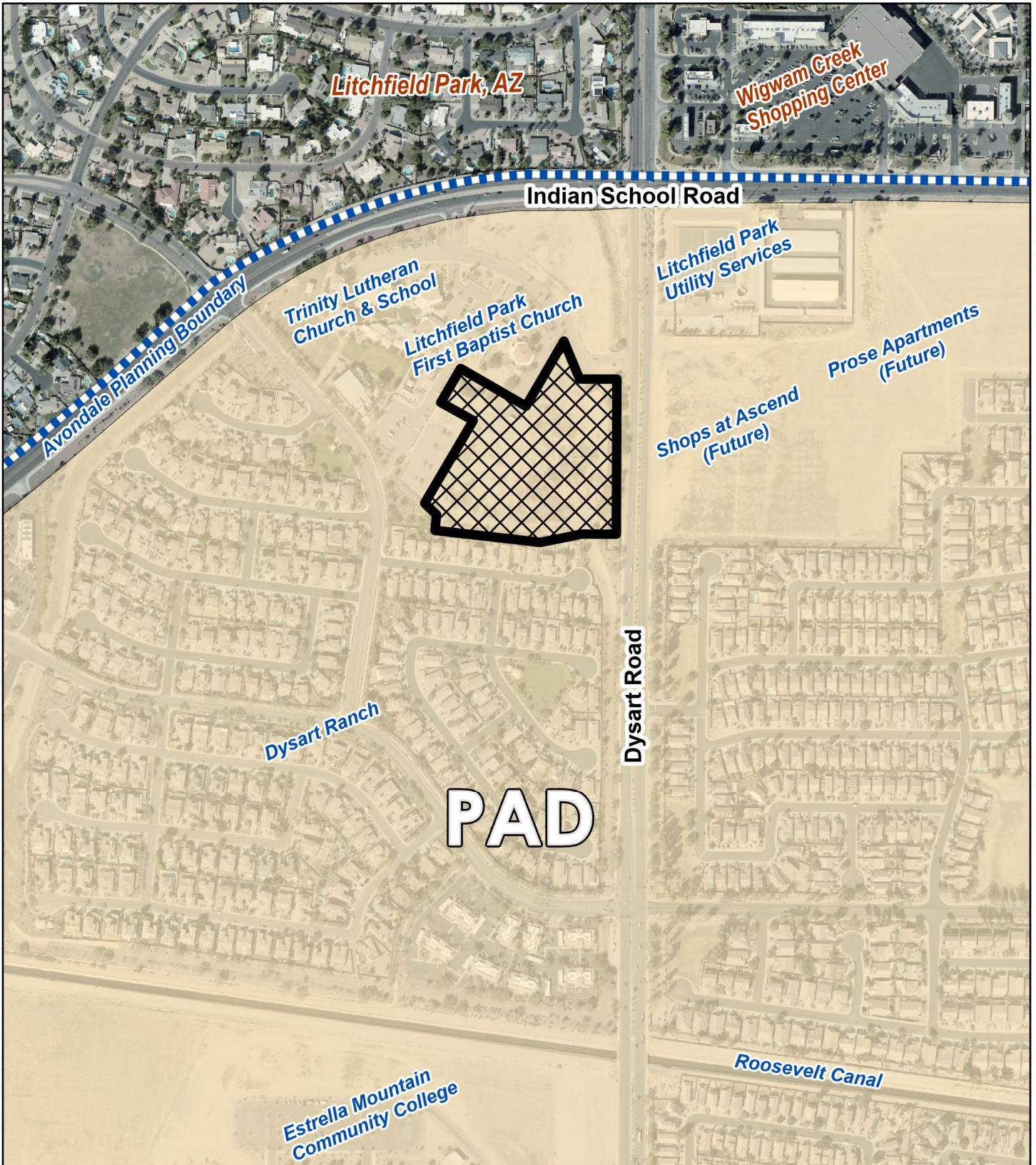


Aerial Map

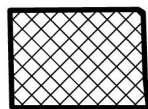


Subject Property



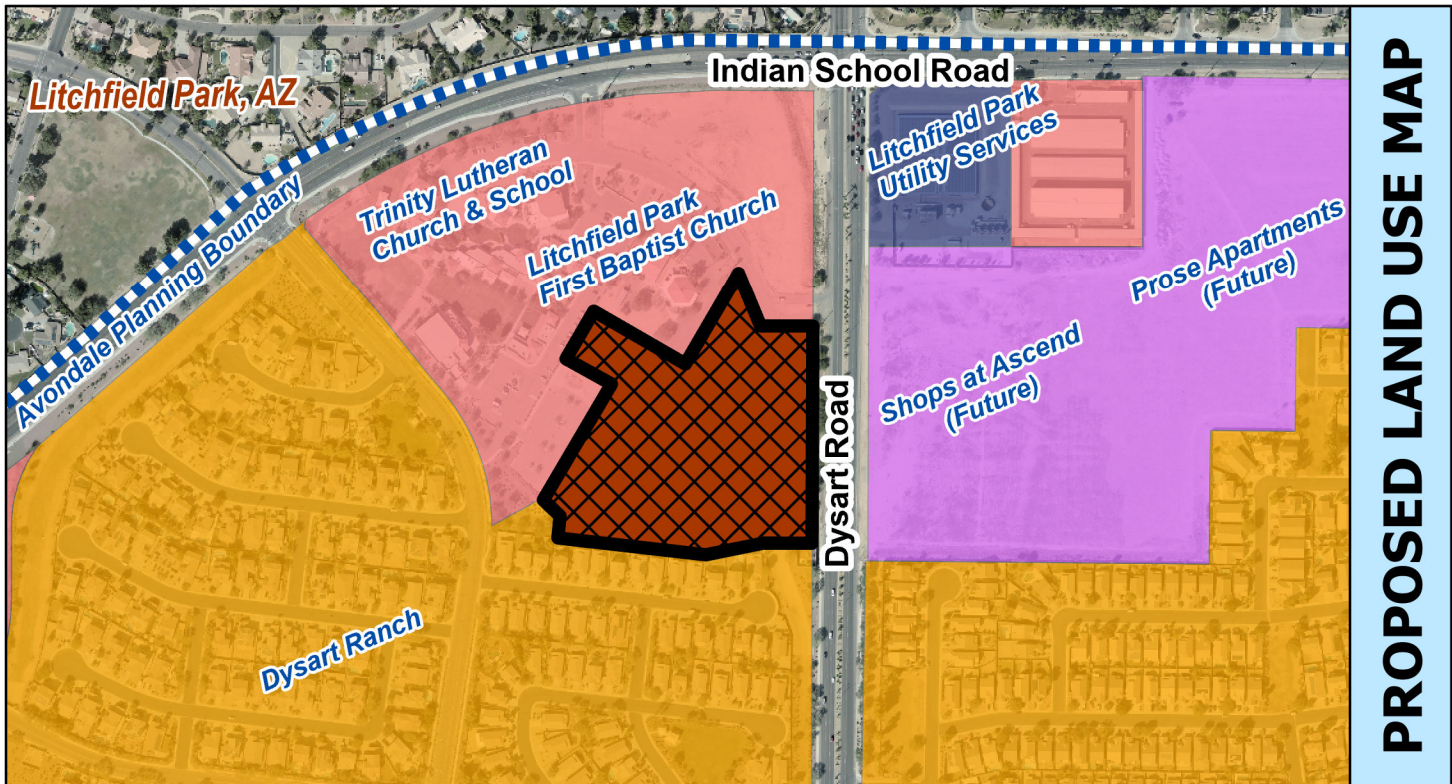
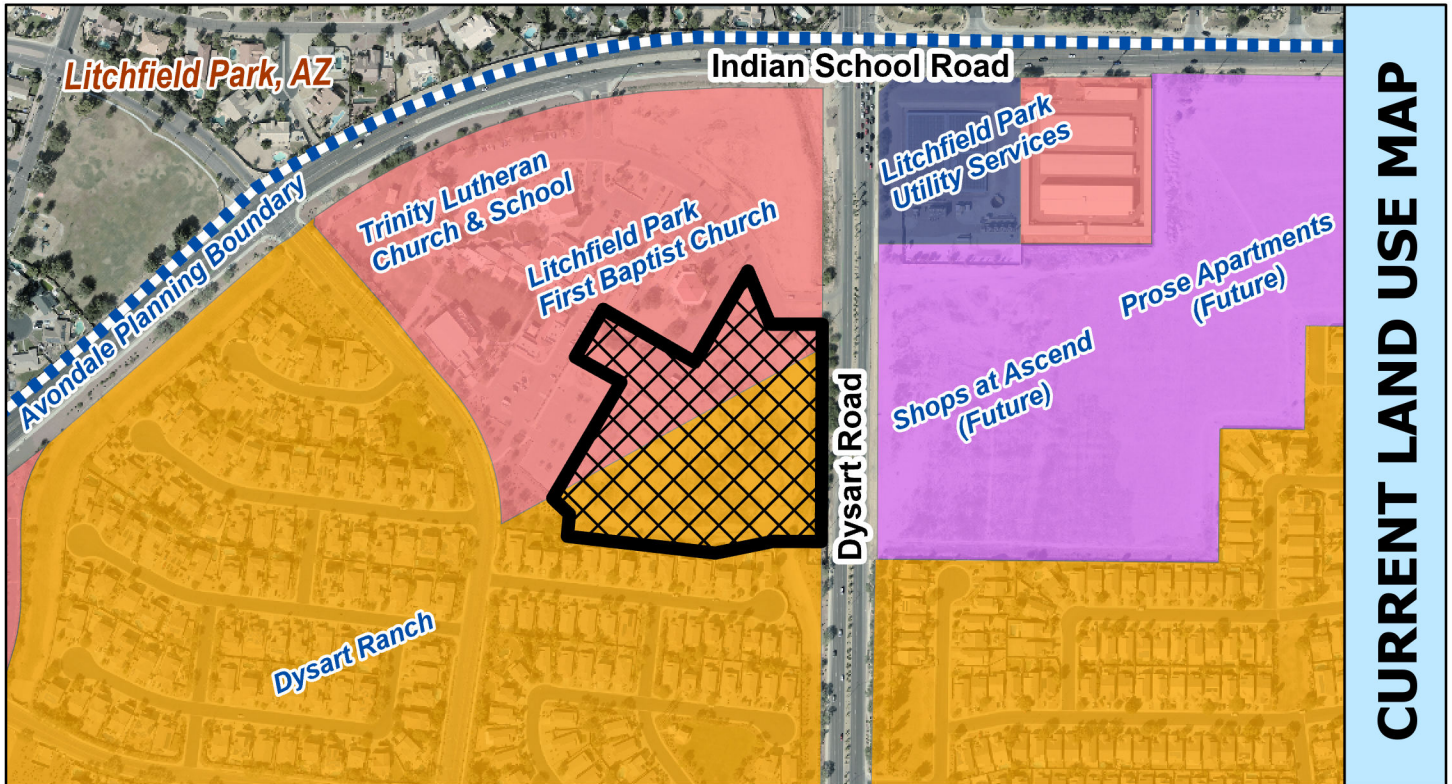


Zoning Vicinity



Subject Property

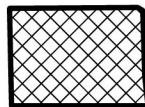




General Plan Land Use



- Local Commercial
- Medium Density Residential
- High Density Residential
- Mixed Use
- Public / Civic



Subject Property



Project Narrative

The Angelina Minor General Plan Amendment and PAD Amendment

Angelina Luxury Townhome Project
South of the SWC Indian School Road and Dysart Road

Originally Submitted: March 8, 2022

Resubmitted: **January 3, 2023**

PAD - PL-22-0084

Minor GPA Amendment- PL-22-0085

Developer:

Porter Kyle
Mike Stephan
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mstephan@porterkyle.com

PORTER KYLE
multifamily developers & builders

Representative/Land Use Counsel:

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Taylor Earl (Partner)
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Introduction

This Project Narrative is provided in support of a minor General Plan Amendment and a PAD Zoning request for a vacant 8.40-acre (net) property south of the southwest corner of Indian School Road and Dysart Road (the “Property”). The Property currently has two General Plan designations on site. This proposal requests to modify the designations from Medium Density Residential and Local Commercial to “High Density Residential.” This request also seeks to rezone the property to “The Angelina PAD” designation with High Density Residential (with underlying R-4 zoning) to allow the development of a 130-unit luxury residential community.

The developer is Porter Kyle, a Scottsdale-based developer with a well-earned reputation for creating high-end residential communities throughout the Valley. Designed by award winning architects, the new luxury townhomes live more like a single-family home compared to a traditional apartment building.

Site Background

As stated earlier, the site is located south of the southwest corner of Indian School Road and Dysart Road, just 2 miles north of the I-10 freeway. The site is a challenging parcel with an odd shape that is currently vacant and part of a larger parcel that contains a church and school, which are not affiliated with this application. See aerial below with the application area outlined in red.



General Plan Amendment (Minor)

As stated above, Porter Kyle is proposing a high-end residential community that will assist the city in its development of diverse housing and add density to support the City's employment and commercial developments. Rather than develop at the edge of the city, we are developing in the heart of the city. Developing in the heart of the city contributes to much needed housing stock as an infill project furthering the goals of the city to promote and provide density in the city center. The Angelina will be a premium community for the city and will provide benefits to the immediate neighborhood and to the surrounding area. This community will not only bring higher income individuals to support the neighboring services and commercial, but it will also be an architecturally pleasing addition to the neighborhood. Due to the size of the property, only a Minor Amendment is required and sought.

The city needs density in appropriate areas with appropriate designs to support its employment and its retail. We believe this site is very appropriate for this development and that the high-quality design is what the city encourages and expects.

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

The existing General Plan Land Use Designation on the property is split. The northern half of the property is designated as Local Commercial which allows for low-intensity commercial developments such as small to moderate scaled professional office buildings. The southern half is designated as Medium Density Residential (MDR), which allows for a density of 2.5-4 dwelling units per acre.

The map to the right depicts the existing General Plan Land Use designation.



EXISTING GENERAL PLAN DESIGNATION

The proposed designation for the Property is High Density Residential (HDR), as depicted on the map to the right. The High-Density Residential designation allows for densities of up to 30 dwelling units per acre. Our proposal is 15.5 dwelling units per acre and would conform to the proposed general plan designation. While this does alter



PROPOSED GENERAL PLAN DESIGNATION

the land use patterns, it does not do so negatively. Having split land uses on an irregularly shaped parcel that is under 9 acres would be tough for any owner or developer. Having a mixed-use project with commercial to the north and single family to the south would be nearly impossible due to the size limitations and shape of the parcel. Fortunately, there is adequate existing commercial on the northeast corner of Dysart Road and Indian School Road that is approximately 17 acres and consists of an anchor grocery store, a gas/convenience store, a bank, auto parts store, a fitness studio, various service retail establishments and 8 restaurants. Additionally, Avondale recently annexed properties at El Mirage and Indian School and the General Plan now calls for commercial on all four corners which provides plenty of commercial offerings. Furthermore, just east of the proposed Ascend project (approximately ½ mile away) there is additional commercial that consists of professional and medical offices, auto parts store, and two more restaurants. Lastly, the Ascend project directly to our east will include 9.63 acres of commercial uses which is larger than the entire Angelina project. The existing commercial along Indian School along with the future commercial from the Ascend project offers ample commercial in the area ensuring that our minor GPA is not negatively impacting the change from Commercial to High Density Residential. As mentioned above, the site includes split land use designations, and the southern portion is medium-density residential. Again, the shape and small acreage would make it nearly impossible for a single-family developer to place a development of high quality on the site. If you look at an aerial of the surrounding area, it's evident that there is ample single-family residential. Most parcels that are undeveloped are either PAD/Commercial, Estrella Mountain Community College, public parks, or industrial uses and the Agua Fria River to the east. With the amount of commercial nearby, the limited size and shape constraints, and sufficient existing single family residential, altering the land use to High Density Residential near the hard corner will be an asset to Avondale.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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

This particular area of Avondale is dominated by single family residential. What limited multi-family is present has been developed as garden style apartments. Our proposal will provide a unique, townhome product, something that is not represented in the market area. The Angelina will help diversify Avondale's housing stock by providing for a varied residential type that is almost non-existent in the area. It will attract high-income earners that will fill employments needs in the area and support commercial developments.

The Amendment will not adversely impact the community as a whole and/or a portion of the community by: significantly altering the acceptable land use patterns, requiring larger and more expensive public infrastructure, or adversely impacting the existing land uses.

As mentioned above, the approved land use patterns are split on this property. The property size and shape make it almost impossible to do both commercial and medium density residential. There is an excess of medium density residential already to the south and east of the site. The Palm Valley General Development plan was not followed and medium density residential was built where commercial and high density residential were supposed to be built. This proposed project helps to bring back the density that was needed, but never developed.

Infrastructure improvements are minimal and little if any improvements should be needed. The roads have been built out and appropriate discussions have been had with the City of Avondale and the adjacent development project to the east to ensure vehicular and pedestrian safety along Dysart Road. The proposed GPA from Medium Density Residential and Local Commercial to High Density Residential helps reduce the water and wastewater demands from a commercial land use. It is not anticipated that this request will significantly increase water and wastewater demands for the existing land uses. The project will have low water fixtures, high efficiency appliances, low flow irrigation, and xeriscape landscaping where appropriate to ensure sustainability for the neighborhood and City of Avondale.

This project certainly does not adversely impact the existing land uses. The lot has been vacant since annexation and the owner (Trinity Lutheran Church) does not need to expand the campus or parking. The vacant site continues to see its fair share of dumping, trash, and vagrants. A luxury townhouse development would certainly be a better use than for it to remain vacant.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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

This particular area of Avondale is dominated by single family residential. What limited multi family is present has been developed as garden style apartments. Our proposal will provide a unique, townhome product, something that is not represented in the market area. The Angelina will help diversify Avondale's housing stock by providing for a varied residential type that is almost non-existent in the area. It will attract high-income earners that will fill employments needs in the area and support commercial developments.

Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

In areas where single family housing is the dominant type, it can be difficult to develop smaller, irregular patches of vacant land with similar single-family products. The resultant pattern of remnant vacant land, caused by leap-frog development, creates a unique opportunity for infill development. Such is the case with this proposal. These smaller parcels typically have the required infrastructure and services needed for higher density developments. They provide for a high-quality mix of housing types, that focus on upward development versus sprawl. And they often fill these gaps between single family homes with a desirable product for families that prefer a more urban lifestyle. This project improves the desirability and attractiveness of infill for the neighborhood and the city.

3. Land Use Element– Goal 4: Ensure all land use decisions meet the long-term social and economic goals of the community.

Policy B : Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

Policy D : Ensure that low-cost construction materials essential for growth and development are readily available.

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

Request is an improvement to the 2030 General Plan and is not solely for the good or benefit of a particular landowner or owners

This Minor GPA is helpful to the area and its benefit is not solely for the owner and developer. Vacant land with split General Plan designations is notoriously difficult to develop. Separating the uses according to their General Plan designations would not work as these unusually shaped parcels would continue to be abnormally shaped and the amount of developable land would be reduced dramatically. Instead of it remaining vacant, this is infill piece provides the City of Avondale diversity of housing types that is highly sought after within City limits.

This amendment will complement and enhance the surrounding property values and provide additional stability for the neighborhood. Just to the south of our site, along McDowell Road, there is an intensity of uses that includes the Abrazo medical campus. This amendment will complement those existing land uses and designations in the immediate area. The type of housing diversity and supply that is proposed with this development will greatly support and improve the vitality of the surrounding area. This is further defined in the land use goals and policies of the General Plan.

Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

***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 D:** Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.*

In areas where single family housing is the dominant type, it can be difficult to develop smaller, irregular patches of vacant land with similar single-family products. The resultant pattern of remnant vacant land, caused by leap-frog development, creates a unique opportunity for infill development. Such is the case with this proposal. These smaller parcels typically have the required infrastructure and services needed for higher density developments. They provide for a high-quality mix of housing types, that focus on upward development versus sprawl. And they often fill these gaps between single family homes with a desirable product for families that prefer a more urban lifestyle. This project improves the desirability and attractiveness of infill for the neighborhood and the city.

***Policy F:** Support higher density/urban land uses to support future transit and rail*

There is a high demand for quality multifamily in the area. This area has seen an uptick in development and zoning activity as it sits between the Loop 101 and the Loop 303, which link

I-10 with the I-17 through this area and serves as a major growth center within the west valley. The proximity of Luke Air Force Base, PV 303, and many other larger employers and an expanding base of businesses in the area makes this site ideal for this type of unique and luxury-level multifamily development. The proposed development will deliver needed housing diversity in this area.

Land Use Element– Goal 4: *Ensure all land use decisions meet the long-term social and economic goals of the community.*

Policy B : *Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.*

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

Policy D : *Ensure that low-cost construction materials essential for growth and development are readily available.*

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

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.*

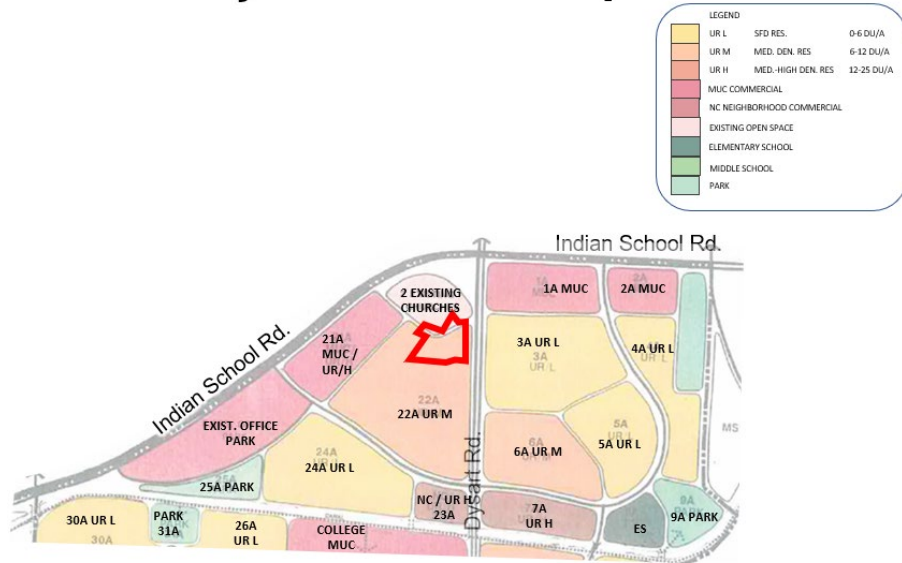
Policy B : *Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.*

The city has for some time promoted large-lot single-family residences, along with garden style apartments that have developed in more densely populated areas of the city. There is a need for more townhouse and condo style housing units. This project will help to provide more of these types of housing that will help fill this gap. By the general nature of condominiums and townhomes, large front and back yards have been replaced with common space that is maintained by the HOA. These types of housing units are usually privately owned by individuals seeking their own residence. Maintenance of the common areas for this project by the development's HOA will greatly reduce the maintenance responsibilities for the townhome owners.

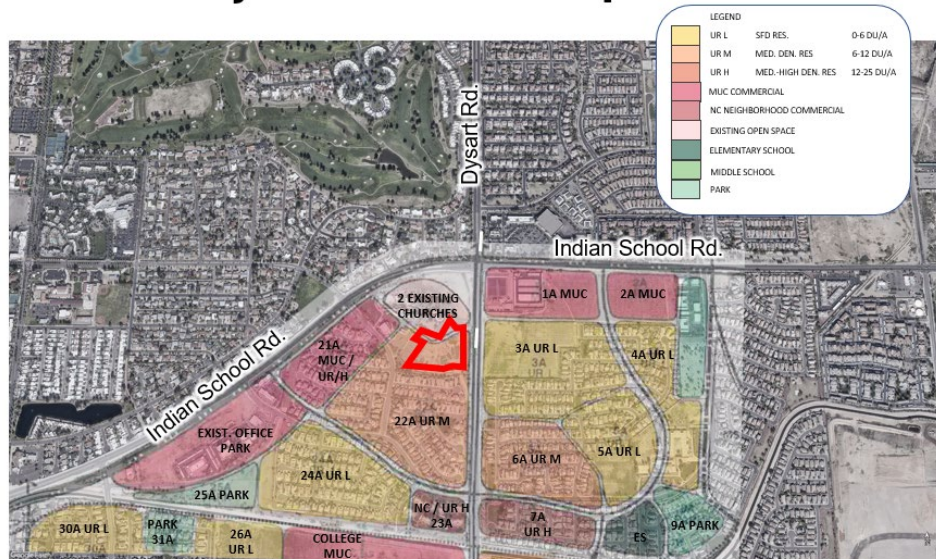
That the amendment is consistent with the overall intent of the 2030 General Plan and other adopted plans, codes and ordinances

The Palm Valley General Development Plan became effective in 1984. This mixed-use plan was generally located in two areas and consisted of 770 acres. The first was between Old Litchfield and Dysart Roads between Thomas and Indian School Roads. The second was between McDowell and Indian School east of Dysart. When looking at the development plan, the majority of our irregularly shaped parcel is in Parcel 22A which was slated to be “UR M” which is medium density residential with up to **12 du/ac**. The proposed townhomes follow the Palm Valley Development Plan and the increase from 12 to 15.5 du/ac is a marginal increase. Furthermore, if you overlay the Palm Valley Development Plan with what was built (see image to the right), none of the medium or high density residential was ever built. If we followed the proposed density, the area was approved for over 2,000 units, but less than a 1,000 was built. The addition of 130 units does not come close to exceeding what was allowed for the Palm Valley Development Plan. Simply stated, no multi-family was ever built in an area that needed it. Our proposed development finally gives the area the density that was intended and still needed.

Palm Valley PAD General Development Plan-1984



Palm Valley PAD General Development Plan-1984



Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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

This particular area of Avondale is dominated by single family residential. What limited multi family is present has been developed as garden style apartments. Our proposal will provide a unique, townhome product, something that is not represented in the market area even though it was supposed to be with the Palm Valley General Development Plan. The Angelina will help diversify Avondale’s housing stock by providing for a varied residential type that is almost non-existent in the area. It will attract high-income earners that will fill employment needs in the area and support commercial developments.

Policy F: Support higher density/urban land uses to support future transit and rail

There is a high demand for quality multifamily in the area. This area has seen an uptick in development and zoning activity as it sits between the Loop 101 and the Loop 303, which link I-10 with the I-17 through this area and serves as a major growth center within the west valley. The proximity of Luke Air Force Base, PV 303, and many other larger employers and an expanding base of businesses in the area makes this site ideal for this type of unique and luxury-level multifamily development. The proposed development will deliver needed housing diversity in this area.

2. Land Use Element – Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.

Policy C: Encourage a mix of uses and amenities when master planning large developments, such as single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents.

Infill projects typically help act as a catalyst for a healthy mix of uses. They also act more comprehensively as part of a larger vision for the neighborhood. Infill projects also tend to attract more infill which also provides a more diverse mix of uses. Where opportunities to encourage mixed uses were once perhaps missed in the master planning process, infill provides that opportunity to help fill in the gaps and help to create a larger sense of community

and encourage more social interaction. This high-end multi-family development is part of a changing dynamic that in time will encourage a better use of mixes and services in the future for the area.

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

A portion of the site is adjacent to an existing single-family subdivision and multi-family housing is a good transition between land uses. In addition to functioning as a transitional use, this project will also provide an adequate buffer from these adjacent properties. Single story units occur closest to the adjacent single-family homes with a setback of 15-feet. This smaller setback includes a landscape buffer with a meandering pedestrian pathway. The taller, two-story products occur outside of a 75-foot building setback and allow for a tiered approach in which the taller buildings sit further back and more towards the middle of the project allowing for a stepped back vertical buffer. The front of the project along Dysart Road, allows for a 50-foot building setback and a 40-foot landscape buffer, which also includes a pedestrian pathway. Two-story units are proposed along this project front which is appropriate for larger arterial streets, such as Dysart Road. Along the northwest portion of the site the adjacent land use changes to an intermittent use with two churches. These non-residential uses allow for a smaller setback that includes 12-foot-wide fenced private yards with a 5-foot landscape setback. Throughout the project adequate and appropriate buffers and transitions have been provided that vary with the intensity and character of the adjacent land uses.

***3. Land Use Element– Goal 4:** Ensure all land use decisions meet the long-term social and economic goals of the community.*

***Policy B :** Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.*

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

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This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

4. Housing Element–Goal 1: *Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.*

Policy A : *Ensure developers and/or HOA’s properly maintain perimeter areas, open spaces, and other common areas within subdivisions.*

As a part of this project, it is essential that the development and or it’s HOA performs regular maintenance for perimeter areas, open spaces and other common areas within the project. This not only provides for a clean and well-maintained space, but also lets others know that the project is of high quality and value for the surrounding community. This project will provide proper maintenance for the development.

Policy B : *Ensure that all properties requiring building permits meet all city codes prior to final approval.*

The development process will typically require that many life-safety issues conform to city code and performance standards to ensure that construction occurs as per the approved plans. This helps ensure that not only the widely accepted national building code will be followed, but also the code of the City of Avondale. This process necessitates the obtaining of all required city permits. The project will meet all city codes prior to final approval and issuance of a certificate of occupancy.

5. 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.*

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.*

The city has for some time promoted large-lot single-family residences, along with garden style apartments that have developed in more densely populated areas of the city. There is a need for more townhouse and condo style housing units. This project will help to provide more of these types of housing that will help fill this gap. By the general nature of condominiums and townhomes, large front and back yards have been replaced with common space that is maintained by the HOA. These types of housing units are usually privately owned by individuals seeking their own residence. Maintenance of the common areas for this project by the development’s HOA will greatly reduce the maintenance responsibilities for the townhome owners.

6. Housing Element–Goal 3: *Maximize the efficiency and effectiveness of affordable housing and neighborhood stabilization programs.*

***Policy B :** Identify new prototypes for quality high-density residential housing.*

Recent trends in multi-family housing include single-family to rent products, featuring tall ceilings, higher end appliances and better-quality interior finishes. As a result, the multi-family housing market has shifted towards a higher quality product with many other new prototypes such as this, coming to market with quality high-density residential housing. The Angelina is one of these newer product types that provides these higher quality finishes and detail for the high-density market.

***7. Safety Element–Goal 1:** Provide a safe and healthy environment for all Avondale residents, employees, and visitors.*

***Policy A :** Encourage new developments to be planned and designed to minimize negative and undesirable health and safety hazards to the community.*

It is always the goal of the community and the development team to provide a safe and healthy environment for its residents. We believe that it is important for a community to always use best practices when designing and laying out the site plan. The use of methods described in the Crime Prevention through Environmental Design (CPTED) guidelines help promote safer environments by providing proper site lighting, eliminating blind alley ways and encouraging the safe placement of landscape items. All of these assists in making the development a place that positively influences human behavior and minimizes undesirable health and safety hazards to the community.

***8. Safety Element–Goal 5:** Continue to provide for the protection of life and property from the destruction of fire and to mitigate other life-threatening incidents.*

***Policy B:** Provide and maintain state-of-the-art apparatus and equipment to enable safe and adequate emergency response capabilities for the protection of the public and fire personnel.*

It is critical that a development provides for the protection of life and property. This is why this development uses the latest standards in fire alarm and suppression equipment. Also, the activities typically associated with fire safety require that all portions of the development can be reached by a fire truck hose within 150-feet of the closest fire lane, which has been planned for this development. Wider turning radii, painted fire lanes, location of FDCs and proper signage have been provided in the design to allow the fire department to access the site quickly and safely in case of an emergency or fire.

9. Urban Design Element–Goal 1: Identify and preserve Avondale’s cultural resources and local sense-of-place.

Policy C : Provide opportunities for landscaping and streetscape improvements.

Good urban design should not only require but embrace the opportunities to provide for enhanced landscaping and streetscape improvements. A proper balance of landscaping helps to soften the hardscape and building forms. Trees provide much needed shade and flowering shrubs, and groundcovers provide important accents to the overall design of a site. This project provides these types of landscape treatments. Unique areas are emphasized with enhanced plantings and a wider variety of plant materials. This development utilizes appropriate tree spacing and plant groupings to help define key access points, provide splashes of color at focal points and help to break up the hardscape. Streetscapes are enhanced with more dense planting and wider setbacks that promote safe places for pedestrians and cyclists.

10. Urban Design Element–Goal 2: Establish a positive and distinctive city image and identity by developing and improving focal points, gateways, specific areas, and major corridors.

Policy G : Utilize landscape as an important aesthetic and unifying element.

The project uses a variety of trees and plant material to help create an aesthetically pleasing environment. Groupings of similar species of trees along walkways provide a unifying element to the landscape design for this project. Clusters of accent trees are used in key locations and help to put emphasis on those areas. Masses of groundcover plantings are used near the project’s signage and at corners to help identify that you have arrived at a place of importance. Taller trees are used in the landscape to help create visual landmarks throughout the property. Accent plants are dotted throughout the landscape to provide variety and visual texture to the landscape and help complement the site design. All of these plantings provide unifying elements that are woven throughout the design and bind the site together into one cohesive whole.

11. Urban Design Element–Goal 4: Utilize redevelopment to mend the urban fabric.

Policy C : Utilize building materials that are durable and contextual.

In the Phoenix metro area leap-frog development has created fragments of undeveloped land between projects. Our project has taken one of those fragments and is weaving together and mending the urban fabric of this neighborhood in Avondale. As a part of this process, it is important to read the landscape, understand the neighborhood and respond with the use of building materials that relate to the neighborhood. The use of high-quality building materials helps when working to establish permanency for these infill projects. High-quality building materials are more durable and when selected in context to mending the urban fabric, they

can appropriately represent the symbolism and physical properties of the neighborhood. This project uses building materials that are durable and contextual.

Policy D : Use pattern and scale of development to provide visual diversity, choice of lifestyle and social interaction.

Variation in urban spaces has fueled the current wave of form based urban code throughout the country. This development utilizes key components from form-based design that informs individuals about the human scale of the property. It also employs the use of pattern repetition and rhythm to provide consistent visual interest and weave together common elements used throughout the site in a cohesive way. These elements help to inform the public about how interactions are different when compared to suburban development and promote a more urban lifestyle. Within this project you can see undulation in the form, step-backs in the massing, second story balconies and small courtyards at the residence entrances. These are all items that contribute to a diverse, human scaled development that promotes social interaction and an urban lifestyle.

As stated earlier, there is a high demand for this type of product in this area, which is mostly dominated by single family residential or garden style apartment complexes. With the increase in large employers in the immediate area, multi-family housing helps provide a strong balance in the mix of uses.

In addition to the goals above, below are additional topics in the General Plan and our answers below:

Infrastructure

Adequate infrastructure exists for the designation of High Density Residential. Reports regarding water, sewer, streets, and drainage have been provided as appendices to this narrative.

Multifamily Housing Ratio

Per the General Plan, approximately 572 acres or .96% of land area is designated as high density residential. With this proposal, there will be an increase of 7 acres, bringing the overall percentage to .98%.

Water Supply

Avondale has a certificate of assured water and will be the water provider. The minor consumption of water stemming from this proposal will not have a significant impact on the City's water supply. Townhouses use less water than most commercial projects. As stated above, the project will have low water fixtures, high efficiency appliances, low flow irrigation, and xeriscape landscaping where appropriate to ensure sustainability for the neighborhood and City of Avondale.

Transportation Impact

We are currently discussing with the City the circulation and access points for this site. But we would refer the City to our traffic impact statement regarding the potential trip generation and its impact on the area. We have had discussions with the City and to the development to the east regarding a new traffic signal. Our access will align to the new signal which will be a benefit to the residents and to those traveling along Dysart.

Natural Environment

The topography of this site is relatively flat and no riparian areas or floodways are present. Accordingly, there is no significant impact on any notable environment factor. What this application does do is provide a beautiful development to a piece of property that has remained vacant for years. Vacant property that is surrounded by developed land (which this soon will be after development to the east occurs, is unattractive and contributes to a blight condition. It also attracts illegal dumping oftentimes. As such, our proposed development will be an improvement for the natural environment.

Job Population:

As new employment developments continue to come online in the west valley, as they have been for many years, a critical element to attracting and retaining top employers is the presence of employees of different educational and skill backgrounds. The availability of quality and diverse housing is an important element to such employers. Our proposed project will provide a type of housing product that will attract a higher-income earner, which often means those with greater education and skill set. We believe that our project will help to supply this area with an employee base that will be attractive to top employers. That will then result in greater employment for the area, which in turn raises the City's tax revenue, creates even more demand for housing, and then increases demand for commercial services. Our project will, therefore, be part of the domino effect (or ecosystem, if you will) that will benefit the City.

Arizona economist Elliott Pollack issued a warning regarding the current shortage of housing and how this will harm our ability to attract and retain top employers. The following is an excerpt from the Arizona Republic:

“I’ve been doing this work since 1969, and this is worst housing supply/demand imbalance I’ve ever seen,” said Economist Elliott Pollack. “We’re at the precipice of a very serious problem. This will affect our ability to attract and retain top employers, attract and retain top talent, maintain and improve the quality of life for our residents, and increase the customer base for our small businesses. We simply must increase supply or it’s all downhill from here.”

Our proposal will not only add to the City’s housing supply, it will do so with an attractive community that is underrepresented in Avondale.

The City’s General Plan also calls for a multi-family housing ratio. This request will provide additional supply of multi-family, which is a housing type the City needs more of in order to increase density and thus increase commercial supply and increase employment opportunities for its residents.

City Services

The amount of housing proposed will not have a significant impact on City services. This development will also pay its way by virtue of complying with the City’s impact fee requirements. Our development will assist in funding infrastructure expansion and the support for an effective and responsive police and fire department.

General Plan Alignment

The current general plan designations on the site are not as compatible with the current land development pattern in this area as what we are proposing. The Ascend project immediately across Dysart Road from this site proposes 6 acres (net) of commercial development within its parcel #2. Much of that would be up against the land currently designated for 2.5-4 du/ac housing. This is not an ideal transition (see map below).



When the mixed-use designation was put in place, there was no restriction on what type of development could be up against Dysart Road and thus up against the development on the subject property. The fact that the proposed Ascend site plan has commercial up against Dysart Road should be considered.

Furthermore, the current land use designation has 2.5-5 du/ac housing up against commercial. This is also not an ideal situation. Commercial developments bring noise, traffic, and activity. Although a transition between commercial and single-family housing is not always avoidable, it would be rare indeed to find a single-family homeowner who would be happy being up against that type of activity, particularly if it is the back of house activity with its late-night deliveries, trash dumping and collection, and low-security in dark corridors.

Our proposal would be to locate high-quality housing next to the existing housing. This is a much better transition. Moreover, our housing product is a hybrid product between traditional single-family residential and multifamily. Each unit will have its own garage and backyard and will have high-end interior finishes. We have also pushed our two-story homes away from existing single-family houses to the south, for an even better transition.

