



Planning Commission
Notice & Agenda
Wednesday, April 19, 2023

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

REGULAR MEETING

6:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. OPENING STATEMENT

4. APPROVAL OF MINUTES

Approval of March 15, 2023 Planning Commission Minutes

5. PUBLIC HEARING ITEMS

a. FRANCIS AND SONS EXPRESS CAR WASH – CONDITIONAL USE PERMIT – APPLICATION PL-21-0330

Planning Commission will hold a public hearing and consider a request by Mr. Brian Greathouse, Burch & Cracchiolo, for approval of a Conditional Use Permit (CUP) to allow a full-service car wash on the 3.72-acre subject property in the Palm Valley Planned Area Development (PAD), which includes C-2 (Community Commercial) uses. The Commission will take appropriate action and forward a recommendation to City Council.

Staff Contact: Catherine Lorbeer, AICP, Deputy Director of Planning

b. LIV COMMUNITIES AVONDALE - MINOR GENERAL PLAN AMENDMENT - APPLICATION PL-22-0049

The Planning Commission will hold a public hearing and consider a request by Brian Greathouse, Burch & Cracchiolo, P.A., for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for LIV Communities Avondale, a proposed 17.92 gross acres residential and commercial development located at the southwest corner of Indian School Road and 99th Avenue. The proposed Minor General Plan Amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from Mixed Use to High Density Residential and Commercial. The Commission will take appropriate action and forward a recommendation to the City Council.

Staff Contact: Michelle Simerdla, Senior Planner

c. LIV COMMUNITIES AVONDALE - REZONE FROM PARKSIDE VILLAGE PLANNED AREA DEVELOPMENT (PAD) TO LIV COMMUNITIES AVONDALE PAD – APPLICATION PL-22-0054

The Planning Commission will hold a public hearing and consider a request by Brian Greathouse, Burch & Cracchiolo, P.A., on behalf of the property owner ACKA #3 Limited Partnership; c/o Liv Communities, to rezone the approx. 17.92 acres of land located at the southwest corner of Indian School Road and 99th Avenue. The proposed rezoning would allow for a new multi-family development and commercial uses. The Commission will take appropriate action and forward a recommendation to the City Council.

Staff Contact: Michelle Simerdla, Senior Planner

d. ZONING TEXT AMENDMENT – REVISE CONDITIONAL USE PERMIT SECTIONS 28-8 AND 28-91(F) – APPLICATION PL-23-0070

Planning Commission will hold a public hearing and consider a staff-initiated request for text amendments to the Zoning Ordinance. The amendments will improve the conditional use permit process by allowing review and final action by the Planning Commission, unless appealed to City Council. The Commission will take appropriate action and forward a recommendation to City Council.

Staff Contact: Catherine Lorbeer, AICP, Deputy Director of Planning

6. DISCUSSION ITEMS

a. CITY COUNCIL CHAMBER AUDIO AND VIDEO CHANGES

The Planning Commission will receive an update from staff regarding the audio and video changes to the Council Chamber. Additionally, the City Clerk will provide training on the voting system. This item is for discussion only.

Staff Contact: Marcella Carrillo, City Clerk

7. COMMISSION ANNOUNCEMENTS

8. PLANNING DIVISION REPORT

9. CALENDAR

May 17, 2023

10. ADJOURNMENT

Members will attend either in person or by telephone conference call. Los miembros asistirán en person o via teleconferencia.

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the meeting. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o intérprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.



AGENDA ITEM REPORT

SUBJECT: Francis and Sons Express Car Wash – Conditional Use Permit – Application PL-21-0330

MEETING DATE: 4/19/2023

TO: Planning Commission

FROM: Catherine Lorbeer, AICP, Deputy Director of Planning

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

Planning Commission will hold a public hearing and consider a request by Mr. Brian Greathouse, Burch & Cracchiolo, for approval of a Conditional Use Permit (CUP) to allow a full-service car wash on the 3.72-acre subject property in the Palm Valley Planned Area Development (PAD), which includes C-2 (Community Commercial) uses. The Commission will take appropriate action and forward a recommendation to City Council.