As for the reduction of the existing commercial designation, we note that the development pattern west of the subject site is also an important factor in our request. The church now occupies the western boundary of our site. Again, it is preferable for the church to be up against residential rather than up against commercial. Even if the commercial proposed were of low impact, it would still likely lead to an open, unsecured parking lot at night, which is when certain church events may exit. Similar to the discussion above, we would expect church patrons to feel more comfortable using the church facilities and parking lot when the neighbor to the east is a quality residential project than a commercial alternative. As evidence of this belief, consider that it is the church that is selling us the property.

If our proposal is successful, there will be a natural and effective break between the commercial on the hard southwest corner of Indian School Road and Dysart Road and our housing development. This internal loop road acts as an effective break and buffer, ensuring that our project will not be directly abutting any commercial development. This is not true of the current land use map, where commercial is directly abutting single-family residential.

Additionally, it is important to consider the supply of rooftops to support commercial. After these many years, despite the area generally being fully developed with residential these parcels have not developed. And now, Ascend will be moving forward with 7.4 acres (net) of commercial development next to new multifamily housing. Whatever commercial demand is in the area will be served by this new commercial development.

The city is need of density in order to reach its broader General Plan goals. The question is not *if* the City should embrace multifamily and density, it is where. We believe that this type of infill parcel is well situated for an increase in density, especially with a product like this that has a transition density of 15.5 du/ac, is only two stories (and one-story up against the single-family residential), and has enhanced design.

Our proposal does not trigger any type of significant increase in the City's public infrastructure, such as roads, water, wastewater, or public safety. At only 130 units, the usage of public infrastructure will not be significant. Moreover, in comparison to the existing land use designations on the property (i.e. commercial and medium density residential), the net impacts of the proposal would be negligible. Commercial development generates greater traffic and relies to a greater degree on public safety services than residential. As for water and wastewater, we would expect our proposal to generate greater demand of those services. However, it is not anticipated that we would need to

upgrade the City's existing water and wastewater infrastructure available adjacent to the site. As such, we would simply be generating more users to pay the City for infrastructure it already has in place. And to the extent that later engineering determines that upgrades are needed, we would be required to pay for our commensurate portion of that infrastructure, again shielding the City from any negative impacts.

Conclusion

This general plan amendment is minor in nature. The site currently being designated as local commercial and medium density residential is not much different than a high-density residential designation in terms of intensity. This minor amendment allows for the development of a luxury townhome type product, which is a much-needed housing type in this immediate area.

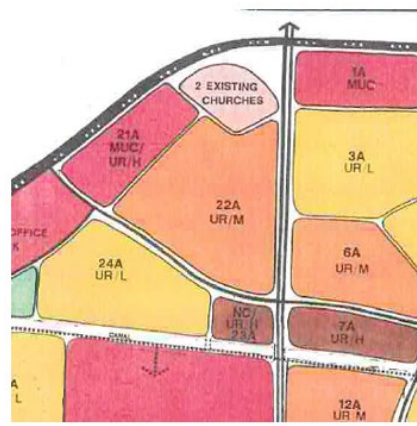
PAD Rezone

In addition to the requested minor General Plan amendment, this application also seeks to rezone the Property from the existing PAD designation within the Palm Valley PAD to a stand-alone PAD. This allows the Property to develop as High Density Residential.

As shown in the images below, the Property is currently zoned PAD, within the Palm Valley Planned Area Development. Within the PAD the property is designated as medium density residential. The proposal is to rezone the entirety of the subject Property to PAD (Planned Area Development) with underlying R-4 development standards.



EXISTING ZONING DESIGNATION



EXISTING PAD DESIGNATION



PROPOSED ZONING DESIGNATION

1. Describe unusual physical features of characteristics of the site which present opportunities or constraints to development.

The Property is relatively flat with no natural features. The parcel has a challenging shape, is tucked into a church development, and has no direct access to an arterial. These are development constraints for many types of development, but the proposed development is able to work around these challenges. By selecting a multifamily product that can be broken up into different building sizes, we are able to develop a community that has the quality Avondale is looking for but that is also compatible with the existing single-family communities in the immediate area.

2. Type of development and uses proposed by this zoning request.

The Angelina proposes a residential community of two-story luxury townhomes. The proposed 130 units will be clustered in 5-unit, 6-unit and 8-unit buildings and will be a mix of one-bedroom (30 units), two-bedroom (60 units) and three-bedroom (40 units) units. They will consist of one-story and two-story buildings with a maximum height on the two-stories of 30-feet. The proposed density is approximately 15.5 du/acre (gross), which will greatly support the existing and future employment in the area.

Many multifamily projects require residents to park in a common surface parking lot, and only sometimes with shade. But each of our units will have their own garage. One hundred and twenty-five units will have two car garages and only five units (five of the single-story units on the southern property line) will have a single car garage with excess parking spaces available nearby. Similarly, multifamily projects typically rely on common open space as the *only* means of providing open space to their residents. But we will provide *both* private open space and common open space. Due to site planning constraints, not all units will exceed the 100 square foot of yard or patio space. However, our private space will consist of balconies on every unit. Nearly every unit will have a private backyard, which will feature artificial grass, a tree, a BBQ area, and a doggie door. In those few instances where site planning constraints have prevented the addition of a private backyard, we have provided a private porch instead. In total, there will be 38,000 sf of private open space. The common open space will be enhanced over most communities of this size, and will include a pool, clubhouse, co-working space, gym, dog park and outdoor kitchen area. In addition to the common open space, the project exceeds the 20% requirement for usable open space.

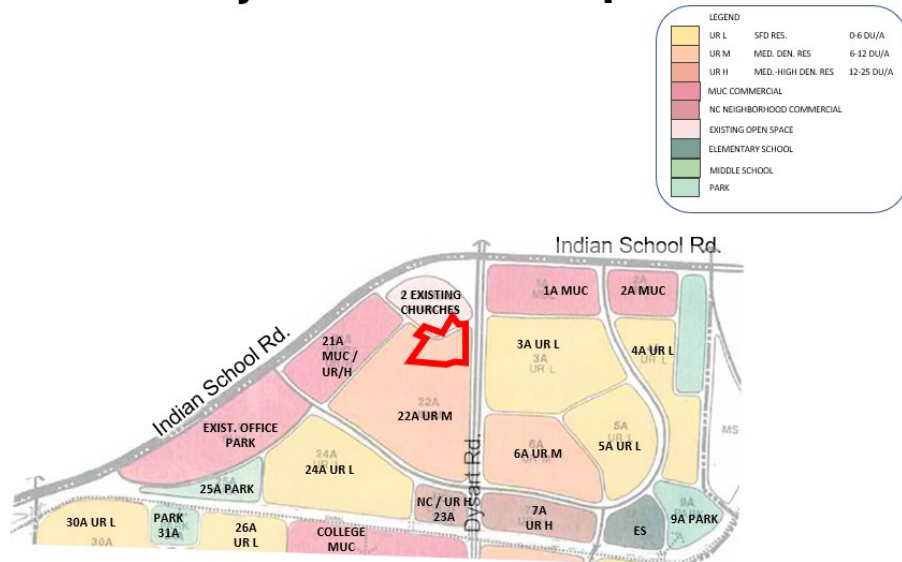
The site includes a walkable environment that is surrounded by landscaping and first-rate modern architecture. Additionally, in order to provide a larger buffer to the single family residential to the south, one story units are proposed within 70' of the south wall.

3. State how your proposal is consistent with the General Plan and applicable Specific Plans, referencing goals and objectives of the applicable plans.

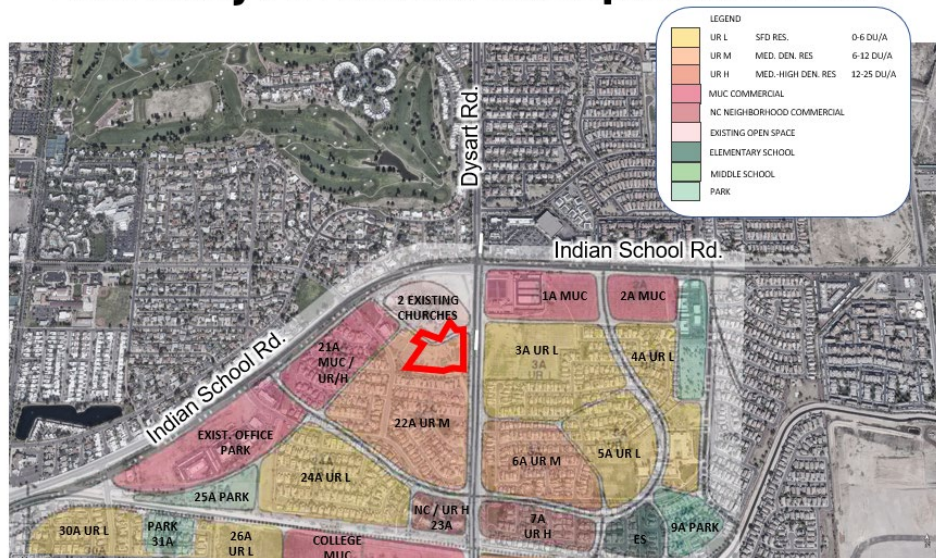
With the above-referenced minor General Plan amendment, the site will be designated as High Density Residential and will be compatible with the uses and vision outlined in the General Plan, and also consistent with the following elements of the 2030 General Plan.

The Palm Valley General Development Plan became effective in 1984. This mixed-use plan was generally located in two areas and consisted of 770 acres. The first was between Old Litchfield and Dysart Roads between Thomas and Indian School Roads. The second was between McDowell and Indian School east of Dysart. When looking at the development plan, the majority of our irregularly shaped parcel is in Parcel 22A which was slated to be "UR M" which is medium density residential with up to 12 du/ac. The proposed townhomes follow the Palm Valley Development Plan and the increase from 12 to 15.5 du/ac is a marginal increase. Furthermore, if you overlay the Palm Valley Development Plan with what was built (see image to the right), none of the medium or high density residential was ever built. If we followed the proposed density, the

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Below is the part of the General Plan and our reply that shows this project will be a benefit to the community.

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Policy D: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

In areas where single family housing is the dominant type, it can be difficult to develop smaller, irregular patches of vacant land with similar single-family products. The resultant pattern of remnant vacant land, caused by leap-frog development, creates a unique opportunity for infill development. Such is the case with this proposal. These smaller parcels typically have the required infrastructure and services needed for higher density developments. They provide for a high-quality mix of housing types, that focus on upward development versus sprawl. And they often fill these gaps between single family homes with a desirable product for families that prefer a more urban lifestyle. This project improves the desirability and attractiveness of infill for the neighborhood and the city.

Policy F: Support higher density/urban land uses to support future transit and rail

There is a high demand for quality multifamily in the area. This area has seen an uptick in development and zoning activity as it sits between the Loop 101 and the Loop 303, which link I-10 with the I-17 through this area and serves as a major growth center within the west valley. The proximity of Luke Air Force Base, PV 303, and many other larger employers and an expanding base of businesses in the area makes this site ideal for this type of unique and luxury-level multifamily development. The proposed development will deliver needed housing diversity in this area.

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

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Infill projects typically help act as a catalyst for a healthy mix of uses. They also act more comprehensively as part of a larger vision for the neighborhood. Infill projects also tend to attract more infill which also provides a more diverse mix of uses. Where opportunities to encourage mixed uses were once perhaps missed in the master planning process, infill provides that opportunity to help fill in the gaps and help to create a larger sense of community and encourage more social interaction. This high-end multi-family development is part of a changing dynamic that in time will encourage a better use of mixes and services in the future for the area.

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A portion of the site is adjacent to an existing single-family subdivision and multi-family housing is a good transition between land uses. In addition to functioning as a transitional use, this project will also provide an adequate buffer from these adjacent properties. Single story units occur closest to the adjacent single-family homes with a setback of 15-feet. This smaller setback includes a landscape buffer with a meandering pedestrian pathway. The taller, two-story products occur outside of a 75-foot building setback and allow for a tiered approach in which the taller buildings sit further back and more towards the middle of the project allowing for a stepped back vertical buffer. The front of the project along Dysart Road, allows for a 50-foot building setback and a 40-foot landscape buffer, which also includes a pedestrian pathway. Two-story units are proposed along this project front which is appropriate for larger arterial streets, such as Dysart Road. Along the northwest portion of the site the adjacent land use changes to an intermittent use with two churches. These non-residential uses allow for a smaller setback that includes 12-foot-wide fenced private yards with a 5-foot landscape setback. Throughout the project adequate and appropriate buffers and transitions have been provided that vary with the intensity and character of the adjacent land uses.

3. Land Use Element– Goal 4: *Ensure all land use decisions meet the long-term social and economic goals of the community.*

Policy B : *Require all new developments to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to city water and sewer systems.*

This project will participate in the required infrastructure enhancements for items such as street widening as needed, connection to the city water system and connection to the city sewer system, helping the city meet long-term economic goals of the community.

Policy D : *Ensure that low-cost construction materials essential for growth and development are readily available.*

This project will utilize the most cost-effective construction materials available, when appropriate. The developer will strive to work with suppliers and vendors to prepare for construction by seeking out construction materials that are readily available, considering the recent issues with the supply chain due to Covid-19. This will assist in further accomplishing long-term economic goals of the community.

4. Housing Element– Goal 1: *Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.*

Policy A : *Ensure developers and/or HOA's properly maintain perimeter areas, open spaces, and other common areas within subdivisions.*

As a part of this project, it is essential that the development and or it's HOA performs regular maintenance for perimeter areas, open spaces and other common areas within the project. This not only provides for a clean and well-maintained space, but also lets others know that the project is of high quality and value for the surrounding community. This project will provide proper maintenance for the development.

Policy B : *Ensure that all properties requiring building permits meet all city codes prior to final approval.*

The development process will typically require that many life-safety issues conform to city code and performance standards to ensure that construction occurs as per the approved plans. This helps ensure that not only the widely accepted national building code will be followed, but also the code of the City of Avondale. This process necessitates the obtaining of

all required city permits. The project will meet all city codes prior to final approval and issuance of a certificate of occupancy.

5. 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.*

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.*

The city has for some time promoted large-lot single-family residences, along with garden style apartments that have developed in more densely populated areas of the city. There is a need for more townhouse and condo style housing units. This project will help to provide more of these types of housing that will help fill this gap. By the general nature of condominiums and townhomes, large front and back yards have been replaced with common space that is maintained by the HOA. These types of housing units are usually privately owned by individuals seeking their own residence. Maintenance of the common areas for this project by the development's HOA will greatly reduce the maintenance responsibilities for the townhome owners.

6. Housing Element–Goal 3: *Maximize the efficiency and effectiveness of affordable housing and neighborhood stabilization programs.*

Policy B : *Identify new prototypes for quality high-density residential housing.*

Recent trends in multi-family housing include single-family to rent products, featuring tall ceilings, higher end appliances and better-quality interior finishes. As a result, the multi-family housing market has shifted towards a higher quality product with many other new prototypes such as this, coming to market with quality high-density residential housing. The Angelina is one of these newer product types that provides these higher quality finishes and detail for the high-density market.

7. Safety Element–Goal 1: *Provide a safe and healthy environment for all Avondale residents, employees, and visitors.*

Policy A : *Encourage new developments to be planned and designed to minimize negative and undesirable health and safety hazards to the community.*

It is always the goal of the community and the development team to provide a safe and healthy environment for its residents. We believe that it is important for a community to always use best practices when designing and laying out the site plan. The use of methods described in the Crime Prevention through Environmental Design (CPTED) guidelines help promote safer

environments by providing proper site lighting, eliminating blind alley ways and encouraging the safe placement of landscape items. All of these assists in making the development a place that positively influences human behavior and minimizes undesirable health and safety hazards to the community.

8. Safety Element–Goal 5: Continue to provide for the protection of life and property from the destruction of fire and to mitigate other life-threatening incidents.

Policy B: Provide and maintain state-of-the-art apparatus and equipment to enable safe and adequate emergency response capabilities for the protection of the public and fire personnel.

It is critical that a development provides for the protection of life and property. This is why this development uses the latest standards in fire alarm and suppression equipment. Also, the activities typically associated with fire safety require that all portions of the development can be reached by a fire truck hose within 150-feet of the closest fire lane, which has been planned for this development. Wider turning radii, painted fire lanes, location of FDCs and proper signage have been provided in the design to allow the fire department to access the site quickly and safely in case of an emergency or fire.

9. Urban Design Element–Goal 1: Identify and preserve Avondale’s cultural resources and local sense-of-place.

Policy C: Provide opportunities for landscaping and streetscape improvements.

Good urban design should not only require but embrace the opportunities to provide for enhanced landscaping and streetscape improvements. A proper balance of landscaping helps to soften the hardscape and building forms. Trees provide much needed shade and flowering shrubs, and groundcovers provide important accents to the overall design of a site. This project provides these types of landscape treatments. Unique areas are emphasized with enhanced plantings and a wider variety of plant materials. This development utilizes appropriate tree spacing and plant groupings to help define key access points, provide splashes of color at focal points and help to break up the hardscape. Streetscapes are enhanced with more dense planting and wider setbacks that promote safe places for pedestrians and cyclists.

10. Urban Design Element–Goal 2: Establish a positive and distinctive city image and identity by developing and improving focal points, gateways, specific areas, and major corridors.

Policy G: Utilize landscape as an important aesthetic and unifying element.

The project uses a variety of trees and plant material to help create an aesthetically pleasing environment. Groupings of similar species of trees along walkways provide a unifying element to the landscape design for this project. Clusters of accent trees are used in key locations and help to put emphasis on those areas. Masses of groundcover plantings are used near the project's signage and at corners to help identify that you have arrived at a place of importance. Taller trees are used in the landscape to help create visual landmarks throughout the property. Accent plants are dotted throughout the landscape to provide variety and visual texture to the landscape and help complement the site design. All of these plantings provide unifying elements that are woven throughout the design and bind the site together into one cohesive whole.

11. Urban Design Element–Goal 4: Utilize redevelopment to mend the urban fabric.

Policy C : Utilize building materials that are durable and contextual.

In the Phoenix metro area leap-frog development has created fragments of undeveloped land between projects. Our project has taken one of those fragments and is weaving together and mending the urban fabric of this neighborhood in Avondale. As a part of this process, it is important to read the landscape, understand the neighborhood and respond with the use of building materials that relate to the neighborhood. The use of high-quality building materials helps when working to establish permanency for these infill projects. High-quality building materials are more durable and when selected in context to mending the urban fabric, they can appropriately represent the symbolism and physical properties of the neighborhood. This project uses building materials that are durable and contextual.

Policy D : Use pattern and scale of development to provide visual diversity, choice of lifestyle and social interaction.

Variation in urban spaces has fueled the current wave of form based urban code throughout the country. This development utilizes key components from form-based design that informs individuals about the human scale of the property. It also employs the use of pattern repetition and rhythm to provide consistent visual interest and weave together common elements used throughout the site in a cohesive way. These elements help to inform the public about how interactions are different when compared to suburban development and promote a more urban lifestyle. Within this project you can see undulation in the form, step-backs in the massing, second story balconies and small courtyards at the residence entrances. These are all items that contribute to a diverse, human scaled development that promotes social interaction and an urban lifestyle.

4. Discuss your proposal's compatibility with the surrounding land use and zoning patterns.

The surrounding area is mostly developed with the exception of the southwest corner of Indian School and Dysart and the large vacant parcel across Dysart Road. There is a true mix of uses in the immediate area, with two churches adjacent to the west property line, single family residential to the south and south east. Commercial is located across Dysart to the northeast. The proposed development will be an effective buffer between potential future commercial uses and the single-family residential neighborhoods.

5. Describe in detail any proposed unique design considerations, beyond Zoning Ordinance requirements, that reduce development impacts and further compatibility with on-site and adjacent land uses and zoning.

The proposed development provides private garages for each unit. This eliminates the need for a sea of parking, which is typical of garden-style multi-family. This allows the development to provide more open space and landscaping which reduces any impact it may have on adjacent properties. We are requesting a deviation from the number of EV chargers installed; however each unit can have one plug-in outlet capable to charge an electric vehicle as a paid upgrade upon request. This deviation allows the vehicles to stay in their garage versus being parked outdoors and away from the unit. Additionally, it provides flexibility to the 4% of resident spaces that must have chargers as 4% could be very low as electric vehicles become more popular. Please see the table below:

Table 1: EV Charging/Capability

Resident Parking- EV Chargers Installed	4% of required resident spaces = 10 spaces	Each private garage will be provided one EV outlet as a paid upgrade, when requested by tenant. There will be 130 private garages, all two-story units have 2 spaces, (5) one story units have 1 parking space. Assuming all residents request EV outlets, the project will provide 130 outlets, which is 50% of the required resident parking spaces.
Resident Parking- EV Capability Provided	16% of required resident spaces = 42 spaces	Each private garage will be provided one EV outlet as a paid upgrade, when requested by tenant. There will be 130 private garages, all two-story units have 2 spaces, (5) one story units have 1 parking space. Assuming all residents request EV outlets, the project will provide 130 outlets, which is 50% of the required resident parking spaces.
Guest Parking- EV Chargers Installed	1% of required guest spaces = 0 spaces (0.26 spaces rounded down)	0 spaces
Guest Parking- EV Capability Provided	3% of required guest spaces = 1 space (0.78 rounded up)	1 space

A deviation to the required amount of parking is requested. The ordinance requires 2 spaces per unit, regardless of the number of bedrooms. There are (5) one-bedroom units that will have a garage but will be a single car garage. This provides 255 proposed spaces versus the 260 spaces required. If we added a second garage space, it would expand the buildings to the south and bring them closer the adjacent neighbors. We feel it is better to deviate this standard than to get closer to the backyards of our single-family neighbors.

An additional deviation request is the amount of private open space for each unit. Due to site planning constraints, not all units will exceed the 100 square foot of yard or patio space. However, our private space will consist of balconies on every unit. Nearly every unit will have a private backyard, which will feature artificial grass, a tree, a BBQ area, and a doggie door. In those few instances where site planning constraints have prevented the addition of a private backyard, we have provided a private porch instead. In total, there will be 38,000 sf of private open space. The common open space will be enhanced over most communities of this size, and will include a pool, clubhouse, co-working space, gym, dog park and outdoor kitchen area.

6. State why the property as zoned is not suitable for the uses allowed under the proposed zoning.

The current PAD zoning within the Palm Valley PAD allows for medium density residential on the Property, which only allows up to 4 du/ac. On a small parcel like this, with the odd shape that this parcel has, and with the need for housing density in Avondale, the existing zoning is not adequate. The proposed project is 15.5du/a, triggering the need for the rezone. Even though we are seeking high density residential, this isn't a 3-story garden style apartment complex. These are 2-story luxury townhomes with private garages and private yard space. That makes it more compatible with the single-family residential in the area.

7. Proposed circulation and traffic impact

Primary access is off Dysart Road which is in alignment of a future traffic signal. Additionally, there is an egress only off North Plaza Circle. At the entrance there is guest parking adjacent to the clubhouse and then gated access to the remainder of the project. A traffic statement is attached with this submittal.

Justifications for Deviations in PAD

Western and Northern Setback 10' in lieu of 15'

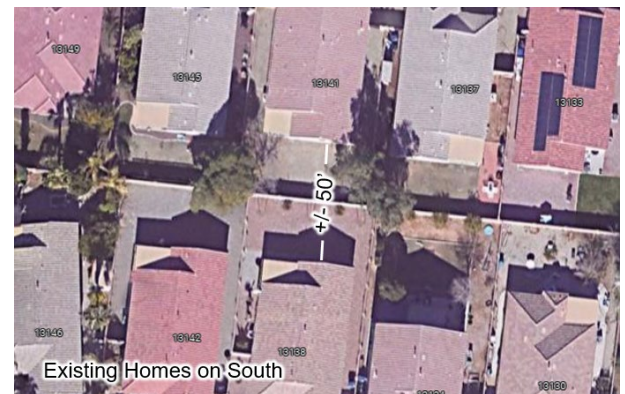
The proposed PAD requests a reduced setback of 10' along the western and northern property line. This reduction is mitigated by the presence of an existing landscape setback and parking

lot on the church property adjacent to the west and a private road to the north. The proposed 10' setback will not have a negative impact on the parking lot or the church itself nor future commercial to the north as it will be adjacent to parking or back of house activities most likely.

Setback from SFR for two story buildings 70' in lieu of 75'



The proposed PAD requests a reduced setback of 70' for two story buildings along the southern property line. This requirement is appropriate for larger garden style multi-family housing products. We are proposing 2 story townhomes at a height that exists along this southern property line where there is existing single- and two-story single-family homes. We have proposed single story units within 70' of this property line to create privacy for the existing single family residential (As shown on the graphic above). The introduction of the two story at the 70' setback (as opposed to 75') will not have an impact on the existing homes. Homes in the adjacent neighborhood have approximately 50' between two story buildings (as shown on the graphic to the right). Our proposal provides a greater distance by 20'.



Conclusion

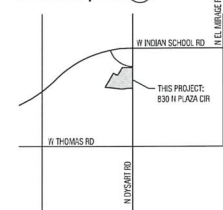
The Angelina will be a premium community for the City and will both benefit from and provide benefit to the immediate neighborhood. This community will not only provide higher income individuals to support the neighboring services and commercial, but it will be an architecturally pleasing addition to the neighborhood.

The City needs density in appropriate areas in and in appropriate designs to support its employment and its retail. We believe this site is one of those appropriate areas and that our proposed housing product and design is at the level of quality and design the City is seeking.

Submitted electronically 2/13/23

Exhibit E

location plan (i)



project description

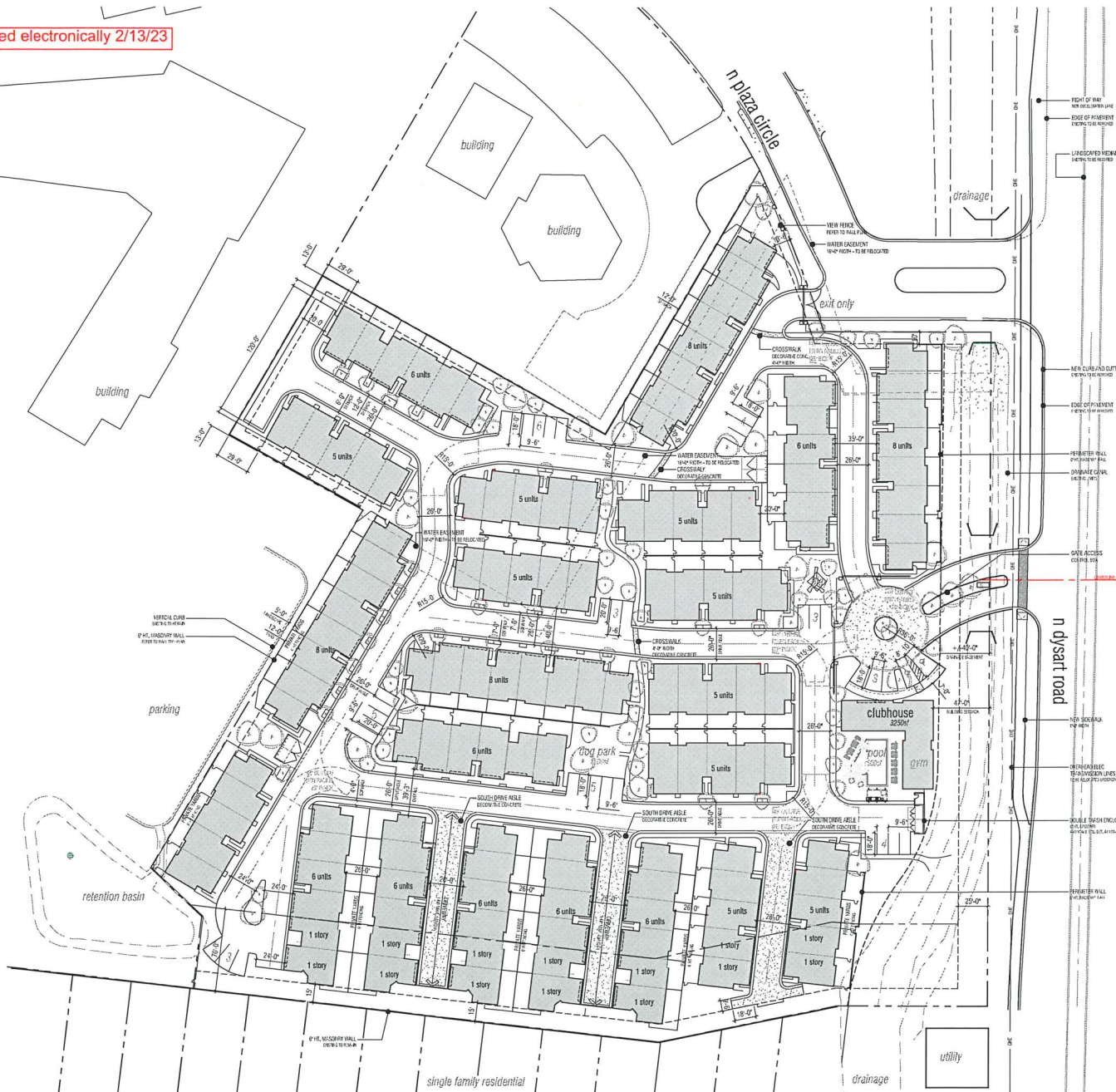
Project description:
CITY OF AYONDALE PLAN NO.: PL-21-0367
PL-22-0034
PL-22-0035

SCOPE OF WORK: NEW CONSTRUCTION FOR 130 MULTIFAMILY RESIDENTIAL UNITS WITH SHARED COMMUNITY BUILDING.

ALL CONSTRUCTION TO ADHERE TO IBC 2018 R-2 RESIDENTIAL CONSTRUCTION (APARTMENTS)

143,750 SF NEW CONSTRUCTION - MULTIFAMILY RESIDENTIAL

3,250 SF NEW CONSTRUCTION LEASING OFFICE | CLUBHOUSE



zoning

830 N. PLAZA CIRCLE
LITCHFIELD PARK, AZ 85340 (MARICOPA COUNTY)
PORTION OF 501-71-943C 322,231 NSF
PORTION OF 501-71-531N 43,560 NSF

LEGAL DESCRIPTION

TRINITY LUTHERAN CHURCH OF LITCHFIELD PARK MCR 921-49, LOT
TOWNSHIP 2N, RANGE 1W, SECTION 27

ZONING	FAD (EXISTING AND ALDOTE ZONING) R-4 (PROPOSED)	
SETBACKS	R-4	PROPOSED
NORTH SETBACK (SIDE):	15'-0"	10'-0"
SOUTH SETBACK (SIDE):	15'-0"	15'-0" <i>and 15'-0" SETBACK FROM DRIVE</i>
EAST SETBACK (STREET):	25'-0"	40'-0"
WEST SETBACK (REAR):	15'-0"	12'-0"
HEIGHT LIMIT:	45'-0" ALLOWABLE 28'-0" PROPOSED	

DISTANCE BETWEEN BUILDINGS

DENSITY	R-4 (1,452 SF NET SITE/UNIT)
MULTIFAMILY	253 UNITS ALLOWABLE
367,552 SF / 1,452 SF	15.5 UNITS PER ACRE (PROPOSED)
130 UNITS/6.4 ACRES	

LOT COVERAGE 50% MAXIMUM
367.552 SF x 50% 183.776 SF ALLOWABLE
147.030 SF PROVIDED (40%)

parking

UNIT TYPES	QUANTITY	DESCRIPTION
ONE BEDROOM A	26	1400 SQ FT UNIT WITH FULL BATHS
ONE BEDROOM B	5	1000 SQ FT UNIT WITH FULL BATHS
ONE BEDROOM C	5	1000 SQ FT UNIT WITH FULL BATHS
TWO BEDROOM	52	1400 SQ FT UNIT WITH FULL BATHS
THREE BEDROOM	42	1400 SQ FT UNIT WITH FULL BATHS

TOWNHOMES	QUANTITY	REQUIRED	PROVIDED
UNIT TYPES			
ONE BEDROOM A	2.0 SPACES/UNIT	52	52
ONE BEDROOM B	2.0 SPACES/UNIT	10	10
ONE BEDROOM C	2.0 SPACES/UNIT	10	5**
TWO BEDROOM	2.0 SPACES/UNIT	104	104
THREE BEDROOM	2.0 SPACES/UNIT	84	84
TOTAL		260 (64% of 325)	294 (92% of 325)

**PAD DEVIATION TO ALLOW A ONE-CAR GARAGE FOR FIVE UNIT.

VISITOR PARKING	130 UNITS x 0.2 SPACES	26.0 SPACES REQUIRED	
CLUBHOUSE	3250 SF / 250	13.0 SPACES REQUIRED	40 GUEST SPACES PROVIDED

ACCESSIBLE PARKING ADA 2010 TABLE 208.2

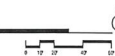
5% OF PARKING SPACES SHALL BE ACCESSIBLE PARKING SPACES
36 SPACES x 5% = 2 SPACES REQUIRED
2 ACCESSIBLE GUEST SPACES PROVIDED

REFUSE ENCLOSURES	
MULTIFAMILY	1 ENCLOSURE / 24 UNITS
130 UNITS / 24	5.4 ENCLOSURES REQUIRED
	6 ENCLOSURES PROPOSED

open space

PROPOSED AMENITIES	FOOT-CLUBHOUSE GYM PLAY / TOT LOT DOG PARK
USEABLE OPEN SPACE 367,552 SF ± 20%	20% MINIMUM 73,510 SF REQUIRED 41,200 SF PROVIDED (56%)
LANDSCAPE 367,552 SF ± 25%	25% MINIMUM 91,888 REQUIRED 96,482 PROVIDED (105%)
PRIVATE SPACE (BACKYARDS) 100 SF ± 130 UNITS	13,000 SF REQUIRED 37,440 SF PROVIDED (288%)
TOTAL	154,814 SF LANDSCAPING 176,000 SF LANDSCAPING

1 site plan

a001
she plan submit

FEBRUARY 08 2023
PRELIMINARY SITE PLAN

DYSART AND INDIAN SCHOOL 830 PLAZA CIRCLE LITCHFIELD PARK ARIZONA 85340
EARL & CURLEY 3101 N. CENTRAL AVENUE SUITE 1000 PHOENIX ARIZONA 85012
PORTER KYLE BUILDERS LLC 8149 E. EVANS ROAD SUITE 8 SCOTTSDALE ARIZONA 85260

the angelina
luxury living



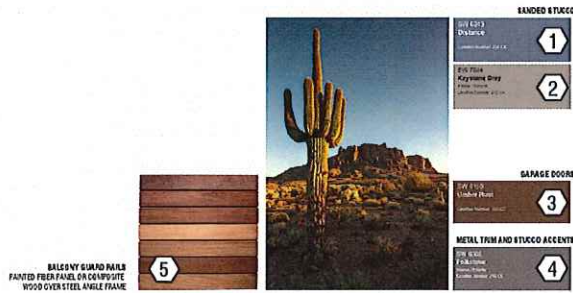
4 side elevation



Private yard fencing extends to screen the electrical meters and SES Panels



3 side elevation



2 private yard elevation

20'-0"
T.O. PARAPET

20'-2"
T.O. OPENINGS

12'-0"
SECOND FLOOR FFE

0'-0"
FINISHED FLOOR



5 UNIT BUILDING TYPE A

1 front elevation

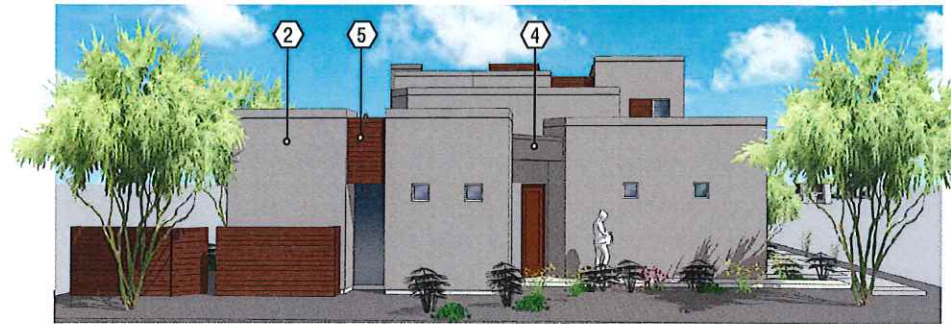
NOVEMBER 18 2022
2ND SITE PLAN SUBMITTAL

ARCHITECT: MCMR ARCHITECTS | SCHOOL: 850 PLAZA CIRCLE LITCHFIELD PARK ARIZONA 85340
EARL & CURLEY: 3101 N. CENTRAL AVENUE SUITE 1000 PHOENIX ARIZONA 85012
PORTER KYLE BUILDERS LLC: 8149 E. EVANS ROAD SUITE 8 SCOTTSDALE ARIZONA 85260

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luxury living



4 side elevation



3 side elevation



2 private yard elevation



Typical drive aisle view looking South

36'-0"
T.O. PARAPET

20'-2"
T.O. OPENINGS

12'-0"
SECOND FLOOR FFE

0'-0"
FIRST FLOOR FFE



1 front elevation

5 UNIT BUILDING TYPE B

NOVEMBER 18 2022
2ND SITE PLAN SUBMITTAL

DISART AND MURRAY SCHOOL 830 PLAZA CIRCLE LITCHFIELD PARK ARIZONA 85340
EARL & CURLEY 3101 N. CENTRAL AVENUE SUITE 1000 PHOENIX ARIZONA 85012
PORTER KYLE BUILDERS LLC 8149 E. EVANS ROAD SUITE B SCOTTSDALE ARIZONA 85250

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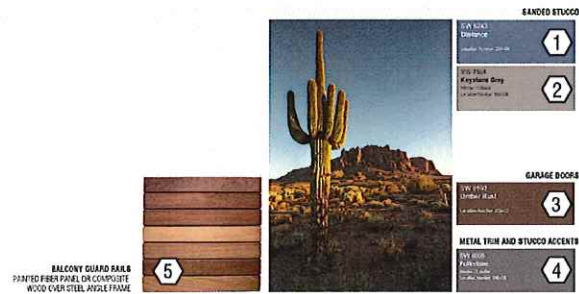
SES elec panel enclosure incorporated into the private yard fencing



4 side elevation



3 side elevation



2 private yard elevation

26'-0" T.O. PARAPET
20'-0" T.O. OPENINGS
12'-0" SECOND FLOOR FEE
0'-0" FINISHED FLOOR



6 UNIT BUILDING TYPE A

1 front elevation

NOVEMBER 18 2022
2ND SITE PLAN SUBMITTAL

DYSAERT AND INDIAN SCHOOL, 830 PLAZA CIRCLE LITCHFIELD PARK ARIZONA 85340
EARL & CURLEY, 3101 N. CENTRAL AVENUE, SUITE 1000 PHOENIX ARIZONA 85012
FORTER KYLE BUILDERS LLC, 8143 E. EVANS ROAD, SUITE 8 SCOTTSDALE ARIZONA 85260

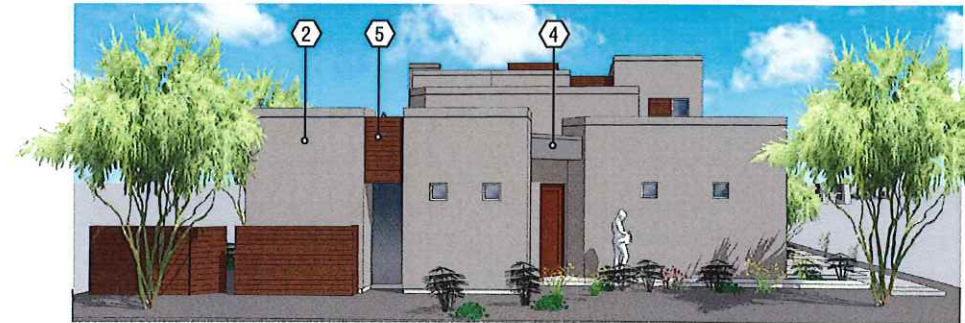
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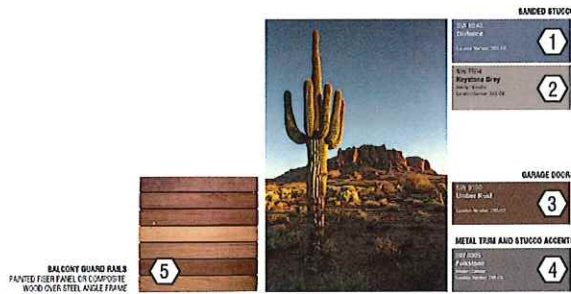
SES elec panel enclosure incorporated into the private yard fencing



4 side elevation



3 side elevation



patio and window shade trellis

- 28'-0" TO PARAPET
- 20'-2" TO OPENINGS
- 12'-0" SECOND FLOOR FFE
- 0'-0" FINISHED FLOOR



2 private yard elevation



Typical drive aisle view looking South



1 front elevation

6 UNIT BUILDING TYPE B

NOVEMBER 18 2022
2ND SITE PLAN SUBMITTAL

DEVART AND HIGHWAY SCHOOL, 830 PLAZA CIRCLE, LITCHFIELD PARK, ARIZONA 85340
EARL & CURLEY, 3101 N. CENTRAL AVENUE, SUITE 100, PHOENIX, ARIZONA 85012
PORTER KYLE BUILDERS LLC, 8143 E. EVANS ROAD, SUITE 8, SCOTTSDALE, ARIZONA 85260

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4 side elevation



SES elec panel enclosure incorporated into the private yard fencing



3 side elevation



typical recessed entry



patio and window shade trellis



2 private yard elevation



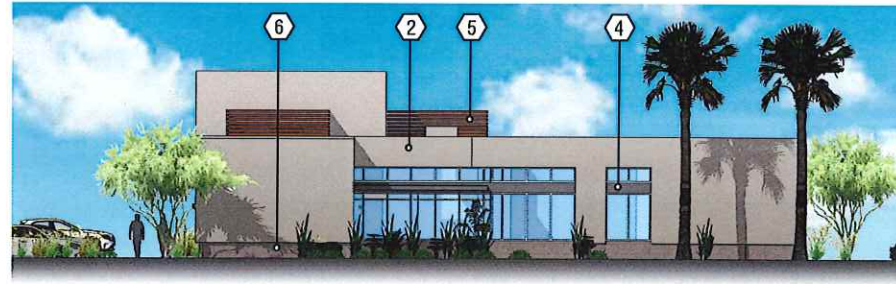
8 UNIT BUILDING

1 front elevation

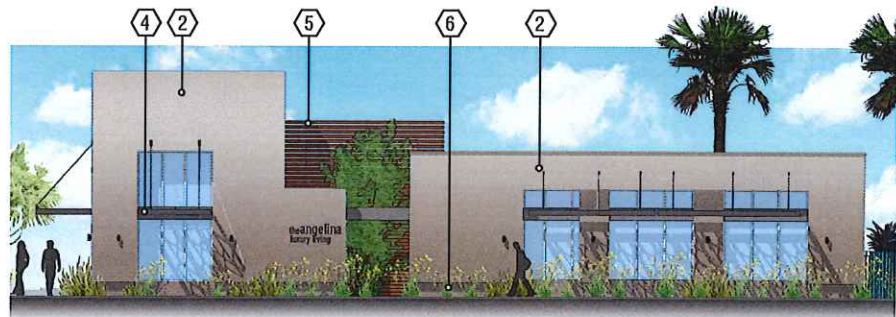
NOVEMBER 18 2022
2ND SITE PLAN SUBMITTAL

EVANS AND MIDWAY SCHOOL 630 PLAZA CIRCLE LITCHFIELD PARK ARIZONA 85340
BAIL & CURLEY 3101 AL CENTRAL AVENUE SUITE 1000 PHOENIX ARIZONA 85012
PORTER KYLE BUILDERS LLC 8149 E. EVANS ROAD SUITE 8 SCOTTSDALE ARIZONA 85260

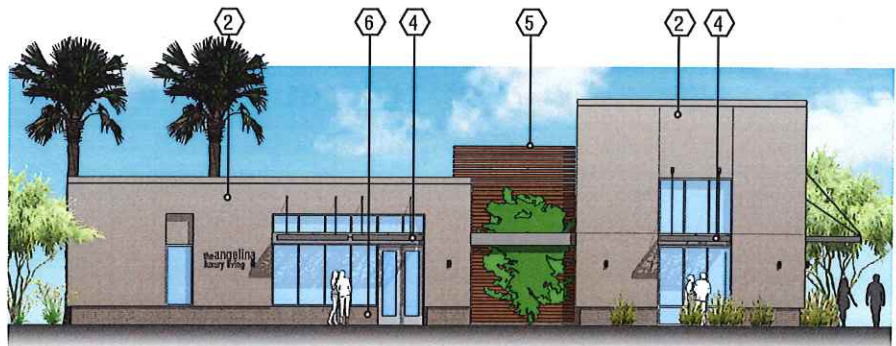
the angelina
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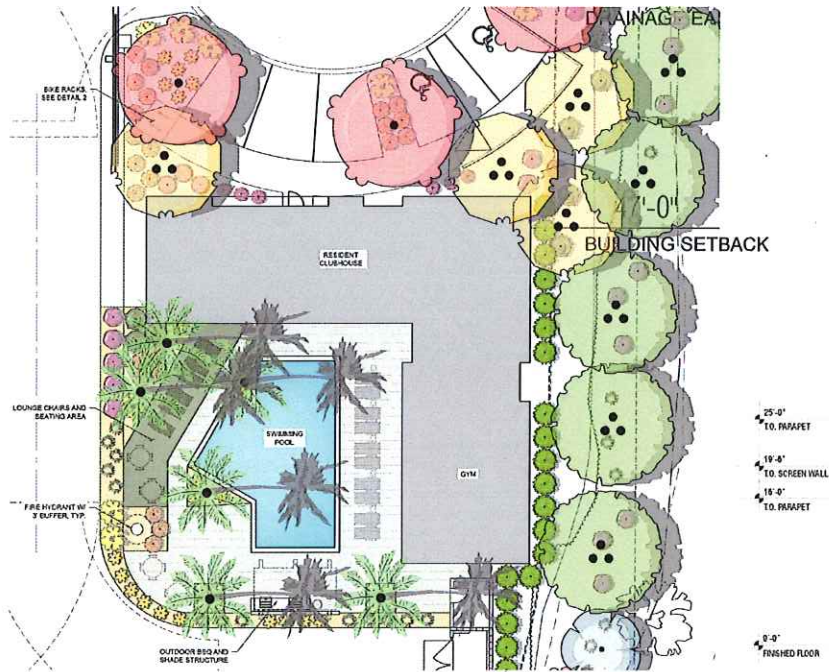
3 west elevation



2 north elevation



1 east elevation

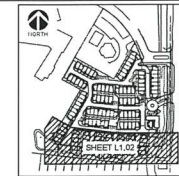


CLUBHOUSE ELEVATIONS

NOVEMBER 18 2022
2ND SITE PLAN SUBMITTAL
DYSART AND INDIAN SCHOOL 830 PLAZA CIRCLE LITCHFIELD PARK ARIZONA 85340
EARL & CURLEY 3101 N. CENTRAL AVENUE SUITE 1000 PHOENIX ARIZONA 85012
PORTER KYLE BUILDERS LLC 8149 E. EVANS ROAD SUITE 8 SCOTTSDALE ARIZONA 85260

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830 N PLAZA CIRCLE
LITCHFIELD PARK, AZ, 85340



TREES	QTY	BOTANICAL / COMMON NAME	PLANTING SIZE	CALIPER	HEIGHT	WIDTH
	31	Caesalpinia catalpa Catalpa	24" Box	1.0"-1.5"	5.0'-8.0'	3.0'-4.0'
	24	Eucalyptus papuana Ghost Gum	24" Box	1.0"-1.5"	8.0'-10.0'	3.0'-4.0'
	161	Mariosousa willardiana Palo Blanco	24" Box	1.0"-1.5"	5.0'-8.0'	2.5'-3.5'
	11	Phoenix dactylifera Date Palm (male)	FG	12" CAL.	20' BROWN TRUNK HT	
	34	Plastacia x 'Red Push' Plastache	24" Box	1.0"-1.5"	7.0'-9.0'	2.5'-3.5'
	37	Tipuana tipu Tipu Tree	24" Box	1.0"-1.5"	7.0'-8.0'	3.0'-4.0'
	56	Ulmus parvifolia Chinese Elm	24" Box	1.0"-1.5"	7.0'-9.0'	3.0'-4.0'
EXISTING	QTY	BOTANICAL / COMMON NAME	PLANTING SIZE	CALIPER	HEIGHT	WIDTH
	17	Tree Protect in Place	Existing If existing Palo Verde trees are disturbed while undergrounding power, replace with Evergreen Elm.			

	320	Aloe vera Medicinal Aloe	5 gal
	113	Asclepias subulata Desert Milkweed	5 gal
	119	Cortaderia selloana 'Pumila' Dwarf Pampas Grass	5 gal
	34	Hesperaloe funifera Giant Hesperaloe	5 gal
	85	Justice californica Chuparosa	5 gal
	272	Muhlenbergia rigens Deer Grass	5 gal
	68	Nolina microcarpa Beargrass	5 gal
	51	Pedicularis bracteatus Tail Slipper Plant	5 gal
	52	Yucca pallida Pala Yucca	5 gal

	36	Bougainvillea x 'Barbara Karst' Barbara Karst Bougainvillea	5 gal
	147	Dodonaea viscosa Hopseed Bush	5 gal
	177	Eremophila glabra 'Mingenew Gold' Outback Sunshine Emu Bush	5 gal
	72	Hesperaloe x 'Perfu' Pink Parade Red Yucca	5 gal
	122	Lantana montevidensis Purple Trailing Lantana	5 gal
	105	Larrea tridentata Creosote Bush	5 gal
	44	Portulacaria afra Elephant's Food	5 gal
	127	Ruellia peninsularis Desert Ruellia	5 gal
<u>VINES</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>
	83	Parthenocissus x 'Hacienda Creeper' Hacienda Creeper	5 gal

<u>SYMBOL</u>	<u>Site Furnishings</u> <u>DESCRIPTION</u>	<u>QTY</u>
—	BIKE RACK: Anova CIRCLE BR52 Circle Stainless Steel Bike Rack, Surface Mount.	2
<u>SYMBOL</u>	<u>Site Furnishings</u> <u>DESCRIPTION</u>	<u>QTY</u>
	Anova INF48L10R 4' x 10' Recycled Plastic.	3
<u>SYMBOL</u>	<u>32 Exterior Improvements</u> <u>DESCRIPTION</u>	<u>QTY</u>
	Pool Deck Surfacing Per Architecture	1,712 sf
<u>SYMBOL</u>	<u>Aggregate Surfacing</u> <u>DESCRIPTION</u>	<u>QTY</u>
	Stamped Concrete Saw Cut	13,993 sf
	3/4" Screened / 2" Depth Color: Express Mahogany All Landscape Areas	ALL LS AREAS
<u>SYMBOL</u>	<u>Athletic and Recreational Surfacing</u> <u>DESCRIPTION</u>	<u>QTY</u>
	Artificial Turf - Pioneer Darby	1,830 sf
	K9Grass Classic	1,193 sf
<u>SYMBOL</u>	<u>Site Amenities</u> <u>DESCRIPTION</u>	<u>QTY</u>
	Swimming Pool	767 sf



WERK
VERBODEN TOEGANG
WERK, LLC.
77 JEFFERSON STREET, SUITE 1004
ROCHESTER, NY 14620
T. 716.243.3322
www.werkstudio.com

PORTER KYLE
BUILDERS, LLC

[illegible]PRELIMINARY
LANDSCAPE PLAN

THE ANGELINA
PREPARED FOR
830 N PLAZA CIRCLE

ARIZONA

PROJECT No.
21035

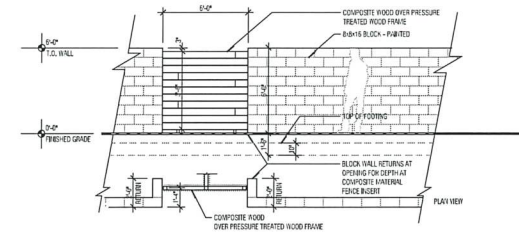
SCALE (H)	1" = 32'
SCALE (V)	NONE
DRAWN BY	JDS
DESIGN BY	RCS
CHECK BY	BAJ
DATE	11/16/2022



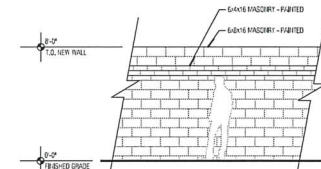
STEIN, S. 019

L1.02

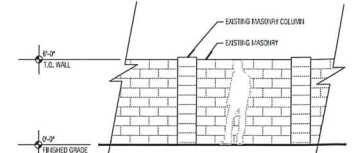
4 OF 8 SHEETS



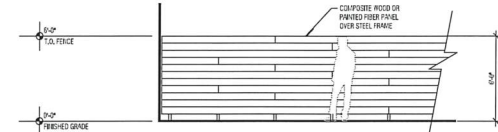
F masonry wall with offset wood panel
1/4" = 1'-0"



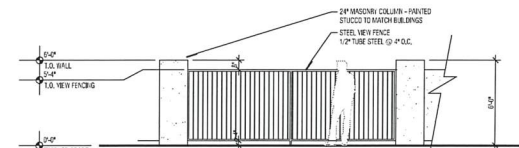
D new masonry wall
1/4" = 1'-0"



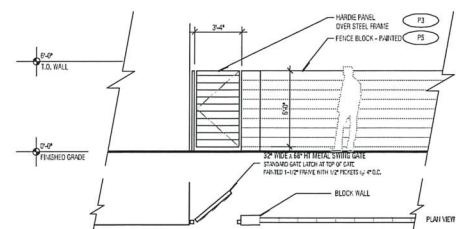
E exist perimeter wall
1/4" = 1'-0"



C private yard fencing
1/4" = 1'-0"



B view fencing
1/4" = 1'-0"



A private yards
1/4" = 1'-0"

NOVEMBER 18 2022
CONCEPTUAL WALL PLAN

THE ANGELINA 830 N. DYSART ROAD AVONDALE ARIZONA 85340
EARL & CURELY 3101 N. CENTRAL AVENUE SUITE 1000 PHOENIX ARIZONA 85012
PORTER KYLE BUILDERS LLC 8149 E. EVANS ROAD SUITE 8 SCOTTSDALE ARIZONA 85260

a002
planning | zoning | submittal

the angelina
luxury living

**Porter Kyle / The Angelina
PAD- PL-22-0084
Minor GPA Amendment- PL-22-0085
Neighborhood Meeting
December 13, 2022**

The meeting was held on December 13, 2022, at Trinity Lutheran Church and School, 830 E Plaza Circle in Litchfield Park, to provide neighbors with information and answer questions regarding a proposed townhome development south of the southwest corner of Indian School Road & Dysart Road. The Open House format was selected to provide people with greater opportunities to ask questions and provide feedback and for the development team to have one-on-one conversations with more individuals. Members present from the development team were: Taylor Earl (Zoning Counsel), Brian Vaccaro (Planning Consultant), Jessica Sarkissian (Planning Consultant), and Mike Stephan (Developer). The members of the development team positioned themselves around the room and answered questions from participants and presented on the various boards that were displayed around the room. The meeting started at 6:00pm and lasted until about 7:15pm.

See pictures below showing the room layout and engagement:



Positive comments we heard from the crowd:

From adjacent single-family homeowner- “This is preferable to having two story homes in my backyard.”

Homeowner said-“The dumping of trash occurs on this property.”

Homeowner said- “May I take pictures of the boards to show my neighbor who wasn’t able to attend? She’ll also be excited that these are high-end townhomes.”

From multiple homeowners/neighbors: “Knowing that these are upscale townhomes makes me feel much better about the project.”

Many neighbors commented their appreciation for the landscape buffer, single-story buffer, lack of windows facing south, and orientation of balconies being east and west will ensure privacy for the southern neighbors.

Multiple residents within the Dysart Ranch community mentioned that south of Osborn can get dicey and were relieved that a quality product was coming in north of Osborn.

A summary of questions that were asked and the answers provided are as follows:

Question: How many units overall?

Answer: 130

Question: What city will this reside in?

Answer: The address will say Litchfield Park, but will be within City of Avondale.

Question: What will the heights be up against the community boundary?

Answer: We have restricted the units within 70 feet to single story. When the 2-story units do start, there are limited windows on those elevations. Additionally, we have put in a heavy amount of landscaping to mitigate any views. If this were developed with single family homes, and 2-story homes were developed, you would have 2-story views looking down at a much closer distance, perhaps as small as 20 feet.

Question: How will people get out of the project?

Answer: There will be a traffic signal at our entrance that will allow full movement and to which we are contributing as part of our development.

Question: How does our subdivision benefit from this?

Answer: Several benefits were identified, including:

- The improvement of the wash along Dysart
- A significant reduction in noise coming from the adjacent arterials
- Greater security – currently the lot is open to anyone who can come up to the back wall. We will be building a gated project.
- Something will eventually be built here. If it is commercial, that would be a greater negative impact to neighbors adjacent. If it were even just single-family homes, there could be greater 2-story views into the backyard. Additionally, if people try to sell their homes, buyers may speculate negatively about what could be built on the vacant lot. By providing an attractive, secure, and quality development, it answers that question and eliminates negative speculation that could lead to harmed property values.

Question: What school districts are these?

Answer: Litchfield Elementary School District and Agua Fria Union High School District. Both have indicated that they have sufficient capacity.

Question: Will there be so many cars that it will be difficult for people to leave in the morning onto Dysart?

Answer: We are projecting 49 existing trips in the A.M. peak hour. That averages to less than 1 per minute. That includes people turning north and people turning south. With the signal, it should not be a problem. People will queue at the signal and should be able to not have an issue when exiting.

Question: When you say luxury, what does luxury mean? Because a lot of different projects use that title.

Answer: It has to do with the building architecture, the interior finishes, and the common amenities. Here, our interior finishes include 10-foot ceilings and stainless-steel appliances. Other boards provided the responses on our amenities and our enhanced exterior elevations. The common amenities include clubhouse, pool,

garages, gym, co-working space, balconies, and private yards that have trees, BBQ's, artificial grass, and open space.

Question: Was the project to the east approved and what does it contain?

Answer: Yes, it was approved. It contains a mixture of commercial and multifamily.

Question: So, there will be another traffic signal south of the traffic signal at Indian School?

Answer: Yes. This was mostly triggered by the approval of the project to the east of us. But when we came in, the City required us to change our driveway location to align with the traffic signal and to contribute to the cost of the traffic signal, which we have done. We lost units in the process, but it will be a benefit to our community that will allow our residents to have a left turn in and a left turn out, among other movements.

Question: Would you be willing to provide us with information?

Answer: Yes, you can contact us through email, and we will provide you with additional information.

Question: Could we put together something to send out to the Homeowners Association?

Answer: Yes, we would be happy to work with you on that. We would also be happy to come and present at an HOA meeting or to have a one-on-one Zoom meeting with the HOA President (who could not be in attendance, but whose wife was there and was relaying information to him on the phone).

Question: Do you know how it will slope?

Answer: We are not that far along yet with the technical design that we can answer that question.

Question: Will this be for sale or for rent?

Answer: It's too early to tell. We are about three years out from anybody actually living here. If it were to go to market tomorrow, it would probably have to be rental because you couldn't sell in this market. However, we will be placing a condo plat on the project so that it can be sold. Ultimately, this is a market driven decision.

Question: What will the maturity of the trees be?

Answer: It is important to balance the trees that get planted. If we plant them too mature, then they have spent too much time growing in a box and they do not do as well over time. But we don't want to plant them too small, either. So, it will be somewhere in the middle.

Question: What is the price point for these townhouses?

Answer: We don't have a price point as we must await market conditions once built, however these will be priced accordingly as luxury townhomes.

Question: Where is the parking for the residents?

Answer: Instead of a sea of cars in a lot, residents have garages. Also, each garage will have electric vehicle charging capabilities. Also, guest spaces will be provided accordingly.

Question: What is the width of the drive aisle?

Answer: We can confirm, but in the range of 20-30'. We will have further details as we go through the site planning process.

Question: What is the design of the commercial to the east?

Answer: We don't have their plans present, but we know there will be a mixture of commercial and residential.

Question: Will this cause more traffic than retail?

Answer: No, the 130 units creates less traffic than commercial properties.

Question: Will this be a gated community?

Answer: Yes, this will be a gated community.

Question: How many points of access are there?

Answer: There's an ingress/egress at Dysart and an egress only at Plaza Circle. We changed our driveway access which resulted in a loss of units but aligning with the signal is better for the community.

Question: What is being done to protect the privacy for neighbors to the south along Fairmont Avenue?

Answer: First and foremost, the builder/developer (Porter Kyle) has limited the units closest to the residents to single story to limit views into the backyards. The two-story units are 70' from the property line which limits the views. Second, the units face east and west which creates a buffer between our yards and neighboring yards to the south. Also, an east and west orientation ensures primary views will never be towards the houses to the south. Third, ample landscaping along the southern property line including fast growing trees with expansive canopies are planned to shield views. Fourth, there are minimal windows on the southern walls of the units which limit views to the neighbors to the south. Lastly, we can expect tight controls regarding compliance with community standards.

Question: What about traffic along Dysart?

Answer: While any development will increase traffic to some extent, we have submitted estimated traffic counts with the City of Avondale and they have not provided any concerns to date. Additionally, we worked with the City of Avondale to align and contribute towards the signal to the east of Dysart.

Question: When will the townhouses be finished?

Answer: We must first go through the public hearing process, secure building permits, and then begin a single-phase construction anticipated to be completed by the end of 2023 or the beginning of 2024.

Question: Is the developer local?

Answer: Yes, Mike Stephen of Porter Kyle is from the Valley and has multiple projects throughout the Valley.

Question: What is being proposed on the southwestern hard corner of Dysart and Indian School?

Answer: A different developer is working to obtain a Conditional Use Permit to allow a car wash, fast food restaurant, and retail on the vacant parcel.



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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

Project: Avondale Luxury Living Project Manager: Ann Dolmage
 Request: PAD and GPA Amendment to allow Multi-Family Acreage/Parcel Size: 7.41
 Current Density Allowed: _____ Density Proposed: 15.5 du/acre
 Total number of residential units proposed: 130

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: 12/8/2022

School District: Litchfield Elementary School District No. 79

District Superintendent: Jodi Gunning

Phone #: 623-535-6017

E-mail: gunning@lesd.k12.az.us

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
<https://www.avondaleaz.gov/government/departments/development-engineering-services>



Aspiring. Achieving. Accelerating.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

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Project: Avondale Luxury Living

Project Manager: Ann Dolmage

Request: PAD and GPA Amendment to allow Multi-Family

Acreage/Parcel Size: 7.41

Current Density Allowed: _____

Density Proposed: 15.5 du/acre

Total number of residential units proposed: 130

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 A DEVELOPER AGREEMENT TO HELP
WITH GROWTH (ONLY FOR ANY NON SENIOR UNITS)
RESTRICTED

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

Date Reviewed: 12/9/22

School District: AQUA FRIA

District Superintendent: MARK YSGAS

Phone #: 623 932 7000

E-mail: THUFFMAN@AQUAFRIA.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 meetings

Development Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

<https://www.avondaleaz.gov/government/departments/development-engineering-services>

ORDINANCE NO. 2026-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY $\pm$ 9.2 ACRES GENERALLY LOCATED, SOUTH OF THE SOUTHWEST CORNER OF INDIAN SCHOOL ROAD AND DYSART ROAD, AS SHOWN IN APPLICATION PL-22-0084, AND REZONING SUCH PROPERTY FROM PALM VALLEY PLANNED AREA DEVELOPMENT (PAD) TO ANGELINA LUXURY LIVING PLANNED AREA DEVELOPMENT (PAD) WITH UNDERLYING MULTI-FAMILY RESIDENTIAL (R-4).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 9.2 acres generally located south of the southwest corner of Indian School Road and Dysart Road, as shown in application PL-22-0084, from Palm Valley Planned Area Development (PAD) to Angelina Luxury Living Planned Area Development (PAD) with underlying Multi-Family Residential (R-4) (the “Zoning Atlas Amendment”); and

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

WHEREAS, on March 15, 2023, 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 April 17, 2023; 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 $\pm$ 9.2 acres generally located south of the southwest corner of Indian School Road and Dysart Road, 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. Except as modified by these stipulations, development shall substantially conform with the following items:

A. Angelina Luxury PAD Narrative electronically date-stamped February 13, 2023.

B. Site Plan, electronically date-stamped, February 13, 2023.

C. Color Building Elevations, electronically date-stamped, November 21, 2022.

D. Conceptual Landscaping and Wall Plan, electronically date-stamped, November 21, 2023

2. Prior to the issuance of any construction permits for Angelina Luxury Living, a Re-Plat shall be approved and recorded to separate the townhome development from the existing Trinity Lutheran Church and Litchfield Park First Baptist Church parcels.

3. The developer shall contribute 15% of the total estimated design and construction costs for a future traffic signal to be located at Dysart Road and Angelina Luxury Living's main entrance. The estimated traffic signal contribution for the developer is \$105,000.00. The developer will design and construct a left-turn lane in the Dysart Road median into their development.

4. The Dysart Road driveway entrance shall align with the entrance to the Ascend mixed-use development on the east side of Dysart Road.

5. Any powerlines less than 69 kV adjacent to the property shall be converted underground in the first phase of development.

6. All off-site improvements shall be completed in the first phase of development.

7. The development shall be designed and constructed in accordance with the City of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details, unless a standards deviation has been approved.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2026-0423

[Legal Description and Map]

See following pages.



EXHIBIT "A"
THE ANGELINA

Job No. 21-1360

APRIL 06, 2023

A PORTION OF A PARCEL OF LAND AS DESCRIBED IN FINAL PLAT OF TRINITY LUTHERAN CHURCH OF LITCHFIELD PARK, BOOK 921, PAGE 49 OF MARICOPA COUNTY RECORDERS (MCR) LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, BEING A BRASS CAP IN HAND HOLE, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 27, BEING A BRASS CAP IN HAND HOLE BEARS SOUTH 00 DEGREES 12 MINUTES 31 SECONDS WEST, 2639.76 FEET (**BASIS OF BEARING**);

THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, SOUTH 00 DEGREES 12 MINUTES 31 SECONDS WEST, 704.34 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID EAST LINE SOUTH 00 DEGREES 12 MINUTES 31 SECONDS WEST, 570.08 FEET

THENCE NORTH 89 DEGREES 47 MINUTES 29 SECONDS WEST, 191.55 FEET;

THENCE SOUTH 78 DEGREES 33 MINUTES 40 SECONDS WEST, 153.20 FEET;

THENCE NORTH 83 DEGREES 30 MINUTES 11 SECONDS WEST, 396.09 FEET;

THENCE NORTH 06 DEGREES 29 MINUTES 49 SECONDS EAST, 60.58 FEET;

THENCE NORTH 47 DEGREES 01 MINUTES 53 SECONDS WEST, 60.00 FEET;

THENCE NORTH 30 DEGREES 26 MINUTES 55 SECONDS EAST, 351.64 FEET TO THE SOUTHERLY BOUNDARY LINE OF THE LITCHFIELD PARK FIRST BAPTIST CHURCH PER SAID FINAL PLAT, BOOK 921, PAGE 49 MCR;

THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID LITCHFIELD PARK FIRST BAPTIST CHURCH, NORTH 61 DEGREES 00 MINUTES 13 SECONDS WEST, 130.94 FEET;

(SHEET 1 OF 4)



THENCE ALONG THE WESTERLY BOUNDARY LINE OF SAID LITCHFIELD PARK FIRST BAPTIST CHURCH, NORTH 30 DEGREES 16 MINUTES 08 SECONDS EAST, 156.00 FEET;

THENCE DEPARTING SAID WESTERLY LINE, SOUTH 61 DEGREES 00 MINUTES 13 SECONDS EAST, 275.26 FEET TO THE EASTERLY BOUNDARY LINE OF SAID LITCHFIELD PARK FIRST BAPTIST CHURCH;

THENCE ALONG THE EASTERLY BOUNDARY LINE OF SAID LITCHFIELD PARK FIRST BAPTIST CHURCH, NORTH 30 DEGREES 16 MINUTES 08 SECONDS EAST, 257.61 FEET TO A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, WITH RADIUS OF 1111.21 FEET WHICH BEARS SOUTH 64 DEGREES 22 MINUTES 11 SECONDS WEST;

THENCE ALONG SAID CURVE TO THE RIGHT, THRU CENTRAL ANGLE 07 DEGREES 32 MINUTES 58 SECONDS, AN ARC DISTANCE OF 146.42 FEET;

THENCE SOUTH 89 DEGREES 47 MINUTES 35 SECONDS EAST, 142.01 FEET TO THE WEST RIGHT OF WAY LINE OF DYSART ROAD;

THENCE CONTINUING SOUTH 89 DEGREES 47 MINUTES 29 SECONDS EAST, 65.00 FEET TO THE **POINT OF BEGINNING**.

SAID PORTION OF LAND CONTAINING **402,846** SQUARE FEET, OR **9.2481** GROSS ACRES, MORE OR LESS.



(SHEET 2 OF 4)

NORTH QUARTER CORNER
SECTION 27, T2N, R1W
FOUND 3 INCH BRASS CAP FLUSH

NORTHEAST CORNER
SECTION 27, T2N, R1W
FOUND BCHH
POINT OF COMMENCEMENT

W. INDIAN SCHOOL ROAD

N89°29'22"W 2297.26'

POINT OF BEGINNING

704.34'

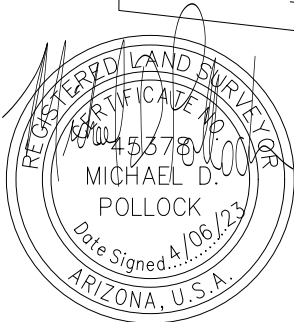
65' R/W

APN 501-71-943C
TOTAL LAND AREA:
402,846 Square Feet
9.2481 Acres, more or less

S0°12'31"W 2639.76' (BASIS OF BEARING)

N. DYSART ROAD

EAST QUARTER CORNER
SECTION 27, T2N, R1W
3 INCH BRASS CAP FLUSH



(SHEET 3 OF 4)

21-1360

THE ANGELINA

EXHIBIT "A"



1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°47'29"W	65.00'
L2	N89°47'29"W	126.55'
L3	N06°29'49"E	60.58'
L4	N47°01'53"W	60.00'
L5	S89°47'35"E	142.01'
L6	S89°47'29"E	65.00'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	146.42'	1111.21'	7°32'58"	73.31'	146.31'	N21°51'20"W

CITY COUNCIL REPORT

SUBJECT: Public Hearing - Ordinances - City-initiated Rezones for City-owned properties - Applications PL-22-0307, PL-22-0315, PL-22-0316, PL-22-0317, PL-22-0318, PL-22-0340, and PL-22-0358

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Tracy Stevens, Assistant City Manager

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

STRATEGIC OUTCOME AREA: Creative and Sustainable Community Development.

STRATEGY: Maintain and expand quality infrastructure and improve connectivity to city amenities.

PURPOSE:

The City Council will hold a public hearing and consider a request to adopt seven (7) Ordinances, approving City-initiated requests to rezone seven (7) City-owned properties at various locations to conform with specific existing and planned public uses and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The City is requesting to rezone seven (7) City-owned properties to Planned Area Development (PAD) (Exhibit H). The intent of the rezones is to bring the properties' zoning designations into conformance with the intended public uses of the properties. The PAD district allows the City to create a zoning district that accommodates public uses. Details about each property are described below.

Aquatic Center (PL-22-0315)

The approximately 22 net-acre subject property (Exhibit A) is generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard.

The property was annexed into the City's corporate limits on November 17, 2002, and zoned Agricultural (AG) upon annexation. The purpose of the AG zoning district is to allow agricultural, ranching, and related uses within the city. The district also serves as an initial zoning for land until suitable for rezoning and development.

The existing uses and zoning of surrounding properties include:

NORTH: Vacant land, currently being used for farming in the jurisdiction of Maricopa County (zoned RU-43).

EAST: Single-family homes zoned Roosevelt Park Planned Area Development (PAD).

SOUTH: Single-family homes zoned CW Ranch (Starlight Trails) PAD.

WEST: Single-family homes zoned CW Ranch (Starlight Trails) PAD.

The General Plan land use designation of the site is Public/Civic, which is land primarily used for a variety of civic, public, and quasi-public facilities for the health, safety, and welfare of the residents. Types of uses found in this category include City government facilities, police and fire stations, community centers, libraries, water and wastewater treatment facilities, well sites, substations, and other public facilities.

The proposed Aquatic Center was approved by the City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The approximately 10.3-acre subject property (Exhibit B) is located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The property was annexed into the City's corporate limits on November 17, 2002, and zoned Agricultural (AG) upon annexation.

The surrounding land uses include:

NORTH: Vacant land, currently being used for farming in the jurisdiction of Maricopa County and zoned RU-43.

EAST: City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

SOUTH: Single-family homes zoned CW Ranch PAD.

WEST: Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described above in this report. The site is developed with the Avondale Civic Center, which includes City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The 4.39-acre subject property (Exhibit C) is located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The property was annexed into the City's corporate limits on November 17, 2002, and zoned Agricultural (AG) upon annexation.

The surrounding land uses include:

NORTH: Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County and zoned RU-43.

EAST: Vacant City-owned land, planned for an Aquatic Center currently zoned AG. East of the Aquatic Center are single-family homes zoned Roosevelt Park PAD.

SOUTH: Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

WEST: City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

The site's General Plan land use designation is Public/Civic, which is previously described above in this report. A new park with amenities is proposed for the site, which was authorized by Council in July 2022. The estimated completion is June 2024 for the project.

Fire Station 175 (PL-22-0307)

The approximately 2.98-acre property (Exhibit D) is located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive. The property was annexed into the City's corporate limits on February 14, 1978, and zoned Urban Residential (R1-6) upon annexation.

The surrounding land uses include:

NORTH: Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

EAST: Vacant land to be developed with apartments, zoned Fairway Residences PAD.

SOUTH: Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

WEST: City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is residential land that will contain densities of up to 30 dwelling units per acre. The site is developed with Fire Station 175, which was completed in 2022 and houses three (3) fire engines.

Civic Center Library (PL-22-0317)

The approximately 4.5-acre property (Exhibit E) is located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The property was annexed into the City's corporate limits on November 17, 2002, and zoned Agricultural (AG) upon annexation.

The surrounding land uses include:

NORTH: Vacant land, currently being used for farming in the jurisdiction of Maricopa County and zoned RU-43.

EAST: Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

SOUTH: City-owned land occupied by City Hall, City Court, and the main Police Station, zoned AG.

WEST: City-owned land and office buildings, including the Phoenix Raceway building and the Avondale Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described above in this report. The site is developed with the Civic Center branch of Avondale's Public Libraries, which is one (1) of two (2) City library branches. The 31,000-square-foot library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over the library in October 2009.

Police Department Detention Center and Substation (PL-22-0358)

The approximately 3.3-acre property (Exhibit F) is located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The property was annexed into the City's corporate limits on March 20, 1960, and zoned A-1 (General Industrial) upon annexation.

The surrounding land uses include:

NORTH: Arizona Complete Health Resource Center, zoned A-1.

EAST: County-owned landfill, zoned A-1.

SOUTH OF WESTERN AVENUE AND BUCKEYE ROAD: Union Pacific Railroad Right-of-Way and apartments zoned Tres Rios Landing PAD.

WEST: Vacant lots, zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures. The site is currently vacant and undeveloped. A new Avondale Police Department detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to police patrol officers. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The 6.63-acre property (Exhibit G) is located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive. The property was annexed into the City's corporate limits on April 19, 1960, and zoned A-1 (General Industrial) upon annexation.

The surrounding land uses include:

NORTH: Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

EAST: County-owned landfill zoned A-1.

SOUTH: Vacant City-owned land planned for a police station and detention center, zoned A-1.

WEST: Vehicle towing yard zoned A-1.

The General Plan Land Use Designation is Industrial, which is described above in this report. The site has been developed with the Arizona Complete Health Resource Center facility since January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First.

SUMMARY OF REQUEST:

The City is requesting to rezone seven (7) City-owned properties to Planned Area Development (PAD) (Exhibit H). The intent of the rezones is to bring the properties' zoning designations into conformance with the intended public uses of the properties. The PAD district allows the City to create a zoning district that accommodates public uses. The requests are as follows:

- Aquatic Center (PL-22-0315) - Rezone the approximately 22-acre property generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow a public use, a City aquatic center.
- Civic Center (PL-22-0316) - Rezone the approximately 10.3-acre property located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from AG to PAD to allow an existing public use, the City civic center.
- Civic Center Park (PL-22-0318) - Rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow a public use, a City park.
- Fire Station 175 (PL-22-0307) - Rezone the approximately 2.98-acre property from Urban Family Residential (R1-6) to PAD to allow an existing public use, a City fire station.
- Library (PL-22-0317) - Rezone the approximately 4.5-acre property located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow an existing public use, a City library.
- Police Department Detention Center and Substation (PL-22-0358) - Rezone the approximately 3.3-acre subject property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue from General Industrial (A-1) to PAD to allow a public use, a City Police Department Detention Center and Substation.
- Arizona Complete Health Resource Center (PL-22-0340) - Rezone the approximately 6.6-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow an existing public use, a City resource center.