BACKGROUND:

The subject property consists of three (3) contiguous vacant parcels located at the southwest corner of Indian School and Dysart roads, Assessor Parcels 501-71-934, 501-71-943B, and 501-71-933H (Exhibit A). The conceptual site plan (Exhibit E) identifies Phase 1 for a car wash use with a conveyor-style washing tunnel (approximately 4,934 square feet), vehicle vacuum and cleaning areas, and associated site improvements.

Phase 2 of the development is not part of this Conditional Use Permit request; however, it is planned for a retail building (approximately 8,031 SF) located west of the car wash and a quick service restaurant (approximately 2,050 SF) to the south of the carwash. Phase 2 will require future review and approval.

The subject property is designated by the General Plan 2030 Land Use Map as Local Commercial. The Local Commercial land use category is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area.

The existing uses and zoning of surrounding properties include:

NORTH: Indian School Road, then City of Litchfield Park; Existing roadway improvements, then existing single-family residential 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 roads, and a self-storage facility is located immediately east of that. An additional, approximately 40-acre site is currently vacant but is slated for a 432-unit multi-family residential development, a 125-unit townhome development, and two commercial areas as established by the Ascend PAD.

SOUTH: Currently under consideration to be rezoned and redesignated to Angelina Luxury Living PAD; General Plan Designation to be High Density Residential. Land use is planned for a 130-unit, for-rent townhome development.

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 project site, and a single-family residential neighborhood beyond the church.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for the operation of a full-service car wash on the subject property consisting of three (3) vacant parcels located at the southwest corner of Indian School and Dysart Roads (Exhibit A). If approved, this CUP request will allow the developer, Francis and Sons, to operate an Express Car Wash on the central portion of the subject site.

Development of the new car wash will include provision of landscaped setbacks along both Indian School and Dysart roads and a drainage easement along the eastside adjacent to Dysart Road (Exhibit F). Access will be from the existing shared driveways on both roadways that connect to an internal drive aisle.

The site layout included internalizing the shade canopies for vehicle vacuuming and cleaning. The building's architectural design will further be reviewed administratively through a Site Plan and Design Review application. The concept building elevations represent southwest colors and building forms to minimize the elongated building's appearance. The building design will need to meet the City's Commercial and Industrial Design Manual. Buildings in Phase II will need to be similar in design form, materials, and colors to Phase I.

PUBLIC PARTICIPATION:

A virtual Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held on Thursday, September 29, 2022, via Zoom. All notices of the meeting were in accordance with the Zoning Ordinance notification requirements. In addition to City Staff and the applicant's team, one (1) person attended the virtual meeting. See Exhibit I for the Neighborhood Meeting Summary. Questions and comments included:

- Concern about noise. The applicant stated the company purchases the latest in noise-reduction car wash technology.
- Concern that the car wash exit at the north end is close to Litchfield Park homes. The applicant responded that the site plan includes site/sound walls to attenuate noise at both north and south entrances.
- Concern that Francis & Sons has low Yelp ratings. The applicant responded that Yelp ratings do not have much standing, and prefers to utilize Google ratings instead.
- Concerned about an existing car wash business within a mile. The applicant responded that he believes the current market supports another car wash.
- Participant indicated they are a homeowner in Litchfield Park and further stated they represented other homeowners, presumably in Litchfield Park adjacent to the project. The resident did not indicate they were for or against the project, but from the line of questions, they may not support the project.

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with notification requirements.

Prior to the Planning Commission public hearing, a resident of Litchfield Park sent emails with questions about drainage. Staff responded via email that as proposed, the site plan maintains the existing drainage channel that conveys off-site flows (approximately 680 cubic feet per second) from the north. This north/south channel is located along the eastern boundary of the site adjacent to Dysart Road. Additionally, there is an existing drainage easement for this channel. The western system is a separate drainage system and will not be impacted by development of the subject site.

ANALYSIS:

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

- 1. That the proposed use (a) is consistent with the land use designation set forth in the general**

plan, (b) will further the City's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.

The subject property is designated as Local Commercial by the General Plan and is within the North Avondale Specific Plan. The Local Commercial land use category is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area.