PUBLIC PARTICIPATION:

A Neighborhood Meeting to discuss the rezoning proposals with neighboring property owners and other interested parties was held online via Zoom on Thursday, February 23, 2023. All notices of the meeting were completed and met notification requirements. Staff provided an overview of the requests. No members of the public attended the virtual meeting. Two (2) Councilmembers attended and a question was raised about the inclusion of Fire Station 171. Staff responded that it is not included at this time. Staff also explained that the Civic Center Park is budgeted for design and not yet fully funded for construction, but will be in the fiscal year 2024.

No comments pertaining to the proposal have been posted on the City's Avondale Connect engagement website. Staff has not received any public comments as of the writing of this staff report.

All required notifications for the Planning Commission and City Council public hearings were completed and met notification requirements.

PLANNING COMMISSION ACTION:

On March 15, 2023, the Planning Commission conducted a public hearing and voted 5-0 to recommend approval of the proposed rezones. One Commissioner asked about the holding time for inmates at the detention center and substation and Staff responded it was short-term holding, not long-term. The Commissioner also asked if the city would still rent out detention space to other cities that do not have detention areas. Staff responded that the question would need to be deferred to the Police Department. There were no comments or questions from the public.

ANALYSIS:

The rezoning proposals will bring the subject properties' zoning designations into conformance with the existing or planned uses of the properties. Additionally, the PAD zoning will further several goals and policies in the General Plan, most notably:

- Recreational Amenities Goal 1: Ensure every person has access to safe public parks and affordable recreation opportunities.
- Recreational Amenities Goal 2: Maintain and improve high quality parks and recreational facilities to meet the diverse needs of all community residents.
- Economic Vitality Goal 1, Policy D: Optimize the use of City resources in the long-term.

DISCUSSION:

The proposed PAD rezoning requests meet the following findings:

1. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any land use category.
2. The proposed PAD will result in compatible land use relationships.
3. Adequate public infrastructure to support the existing and proposed developments exists.
4. The recommended conditions of approval are reasonable to ensure conformance with the provisions of the Zoning Ordinance and all other applicable City codes, ordinances, and policies.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The City Council will conduct a public hearing and **ADOPT** an Ordinance for each of the following seven (7) rezoning requests, subject to the following condition of approval for each request:

1. Development shall conform to the PAD Narrative (Exhibit H) date stamped February 2023.
 - a. Aquatic Center (PL-22-0315) - Rezone the approximately 22-acre property generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow a public use, a City aquatic center.
 - b. Civic Center (PL-22-0316) - Rezone the approximately 10.3-acre property located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow an existing public use, the City civic center.
 - c. Civic Center Park (PL-22-0318) - Rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow a public use, a City park.
 - d. Fire Station 175 (PL-22-0307) - Rezone the approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from Urban Family Residential (R1-6) to Planned Area Development (PAD) to allow an existing public use, a City fire station.
 - e. Library (PL-22-0317) - Rezone the approximately 4.5-acre property located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow an existing public use, a City library.

- f. Police Department Detention Center and Substation (PL-22-0358) - Rezone the approximately 3.3-acre subject property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue from General Industrial (A-1) to Planned Area Development (PAD) to allow a public use, a Police Department Detention Center and Substation.
- g. Arizona Complete Health Resource Center (PL-22-0340) - Rezone the approximately 6.6-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from General Industrial (A-1) to Planned Area Development (PAD) to allow an existing public use, a City resource center.

Contact person for document distribution: Michelle Simerdla and Ann Dolmage

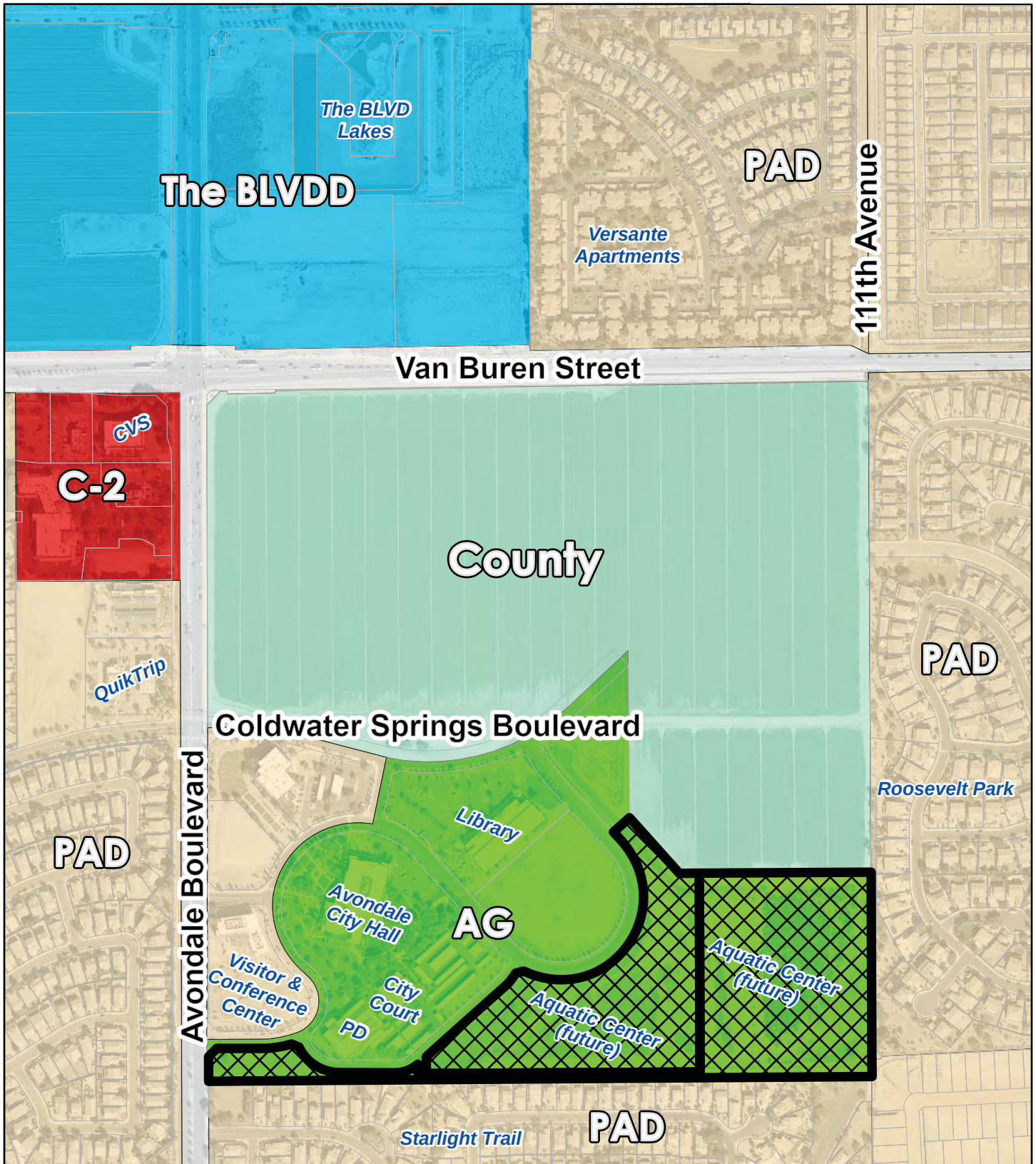


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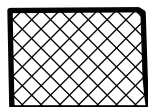


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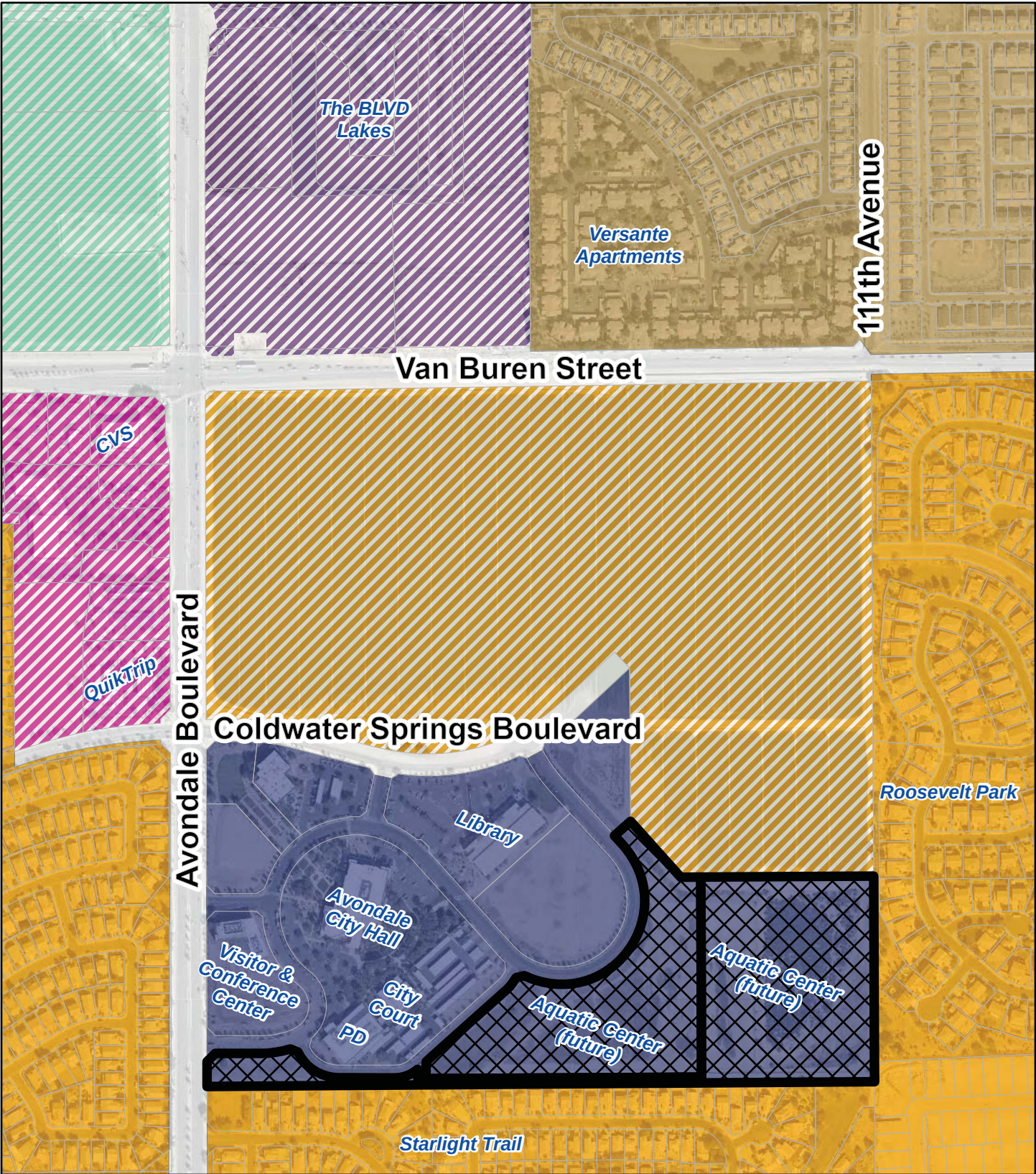


Zoning Vicinity



Subject Property

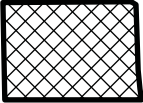




General Plan Land Use



	Neighborhood District
	Park Avenue District
	Promenade District
	Village District
	Medium Density Residential
	Medium High Density Residential
	Public/Civic



Subject Property







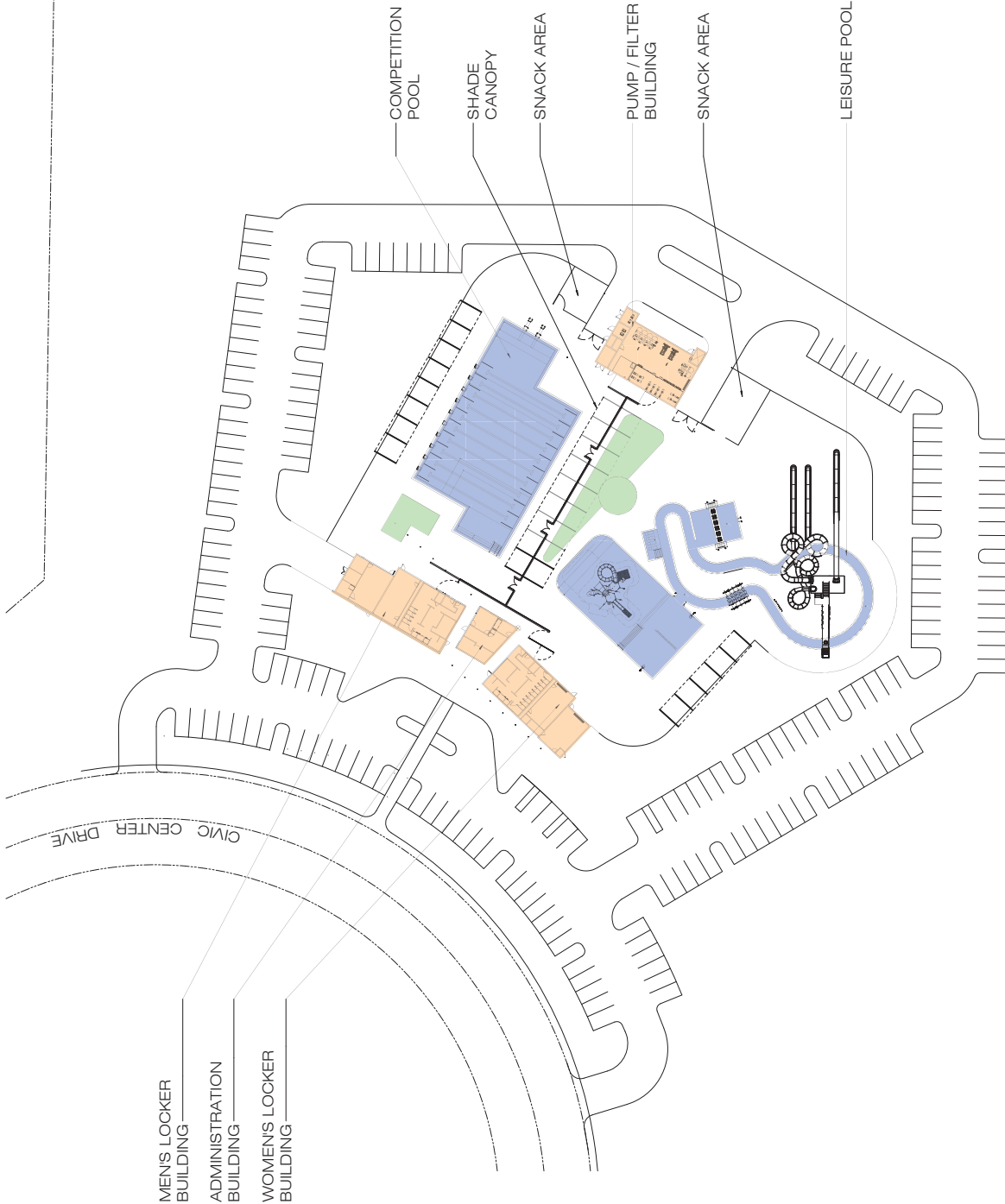
CONTRACT
ADDRESS
PHONE
FAX
E-MAIL

CITY OF AVONDALE AQUATICS CENTER
CIVIC CENTER DRIVE, AVONDALE, AZ 85323
SCHEMATIC DESIGN

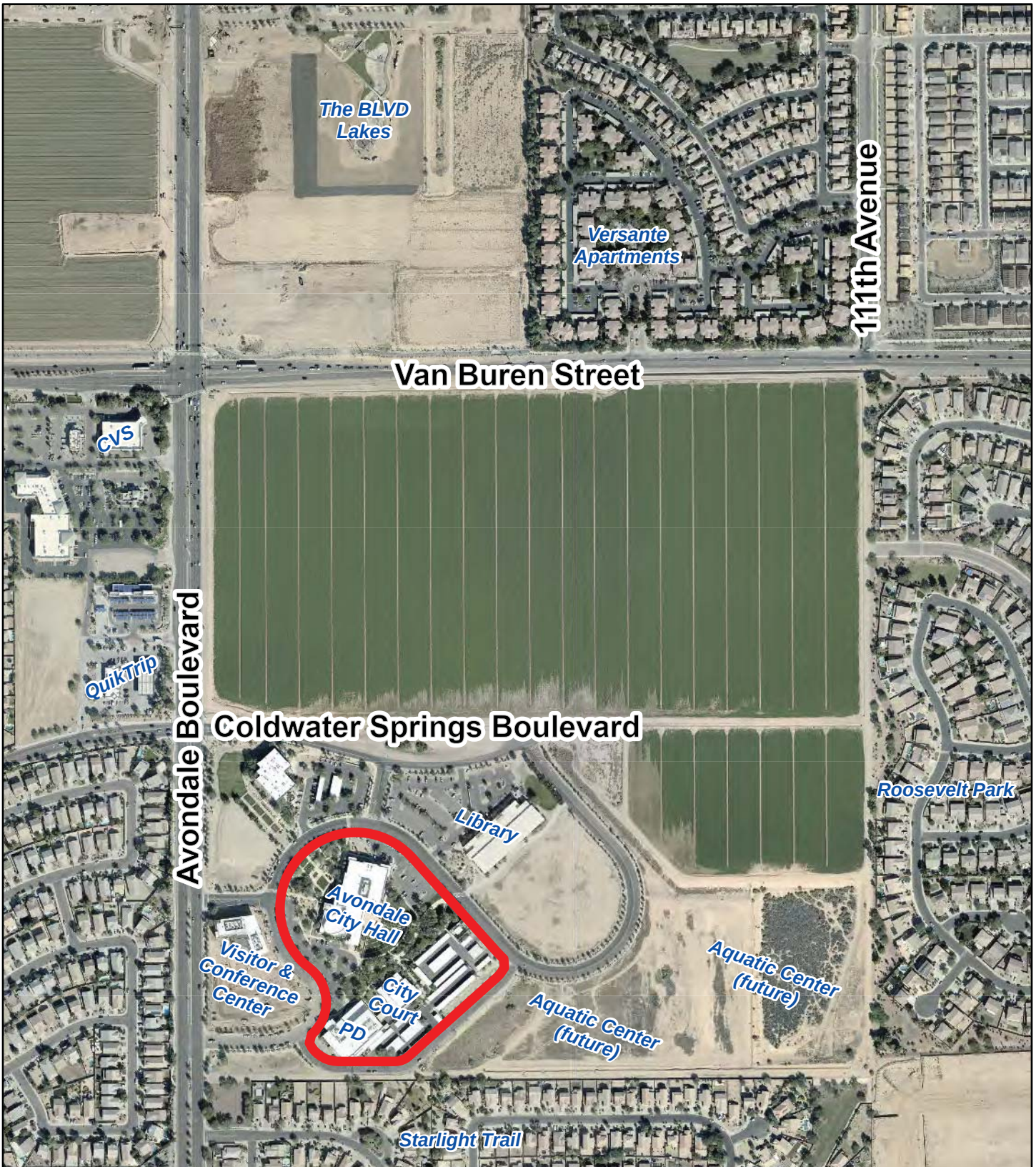
gla No.
21105
Issue Date
14 DEC 2021
Site Plan -
Option B

a051

SUMMARY INFORMATION:
COMPETITION POOL = 8,853 SF SURFACE AREA
LEISURE POOL = 8,208 SF SURFACE AREA
PUMP / FILTER BUILDING = 1,500 SF
177 SPACES WITH 183 TOTAL (OPTION A)
MEN'S & WOMEN'S LOCKER BUILDINGS = 9,596 SF
ADMINISTRATION BUILDING = 890 SF
PUMP/FILTER BUILDINGS = 2,540 SF



1 SITE PLAN OPTION B
1" = 30'-0"



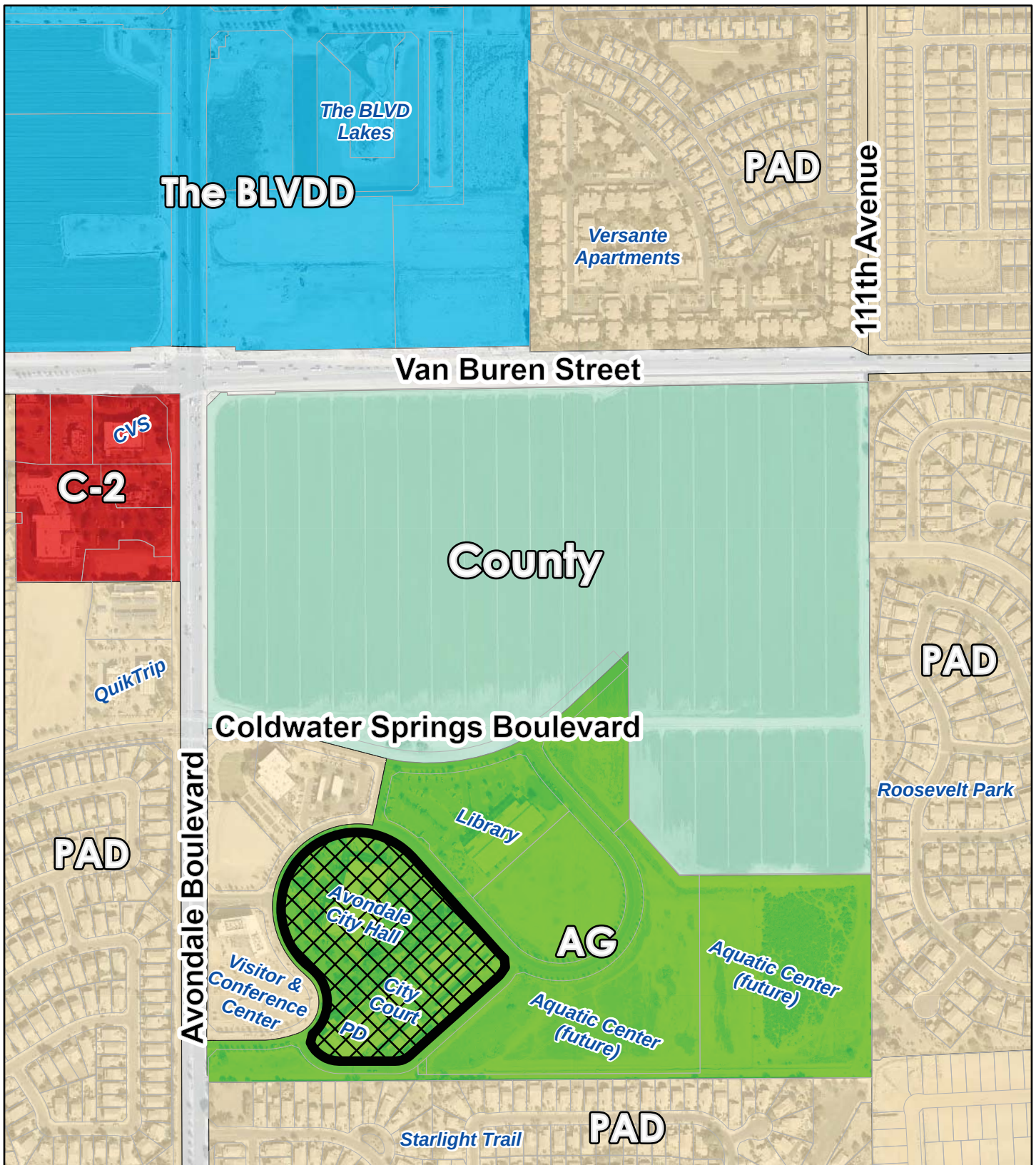
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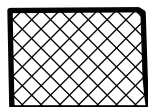
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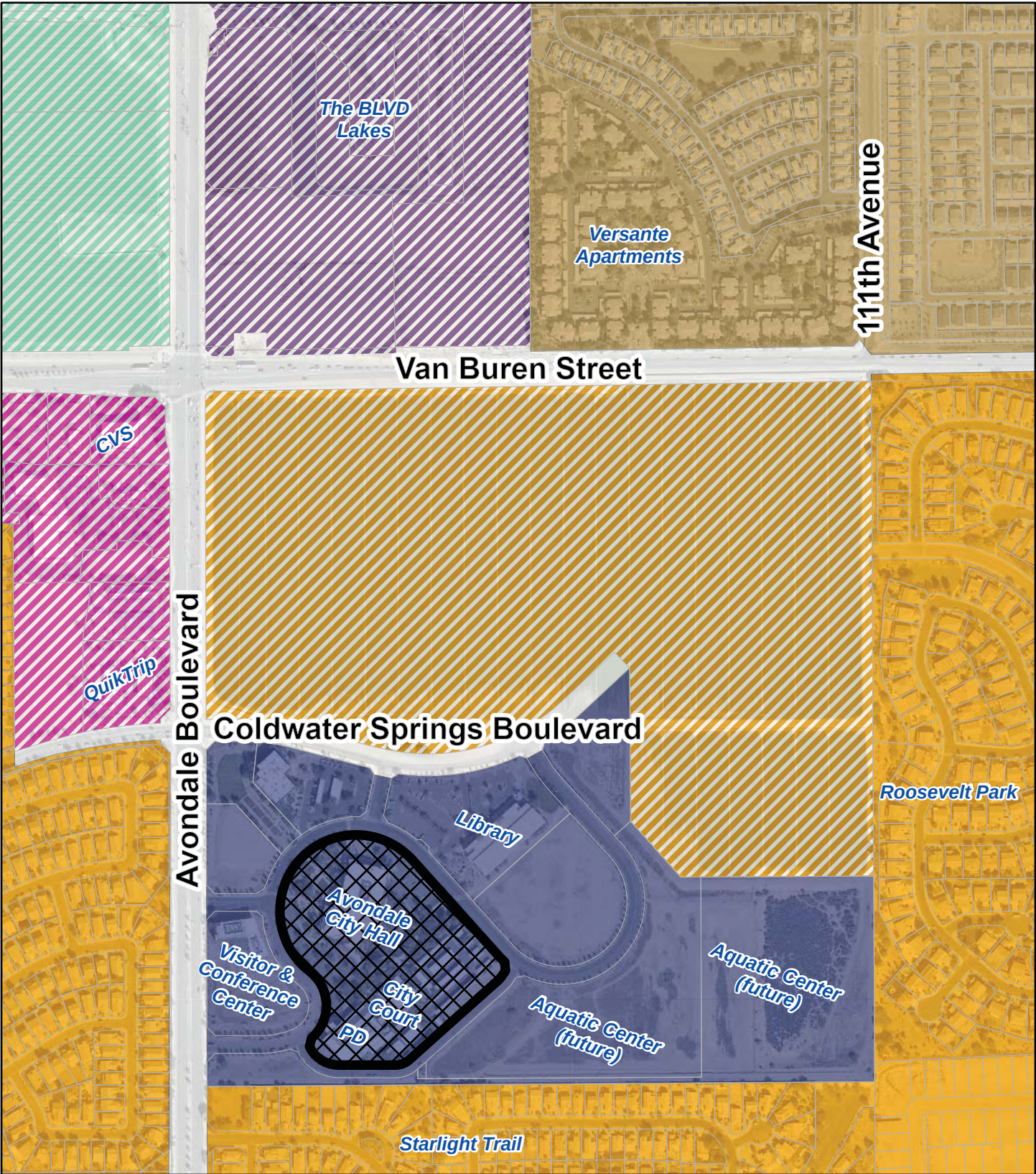


Zoning Vicinity



Subject Property

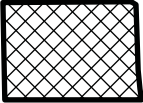




General Plan Land Use



	Neighborhood District
	Park Avenue District
	Promenade District
	Village District
	Medium Density Residential
	Medium High Density Residential
	Public/Civic



Subject Property



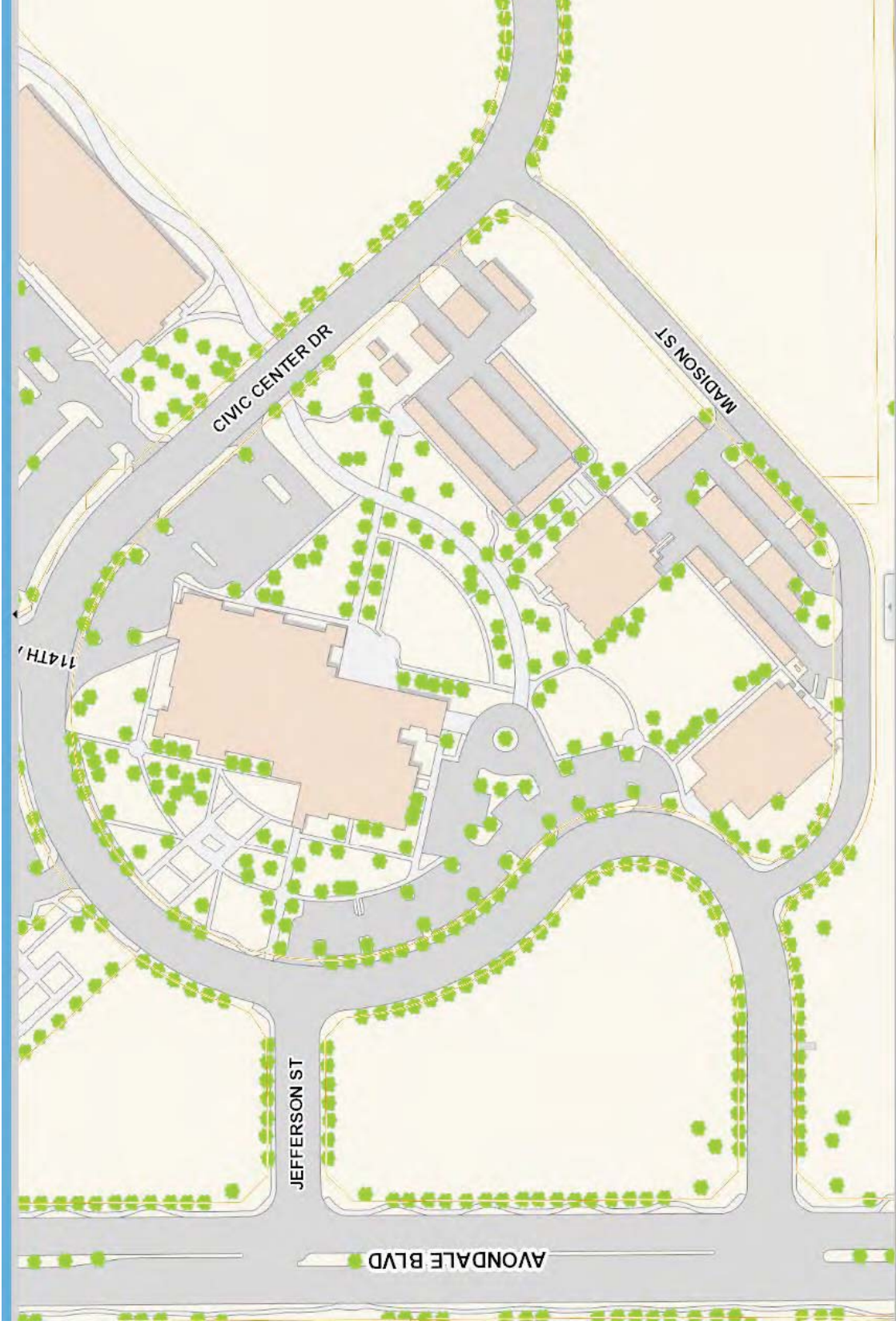


Exhibit B - Civic
Center (City Hall)

Exhibit B - Civic
Center (Police
Department)









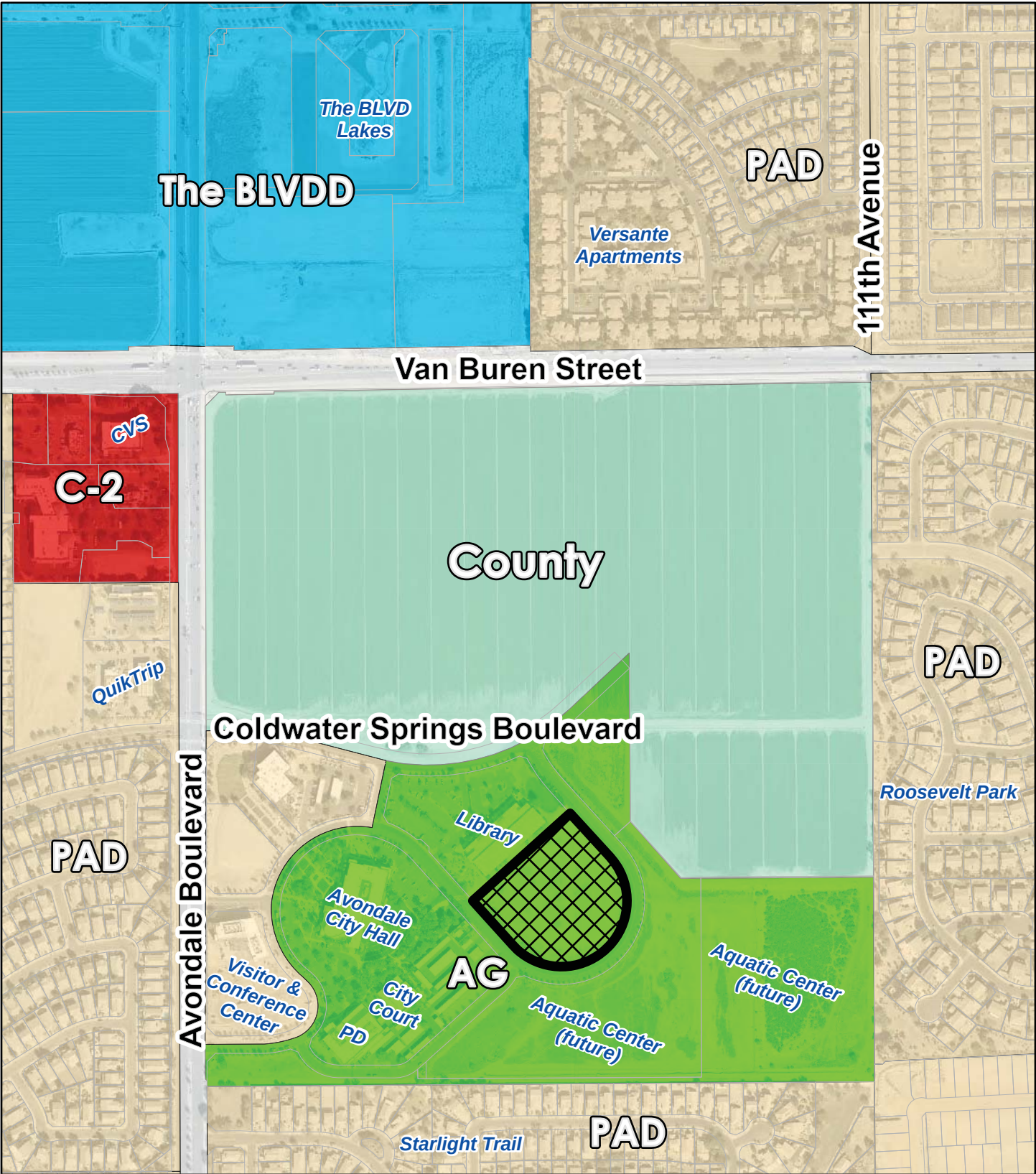
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Subject Property



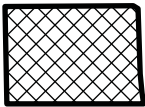
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Zoning Vicinity

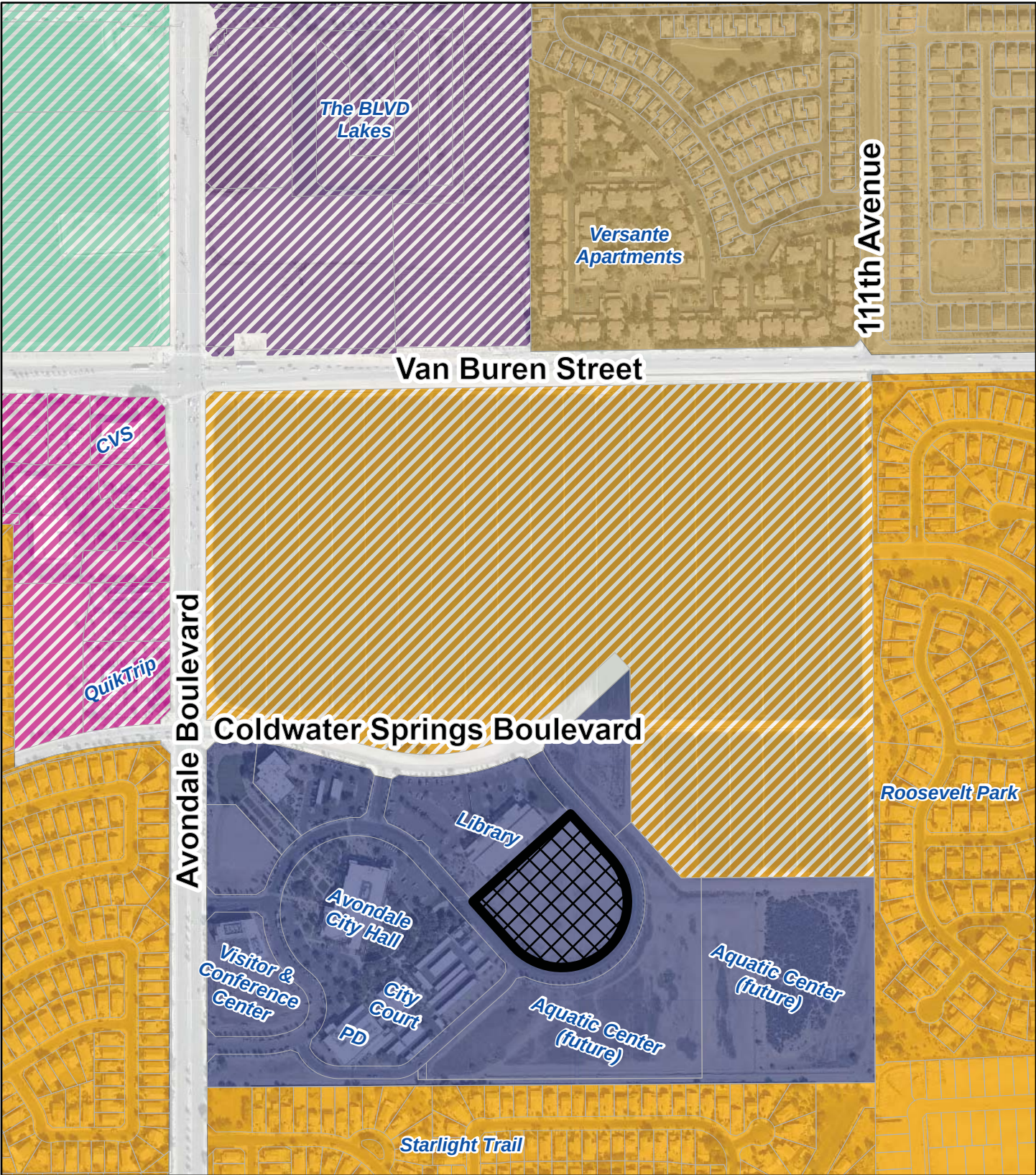


Avondale



Subject Property

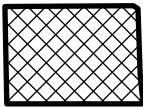




General Plan Land Use



- Neighborhood District
- Park Avenue District
- Promenade District
- Village District
- Medium Density Residential
- Medium High Density Residential
- Public/Civic



Subject Property



Exhibit C - Civic Center Park





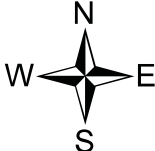
Exhibit C - Civic Center Park



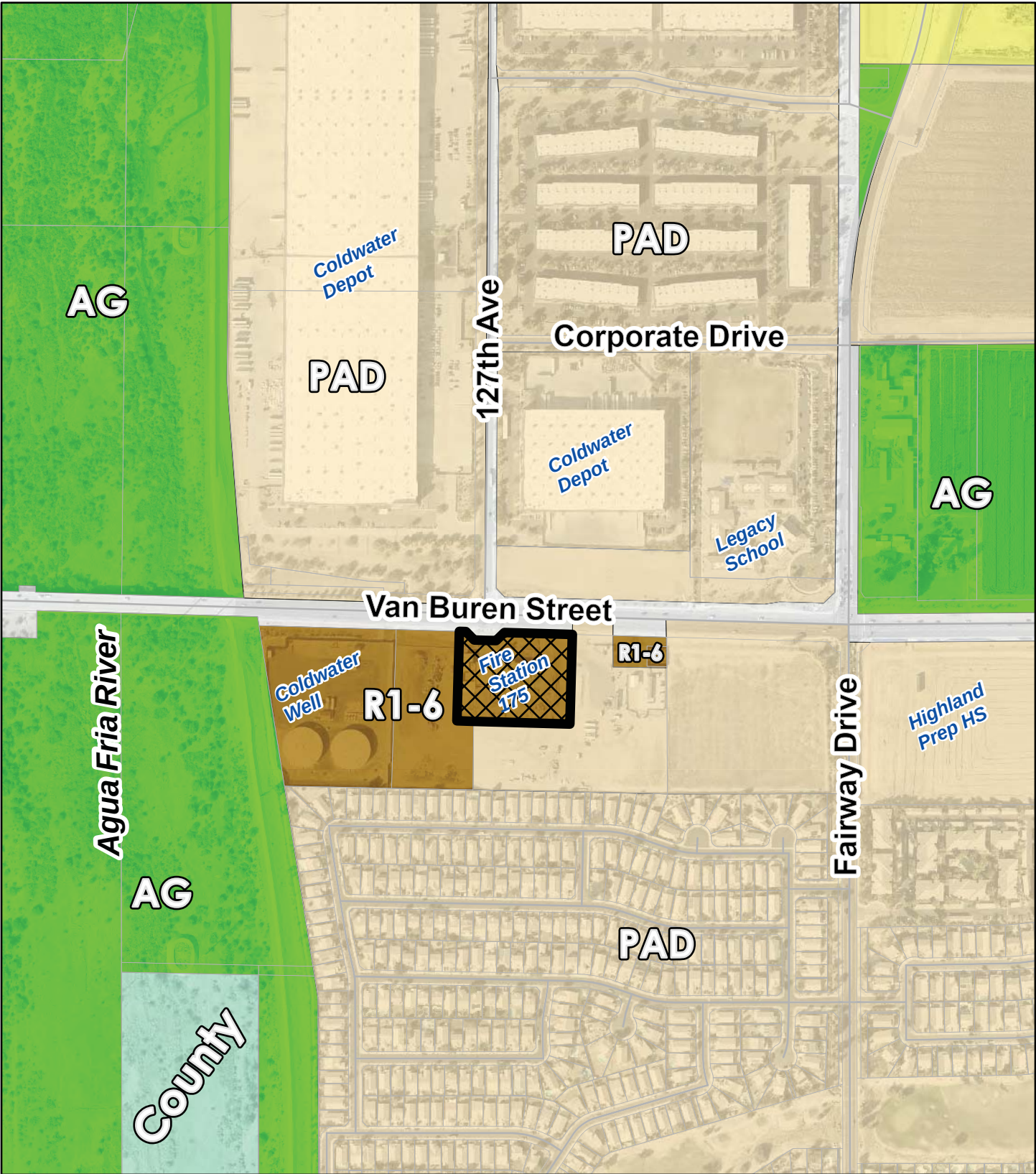
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Subject Property



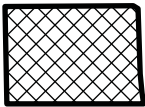
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Zoning Vicinity

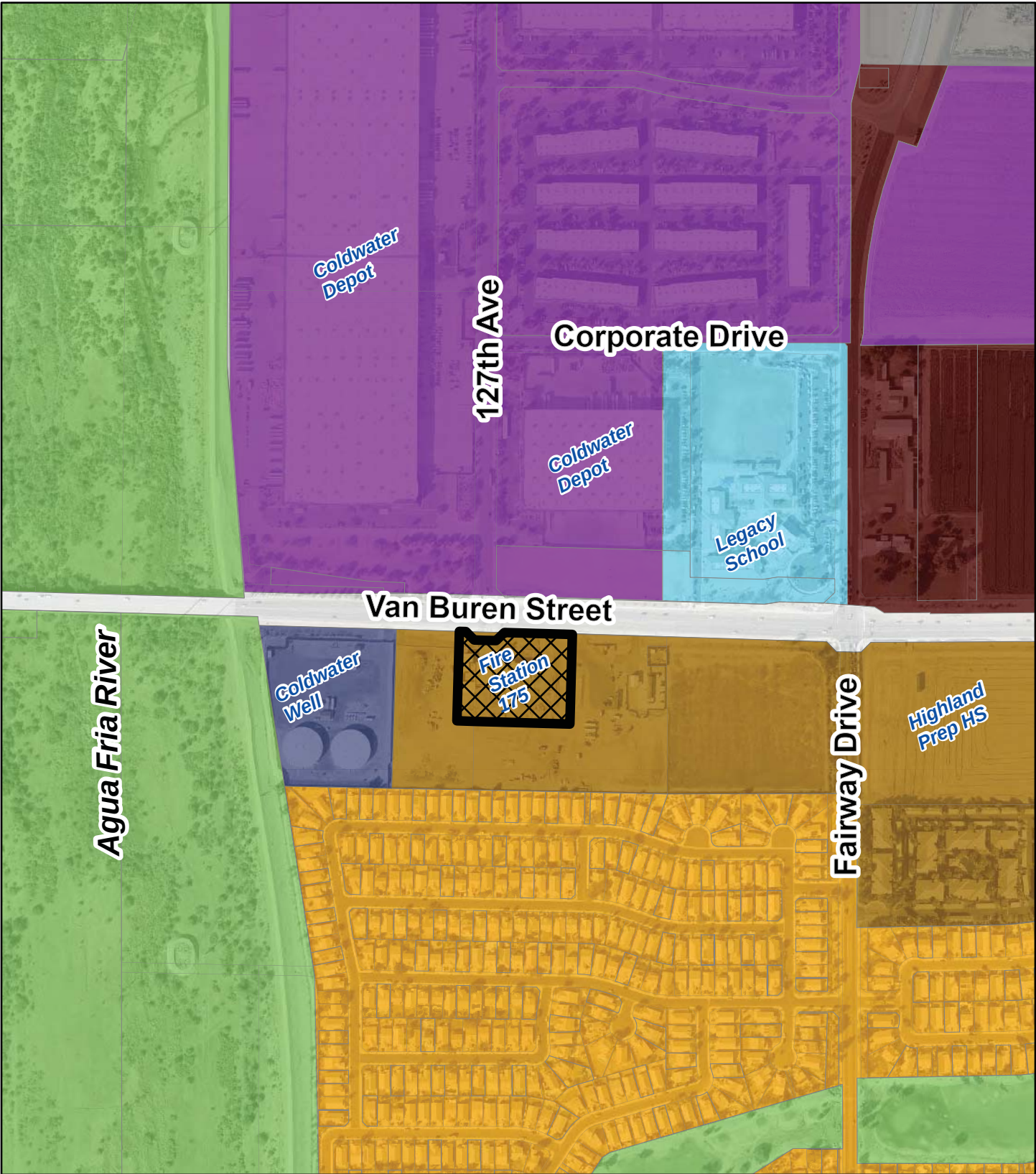


Avondale



Subject Property



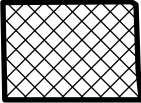


General Plan Land Use



Avondale

	Business Park
	Education
	Medium Density Residential
	High Density Residential
	Open Space / Parks
	Public / Civic



Subject Property





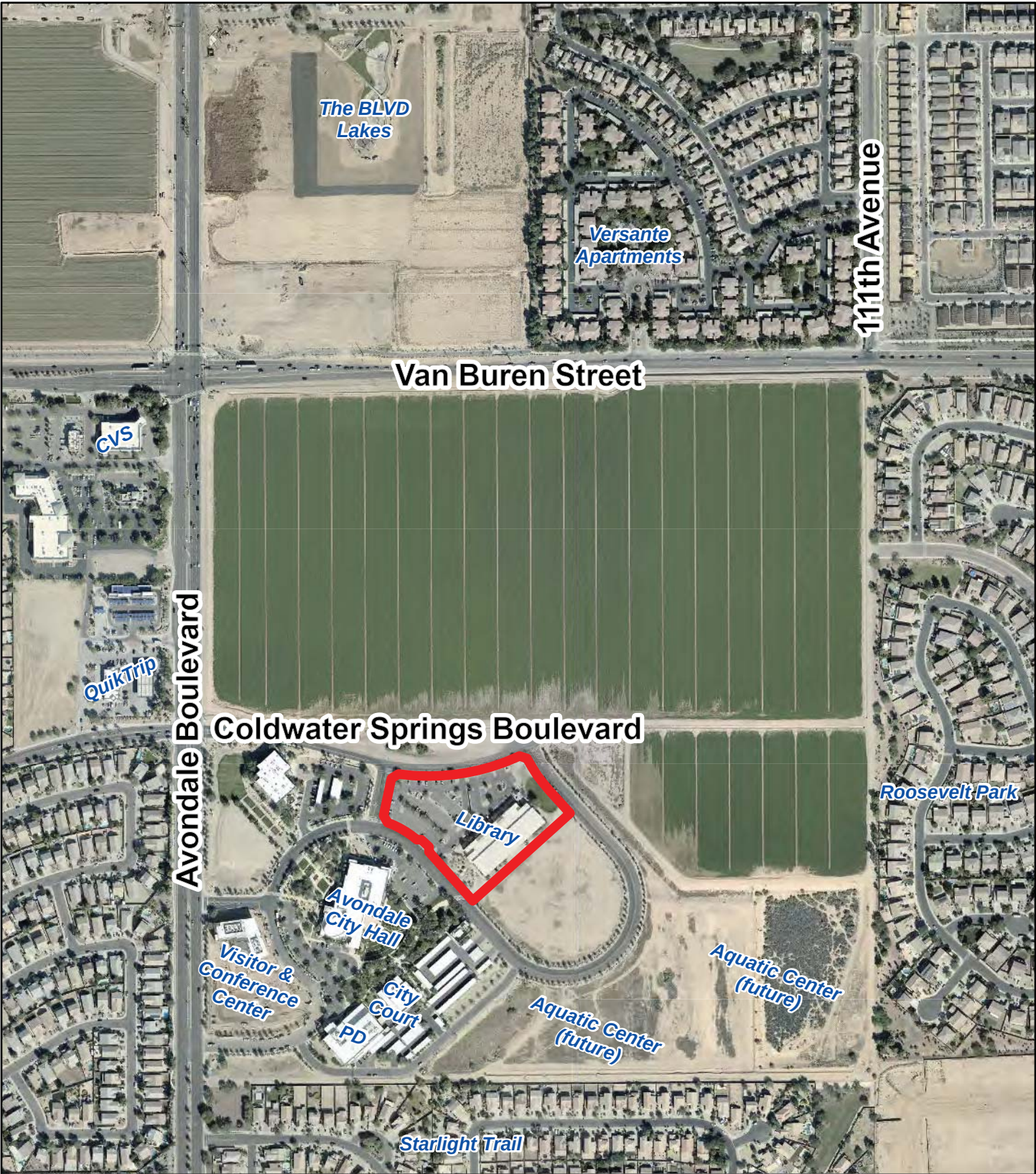
Perspective Looking Southeast



Perspective Looking Southwest



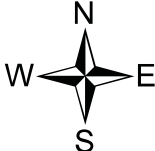
Site Plan



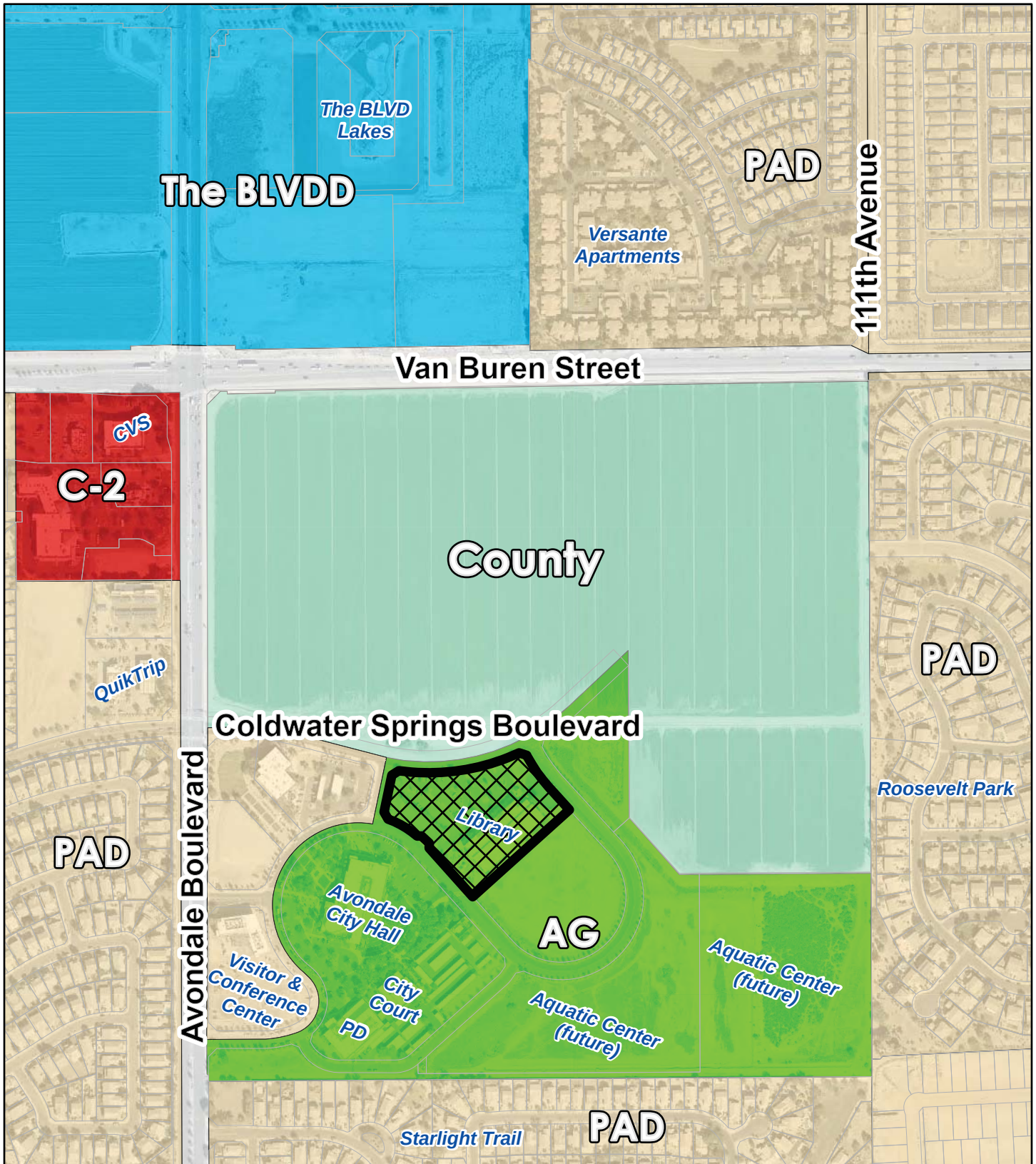
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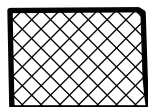
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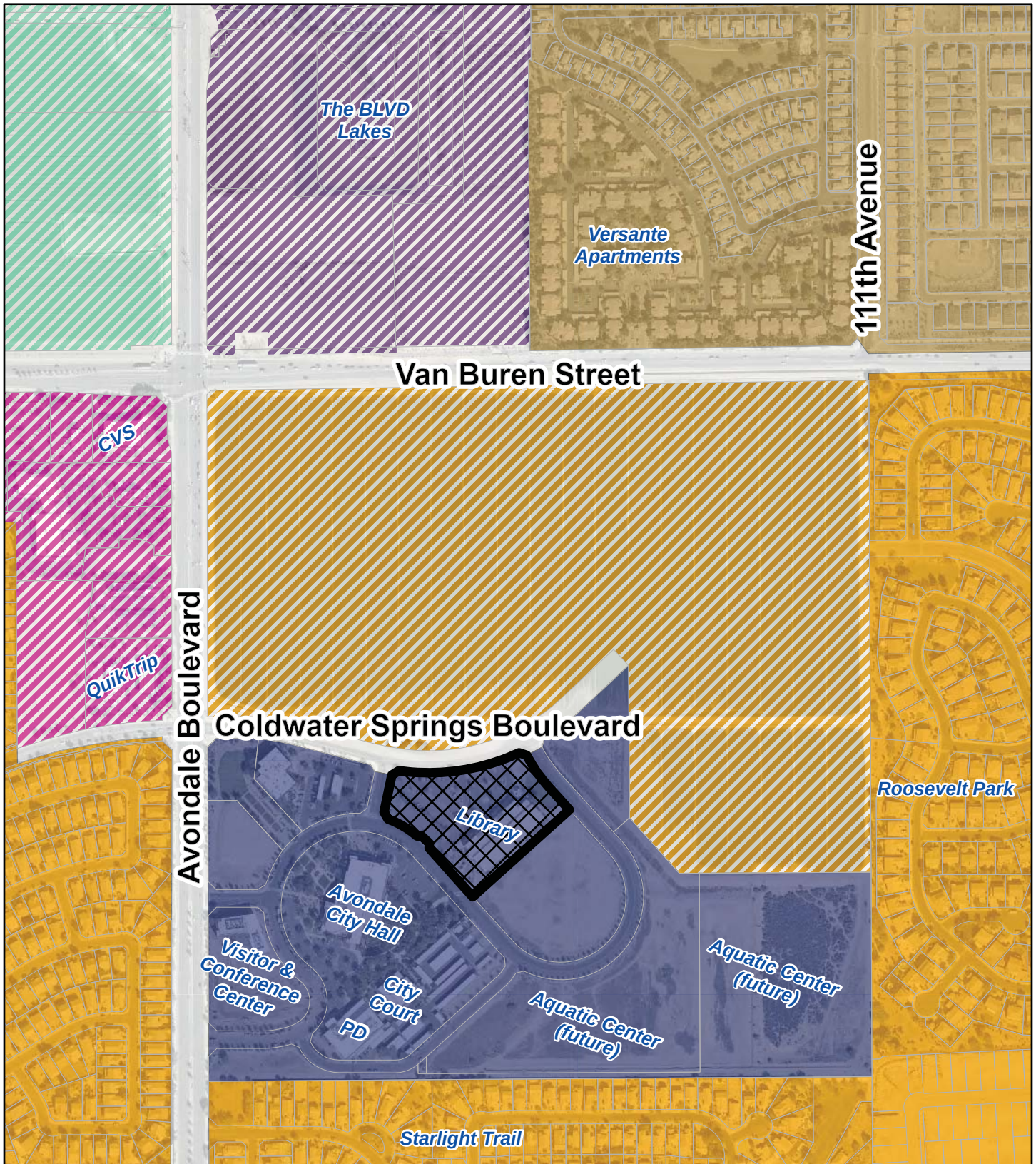


Zoning Vicinity



Subject Property

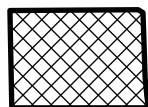




General Plan Land Use



-  Neighborhood District
-  Park Avenue District
-  Promenade District
-  Village District
-  Medium Density Residential
-  Medium High Density Residential
-  Public/Civic



Subject Property



Exhibit E - Civic Center Library





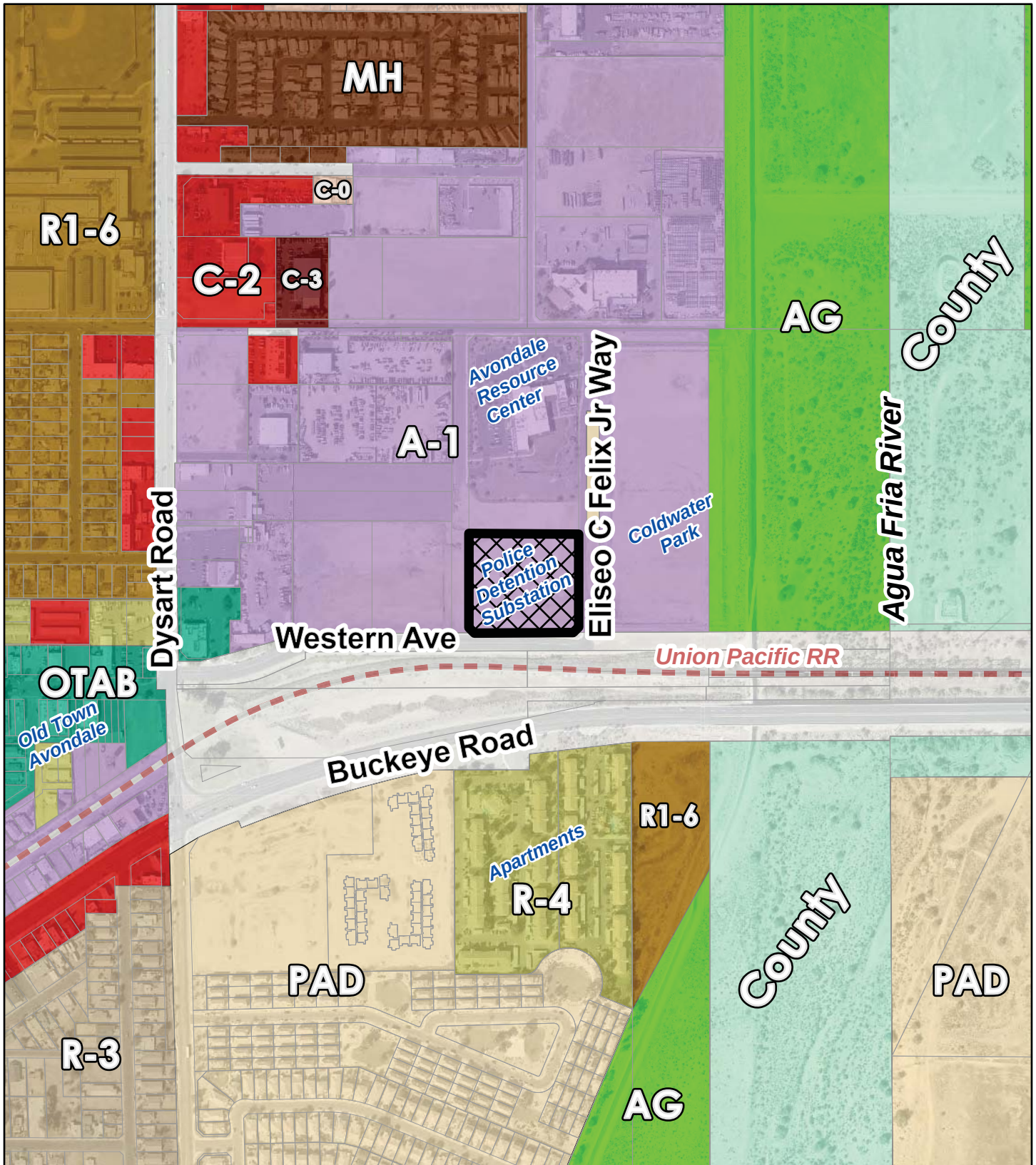


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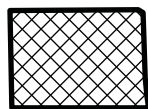


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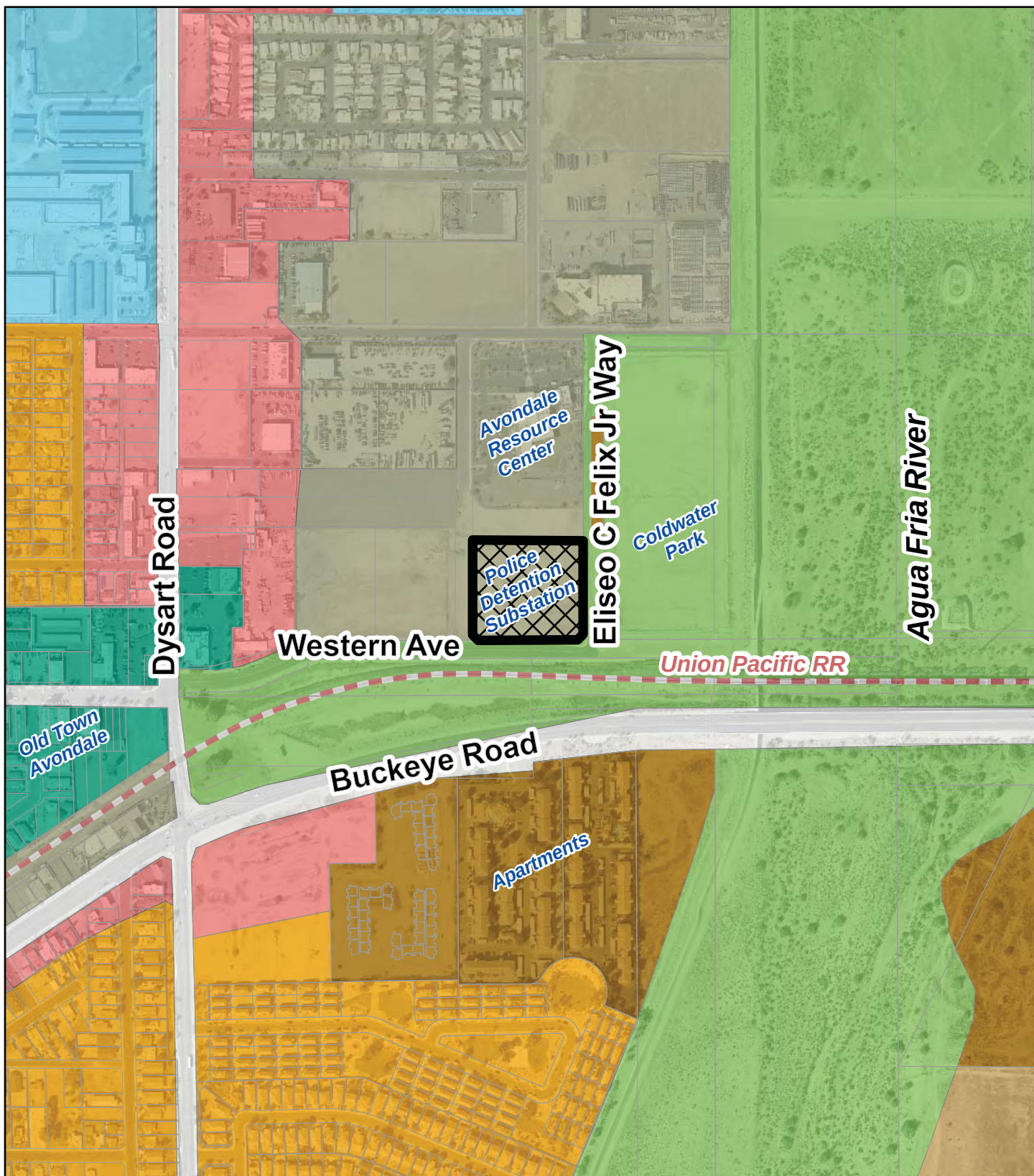


Zoning Vicinity



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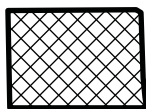




General Plan Land Use



- Local Commercial
- Education
- Medium Density Residential
- High Density Residential
- Urban Residential
- Open Space / Parks
- Industrial



Subject Property



Exhibit F - Police Department and Sub Station





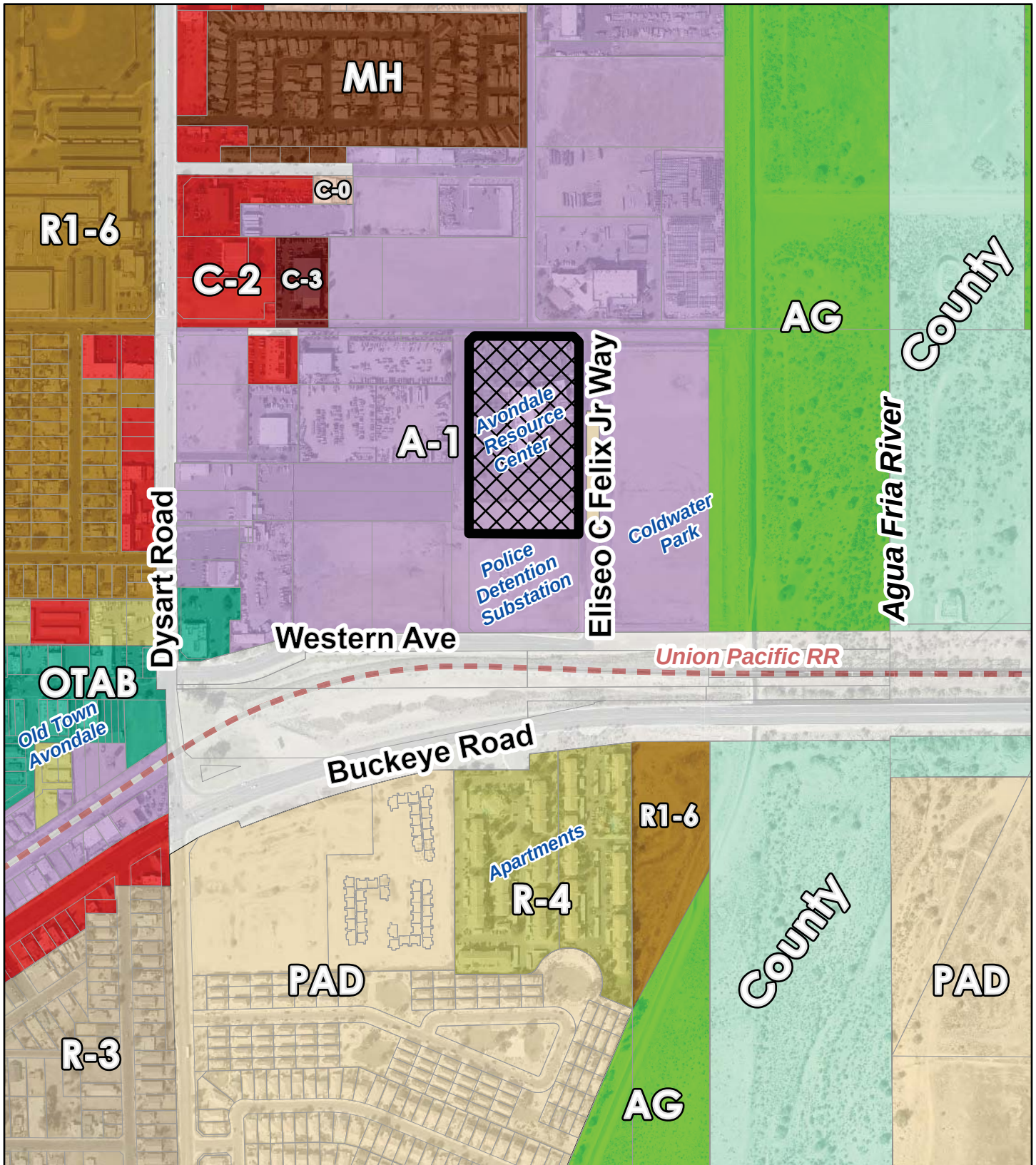
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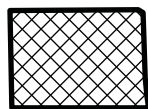
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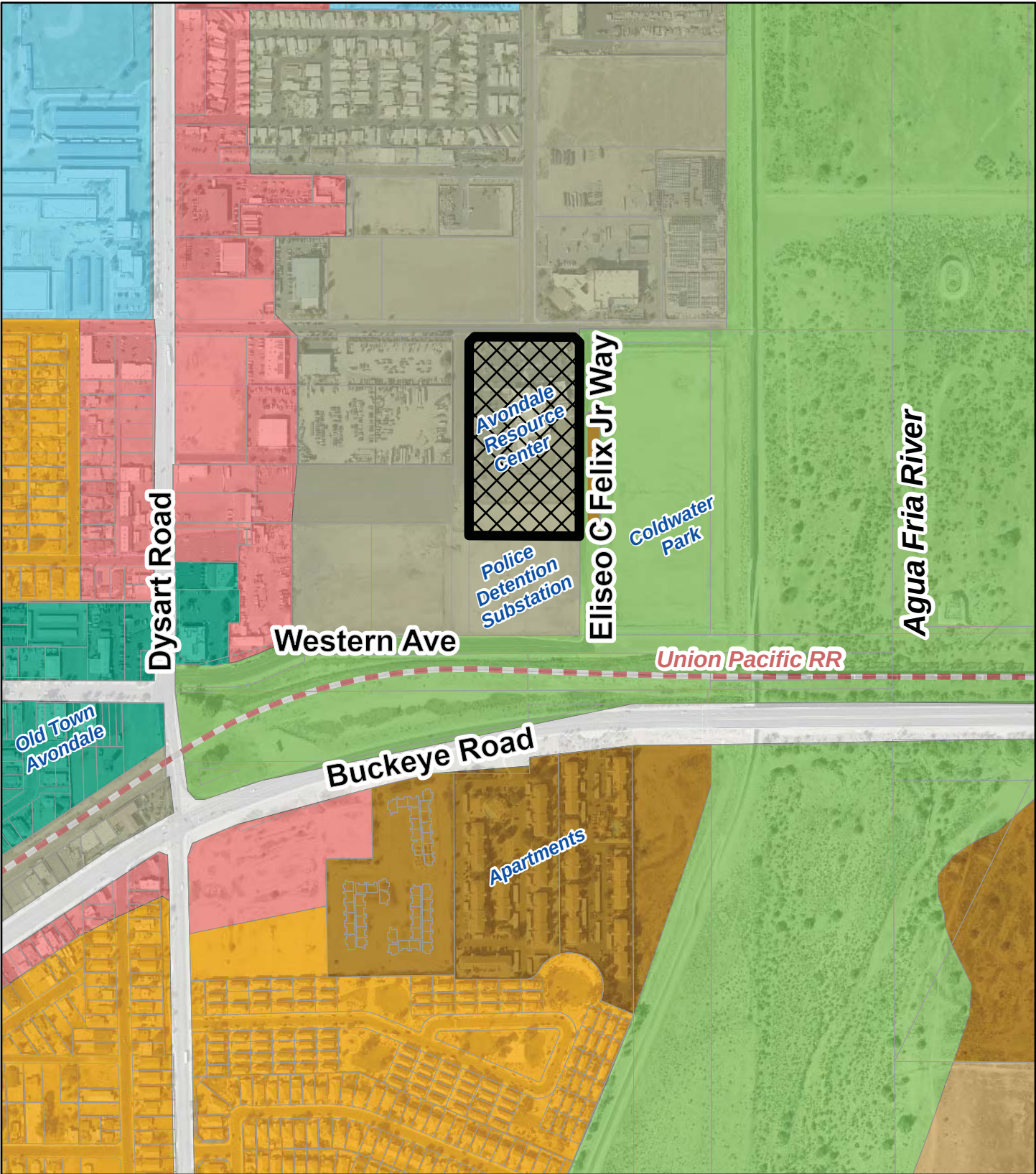


Zoning Vicinity



Subject Property

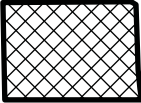




General Plan Land Use



	Local Commercial
	Education
	Medium Density Residential
	High Density Residential
	Urban Residential
	Open Space / Parks
	Industrial



Subject Property



Exhibit G - Arizona Complete Health Resource Center

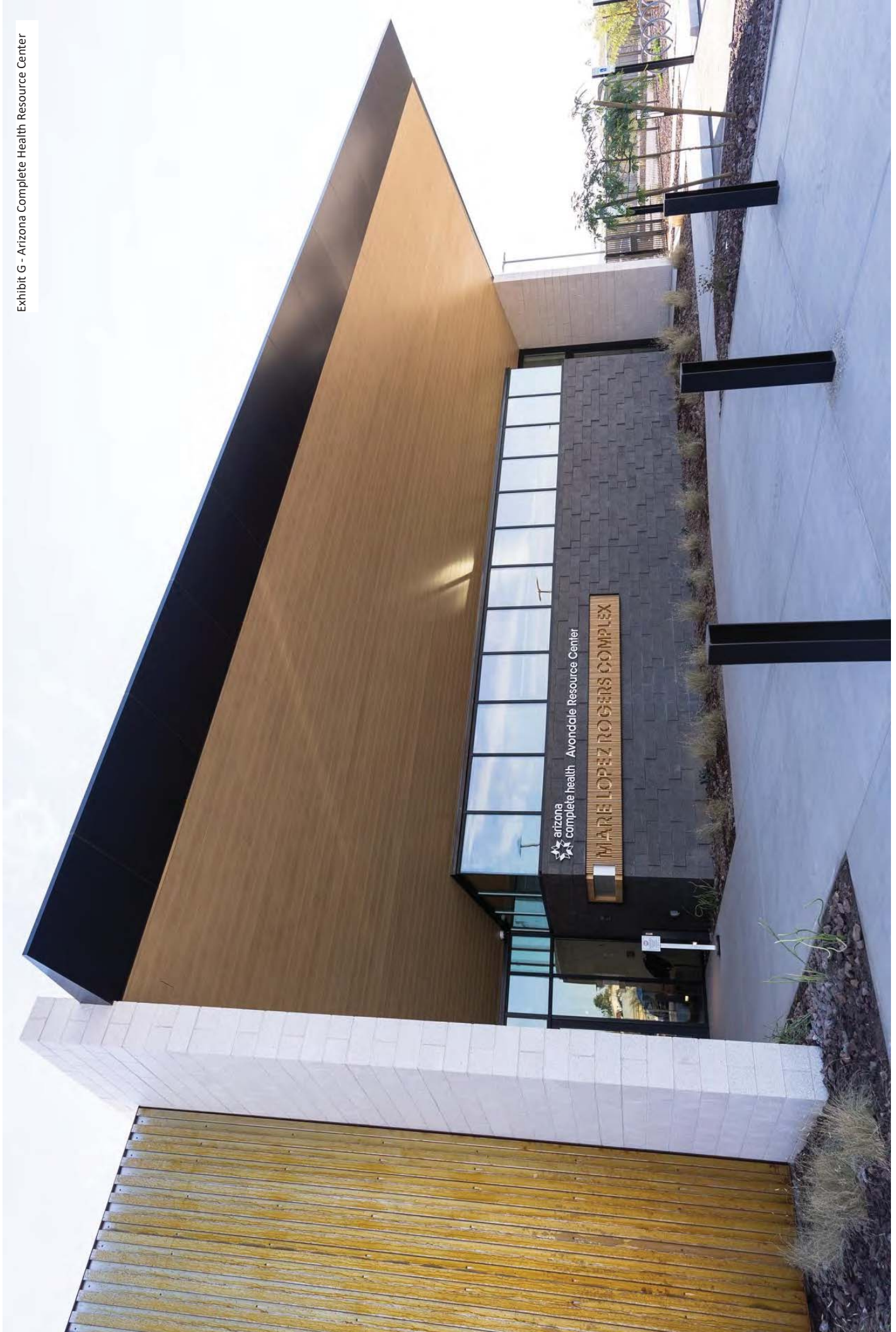




Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2027-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY $\pm$ 22 ACRES OF PROPERTY GENERALLY LOCATED EAST OF AVONDALE BOULEVARD AND SOUTH OF COLDWATER SPRINGS BOULEVARD, AS SHOWN IN APPLICATION PL-22-0315 AND REZONING SUCH PROPERTY FROM “AGRICULTURAL” TO “PLANNED AREA DEVELOPMENT.”

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 22 acres of property generally located east of Avondale Boulevard and south of Coldwater Springs Boulevard, as shown in application PL-22-0315, from Agricultural to Planned Area Development to allow a public use, a City aquatic center (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 22 acres of property generally located east of Avondale Boulevard and south of Coldwater Springs Boulevard as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT 1
TO
ORDINANCE NO. 2027-0423

[Legal Description and Map]

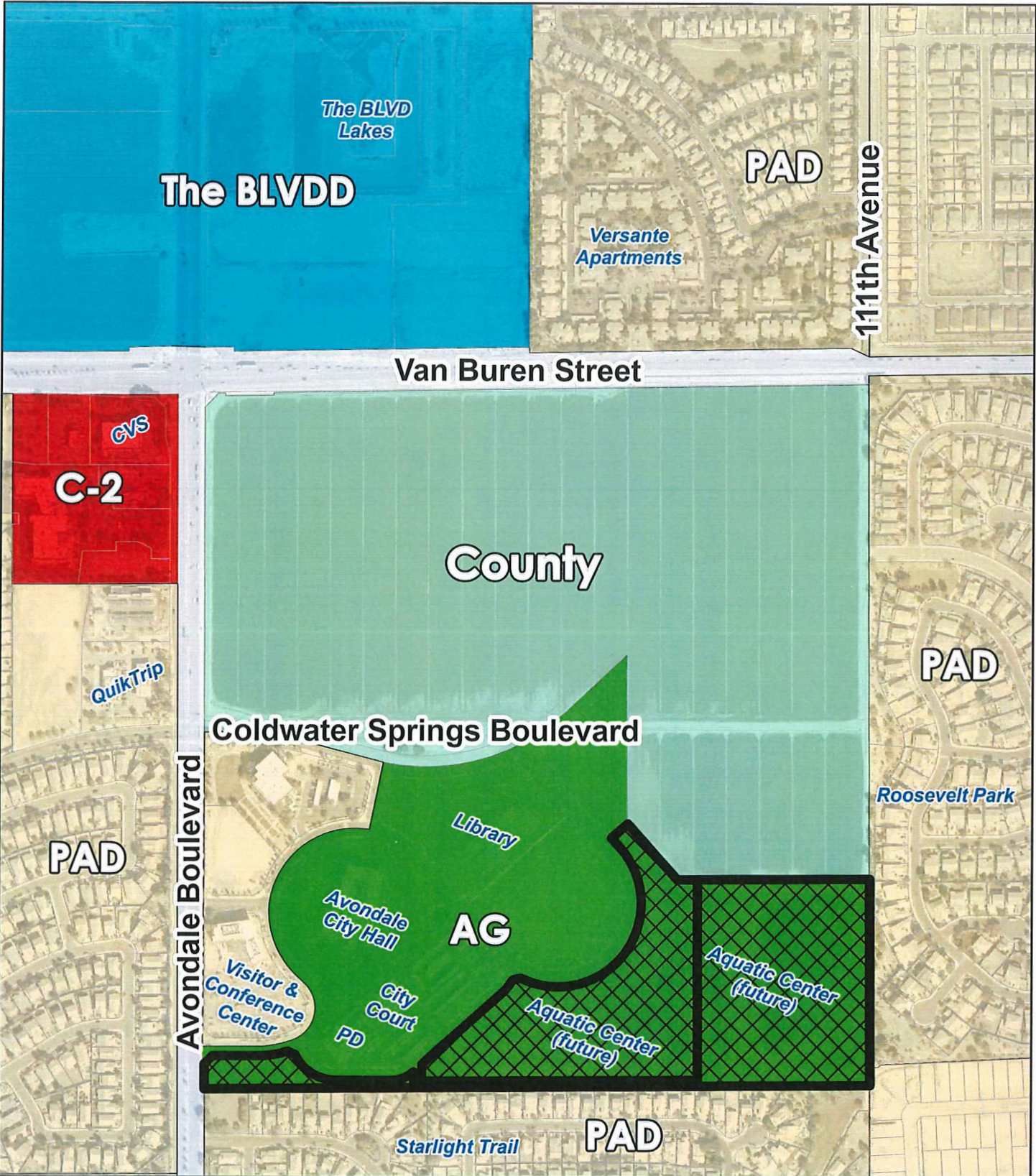
See following pages.

LEGAL DESCRIPTION

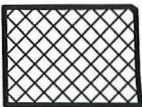
Lot 7 of "AVONDALE CIVIC CENTER" as recorded in Book of Maps 642, Page 7, of the Maricopa County Recorder's Office, located in the Northwest Quarter of Section Seven, Township One North, Range One East of the Gila and Salt River Meridian.

Lot 9 of "AVONDALE CIVIC CENTER" Book 642 of Maps, Page 07, M.C.R. located in the Northwest Quarter of Section Seven, Township One North, Range One East of the Gila and Salt River Meridian; EXCEPT the West 30 feet thereof.

The above described parcel contains 416,791 square feet or 9.5682 acres, more or less.



Zoning Vicinity



Subject Property



EXHIBIT 2
TO
ORDINANCE NO. 2027-0423

[PAD Narrative on City-Initiated Rezones for City-Owned Properties]

See following pages.

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2028-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY ± 10.3 ACRE PROPERTY LOCATED APPROXIMATELY 585 FEET SOUTHEAST OF THE SOUTHEAST CORNER OF COLDWATER SPRINGS BOULEVARD AND AVONDALE BOULEVARD, AS SHOWN IN APPLICATION PL-22-0316 AND REZONING SUCH PROPERTY FROM “AGRICULTURAL” TO “PLANNED AREA DEVELOPMENT.”

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for ± 10.3 acre property located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard, as shown in application PL-22-0316, from Agricultural to Planned Area Development to allow an existing public use, the City civic center (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 10.3-acre property located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

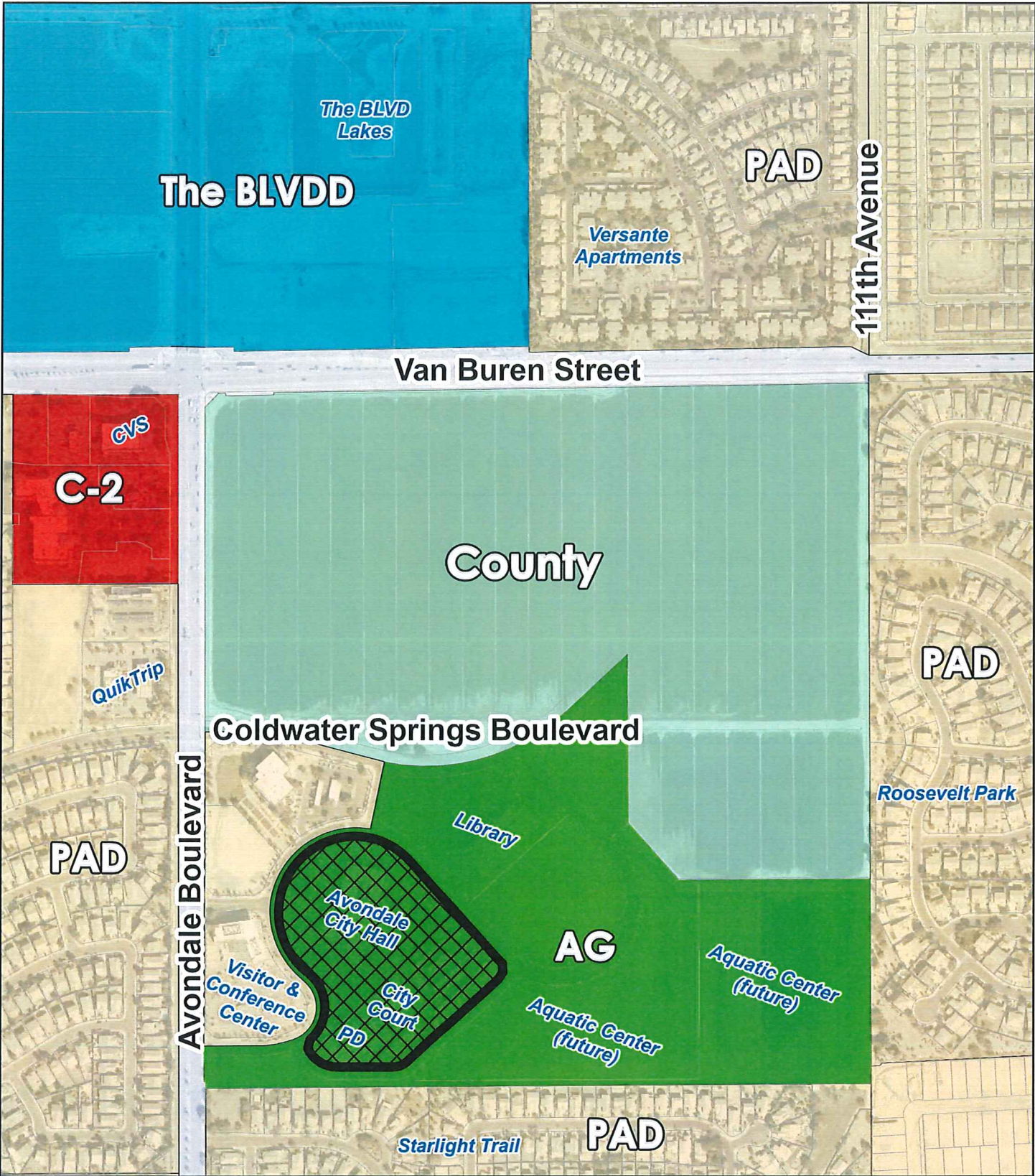
EXHIBIT 1
TO
ORDINANCE NO. 2028-0423

[Legal Description and Map]

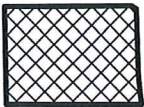
EXHIBIT “A”

Civic Center Legal Description

LOT 5 as shown on the recorded plat titled "Final Plat of Avondale Civic Center," as recorded in Book 642, Page 7, of the Maricopa County Recorder's Office.



Zoning Vicinity



Subject Property



EXHIBIT 2
TO
ORDINANCE NO. 2028-0423

[PAD Narrative for City-Initiated Rezones for City-Owned Properties]

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2029-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY ± 4.4 ACRE PROPERTY LOCATED APPROXIMATELY 554 FEET SOUTHEAST OF THE SOUTHEAST CORNER OF COLDWATER SPRINGS BOULEVARD AND 114TH AVENUE, AS SHOWN IN APPLICATION PL-22-0318 AND REZONING SUCH PROPERTY FROM “AGRICULTURAL” TO “PLANNED AREA DEVELOPMENT.”

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 ± 4.4 acre property located approximately 554 feet Southeast of the Southeast corner of Coldwater Springs Boulevard and 114th Avenue, as shown in application PL-22-0318, from Agricultural to Planned Area Development to allow a public use, a City Park (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT 1
TO
ORDINANCE NO. 2029-0423

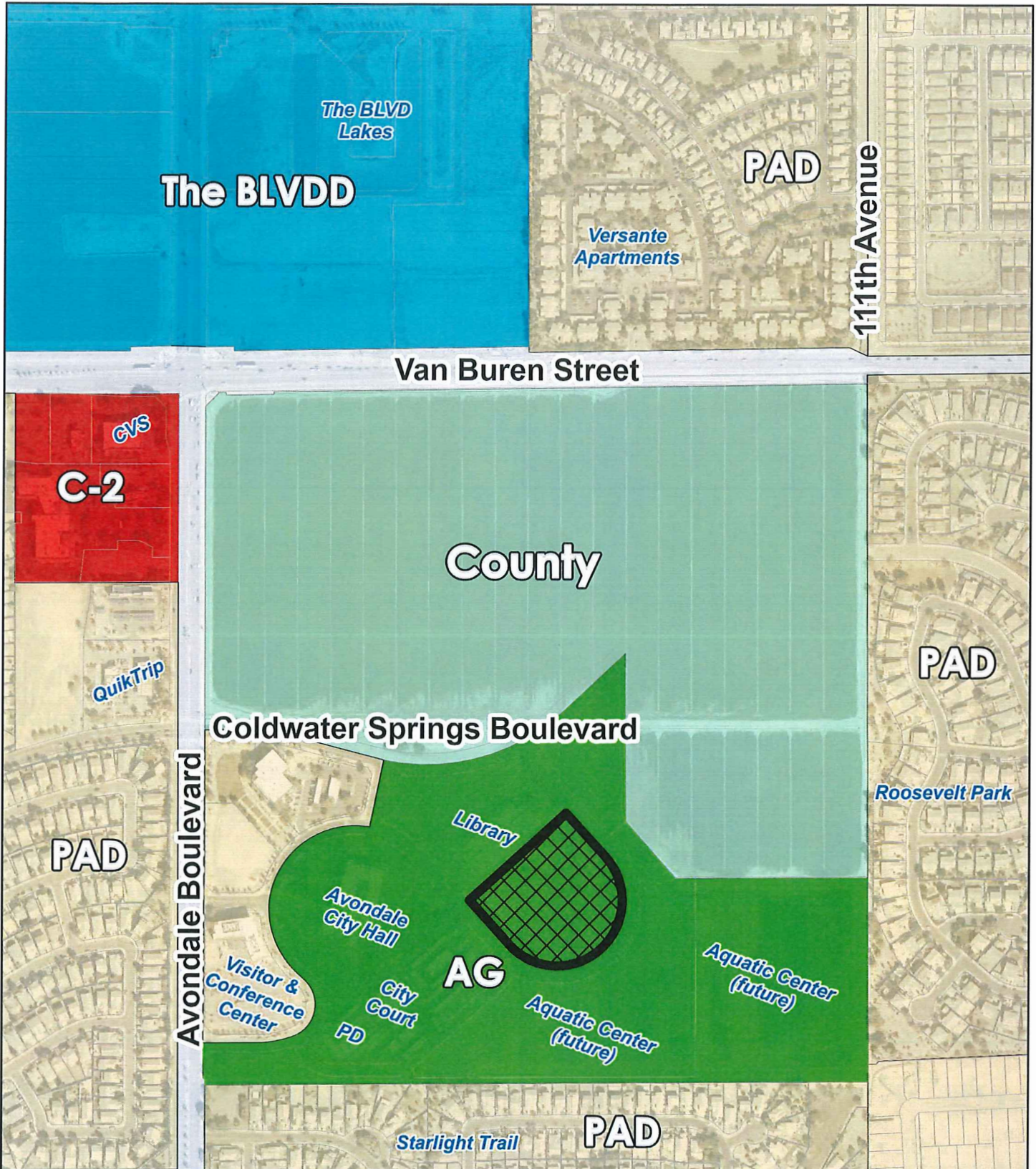
[Legal Description and Map]

EXHIBIT “A”

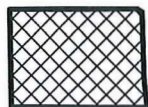
Civic Center Park Legal Description

A portion of the Northwest quarter (NW1/4) of Section 7, Township 1 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lot 8, AVONDALE CIVIC CENTER, according to Book 642 of Maps, Page 7 and Certificate of Correction recorded in Recording No. 2004-0119395, records of Maricopa County, Arizona.



Zoning Vicinity



Subject Property



EXHIBIT 2
TO
ORDINANCE NO. 2029-0423

[PAD Narrative for City-Initiated Rezones for City-Owned Properties]

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2030-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY $\pm$ 2.98 ACRE PROPERTY LOCATED APPROXIMATELY 629 FEET WEST OF THE SOUTHWEST CORNER OF VAN BUREN STREET AND FAIRWAY DRIVE, AS SHOWN IN APPLICATION PL-22-0307 AND REZONING SUCH PROPERTY FROM “URBAN FAMILY RESIDENTIAL” (R1-6) TO “PLANNED AREA DEVELOPMENT.”

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 2.98 acre property located approximately 629 feet West of the southwest corner of Van Buren Street and Fairway Drive, as shown in application PL-22-0307, from Urban Family Residential (R1-6) to Planned Area Development to allow an existing public use, a City Fire Station (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 2.98 acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

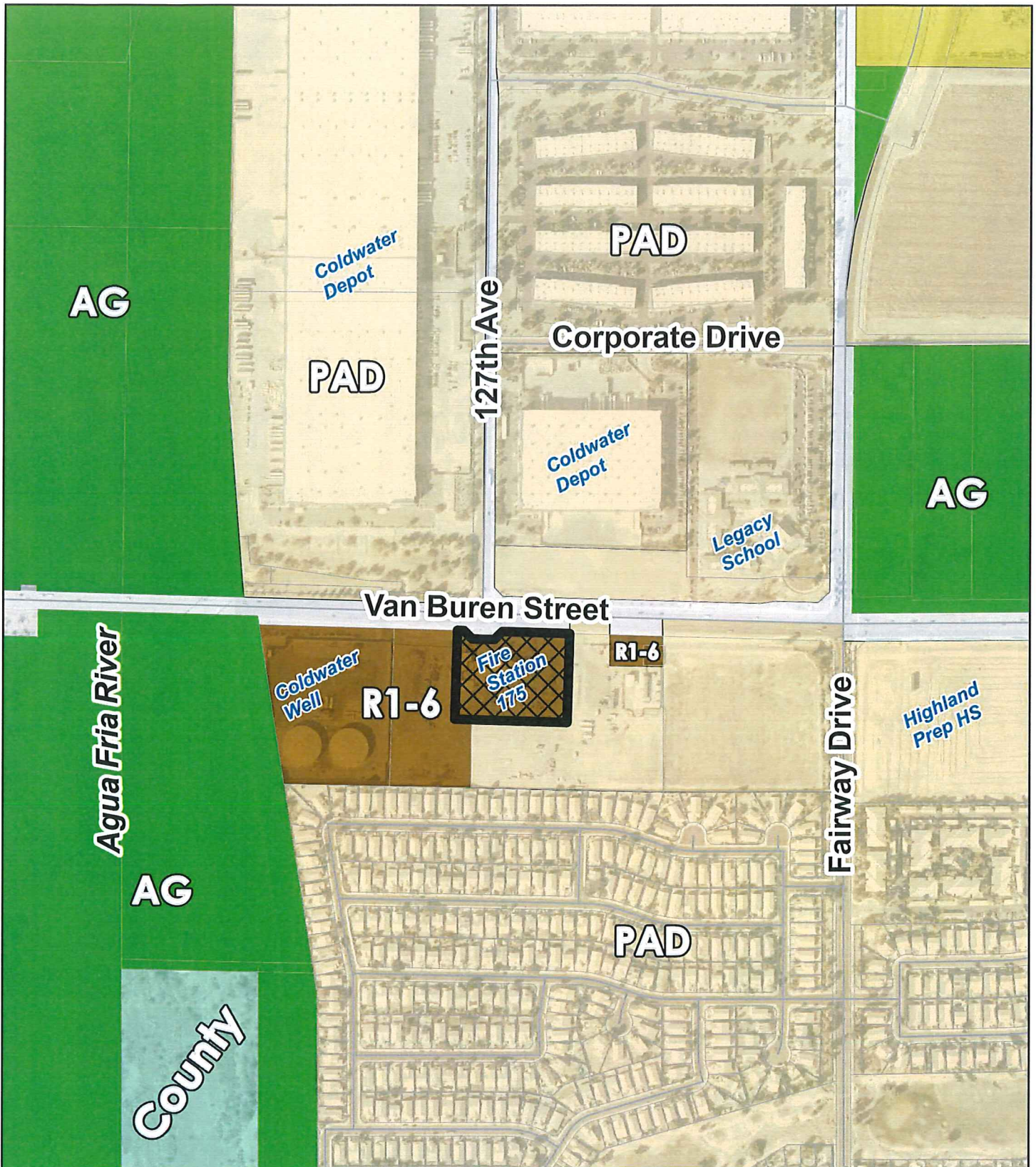
EXHIBIT 1
TO
ORDINANCE NO. 2030-0423

[Legal Description and Map]

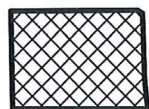
EXHIBIT "A"

Fire Station 175 Legal Description

LOTS 2 and 3 as shown on the recorded plat titled "Final Plat for City of Avondale Van Buren Fire Station Facility," recorded in Book 1597, Page 25, of the Maricopa County Recorder's Office.



Zoning Vicinity



Subject Property



EXHIBIT 2
TO
ORDINANCE NO. 2030-0423

[PAD Narrative City-Initiated Rezones for City-Owned Properties]

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2031-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY $\pm$ 4.5 ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COLDWATER SPRINGS BOULEVARD AND 114TH AVENUE, AS SHOWN IN APPLICATION PL-22-0317 AND REZONING SUCH PROPERTY FROM “AGRICULTURAL” TO “PLANNED AREA DEVELOPMENT.”

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 4.5 acre property located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue as shown in application PL-22-0317, from Agricultural to Planned Area Development to allow an existing public use, the City library (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 4.5 acre property located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

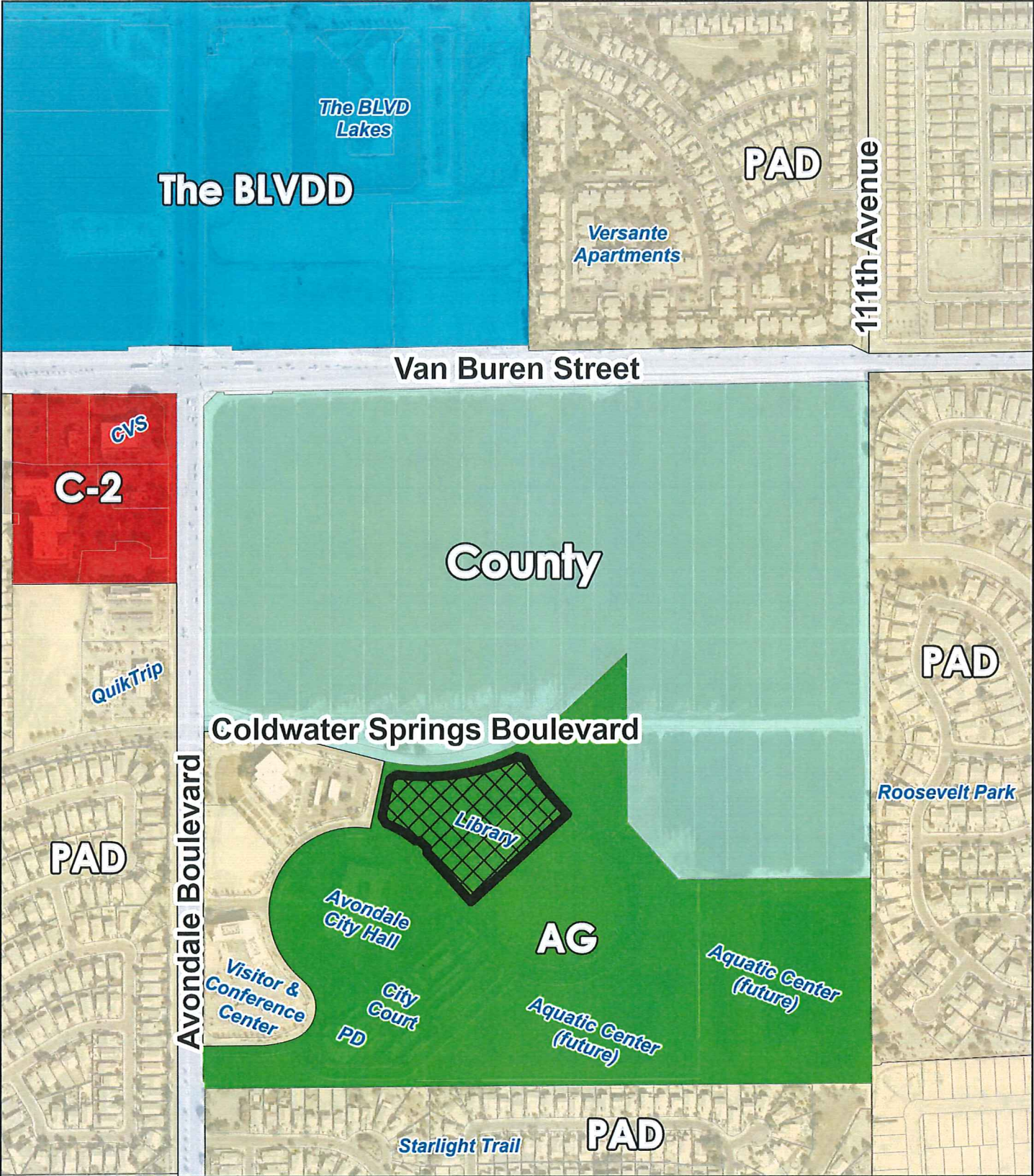
EXHIBIT 1
TO
ORDINANCE NO. 2031-0423

[Legal Description and Map]

EXHIBIT "A"

Civic Center Library Legal Description

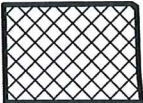
LOT 2 as shown on the recorded plat titled "Final Plat of Avondale Civic Center," as recorded in Book 642, Page 7, of the Maricopa County Recorder's Office.



Zoning Vicinity



Avondale



Subject Property



EXHIBIT 2
TO
ORDINANCE NO. 2031-0423

[PAD Narrative for City-Initiated Rezones for City-Owned Properties]

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2032-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY $\pm$ 3.3 ACRE SUBJECT PROPERTY LOCATED AT THE NORTHWEST CORNER OF ELISEO C. FELIX JR. WAY AND WESTERN AVENUE, AS SHOWN IN APPLICATION PL-22-0358 AND REZONING SUCH PROPERTY FROM “GENERAL INDUSTRIAL (A-1)” TO “PLANNED AREA DEVELOPMENT.”

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 3.3 acre subject property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue as shown in application PL-22-0358, from General Industrial (A-1) to Planned Area Development to allow a public use, a Police Department Detention Center and Substation (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 3.3-acre subject property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

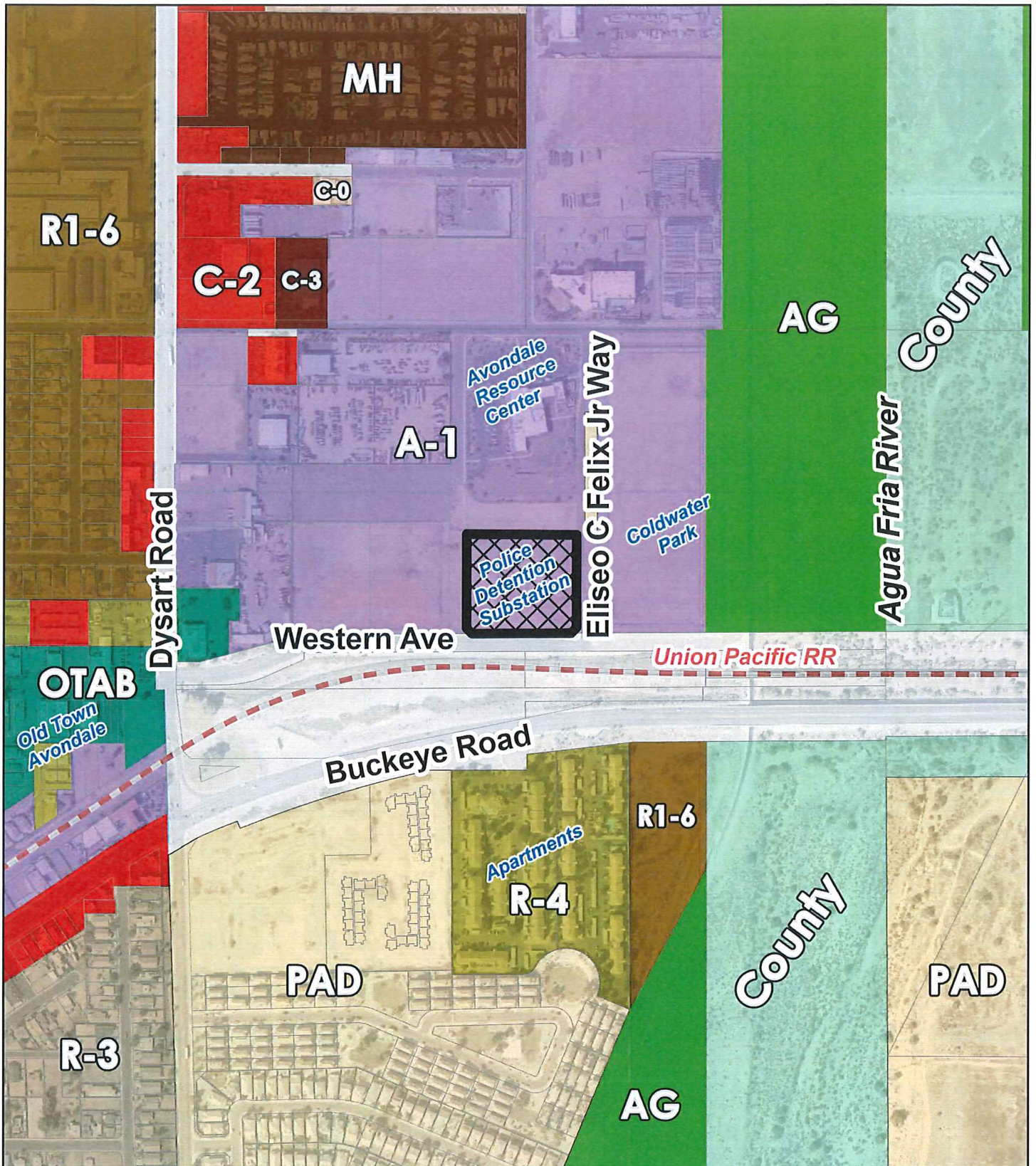
EXHIBIT 1
TO
ORDINANCE NO. 2032-0423

[Legal Description and Map]

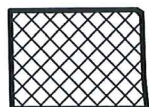
EXHIBIT "A"

Police Detention Substation Legal Description

LOT 1 as shown on the recorded plat titled "Riley Property 2, a Replat of Riley Property," recorded in Book 1501, Page 4, of the Maricopa County Recorder's Office.



Zoning Vicinity



Subject Property



EXHIBIT 2
TO
ORDINANCE NO. 2032-0423

[PAD Narrative for City-Initiated Rezones for City-Owned Properties]

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

ORDINANCE NO. 2033-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY $\pm$ 6.6 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ELISEO C. FELIX JR. WAY AND RILEY DRIVE, AS SHOWN IN APPLICATION PL-22-0340 AND REZONING SUCH PROPERTY FROM “GENERAL INDUSTRIAL (A-1)” TO “PLANNED AREA DEVELOPMENT.”

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 6.6 acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive as shown in application PL-22-0340, from General Industrial (A-1) to Planned Area Development to allow an existing public use, a City resource center (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 March 15, 2023, 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 April 17, 2023; 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 $\pm$ 6.6 acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive as more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to Planned Area Development (PAD) Narrative as described in Exhibit 2 date stamped February 2023.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

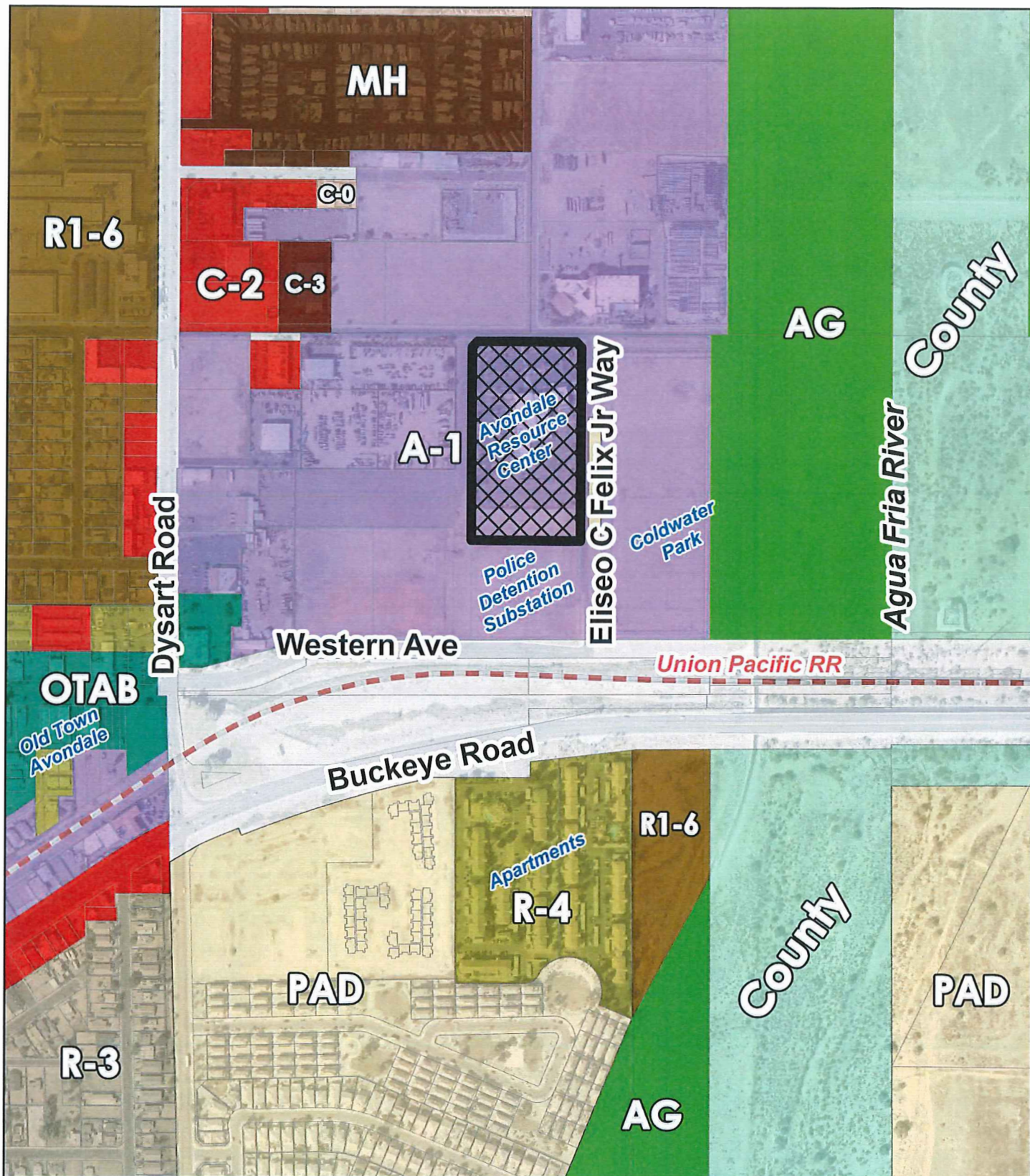
EXHIBIT 1
TO
ORDINANCE NO. 2033-0423

[Legal Description and Map]

EXHIBIT "A"

Resource Center Legal Description

LOT 2 as shown on the recorded plat titled "Riley Property 2, a Replat of Riley Property," recorded in Book 1501, Page 4, of the Maricopa County Recorder's Office.



Zoning Vicinity



Subject Property



Date: 2/6/2023

EXHIBIT 2
TO
ORDINANCE NO. 2033-0423

[PAD Narrative for City-Initiated Rezones for City-Owned Properties]

Exhibit H – Planned Area Development Narrative

Prepared Feb. 2023

Staff contacts: Michelle Simerdla (623) 333-4022 and Ann Dolmage 623-333-4030

City-Initiated Rezones for City-Owned Properties

Introduction

The City of Avondale is requesting to rezone seven (7) City-owned properties to bring their zoning designations into conformance with the intended uses of the properties. The Planned Area Development (PAD) district allows the City to create a zoning district that accommodates a public use. According to Avondale's General Plan 2030, as the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any General Plan land use category. The following is background information on each request.

Aquatic Center (PL-22-0315)

The City of Avondale requests to rezone the property from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) on an approximately 22 net-acre parcel generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Numbers for this project are 101-01-017B and 101-01-015.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Avondale Civic Center (City Hall, Police Station, City Court) which is currently zoned Agricultural (AG), with a pending City-initiated request to rezone to Planned Area Development to allow for existing public uses (City Hall, Police Station, City Court).

The site's General Plan land use designation of the site is Public/Civic in the City of Avondale General Plan 2030. The Public/Civic designation is intended for civic, public, and quasi-public uses necessary for the health, safety, and welfare of the City's residents. Facilities such as libraries, police and fire stations, community centers, government offices, and water and wastewater facilities are examples of uses that are appropriate for this designation.

The project was approved by City Council in 2020 and is currently under construction. The project will provide a competition pool, a recreational pool with a lazy river, large slide features, and a bathhouse. The estimated completion date is December 2023.

Civic Center (PL-22-0316)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing public use (Civic Center) on an approximately 10.3-acre site located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard. The Assessor Parcel Number for this project is 101-01-013.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - Single-family homes zoned CW Ranch PAD.

West - Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

The site is developed with the Avondale Civic Center, including City Hall, the Courts building, and the Police Station building. The buildings were constructed in 2003.

Civic Center Park (PL-22-0318)

The City of Avondale requests to rezone the approximately 4.4-acre property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from AG to PAD to allow for a public use (park). The Assessor Parcel Number for this project is 101-01-016.

The surrounding land uses include:

North - Vacant land used for farming, including City-owned land zoned AG and land in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for an aquatic center currently zoned AG. East of the aquatic center are single-family homes zoned Roosevelt Park PAD.

South - Vacant City-owned land, planned for an aquatic center currently zoned AG. South of the aquatic center are single-family homes zoned CW Ranch (Starlight Trails) PAD.

West - City-owned land occupied by Avondale's Civic Center, currently zoned AG.

The site's General Plan land use Designation of the site is Public/Civic, which is previously described in this narrative.

A new park with amenities is proposed on the site, which was authorized by Council in July 2022. The estimated completion is June 2004 for the project. The conceptual site plan for the park shows that park amenities will be oriented in a "bullseye" pattern, with a turf area at the center. A ramada, playground, water feature, seat walls, walkways, and an additional turf area will encircle the center. The outer ring of the park will be occupied by stormwater retention basins and perimeter landscaping.

Fire Station 175 (PL-22-0307)

The City of Avondale requests to rezone the property approximately 2.98-acre property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from (Urban Residential (R1-6) to PAD to allow for an existing public use (fire station). The Assessor Parcel Number for this project is 500-27-013.

The surrounding land uses include:

North - Mattress manufacturer, vitamin distributor, and City-owned vacant land zoned Coldwater Depot PAD, Coldwater Depot III PAD, and Avondale Commerce Center PAD, respectively.

East - Vacant land to be developed with apartments, zoned Fairway Residences PAD.

South - Vacant land to be developed with apartments, zoned Fairway Residences PAD, and single-family homes zoned Coldwater Springs PAD.

West - City-owned land, part vacant and partly developed with a City water facility, zoned R1-6.

The site's General Plan land use designation is High-Density Residential, which is a residential land that will contain densities of up to 30 dwelling units per acre.

The site is developed with Fire Station 175. Avondale currently operates five (5) fire stations throughout the City. Fire Station 175 was constructed in 2021 and is the newest of the five. The station houses three engines: L175 (a ladder truck with a crew of four), LT175 (which utilizes the same crew as L175, but responds mostly to EMS calls), and BC171 (which is used for larger incidents where a formal incident command system is needed). The units from Station 175 protect the business corridors along Dysart Road and Avondale Boulevard, the commercial and entertainment areas in The BLVD, the residents of Coldwater Springs, and several multi-family developments in the center of Avondale.

Library (PL-22-0317)

The City of Avondale requests to rezone the property from AG to PAD to allow for an existing use (library) located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue. The Assessor Parcel Number for this project is 101-01-010.

The surrounding land uses include:

North - Vacant land, currently being used for farming in the jurisdiction of Maricopa County zoned RU-43.

East - Vacant City-owned land, planned for a park and aquatic center currently zoned AG. East of the aquatic center single-family homes zoned Roosevelt Park PAD.

South - City-owned land occupied by City Hall, City Court, and the main Police Station, currently zoned AG.

West - City-owned land occupied by Phoenix Raceway building and Avondale's Visitor and Conference Center, zoned Avondale Corporate Center PAD.

The site's General Plan land use designation is Public/Civic, which is previously described in this narrative.

The site is developed with the Civic Center branch of Avondale Public Library, one (1) of two (2) library branches within the City of Avondale. The Civic Center Library opened in March 2007, under an intergovernmental agreement with the Maricopa County Library District. The City of Avondale took over control of the library in October 2009. The building is 31,000 square feet in size and houses a collection of 50,000 volumes as well as a meeting room and two study rooms. In addition to loaning books and other media to the public, the library provides computers with internet access; serves as a resource for business, employment, and genealogy research; operates a “dial-a-story” phone line; and hosts classes and events for a variety of interests and age groups.

Police Department Detention Center and Substation (PL-22-0358)

The City of Avondale requests to rezone the approximately 3.3-acre property from General Industrial (A-1) to PAD to allow for a public use (Police Department Detention Center and Substation) located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue. The Assessor Parcel Number for this site is 500-21-025.

The surrounding land uses include:

North - Arizona Complete Health Resource Center currently zoned A-1.

East - County-owned landfill zoned A-1.

South of Western Avenue - Apartments zoned Tres Rios Landing PAD.

West - Vacant lots zoned A-1.

The General Plan land use designation is Industrial, which is a designation that is intended to provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures.

The site is currently vacant and undeveloped. A new detention center and substation building is proposed that will be approximately 17,000 square feet. Approximately 9,000 square feet will be dedicated to detention and 8,000 square feet will be dedicated to patrolling. The project is estimated to be completed in 2025.

Arizona Complete Health Resource Center (PL-22-0340)

The City of Avondale requests to rezone the approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from A-1 to PAD to allow for an existing public use (resource center). The Assessor Parcel Number for this project is 500-21-026.

The surrounding land uses include:

North - Vacant land on the west side of Eliseo C. Felix Jr. Way and a steel truss manufacturer on the east side, both zoned A-1.

East - County-owned landfill zoned A-1.

South - Vacant City-owned land planned for a police detention center and substation, zoned A-1.

West - Vehicle towing yard zoned A-1.

The General Plan land use designation is Industrial, which is previously described in this narrative.

The site is developed with the Arizona Complete Health Resource Center, which completed construction at its current location on Riley Drive in January 2021. The approximately 26,000-square-foot facility is operated by a partnership between the City of Avondale, Arizona Complete Health, and First Things First. It serves as a hub for a variety of human services programs for families across the Southwest Valley, including educational programs and health screenings for children, meal programs for seniors, parenting workshops, income tax assistance, housing, and utility assistance, and financial assistance for military members.

CITY COUNCIL REPORT

SUBJECT: Resolution 1018-0423 - Amendments to the Personnel Policies and Procedures Chapter 14 Tuition Reimbursement Program

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Ted Flores, Interim Human Resources Director

THROUGH: Ron Corbin, City Manager (623) 333-1016

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Innovative Program and Service Delivery - Avondale will attract, retain, and develop a diverse and competitive workforce to meet the needs of the residents and business community.

PURPOSE:

City Council will consider a request to adopt Resolution 1018-0423, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 14 Tuition Reimbursement Program, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Human Resources Department, in coordination with other City Departments, will bring Personnel Policies and Procedures Updates to City Council for approval minimally two times per year. The presented policy clarifies the eligibility and reimbursement processes of the tuition reimbursement program and allows for payment deferment in instances where colleges or universities have deferment plans.

DISCUSSION:

The following are major highlights of the changes to the Chapter 14 Tuition Reimbursement Program:

Page 1:

- Includes Doctorate degree programs as eligible.
- Removes the requirement to have successfully completed original probation.

Page 2:

- Ensures employees notify the City of all funding sources prior to reimbursement.
- Allows employees who are denied participation, for any reason, to appeal such denial to the City Manager within ten working days.

- Increases the total reimbursement cost from \$5,000 to \$5,250.
- Excludes education involving sports, games, or hobbies, unless the education has a reasonable relationship to the City or is required as part of a degree program. This aligns with recent IRS code changes.

Page 3:

- Clarifies employees submitting original billing statements and all funds utilized to pay for tuition, including a statement with a zero balance.
- Allows sixty days after completion of the course to submit for reimbursement.
- Allows employees to take advantage of educational institutions' tuition deferment programs.

BUDGET IMPACT:

There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures. The fiscal year 2024 Recommended Budget includes an increase to the tuition reimbursement budget.

RECOMMENDATION:

Staff recommends that Council adopt this amendment to the City of Avondale Policies and Procedures.

Contact person for document distribution: Ted Flores

CHAPTER 14

Tuition Reimbursement Program

A. Policy

1. The City of Avondale (City) values the importance of the individual growth of each employee. It is the City's policy to encourage employee development through tuition reimbursement.

B. Purpose

1. ~~The City recognizes the need for employees to develop knowledge, skills, and abilities in order to keep pace with the rapid changes in technology, methodologies, and workplace diversity. This program has been established so the City of Avondale and its employees may benefit from the rewards of additional education.~~
2. The purpose of this program is to provide employees an opportunity to advance their education, enhance their industry knowledge, and improve their overall employee competency. This program will increase job performance and ultimately impact employees' lives for the better.
3. This program will attract and retain competent employees for City jobs.

C. Employee Eligibility

1. Any regular, full-time employee, holding an exempt or non-exempt position ~~and who has successfully completed original probation~~ is eligible to participate in the tuition reimbursement program.
2. ~~Any employee on original probation is not eligible for the tuition reimbursement program.~~
2. The resignation or termination of an employee prior to the completion of a course will automatically terminate their eligibility for reimbursement under this program.
3. A reduction in force or approved leave of absence status of an employee after the approval of their application for education assistance will not alter their eligibility for reimbursement.

D. Course Eligibility

1. Tuition reimbursement may be provided for courses of instruction taken at, or through, private and public institutions of learning such as universities, colleges, trade schools, and technical institutions. All eligible institutions must be fully accredited by a regional institutional accrediting association, such as the North Central Association of Colleges and Secondary Schools.
2. Eligible programs are Associate, Bachelor's, Master's, and Doctorate degree programs.

Certificate programs may be approved for reimbursement at the discretion of the Human Resources Director.

3. To be eligible for tuition reimbursement, courses must be taken on the employee's personal time ~~and the employee will have personally paid the tuition for which they are requesting reimbursement:~~
 - a. Employees who receive financial assistance for their education from another source (i.e. scholarships, grants, military education benefits, etc.) must disclose all funding sources and the amounts at the time they apply for course reimbursement.
 - b. If an employee receives 100% funding for their tuition from another source (i.e. scholarships, grants, military education benefits, etc.), the City shall not provide reimbursement.
 - 1) Under certain circumstances, coordination with other funding sources is possible. In all instances, total financial assistance and tuition reimbursement shall not exceed the educational expenditures incurred.
4. To be eligible for reimbursement, an employee must submit an application for tuition reimbursement at least five (5) days prior to the beginning of a course and.
5. To be approved for tuition reimbursement, an associate's, bachelor's, master's and doctorate degree course must result in formal college credit. The City shall not pay for a course or other education involving sports, games, or hobbies, unless the education has a reasonable relationship to City business or is required as part of a degree program.
6. If possible, courses should be taken for an academic grade. A course taken for pass/fail credit or general completion may be approved if an academic grade is not available. Audited courses are not eligible for reimbursement.
7. Courses must be fully completed as evidenced by a grade, pass/fail designation, issuance of certificate, or other proof of full completion. Courses taken for an academic grade must be completed with a grade of "C" or better, or courses taken pass/fail must be completed with a passing designation, to qualify for reimbursement.
8. The Human Resources Director shall determine whether an educational course meets these requirements and contributes to employee development supported by this policy.
9. If an employee is denied participation in this program for any reason, including an untimely application, then the employee may appeal such denial to the City Manager by filing a written appeal with the City Manager or their designee within ten working days from receipt of denial of tuition reimbursement under this program, stating the reason for the appeal and facts that the employee wishes to have considered. Within five working days the City Manager or designee shall render a written decision affirming or denying eligibility in the program.

E. Reimbursement Eligibility and Level of Assistance

1. The City **may** reimburse tuition cost of up to **\$5,250** in eligible tuition expenses per calendar year pending sufficient availability of City funds. All other costs, including books, fees, transportation, online program costs, etc. are the responsibility of the employee.
2. Tuition reimbursement is not available more than one time for the same course.
3. The calendar year in which the reimbursement is paid to the employee **shall** determine the calendar year that the tuition reimbursement amount will be counted against. For example, if a course is taught from October-December and the reimbursement is paid in the following January, the course's reimbursement amount **must** be counted toward January's calendar year limit of **\$5,250**.

F. Reimbursement

1. Upon successful completion of the course, the employee **shall** submit the following documentation to the Human Resources Department **for approval**:
 - a. A copy of the HR Department approved application for tuition reimbursement.
 - b. A copy of the official grade report or transcript from the educational institution.
 - c. An original paid tuition **billing statement**.
 - 1) An original tuition billing statement.
 - 2) The billing statement must itemize all charges for the course, including tuition.
 - 3) The billing statement must itemize financial assistance from another source (i.e. scholarships, grants, military education benefits, etc.)
 - 4) The billing statement must indicate a "zero" balance for the course in order to be eligible for tuition reimbursement.
 - d. The documents must be submitted within 60 days after completion of the course. Exceptions to this deadline must be approved by the City Manager.
 - e. When all requirements are met, the Human Resources Director may will approve reimbursement in which reimbursement shall be issued to the employee
 - f. If an educational institution allows for deferred tuition payment, the HR Director may authorize the payment of tuition directly to the employee, upon proof of grades, billing statement, and deferred tuition agreement with the educational institution. The employee will have 30 days after payment to submit the paid billing statement to HR to show the monies were repaid. Billing statements not provided after the 30 days will be subject to withholdings from pay, per tuition approval agreement language.
2. Reimbursement will be on a first come first served basis and depends on the sufficient funds

of City resources to support the program.

RESOLUTION NO. 1018-0423

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, AMENDING CHAPTER 14 OF THE PERSONNEL POLICIES AND
PROCEDURES RELATING TO THE TUITION REIMBURSEMENT
PROGRAM.

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

SECTION 1. Chapter 14 – Tuition Reimbursement Program of the City of Avondale Personnel Policies and Procedures dated April 17, 2023 (“Chapter 14”), is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of Chapter 14 adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1018-0423
[Chapter 14]
See following pages.

CHAPTER 14

Tuition Reimbursement Program

A. Policy

1. The City of Avondale (City) values the importance of the individual growth of each employee. It is the City's policy to encourage employee development through tuition reimbursement.

B. Purpose

1. The purpose of this program is to provide employees an opportunity to advance their education, enhance their industry knowledge, and improve their overall employee competency. This program will increase job performance and ultimately impact employees' lives for the better.
2. This program will attract and retain competent employees for City jobs.

C. Employee Eligibility

1. Any regular, full-time employee, holding an exempt or non-exempt position is eligible to participate in the tuition reimbursement program.
2. The resignation or termination of an employee prior to the completion of a course will automatically terminate their eligibility for reimbursement under this program.
3. A reduction in force or approved leave of absence status of an employee after the approval of their application for education assistance will not alter their eligibility for reimbursement.

D. Course Eligibility

1. Tuition reimbursement may be provided for courses of instruction taken at, or through, private and public institutions of learning such as universities, colleges, trade schools, and technical institutions. All eligible institutions must be fully accredited by a regional institutional accrediting association, such as the North Central Association of Colleges and Secondary Schools.
2. Eligible programs are Associate, Bachelor's, Master's, and Doctorate degree programs. Certificate programs may be approved for reimbursement at the discretion of the Human Resources Director.
3. To be approved for tuition reimbursement, an associate's, bachelor's, master's and doctorate degree course must result in formal college credit. The City shall not pay for a course or other education involving sports, games, or hobbies, unless the education has a reasonable relationship to City business or is required as part of a degree program.
4. If possible, courses should be taken for an academic grade. A course taken for pass/fail

credit or general completion may be approved if an academic grade is not available. Audited courses are not eligible for reimbursement.

5. Courses must be fully completed as evidenced by a grade, pass/fail designation, issuance of certificate, or other proof of full completion. Courses taken for an academic grade must be completed with a grade of “C” or better, or courses taken pass/fail must be completed with a passing designation, to qualify for reimbursement.
6. The Human Resources Director shall determine whether an educational course meets these requirements and contributes to employee development supported by this policy.
7. If an employee is denied participation in this program for any reason, including an untimely application, then the employee may appeal such denial to the City Manager by filing a written appeal with the City Manager or their designee within ten (10) working days from receipt of denial of tuition reimbursement under this program, stating the reason for the appeal and facts that the employee wishes to have considered. Within five (5) working days the City Manager or designee shall render a written decision affirming or denying eligibility in the program.

E. Reimbursement Eligibility and Level of Assistance

1. The City may reimburse tuition cost of up to \$5,250 in eligible tuition expenses per calendar year pending sufficient availability of City funds. All other costs, including books, fees, transportation, online program costs, etc. are the responsibility of the employee. The City follows IRS guidelines regarding the limit of tax-free educational assistance. Any assistance above certain limits must be taxable.
2. Tuition reimbursement is not available more than one time for the same course.
3. The calendar year in which the reimbursement is paid to the employee shall determine the calendar year that the tuition reimbursement amount will be counted against. For example, if a course is taught from October-December and the reimbursement is paid in the following January, the course’s reimbursement amount must be counted toward January’s calendar year limit of \$5,250.
4. To be eligible for tuition reimbursement, courses must be taken on the employee’s personal time:
 - a. Employees who receive financial assistance for their education from another source (i.e., scholarships, grants, military education benefits, etc.) must disclose all funding sources and amounts at the time they apply for course reimbursement.
 - b. The City will only reimburse the employee’s remaining share of tuition after all other sources (i.e., scholarships, grants, military education benefits, etc.) are used.
 - 1) Under certain circumstances, coordination with other funding sources is possible. In all instances, total financial assistance and tuition reimbursement shall not exceed

the educational expenditures incurred.

5. To be eligible for reimbursement, an employee must submit an application for tuition reimbursement at least five (5) days **prior to** the beginning of a course.

F. Reimbursement

1. Upon successful completion of the course, the employee shall submit the following documentation to the Human Resources Department for approval:
 - a. A copy of the Human Resources Department approved application for tuition reimbursement.
 - b. A copy of the official grade report or transcript from the educational institution.
 - c. An original paid tuition billing statement.
 - 1) An original tuition billing statement.
 - 2) The billing statement must itemize all charges for the course, including tuition.
 - 3) The billing statement must itemize financial assistance from another source (i.e., scholarships, grants, military education benefits, etc.)
 - 4) The billing statement must indicate a “zero” balance for the course in order to be eligible for tuition reimbursement.
2. The documents must be submitted within sixty (60) days after completion of the course. Exceptions to this deadline must be approved by the City Manager.
3. When all requirements are met, the Human Resources Director will approve reimbursement in which reimbursement shall be issued to the employee
4. If an educational institution allows for deferred tuition payment, the Human Resources Director may authorize the payment of tuition directly to the employee, upon proof of grades, billing statement, and deferred tuition agreement with the educational institution. The employee will have thirty (30) days after payment to submit the paid billing statement to Human Resources to show the monies were repaid. Billing statements not provided after the thirty (30) days will be subject to withholdings from pay, per tuition approval agreement language.
5. Reimbursement will be on a first come first served basis and depends on the sufficient funds of City resources to support the program.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2025-0423 - Avondale City Code Amendment, Chapter 1, Chapter 14, and Chapter 15; Relating to the Property Maintenance Ordinance

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Dale Nannenga, Chief of the Office of Public Safety

THROUGH: Ron Corbin, City Manager, (623) 333-1016

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will consider a request to adopt Ordinance 2025-0423 amending Avondale City Code, Chapter 1, Chapter 14, and Chapter 15, Relating to the Property Maintenance Ordinance and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Chapter 14 of the Avondale City Code has not been amended or modified since March 2014. Changes in state statutes, property and maintenance standards, and amendments to the Zoning Ordinance (Chapter 28) have led to the need for modifications and amendments to various chapters within the City Code. The changes provide clarity and direction for staff in applying the City Code when performing their duties.

DISCUSSION:

The purpose of the Property Maintenance Code is to define minimum property maintenance standards for residential and commercial properties within the City of Avondale. The proposed changes will:

- Update definitions to reduce conflict with the Zoning Ordinance and clarify the property maintenance code.
- Ensure the enforcement process conforms with the changes in the state law.
- Afford residents additional time to pay fines.
- Provide additional abatement authority to the City for non-compliance with the code.
- Clearly define the appeals process and establish a hearing officer to address citizen concerns regarding a notice of violation.

The amendments provide guidance to preserve and maintain existing structures, thus ensuring the health, safety, and welfare of property owners and businesses, the City and its residents, and the general public.

The proposed revisions were presented to the Neighborhood and Family Services Commission on August 31, 2022, to seek community feedback and input. The Commission approved the proposed amendments to be forwarded to City Council for review and adoption with no revisions.

BUDGET IMPACT:

There is no impact on the budget.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance amending Avondale City Code, Relating to the Property Maintenance Ordinance and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Contact person for document distribution: Dale Nannenga, Chief

ORDINANCE NO. 2025-0423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 1, GENERAL PROVISIONS; CHAPTER 14, PROPERTY MAINTENANCE ORDINANCE; AND CHAPTER 15, MISCELLANEOUS PROVISIONS AND OFFENSES, RELATING TO THE ADMINISTRATION OF THE PROPERTY MAINTENANCE ORDINANCE.

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

SECTION 1. The Avondale City Code, Chapter 1 (General Provisions), Article I (General Provisions), Section 1-9 (General and civil penalties—Prescribed; continuing violations), Subsection (d) (Civil penalty) is hereby amended as follows:

1-9 General and civil penalties—Prescribed; continuing violations.

. . .

(4) Civil citations.

(a) Unless otherwise designated as a criminal offense, if a violation continues past the compliance time set forth in the notice of violation, a civil citation may be issued to the person or entity responsible for the violation.

(b) A civil citation may be issued by the city manager or authorized designee.

(c) The civil citation shall include the date of the violation, a reference to the section(s) violated and, if applicable, the location of the property or site at issue.

(d) UNLESS OTHERWISE SPECIFIED IN THIS CODE, ~~The~~ the civil citation shall direct the defendant to pay the fine imposed pursuant to subsection 1-9(d)(5) below or appear in the Avondale city court within ten (10) days of the issuance of the citation.

(e) The civil citation shall provide notice that if the defendant fails to pay the fine or appear in the Avondale city court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear.

(f) Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:

(1) Hand delivering the citation to the defendant.

(2) Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address.

(3) Any means allowed by the Arizona Rules of Civil Procedure for the superior court.

. . .

(6) Recidivist properties/persons.

(a) The recidivist process is designed to provide relief via an expedited enforcement process for problems with persons or entities who repeatedly violate any provision of this Code or city ordinance and who have demonstrated an inability or unwillingness to comply with this subsection 1-9(d). Any violation of this chapter, whether initially deemed civil or criminal in nature, which is committed by a person deemed a recidivist as set forth in THIS subsection ~~1-9(d)(6) below~~, shall be deemed a Class 1 misdemeanor and shall be addressed as set forth in subsection 1-9(c) above.

(b) A person shall be deemed a "recidivist" if such person has been issued a notice of violation and/or civil citation, and/or criminal charges filed for two (2) or more times within the last two-year period relating to violations of the same provisions of this Code.

(c) To address frequently occurring violations on recidivist parties or properties, the city manager or an authorized designee may initiate non-complaint based inspections/code compliance on recidivist parties or properties after case resolution to check for a recurrence of the same violation(s).

(d) Cases for which the persons involved have been designated as recidivist ~~shall~~ MAY be submitted to the city prosecutor for further action consistent with this chapter.

SECTION 2. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article I (General Provisions), Section 14-50 (Definitions) is hereby amended as follows:

14-50 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned or inoperable vehicle: Any vehicle that is partially or wholly dismantled, discarded, wrecked; or on blocks, stands or similar devices; or stripped or scrapped; or inoperable

due to mechanical disassembly; or with a deflated tire or tires, or physically incapable of operation; or is incapable of operation for other reasons that may include an expired (more than one month) license plate or the absence of a license affixed or assigned thereto, UNLESS OTHERWISE PRESCRIBED BY STATE LAW.

ABATE: TO CORRECT THAT WHICH CAUSES OR CONSTITUTES A PUBLIC NUISANCE BY REMOVAL, REHABILITATION, REPAIR, RELOCATION, STOPPAGE, ELIMINATION, DEMOLITION, OR DESTRUCTION.

Adopted Codes: Any of the provisions of the building code, the mechanical code, the electrical code, the plumbing code, the residential code, the fuel gas code or the energy conservation code, as amended and adopted by the city.

Animal waste: Household pet waste and waste from stables, kennels, pet pens, chicken coops, veterinary establishments and others of a similar nature.

Blight, blighted or blighting: Any unsightly, deteriorated, ~~dilapidated~~, withered or decayed condition of a building, structure, accessory building, fence, landscaping or property characterized by neglect, lack of maintenance, damage or any other similar condition. Examples include, but are not limited to, the accumulation of debris, wood, scrap iron or other metal, boxes, paper, vehicle parts, tires, abandoned or inoperable equipment or vehicles; discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning; buildings or structures exhibiting general disrepair or ~~dilapidation~~ including but not limited to deteriorated shingles, peeling paint, broken doors or windows or any other evidence of neglect or lack of maintenance.

~~Boardinghouse~~ **BOARDING HOUSE:** A single-family detached or attached dwelling unit in which any of the rooms are rented or leased to persons on a transient basis, but which does not include group homes, dormitories, convalescent homes, nursing homes, substance abuse detoxification centers or substance abuse treatment centers.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter and enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Code official: The executive official in charge of enforcing violations of this chapter; the code official shall be the city manager or ~~his~~ AN authorized designee.

CONDEMN: TO ADJUDGE UNFIT FOR HUMAN OCCUPANCY.

Construction materials: Any material commonly used in construction or landscaping including, but not limited to, asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks or other similar materials.

Debris: Substance or material of little or no apparent value including, but not limited to, deteriorated lumber, old newspapers, cardboard material, scrap metal, vehicle parts, discarded

furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, abandoned, broken or neglected equipment or the scattered remains of items.

Deteriorate, deteriorated, deterioration: A lowering in quality of the condition of a building, structure or parts thereof including, but not limited to, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect or lack of maintenance.

Driveway: An unobstructed paved area directly connecting a public or private street with vehicle parking, loading, or maneuvering areas.

Exterior property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Fence (includes screen walls and/or retaining walls): A self-standing structure constructed of wood, chain link, metal, masonry or similar materials designed for and commonly used to provide semi-privacy, security, screening or bank retention between grade separations.

Graffiti: The writing, drawing, inscribing, etching, spray painting, sketching or otherwise applied message, initials, designs, drawing, slogan, sign, symbol or mark of any type that is made on any public or private building, structure or surface, and that is made without the express permission of the building, structure or surface owner.

GROUND COVER, NON-VEGETATIVE: LANDSCAPE MATERIALS THAT ARE NOT LIVING. THESE MATERIALS INCLUDE, BUT ARE NOT LIMITED TO, DECOMPOSED GRANITE, GRAVEL, CRUSHED ROCK, BOULDERS, RIVER ROCK, WOOD CHIPS, BARK, OR OTHER SIMILAR MATERIALS OF WHICH MATERIALS ARE ONE QUARTER INCH OR LARGER, OR ARTIFICIAL TURF. PAVEMENT SHALL NOT BE CONSIDERED GROUND COVER FOR THE PURPOSES OF LANDSCAPING.

GROUND COVER, VEGETATIVE: LIVING LANDSCAPE MATERIALS CHARACTERIZED BY HORIZONTAL AS WELL AS VERTICAL GROWTH, BUT DOES NOT INCLUDE WEEDS. THE INTENT OF GROUND COVER PLANTS, WHEN PROPERLY INSTALLED, IS TO FORM A CONTINUOUS COVER OVER THE GROUND.

Habitable space/room: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HEARING OFFICER: THE JUDGE OF THE MUNICIPAL COURT OR AN AUTHORIZED DESIGNEE OF THE CITY MANAGER RESPONSIBLE FOR ADJUDICATING CIVIL CODE VIOLATIONS.

Hotel/motel: An establishment, other than a boarding house, containing five (5) or more guest rooms that, for a fee, provides temporary sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture, bed linens, telephone and desk service, as well as related ancillary uses including, but not limited to, conference and meeting

rooms, restaurants, bars, and recreational facilities. For the purposes of this chapter, a motel shall be considered a hotel.

Imminent hazard: A condition that could cause serious or life-threatening injury or death at any time.

Inspection warrant: An order, in writing, signed by a judge of a court of competent jurisdiction, directed to a state, county or local official, authorizing entry into private property to inspect for, violations of the Avondale City Code or other relevant laws and regulations.

Judge: A City of Avondale Municipal Court Judge.

Municipal Court: The City of Avondale Municipal Court.

Occupant: Any individual living or sleeping on premises, in a building or structure, or having possession or custody of a space on or within a premise, building or structure.

Owner: Any individual, association, corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust.

Person: An individual, proprietorship, partnership, corporation, or other legal entity.

Private property: Land owned by any person other than the United States, the State of Arizona, a county, a city, a school district or a special district.

Premises: A lot, plot or parcel of land including any buildings thereon.

Potential hazard: A condition that can cause an unreasonable risk of death or serious personal injury or serious damage to property and which can become an imminent hazard if further deterioration occurs.

Residential rental property: Any property or premises that is 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. It does not include any facilities owned, operated or licensed by the federal, state or county government or any of their agencies or dormitories operated by educational institutions.

RESPONSIBLE PARTY: A PERSON WHO KNOWS OR HAS REASON TO KNOW OF THE EXISTENCE OF ANY VIOLATION OF THIS CHAPTER ON PROPERTY OWNED BY THAT PERSON, OR ON PROPERTY THAT PERSON OCCUPIES OR CONTROLS, IN WHOLE OR IN PART, INCLUDING BUT NOT LIMITED TO AN OWNER, OCCUPANT, LESSOR, LESSEE, MANAGER, MANAGING AGENT, LICENSEE OR ANY PERSON WHO HAS LEGAL CARE OR CONTROL OF THE PROPERTY OR RIGHT-OF-WAY APPURTENANT AND ADJACENT TO SUCH PROPERTY.

Sound condition: Free from decay or defects and capable of performing the task for which it was designed and in the manner it was intended.

Strict liability offense: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act that was prohibited, or failed to do an act that the defendant was legally required to do.

Structure: Any piece of work artificially built up or composed of parts joined together in some definite manner.

Tenant: A person, lessee, occupant, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Trash: All non-putrescible wastes consisting of both combustible and noncombustible solid waste material, excluding ashes.

Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Unsafe structure: A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants, in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, ~~dilapidated~~ DETERIORATED, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Unsheltered: Any area on a premise located outside a garage or other building or structure in such a manner as to be visible to a person standing upon any public street, sidewalk or at ground level upon any adjoining piece of property.

Utility service: Those services required for plumbing and electrical systems, heating and cooling systems, ventilation systems and fixtures and appliances to properly operate, including water service, sewer service, electric service and gas service.

VACANT: A PROPERTY OR STRUCTURE:

1) THAT LACKS THE HABITUAL PRESENCE OF HUMAN BEINGS WHO HAS A LEGAL RIGHT TO BE ON THE PROPERTY FOR A PERIOD OF 60 DAYS;

2) AT WHICH SUBSTANTIALLY ALL LAWFUL BUSINESS OR CONSTRUCTION ACTIVITY OR OCCUPANCY HAS CEASED, OR;

3) THAT IS SUBSTANTIALLY DEVOID OF CONTENTS.

Vehicle: Every device by which any person or property is or may be transported or drawn; including, but not limited to, automobiles, motor homes, travel trailers, utility trailers or watercraft. Devices moved by human power or used exclusively upon stationary rails or tracks are exempt.

Vehicle parts: Any part(s), component(s) or accessory of a vehicle.

Vehicle repair: The service, repair or routine maintenance of a vehicle, including, but not limited to, lubrication, minor repair and tune-up of engines, tire rotation, engine or transmission overhaul or replacement, body or frame repair or replacement work or other repair, replacement, restoration or other similar activities.

Weed: Any ~~valueless, undesirable or troublesome plant growing wild or where it is not wanted including, but not limited to, vegetation which bears seeds of a downy or wingy nature; tumbleweed, sagebrush, chaparral~~ PLANT GROWTH, INCLUDING, BUT NOT LIMITED TO, SAGEBRUSH, CHAPARRAL, BULL THISTLE, COCKLEBUR, FOXTAIL, HORSEWEED, LAMBS QUARTERS, LONDON ROCKET, MALLOW, MILKWEED, PIGWEED, MUSTARDS, PRICKLY LETTUCE, RAGWEED, RUSSIAN THISTLE, TUMBLEWEED, SHEPHERDS PURSE, SOWTHISTLE, WHITE HORSENETTLE, WILLOW WEED, AND PLANT GROWTH DEFINED AS NOXIOUS WEEDS IN STATE STATUTES; and any other brush or vegetation of ~~uncontrolled~~ UNCULTIVATED growth which may provide harborage for insects or other infestations or which is likely to become a fire hazard when dry; and vegetation that is otherwise noxious or dangerous; or dry grass, stubble or brush or other flammable material which may endanger the public health or safety; REGARDLESS OF WHETHER AN OWNER OR OCCUPANT REGARDS THE PLANT GROWTH AS DESIRABLE.

Yard, front: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

Yard, rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, side: A yard lying between the side lot line of the lot and the line drawn through the nearest point of a principal building extending from the front yard to the rear yard, or in the absence of either of said yards from the front to the rear lot lines respectively.

Zoning ordinance: The Zoning Ordinance of the City of Avondale, Arizona.

SECTION 3. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article II (Administration and Enforcement), Section 14-60 (Enforcement—General) is hereby amended as follows:

14-60 Enforcement—General.

(a) The code compliance division shall be charged with the administration of this chapter. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint

deputy code officials, code compliance officers and other related technical officers, inspectors and employees.

(b) The code official shall have authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures, to interpret and implement the provisions of this chapter and to secure the intent thereof.

(c) The city ~~shall~~ MAY proceed either civilly or criminally against any person who is found to be responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of this chapter or for failing to perform any act or duty required by this chapter. ~~A written notice of violation shall be issued to the alleged violator, in accordance with the provisions of section 14-80. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.~~ THE CITY MAY ISSUE A CIVIL CITATION OR A CRIMINAL COMPLAINT; OR MAY ABATE THE VIOLATION, ASSESS THE OWNER OF THE PROPERTY FOR THE COSTS OF THE ABATEMENT, AND RECORD A LIEN AGAINST THE PROPERTY FOR THE COSTS OF ASSESSMENT.

(d) Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense.

(e) It shall be unlawful for any responsible party who has received a notice of a violation to sell, transfer, mortgage, lease or otherwise dispose of such property until the provisions of this chapter have been complied with, or until such responsible party first furnishes the grantee, transferee, mortgagee or lessee a true copy of any notice issued by the code official or ~~his~~ AN authorized designee and furnishes to the code official or ~~his~~ AN authorized designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice. THE CITY MAY RECORD A NOTICE OF VIOLATION WITH THE OFFICE OF THE COUNTY RECORDER. A RECORDED NOTICE OF VIOLATION SHALL RUN WITH THE LAND AND SHALL CONSTITUTE NOTICE, FOR ALL PURPOSES OF THIS ORDINANCE, TO ALL PERSONS OR ENTITIES THEREAFTER ACQUIRING AN INTEREST IN THE PROPERTY. FAILURE TO RECORD A NOTICE OF VIOLATION SHALL NOT AFFECT THE VALIDITY OF THE NOTICE AS TO PERSONS WHO RECEIVE THE NOTICE. IF A NOTICE OF VIOLATION WAS RECORDED AND THE PROPERTY IS BROUGHT INTO COMPLIANCE, A SATISFACTION OF NOTICE OF VIOLATION SHALL BE RECORDED.

(f) When two (2) or more persons have liability to the city or are responsible for a violation of this chapter, their responsibility shall be joint and several.

(g) Violations of this chapter are in addition to any other violation enumerated within the City Code and in no way limit the penalties, actions or procedures which may be taken by the city for any violation of this chapter which is also a violation of any other provision of the City Code or any other applicable law. The remedies specified herein are

cumulative and the city may proceed under ANY OR ALL OF these or any other remedies authorized by law. A PRIOR ASSESSMENT AGAINST THE PROPERTY SHALL NOT BE A BAR TO A SUBSEQUENT ASSESSMENT OR ASSESSMENTS FOR SUCH PURPOSES, AND ANY NUMBER OF LIENS ON THE SAME PROPERTY MAY BE ENFORCED IN THE SAME ACTION.

(h) Any responsible party failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor for those offenses deemed criminal under this chapter or a civil violation for all other offenses.

(I) JURISDICTION OF ALL PROCEEDINGS TO ENFORCE THE PROVISIONS OF THIS CHAPTER SHALL BE IN THE MUNICIPAL COURT, REGARDLESS OF WHETHER THE VIOLATION IS DEEMED CIVIL OR CRIMINAL. THE MUNICIPAL COURT SHALL HAVE JURISDICTION TO ISSUE ORDERS PERMITTING THE CITY TO ABATE CONDITIONS THAT CONSTITUTE A VIOLATION OF THIS CHAPTER.

SECTION 4. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article II (Administration and Enforcement), Section 14-80 (Notice of violation) is hereby amended as follows:

14-80 Notice of violation.

The code official or ~~his~~ AN authorized designee ~~shall~~ MAY seek voluntary compliance with the provisions of this chapter AND MAY ISSUE A NOTICE VIOLATION before issuing a civil citation or criminal complaint, OR COMMENCING AN ABATEMENT, as applicable. ~~This shall include a written notice of violation served on the responsible person or persons.~~

(a) A notice of violation may be issued by the code official, any code compliance officer, police officer, or other city agent or employee duly authorized by the city manager.

(b) A notice of violation shall include:

(1) Identification of the property or location of the violation;

(2) A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;

(3) A re-inspection date; ~~and~~

(4) The name of the person at the city to contact for further information;

(5) NOTICES OF VIOLATION RELATED TO THE REMOVAL OF TRASH, RUBBISH, WEEDS, DEBRIS, DILAPIDATED BUILDINGS, OR OTHER ACCUMULATIONS OF FILTH SHALL ALSO INCLUDE:

(i) A STATEMENT THAT SHOULD A RESPONSIBLE PARTY NOT CORRECT THE VIOLATION PRIOR TO REINSPECTION, THE CITY MAY ABATE THE VIOLATION ITSELF, ASSESS THE OWNER OF THE PROPERTY FOR THE COSTS OF THE ASSESSMENT, AND RECORD A LIEN AGAINST THE PROPERTY FOR THE COSTS OF ABATEMENT;

(ii) THE ESTIMATED COST OF SUCH ABATEMENT; AND

(iii) APPEAL PROCEDURES.

(c) A notice of violation OR CITATION shall be deemed effective on the date when THE NOTICE OF VIOLATION OR CITATION ~~the written notice is:~~

(1) ~~Hand delivered in person to the owner, occupant, manager, or agent of the premises where the violation has occurred, or to the person responsible for the violation~~ RESPONSIBLE PARTY.

(2) Posted on or about the entrance of the premises where the violation occurred OR MAILED TO THE RESPONSIBLE PARTY AT THE RESPONSIBLE PARTY'S LAST KNOWN ADDRESS. EXCEPT NOTICES OF VIOLATION RELATED TO THE REMOVAL OF TRASH, RUBBISH, WEEDS, DEBRIS, DILAPIDATED BUILDINGS, OR OTHER ACCUMULATIONS OF FILTH SHALL ONLY BE DEEMED EFFECTIVE AFTER BEING SENT BY CERTIFIED MAIL, OR SERVED PURSUANT TO (C)(1) OR (C)(3) OF THIS SUBSECTION; AND CITATIONS FOR CIVIL OFFENSES, WHICH SHALL ONLY BE DEEMED EFFECTIVE AFTER BEING SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR SERVED PURSUANT TO (C)(1) OR (C)(3) OF THIS SUBSECTION.

(3) ~~Mailed by certified or first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known mailing address and three business days have elapsed.~~

~~(4)~~(3) Served on the ~~owner, occupant, agent, manager or responsible person~~ PARTY by the same manner as provided in the Arizona Rules of Civil Procedure.

~~(5)~~(4) For the purpose of parking violations, placed on the subject vehicle's windshield or mailed by certified or first class-mail to the subject vehicle's registered owner's last known address with the Arizona Motor Vehicle Division.

(d) Except in cases involving health and safety violations, imminent hazards, recidivist offenders, or as otherwise prescribed by ordinance, a responsible ~~person~~ PARTY ~~will be provided the following amount of time for compliance:~~ SHALL COMPLY BY THE REINSPECTION DATE SPECIFIED IN THE NOTICE OF VIOLATION. ALL NOTICES OF VIOLATION SHALL ALLOW FOR NO LESS THAN TEN (10) DAYS TO COMPLY WITH THE NOTICE OF VIOLATION, EXCEPT FOR VIOLATIONS RELATED TO THE REMOVAL OF TRASH, RUBBISH, WEEDS, DEBRIS, DILAPIDATED BUILDINGS, OR OTHER

ACCUMULATIONS OF FILTH WHICH SHALL ALLOW NO LESS THAN THIRTY (30) DAYS TO COMPLY WITH THE NOTICE OF VIOLATION.

Section 14-160	30 calendar days
Section 14-170	10 calendar days
Section 14-180	10 calendar days
Section 14-190	10 calendar days
Section 14-200	30 calendar days
Section 14-210	30 calendar days
Article IV	10 calendar days
Article V	15 calendar days

(e) Failure of the responsible party, property owner, occupant, manager or authorized agent of the property owner to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, OR ABATEMENT BY THE CITY, as applicable.

(f) Nothing in this section shall prevent the city from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

(G) NOTHING IN THIS CHAPTER SHALL PRECLUDE THE CITY FROM GIVING ADDITIONAL VERBAL OR WRITTEN NOTICE AT ITS DISCRETION. IF THE CITY DOES ELECT TO GIVE ADDITIONAL NOTICE IN ANY INSTANCE, IT SHALL NOT BECOME OBLIGATED TO GIVE SUCH ADDITIONAL NOTICE THEREAFTER IN THE SAME OR OTHER SITUATION.

SECTION 5. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article II (Administration and Enforcement), Section 14-90 (Civil citations) is hereby amended as follows:

14-90 Civil citations.

(a) Unless otherwise designated as a criminal offense in this chapter, ~~if a violation continues past the time provided for voluntary compliance in the notice of violation,~~ a civil citation may be issued to the person responsible for the violation.

(b) A civil citation may be issued by the code official, any code compliance officer, inspector, police officer, or other city agent or employee duly authorized by the city manager.

(c) The citation shall include the date of the violation, the location of the property and reference(s) to the section(s) of this chapter violated.

(d) The citation shall direct the defendant to pay the fine imposed pursuant to section 14-100 of this chapter or appear in municipal court within ~~ten~~ FIFTEEN (15) days of the issuance of the citation.

(e) The citation shall provide notice that if the defendant fails to pay the fine or appear in municipal court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear as set forth in section 14-100 of this chapter.

(f) Service of the citation may be accomplished and will be deemed proper and complete ~~by any of the following means:~~ WHEN SERVED IN ACCORDANCE WITH SECTION 14-80(C).

~~(1) Hand delivering the citation to the defendant.~~

~~(2) Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address. If the citation is returned showing that the certified mail was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such citation.~~

~~(3) Any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.~~

~~(4) Service of a citation for a parking violation may be accomplished by placing a copy of the citation on the subject vehicle's windshield or by mailing the citation by certified or registered mail, return receipt requested to the subject vehicle's registered owner's last known address on file with the Arizona Motor Vehicle Division.~~

SECTION 6. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article II (Administration and Enforcement), Section 14-100 (Civil procedure) is hereby amended as follows:

14-100 Civil procedure.

(a) The defendant shall, within ~~ten~~ FIFTEEN (15) days of the issuance of the citation, either pay the fine indicated on the citation or appear in municipal court to admit or deny the allegations contained in the citation.

(1) The defendant may pay the fine in person or by mailing the citation with a check for the amount of the fine to the municipal court. By paying the fine, the defendant admits the violation described in the citation and accepts responsibility for the offense.

(2) The defendant may appear in person or through an attorney in municipal court and either admit or deny the allegations contained in the citation. If the defendant admits the allegations, the court shall immediately enter a judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for the matter.

(b) If the defendant fails to pay the fine or appear in municipal court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by section 14-110 of this chapter.

(c) If the defendant fails to appear at the time and place set for hearing by the court, the court shall enter a default judgment and impose the fine and default fee required by section 14-110 of this chapter.

(d) The Arizona Rules of Procedure in Civil Traffic Violation cases shall be followed by the municipal court for civil violations of this chapter, except as modified or where inconsistent with the provisions of this chapter, local rules of the Municipal Court or rules of the Arizona Supreme Court.

(E) ABATEMENTS AUTHORIZED BY THIS CODE SHALL PROCEED INDEPENDENTLY OF ANY CIVIL OR CRIMINAL VIOLATION AND SATISFACTION OF A CIVIL CITATION OR CRIMINAL COMPLAINT SHALL NOT ABSOLVE THE RESPONSIBLE PARTY'S DUTY TO ABATE THE VIOLATION.

SECTION 7. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article II (Administration and Enforcement), Section 14-140 (Abatement costs) is hereby amended as follows:

14-140 Abatement-costs.

(a) If the owner or occupant of any property within the city does not remove or abate from its property a violation that constitutes a hazard to public health and safety within thirty (30) days after ~~written notice~~ A NOTICE OF VIOLATION has been served by the city, the city may, at the expense of the owner or occupant, remove or cause the removal thereof and the record owner shall be liable for all costs incurred. ~~The notice shall include the estimated cost of such removal to the city if the owner or occupant does not comply.~~

(b) Any person who places, deposits, leaves or causes in or upon any public street, alleyway, sidewalk, park or other city building or property a violation that constitutes a hazard to public health and safety shall be liable for all costs incurred by the city to remove or clean up such violation.

(C) IN ADDITION TO ANY OTHER ABATEMENT PROCEDURE PROVIDED IN THIS CHAPTER, THE CITY ATTORNEY OR CITY PROSECUTOR, IN THE NAME OF THE CITY OF AVONDALE, MAY APPLY TO THE MUNICIPAL COURT FOR AN ORDER PERMITTING THE CITY TO ABATE ANY CONDITION THAT CONSTITUTES A VIOLATION OF THIS CODE.

(eD) When the city has effected removal or abatement of a violation that constitutes a hazard to public safety from any building or property pursuant to this article, the actual cost of such removal, including UP TO twenty-five (25) percent for additional inspection and other incidental costs in connection therewith, shall become an assessment upon the building or real

property from which such violation is removed. The owner of record of such property shall be liable for the payment of same. THE CODE OFFICIAL OR AN AUTHORIZED DESIGNEE SHALL PREPARE A VERIFIED STATEMENT OF ACCOUNT AS TO THE AMOUNT OF THE ASSESSMENT. THE STATEMENT SHALL BE SERVED IN ACCORDANCE WITH SECTION 14-80 TO THE RESPONSIBLE PARTY UPON WHICH THE NOTICE OF VIOLATION WAS SERVED. If the actual cost for removal, including UP TO twenty-five (25) percent for additional inspection and other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the city, such assessment ~~shall~~ MAY be recorded in the office of the county recorder. From the date of the recording it shall be a lien on such building or property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

(dE) A prior assessment against the building or property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.

~~(eF) A notice of abatement or assessment may be appealed to the city manager for an administrative hearing for review of such notice. If the city manager is the designated Code Official, the appeal shall be made to the city civil enforcement officer. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice and within thirty (30) calendar days from the date of the assessment.~~ NOTWITHSTANDING ANY OTHER PROVISION OF THIS ORDINANCE IF, IN THE OPINION OF THE CODE OFFICIAL, THE CONDITIONS AT A PROPERTY CONSTITUTE AN IMMINENT HAZARD, THE CODE OFFICIAL MAY ORDER OR CAUSE IMMEDIATE ABATEMENT OF THE HAZARD WITHOUT NOTICE. SUCH ABATEMENT OF AN IMMINENT HAZARD SHALL BE LIMITED TO THE MINIMUM WORK NECESSARY TO REMOVE THE HAZARD. ASSESSMENTS AND LIENS FOR SUCH ABATEMENTS SHALL BE ASSESSED IN ACCORDANCE WITH THIS SECTION.

(G) A RESPONSIBLE PARTY MAY APPEAL AN ORDER TO IMMEDIATELY ABATE AN IMMINENT HAZARD TO THE HEARING OFFICER IN ACCORDANCE WITH SECTION 14-210. UPON NOTICE AND REQUEST BY THE RESPONSIBLE PARTY, A HEARING BEFORE THE HEARING OFFICER SHALL BE SCHEDULED AS SOON AS PRACTICABLE. SUCH APPEAL SHALL IN NO CASE STAY THE ABATEMENT OR CORRECTION OF SUCH IMMINENT HAZARD.

SECTION 8. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article II (Administration and Enforcement), Section 14-150 (Inspection warrants) is hereby amended as follows:

14-150 Inspection warrants.

(a) As set forth herein, the code official may seek the issuance of an inspection warrant by the judge if the code official or ~~his~~ AN authorized designee is denied access to any property, building or structure that the code official has authority to inspect. The code official shall, in a supporting affidavit, establish that there is probable cause that a violation of this chapter or the

City Code exists and that the proposed inspection is reasonable and necessary. Probable cause may be established based on any of the following:

. . .

SECTION 9. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article III (Specific Acts, Omissions and Conditions), Section 14-160 (Buildings and structures), subsection (c) is hereby amended as follows:

14-160 Buildings and structures.

. . .

(c) All exterior property including yards, VEGETATIVE ground covers, trees, shrubs or other landscaping; and any exterior surfaces of any buildings or structures including, but not limited to, fences, walls, or roofs or appurtenances including, but not limited to, windows, window frames, window screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings or similar items shall be properly maintained and shall not otherwise present a blighted or deteriorated appearance.

. . .

SECTION 10. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article III (Specific Acts, Omissions and Conditions), Section 14-170 (Land maintenance) is hereby amended as follows:

14-170 Land maintenance.

(a) No person shall place any personal property, materials, goods, wares, merchandise or similar items of any kind in or upon any public street, sidewalk, alleyway or right-of-way. Items placed by or approved by the city are exempt from this subsection.

(b) No person shall attach or place any sign, placard, poster, banner or any other advertising device to any tree, public utility structure, traffic control device, streetlight standard or any other device upon the public streets, alleyways, sidewalks or rights-of-way unless pursuant to a permit, license or other approval from the city.

(c) No person shall place, deposit or leave in or upon any public or private property, public street, alleyway, sidewalk, rights-of-way, park or other city building or property any waste materials, trash, weeds, bottles, glass, cans, graffiti, handbills, posters, pieces of scrap metal, metal articles, paper or other accumulation of debris or items other than placement of refuse for collection in accordance with chapter 11 of the City Code.

(d) No owner or occupant of any property shall allow or permit any trees, shrubs or other plant growth on the property to (1) impede, obstruct or interfere with the free passage upon any public street, sidewalk or alleyway; (2) obstruct the visibility of drivers; or (3) interfere with any traffic control device or signs or street lighting. UNLESS OTHERWISE SPECIFIED BY

THIS CODE, Tree limbs must be maintained to hang no lower than thirteen (13) feet above any public street or alleyway and eight (8) feet above any public sidewalk. Trees below eight (8) feet, shrubs or other plant growth must be maintained away from any public sidewalk.

(e) No person shall allow the accumulation of rubbish, debris, trash, garbage, refuse or other wastes, except that which is deposited in proper containers for sanitation collection, in unsheltered areas of private property, including items such as, but not limited to, cardboard, bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts or other such materials or items which constitute a hazard to the health and safety of the occupants, the neighborhood, the public or others or creates a blighted condition.

(f) No person shall place or store furniture, except furniture designed and placed for outdoor use, household or personal items, equipment, appliances, vehicle parts, landscape material, or construction material (except in accordance with section 14-170(g) below), cardboard material, plastic material or sheeting, tarps, canvases, debris or any similar materials in public view or any unsheltered area of any property.

(g) No person shall store construction materials in unsheltered areas in which insects may breed or multiply, or which provides harborage for rodents or which constitutes a hazard to the public health or safety. This paragraph shall not apply to any construction material when a valid building permit exists for the property on which the construction material is located and the construction material is intended to be incorporated in the project for which the permit is issued.

(h) No person owning or occupying any property fronting on any street, alleyway or public place in the city, shall allow thereon grass or weeds characterized as ~~uncontrolled~~ UNCULTIVATED, unmaintained or overgrown, including those areas between the property line and the street, when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety.

(i) No person shall allow or permit to remain any portion of the front or side yard of any residential property that is in public view to be absent of landscaping material. All exposed dirt within required landscaped areas shall be finished with a natural topping material including, but not limited to, sod, artificial turf, ~~groundcover~~ VEGETATIVE OR NON-VEGETATIVE GROUND COVER, planting, decomposed granite, river rock, expanded shale, native stone or bark. NON-VEGETATIVE ground cover consisting of crushed rock, gravel or similar materials shall be maintained at a sufficient depth that covers all exposed areas of dirt. Parcels with existing undisturbed natural desert vegetation are exempt from this subsection.

(j) No person shall allow any palm tree to have an excessive accumulation of dead or dry fronds that descend downward from the base of the lowest living frond MORE THAN EIGHT FEET OR DRY FRONDS LONGER THAN FIVE (5) FEET AND CLOSER THAN EIGHT (8) FEET TO THE GROUND that may result in insect or other infestations or result in other conditions that are likely to become a hazard to public health or safety.

(k) No person shall allow graffiti on any sidewalk, wall, building, fence or sign, or on any other structure or surface owned by such person. The owner shall keep such property free from graffiti when the graffiti is visible from the street or other public way, or any other public or private

property. Any surface that has been defaced with graffiti must be restored to its original state by the owner.

(l) No person shall erect, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any electric fence or razor wire except where the electric fence or razor wire is intended to contain livestock in approved zoning districts OR AS OTHERWISE PERMITTED BY THIS CODE. Barbed wire fence INTENDED TO CONTAIN LIVESTOCK shall not be within eight (8) feet of any public street, alleyway, sidewalk or right-of-way or at a height of less than six (6) feet.

(m) No person shall allow or permit to remain any landscaping conditions that contributes to visual blight including, but not limited to, vegetation that substantially dead or damaged, characterized by ~~uncontrolled~~ UNCULTIVATED growth or lack of maintenance, or any other similar conditions. Parcels with existing undisturbed natural desert vegetation are exempt from this subsection.

SECTION 11. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article III (Specific Acts, Omissions and Conditions), Section 14-190 (Miscellaneous), subsection (l) is hereby amended as follows:

. . .

(l) Upon issuance of a stop work order, no person shall continue any work on any building, structure, accessory structure, detached garage, fence, wall or storage structure erected, altered or occupied contrary to applicable law. IF POSTED, NO PERSON SHALL DEFACE OR REMOVE A STOP WORK ORDER NOTICE WITHOUT THE APPROVAL OF THE CODE OFFICIAL.

. . .

SECTION 12. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article III (Specific Acts, Omissions and Conditions), Section 14-200 (Vacant structures and premises; unsafe structures and unsafe equipment; condemnation) is hereby amended as follows:

14-200 Vacant structures and premises; unsafe structures and unsafe equipment; condemnation.

(a) All Vacant structures and premises thereof or Vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.

(1) All Vacant premises, including those areas between the property line and the street, shall be maintained to prevent grass, weeds and other vegetation characterized as ~~uncontrolled~~ UNCULTIVATED, unmaintained or overgrown when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety. Parcels with existing undisturbed natural desert vegetation are

exempt from this subsection when the code official determines there is a sufficient separation between the vegetation and adjacent property lines.

(2) All unsecured Vacant or abandoned—buildings or structures must be permanently secured to prevent entry by unauthorized persons pursuant to approved board-up specifications. Any wood or similar material used to secure a building or structure must be painted a color compatible with the building or structure. A copy of board-up specifications may be obtained from the code compliance division.

(3) Unsecured Vacant structures and land which have been subject to dumping on more than one occasion shall have signs stating "no dumping" erected thereon in accordance with applicable laws and shall be secured to prevent future occurrences of dumping by installing permanent fencing, ditches or berms, or by placing four-foot high posts at four-foot intervals, or any other equally effective method approved by the code official or adopted codes.

(b) When a structure or equipment is found by the code official, working in ~~conjunction~~ CONSULTATION with the city building official or fire marshal, as applicable, to be (i) a potential or imminent hazard, (ii) an unsafe structure, (iii) unsafe equipment or (iv) unfit for human use or occupancy, the code official is authorized to condemn such structure or equipment pursuant to the provisions of this subsection.

(1) When the code official or ~~his~~ AN authorized designee has condemned a premises, building, structure or equipment, the code ~~office~~ OFFICIAL shall post a notice bearing the word "condemned" and a statement of the penalties provided for occupying the premises, building and structure, operating the equipment or removing the notice. The notice shall be served on the owner or the person responsible for the property in accordance with section 14-80 of this chapter.

(2) No person shall occupy any unsafe building or structure condemned by the code official.

(3) No person shall operate any unsafe equipment that has been condemned by the code official.

(4) No owner or responsible party of any property or premises shall allow anyone to occupy any unsafe building or structure condemned by the code official.

(5) No owner or responsible party of any equipment shall allow anyone to operate any unsafe equipment that has been condemned by the code official.

(6) No person shall deface or remove a condemnation notice without the approval of the code official.

(7) Notwithstanding other provisions of this chapter, whenever, in the opinion of the code official, working in ~~conjunction~~ CONSULTATION with the city building official or fire marshal, if applicable, there is imminent danger due to an unsafe condition

of an unsecured Vacant or abandoned building or structure, the code official ~~shall~~ MAY order the necessary work to be done, including the boarding up of openings to render such structure temporarily safe whether or not the legal procedure herein described have been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency. For purposes of this subsection, a Vacant or abandoned building or structure shall also include any building or structure that has sustained fire, water, or other substantial damage and is currently unoccupied due to such damage.

(C) NO PERSON SHALL ALLOW OR CAUSE TO REMAIN ON ANY PROPERTY ANY DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE THAT IS UNREASONABLE TO REPAIR, CONTRIBUTES TO URBAN BLIGHT, ADVERSELY AFFECTS PROPERTY VALUES IN THE CITY, SERVES AS ATTRACTIVE NUISANCE, OR CONSTITUTES A HAZARD TO THE PUBLIC HEALTH OR SAFETY.

SECTION 13. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article III (Specific Acts, Omissions and Conditions), Section 14-210 (Demolition) is hereby deleted in its entirety and replaced with a new Section 14-210 (Appeal procedure) as follows:

14-210 APPEAL PROCEDURE.

(A) ANY NOTICE OF VIOLATION OR VERIFIED STATEMENT OF ACCOUNT MAY BE APPEALED TO THE HEARING OFFICER.

(B) A NOTICE OF APPEAL MUST BE FILED WITH THE CITY CLERK WITHIN THE TIME FRAME PRESCRIBED FOR COMPLIANCE OR WITHIN THIRTY (30) CALENDAR DAYS FROM THE STATEMENT.

(C) FAILURE TO TIMELY FILE AN APPEAL SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING OF THE COMPLAINT BEFORE THE HEARING OFFICER AND THE INDIVIDUAL APPEALING SHALL BE ESTOPPED TO DENY THE VALIDITY OF ANY NOTICE OR ASSESSMENT WHICH COULD HAVE BEEN TIMELY APPEALED.

(D) THE NOTICE OF APPEAL SHALL SET FORTH, IN WRITING, THE PERSON'S REASONS FOR BELIEVING NO VIOLATION OF THE ARTICLE HAS OCCURRED OR THAT THE ASSESSMENT IS EXCESSIVE.

(E) THE INDIVIDUAL APPEALING SHALL ACCOMPANY THE WRITTEN APPEAL WITH AN APPEAL FEE OF TWENTY-FIVE DOLLARS (\$25.00), SUCH SUM TO BE DEPOSITED IN THE GENERAL FUND OF THE CITY.

(F) IN CASE OF FINANCIAL HARDSHIP, THE FEE MAY BE WAIVED BY THE CITY MANAGER OR AN AUTHORIZED DESIGNEE.

(G) HEARING PROCEDURE

(1) THE HEARING OFFICER SHALL SET A DATE FOR HEARING AN APPEAL WITHIN FIFTEEN (15) DAYS OF RECEIPT BY THE CITY CLERK OF THE NOTICE OF APPEAL.

(2) THE HEARING OFFICER SHALL HEAR TESTIMONY FROM ALL PARTIES TO THE APPEAL. THE PARTIES MAY, IF THEY CHOOSE, BE REPRESENTED BY AN ATTORNEY. THE HEARING SHALL BE INFORMAL AND WITHOUT A JURY, EXCEPT THAT TESTIMONY SHALL BE GIVEN UNDER OATH OR AFFIRMATION. THE TECHNICAL RULES OF EVIDENCE SHALL NOT APPLY, EXCEPT FOR THE STATUTORY PROVISIONS RELATING TO PRIVILEGED COMMUNICATIONS. THE BURDEN OF PROOF AT THE HEARING SHALL BE ON THE CITY BY A PREPONDERANCE OF THE EVIDENCE.

(3) THE HEARING OFFICER SHALL PREPARE A WRITTEN SUMMARY OF THE HEARING AND SHALL SET FORTH THE DECISION REACHED. THE FINDINGS AND DECISION SHALL BE MAILED TO ALL PARTIES TO THE APPEAL WITHIN THIRTY (30) DAYS OF THE HEARING.

(4) ANY PARTY MAY APPEAL THE JUDGMENT OF THE HEARING OFFICER TO THE MARICOPA COUNTY SUPERIOR COURT IN THE SAME MANNER AS PROMULGATED BY THE ARIZONA SUPREME COURT. AN APPEAL SHALL BE TAKEN WITHIN THIRTY (30) DAYS OF THE DATE OF THE HEARING OFFICER'S DECISION OR SHALL BE WAIVED.

SECTION 14. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article IV (Residential Rental Property), Section 14-200 (Heating, cooling and ventilation systems) is hereby amended as follows:

14-290 Heating, cooling and ventilation systems.

(a) Heating, cooling and ventilation systems in any building or structure shall be maintained hazard-free, operational and in a state of good repair. All heating, cooling and ventilation systems shall be free from defects and hazards associated with ventilation, equipment status, mounting, electrical connections and other potential defects. EVERY RESIDENTIAL RENTAL PROPERTY WHERE SUCH SYSTEMS ARE INSTALLED SHALL HAVE HEATING CAPABLE OF SAFELY HEATING ALL HABITABLE ROOMS, BATHROOMS AND WATER CLOSETS TO A TEMPERATURE OF AT LEAST SEVENTY (70) DEGREES FAHRENHEIT. EVERY RESIDENTIAL RENTAL PROPERTY WHERE SUCH SYSTEMS ARE INSTALLED SHALL HAVE COOLING CAPABLE OF SAFELY COOLING ALL HABITABLE ROOMS, BATHROOMS AND WATER CLOSETS TO A TEMPERATURE NO GREATER THAN EIGHTY SIX (86) DEGREES FAHRENHEIT, IF COOLED BY EVAPORATIVE COOLING, OR EIGHTY TWO (82) DEGREES FAHRENHEIT, IF COOLED BY AIR CONDITIONING. ALL TEMPERATURES SHALL BE MEASURED AT A DISTANCE THREE (3) FEET ABOVE FLOOR LEVEL IN THE CENTER OF THE ROOM. REQUIRED HEATING AND COOLING SHALL BE PROVIDED BY PERMANENTLY INSTALLED HEATING FACILITIES.

(b) Heating, cooling and ventilation systems in residential rental dwellings or dwelling units intended to be used for living or sleeping by human occupants shall not be removed except for immediate repair or replacement.

(c) All heating, cooling and ventilation systems mounting apparatuses shall be structurally sound.

(d) Where a heating, cooling or ventilation system has previously existed in a residential rental dwelling or dwelling unit but has been removed, such dwelling or dwelling unit shall not be occupied unless the heating, cooling or ventilation system is re-installed.

(e) The heating or cooling equipment shall be designed and installed in conformance with the adopted codes in effect at the time of installation and maintained in accordance with the manufacture's specifications.

(f) Evaporative cooling equipment shall be maintained in a condition free from excessive accumulation of rust, corrosion or mineral deposits that limit its proper operation.

(g) All condensate from air cooling coils and overflow from evaporative coolers shall be piped from the roof.

(h) Unused and deteriorated heating, cooling, evaporative coolers or ventilation systems shall be removed from the building or structure.

SECTION 15. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article IV (Residential Rental Property), Section 14-360 (Residential rental property interior inspections; inspection warrants) is hereby amended as follows:

14-360 Residential rental property interior inspections; inspection warrants.

The code official or ~~his~~ AN authorized designee may conduct an interior inspection of a residential rental property to determine compliance with this article in accordance with Ariz. Rev. Stat. § 9-1302, as amended and Ariz. Rev. Stat. § 33-1904(A)(1), as amended. Inspection warrants for such inspection shall be issued in accordance with section 14-150 of this chapter.

SECTION 16. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article V (Registration of Residential Rental Property), Section 14-400 (Civil violations; civil citations) is hereby amended as follows:

14-400 Civil violations; civil citations.

(a) It shall be unlawful, punishable by civil penalties as set forth below, for any owner of residential rental property to fail to perform any act or duty required by any provision of Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, as amended, and any such owner may

be issued a civil citation and is liable for all costs which may be assessed pursuant to state and local law.

(b) When two (2) or more persons have liability to the city or are responsible for a violation of this article, their responsibility shall be joint and several.

(c) The code official or ~~his~~ AN authorized designee shall serve a notice of violation or order in accordance with section 14-410 of this article.

(d) Service of the civil citation may be accomplished and will be deemed proper and complete by any one of the methods set forth in section 14-410 below. Such civil citation shall be deemed a complaint that notices a violation for purposes of Ariz. Rev. Stat. § 33-1902, as amended.

(e) The defendant may admit the allegations in the civil citation and pay the fine in section 14-420, below, by mailing the civil citation, together with a check for the amount of the fine made payable to the municipal court.

(f) A civil citation issued under this article shall:

(1) Direct the defendant to appear in municipal court within ~~ten~~ FIFTEEN (15) days of the issuance of the citation.

(2) Include the date, address and parcel number of the residential rental property for which an owner has failed to comply with the provisions of Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes.

(3) Include a reference to the City Code provision or ordinance violated.

(4) Include a statement directing that, if the owner complies with the provisions of this article and Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, written proof of such compliance shall be provided to the code official, or AN authorized designee, prior to any court hearing ordered.

(5) Include a notice that if the defendant fails to appear as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation charged in addition to a penalty for failure to appear as set forth in subsection 14-400(f) below.

(g) Within ~~ten~~ FIFTEEN (15) days of the issuance of the citation, the defendant shall appear in person or through ~~his~~ AN attorney in municipal court and shall either admit or deny the allegations contained in the civil citation or the defendant may proceed as provided by the provisions of this article. If the defendant admits the allegations, the court shall immediately enter judgment against the defendant in the amount of the fine assessed under section 14-420, below, for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for trial of the matter.

(h) If the defendant fails to appear as directed on the civil citation, the municipal court, upon request by the code official, or AN authorized designee, shall enter a default judgment for the amount of the fine indicated for the violation charged. Additionally, the defendant may be fined up to one hundred dollars (\$100.00) for failure to appear at the time and place set for trial of a matter arising under the provisions of this article.

(i) If, after receiving a notice of violation or civil citation under this article, an owner complies with the provisions of this article and Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes the owner shall provide written proof of such compliance to the code official, or AN authorized designee, prior to any hearing requested or any court hearing ordered under the provisions of this article.

(j) The Arizona Rules of Procedure in Civil Traffic Violation Cases shall be followed by the Municipal Court for civil violations of this article, except as modified or where inconsistent with the provisions of the City Code, local rules of the municipal court or rules of the Arizona Supreme Court.

(k) Any person failing to comply with a notice of violation, civil citation or order served in accordance with section 14-410, below, shall be deemed guilty of a civil violation as determined by the code official, or AN authorized designee, and the violation shall be deemed a strict liability offense.

SECTION 17. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article V (Registration of Residential Rental Property), Section 14-410 (Civil violations; civil citations) is hereby amended as follows:

14-410 Notices and orders.

(a) Whenever the code official, or AN authorized designee, determines that there has been a violation of this article or Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this subsection (b) below to a person who is an owner of a residential rental property as specified in this article. If the residential rental property is owned by an entity, notice shall be given to a person described by or registered under Ariz. Rev. Stat. § 33-1902(A)(2), as amended.

(b) Such notice prescribed in subsection 14-410(a) above shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include the date, address and parcel number of the residential rental property.
- (3) Include a statement that the notice of violation shall not be deemed a complaint that notices the violation for the purposes of Ariz. Rev. Stat. § 33-1902.
- (4) Include a statement of the violation(s) and why the notice is being issued.

(5) Include a correction order giving the owner ten (10) days to register the information required by Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes

(6) Include a statement directing that, if the owner complies with the provisions of this article and Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, written proof of such compliance shall be provided to the code official, or ~~his~~ AN authorized designee, prior to any hearing requested under the provisions of this article.

(c) Such notice shall be deemed to be properly served if a copy thereof is either:

(1) Given by personal service to the owner, owner's authorized agent or owner's statutory agent; or

(2) Sent by certified mail, return receipt requested, addressed to the (i) owner's last known address, the owner's authorized agent or the owner's statutory agent; and (ii) to the address to which the tax bill for the property was last mailed.

(3) If the notice is returned showing that the certified mail, return receipt requested letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

SECTION 18. The Avondale City Code, Chapter 14 (Property Maintenance Ordinance), Article V (Registration of Residential Rental Property), Section 14-420 (Civil penalties) is hereby amended as follows:

14-420 Civil penalties.

. . .

(d) The code official or ~~his~~ AN authorized designee shall provide written notice, an upon written request, an opportunity to be heard to any person to whom a notice of violation is issued under this article. Within fifteen (15) days of receipt of the notice of violation, such person shall file a written request with the code compliance division. If a hearing is held, the code official or ~~his~~ AN authorized designee shall issue a written decision within five (5) days of the hearing, and such decision shall be final. Upon the filing of the written request for a hearing, the code official or AN authorized designee shall not issue a civil citation under this article until the code official or AN authorized designee issues a decision as described in this subsection.

(e) Any person who violates a provision of this article, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

(f) Any judgment for civil penalties taken pursuant to this article may be enforced as any other civil judgment.

(g) Violations of this article are in addition to any other violation enumerated within this chapter and the City Code and in no way limit the penalties, actions, or ABATEMENT procedures which may be taken by the city for any violation of this article which is also a violation

of any other provision of this chapter or any other applicable law. The remedies specified herein are cumulative and the city may proceed under these or any other remedies authorized by law.

SECTION 19. The Avondale City Code, Chapter 15 Miscellaneous Provisions and Offenses, Article I (In General), Section 15-6 (Nuisances) is hereby amended as follows:

15-6 Nuisances.

(a) Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons, or which unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, alley, sidewalk, street or highway, is a public nuisance and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

(b) A person who maintains or commits a public nuisance, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

(1) The existence upon any lot of gang-related graffiti is expressly declared to be a public nuisance, and it shall be the duty of both the owner or any person who may be in possession, to keep such lot clean and free of gang-related graffiti.

(2) The existence upon any wall or structure, located in the public right-of-way, of gang-related graffiti is expressly declared to be a public nuisance. The city may expend such funds as needed to remove gang-related graffiti from the public right-of-way without prior notice.

(3) The existence of any condition that constitutes a violation of the property maintenance code, set forth in ~~Article III~~ CHAPTER 14 of this ~~Chapter~~ CODE, is expressly declared to be a public nuisance.

(c) It shall be unlawful for any owner, lessee or agent, or person in possession of any property within the city to refuse to permit or to interfere with any authorized city employee or agent of the city, or in any manner whatsoever to prevent the removal of the nuisance as defined in section 15-6 (b).

(d) A public nuisance may be abated by order of the city court or as otherwise provided in ~~Article III~~ CHAPTER 14 of this ~~Chapter~~ CODE.

SECTION 20. The repeal of any provision from the Avondale City Code by this Ordinance shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

SECTION 21. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

SECTION 22. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 23. 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, April 17, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

CITY COUNCIL REPORT

SUBJECT: Update on Avondale City Code Chapter 23, Article III, Section 23-62; Relating to the Parking of Trucks and Trailers

MEETING DATE: 4/17/2023

TO: Mayor and Council

FROM: Dale Nannenga, Public Safety Chief and Memo Espinoza, Chief of Police

THROUGH: Ron Corbin, City Manager, (623) 333-1016

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will receive an update from the Office of Public Safety and the Police Department on Avondale City Code Chapter 23, Article III, Section 23-62; Relating to the Parking of Trucks and Trailers. This item is for discussion only.

BACKGROUND:

In April 2007, Avondale City Code Chapter 23, Article III, Section 23-62; Relating to the Parking of Trucks and Trailers, was revised. While the restrictions for parking on a public street mirrored many of the other cities in the metropolitan area, the revision also included restrictions on parking on private property within the City of Avondale.

Since 2007, there have been two amendments to Section 23-62 which allowed for 1) tow vehicles that are under contract with the city (23-62.b) to park on residential streets with a permit and 2) allowed for the city manager to suspend enforcement of the ordinance during designated special events (23-62.g).

DISCUSSION:

When adopted, City Code Section 23-62 addressed the parking of vehicles with a gross vehicle weight (GVW) rating in excess of ten thousand (10,000) pounds and exceeding one (1) ton chassis rating, or a tractor, semi-trailer, trailer, bus, mobile home, recreational vehicle, farm implement, livestock trailer or similar equipment. The ordinance barred the parking of those vehicles on a public street or in a parking lot of any retail, industrial, office, or commercial establishment.

The ordinance requires the owners of a parking lot of any retail, industrial, office, or commercial establishment to post signs stating there is no parking of vehicles with a GVW over 10,000 pounds. It restricts the idling of

vehicles (more than 14,000 pounds) to more than five (5) minutes only when specific criteria are met. In addition, each truck stop or distribution center must have a separate sign posted on the property indicating the regulations on idle time.

The city parking codes for 11 other cities in the valley were reviewed for ordinances dealing with trucks and semi-trailers. Of the eleven (11) cities, seven (7) do not allow parking on residential streets, and four (4) do not allow truck parking on any public street. Five (5) of the eleven (11) cities had restrictions on public streets for either unloading and loading only or had time limits on how long or specific hours the vehicles could be parked on the street. Besides the City of Avondale, only Chandler (vacant or unimproved lots) and Goodyear (private roads and zoning regulation for specific-sized stores) control truck parking on private property.

It is estimated that there are over 200 parking lots for retail, industrial, office, or commercial establishments within the city. Virtually all parking lots need the required signage. Staff estimates that signage and installation costs are between \$200 and \$500 per sign.

In a review of calls for service for the calendar year 2022, the police department responded to or investigated 214 calls that involved semi-truck parking and issued 141 citations or warnings. Of the calls for service, 134 were in reference to a truck on private property (62%). The 134 calls also included calls for trucks in fire lanes and blocking driveways on private property.

BUDGET IMPACT:

There is no impact on the budget.

RECOMMENDATION:

This item is for information and discussion only.

Contact person for document distribution: Chiefs Dale Nannenga and Memo Espinoza

Examples of Trucks in Each Truck Class

Class 1 - 6,000 lbs & Less



Minivan



Cargo Van



SUV



Pickup Truck

Class 2 - 6,001 to 10,000 lbs



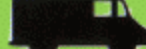
Minivan



Cargo Van

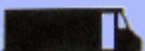


Full-Size Pickup



Step Van

Class 3 - 10,001 to 14,000 lbs



Walk-in



Box Truck



City Delivery



Heavy-Duty Pickup

Class 4 - 14,001 to 16,000 lbs



Large Walk-in



Box Truck



City Delivery

Class 5 - 16,001 to 19,500 lbs



Bucket Truck



Large Walk-in



City Delivery

Class 6 - 19,501 to 26,000 lbs



Beverage Truck



Single-Axle



School Bus

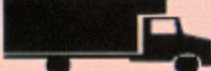


Rack Truck

Class 7 - 26,001 to 33,000 lbs



Refuse



Furniture



City Transit Bus



Truck Tractor

Class 8 - 33,001 lbs & Over



Cement Truck



Truck Tractor



Dump Truck



Sleeper

* US Dept. of Energy 2011 report

City	Public Street Parking	Private Property Parking
Avondale	No Public Streets	Not Allowed – Sign Requirement – Retail, Industrial, Office, or Commercial Property
Buckeye	- No Residential - Public Streets – No parking 10:00 PM to 9:00 AM	Not Addressed
Chandler	No Residential	Not allowed on any vacant or unimproved lot for longer than 2 hours.
El Mirage	No Residential	Not Addressed
Gilbert	No Public Streets (loading/ unloading- 2 hours max.)	Not Addressed
Glendale	No Public Streets (loading and unloading only)	Not Addressed
Goodyear	No Public Streets	No Private Roads
Peoria	No Residential	Not Addressed
Scottsdale	No Residential	Not Addressed
Surprise	No Residential	Not Addressed
Tempe	No Public Streets – 6:00 PM to 6:00 AM	Not Addressed
Tolleson	- No Residential - Public Streets (no longer than 8 hrs.)	Not Addressed