A car wash would serve consumers residing in adjacent residential neighborhoods and the public traveling along the major arterial roadways. Generally, neighborhood commercial development would not be greater than five acres and includes adequate buffering to protect surrounding land uses. The site plan contains 3.72 acres with adequate landscape and building setbacks. As proposed, the car wash use is consistent with the character of the Local Commercial designation and will facilitate more development in North Avondale, contributing to the full buildout of this infill site.

The proposal supports the following General Plan goals and policies and North Avondale Specific Plan goal and objective:

General Plan 2030

- Land Use Goal 3 Policy D: Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.
- Economic Vitality Goal 3 Policy D. Support new development that accommodates business attraction opportunities.
- Economic Vitality Goal 5: Encourage and facilitate small/local business development and diversity.

North Avondale Specific Plan

- Objective 1. Facilitate the full build-out of North Avondale. Land Use Element Goals 1 Policy D. Enhance the attractiveness of infill parcels as options for new development throughout Avondale.

This finding has been met.

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

The car wash will be located approximately 980 feet north of the nearest residential lot within the City of Avondale and approximately 180 feet south from the nearest residential lot within the City of Litchfield Park across Indian School Road. The existing Trinity Lutheran Church is the seller of these remnant infill parcels and operates a large church located southwest of the subject site. Adequate transitions and buffers exist on all four sides of property.

According to the project narrative, the Express Car Wash will utilize state of the art equipment that significantly reduces noise. The vacuum motors are housed within an enclosed room inside the masonry car wash building. Blowers for drying vehicles are located inside the tunnel at the exit end. The blowers also include air gates which significantly muffle noise. The car wash bay is screened by landscaping and six (6) foot high masonry sound walls, which exist near the entrance and exit of the wash tunnel to reduce noise. During hours of operations, exterior noise levels from activities inside the car wash building shall not exceed a maximum of sixty (60) dBA, as measured at the Indian School Road property line directly adjacent to the car wash.

As conditioned, the intensity of the use, traffic generation, hours of operation, and other operational characteristics of the car wash will be consistent and compatible with existing uses in the vicinity.

This finding has been met.

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

The project is designed to achieve all requirements of the Avondale Zoning Ordinance and the Palm Valley

Planned Area Development (PAD), which includes C-2 (Community Commercial) uses in regard to setbacks, landscaping, parking, screening, and lighting.

As proposed, the Express Car Wash will be located adjacent to a future retail building and a future restaurant. A pedestrian-friendly corner feature is proposed at the intersection that includes shade trees, screen walls and sidewalks. The new car wash building will only incorporate down-lighting on the exterior. All lighting will follow the Zoning Ordinance.

According to the project narrative, customers will remain in their vehicle throughout the car wash process (approximately 5 minutes), starting at automated pay stations. The customer will continue through the car wash tunnel exiting out the tunnel's north side close to Indian School Road. There is also a self-vacuuming and cleaning area. The proposed hours of operation will be between 6:00 A.M. to 9:00 P.M. (Sunday through Saturday). The proposed car wash will minimize its impact by using treated and recycled water and safe, biodegradable phosphate free wash solutions.

This finding has been met.

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

The project site is located at the southwest corner of two major arterials. Access will be from the existing shared driveways on both Indian School and Dysart roads that connect to an internal drive aisle.

The proposal will generate traffic consistent with the existing commercial and place of worship uses occurring in the vicinity. An eastbound right-turn deceleration lane currently exists at the intersection of Indian School Road and Plaza Circle. A 100-foot-long southbound right-turn deceleration lane is recommended at the intersection of Dysart Road and Plaza Circle to accommodate traffic volumes. The intersection of Dysart Road and Plaza Circle will continue to provide only right-in/right-out movements to the development, and the intersection of Plaza Circle and Indian School Road will provide right-in/right-out and left-in movements, with the recommended installation of a 100-foot-long westbound left-turn lane to accommodate traffic volumes. Based upon the review of the applicant's Traffic Impact Analysis (TIA), the City has determined that the proposed project will function in a safe and efficient manner with the recommended improvements.

This finding has been met.

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

Conditions of approval are recommended, which are standard for this type of development. See the "Recommendations" section below.

This finding has been met.

DISCUSSION:

Staff recommends approval of the request for the following reasons:

- The proposed land use meets the five (5) required findings for a Conditional Use Permit (CUP) per the Zoning Ordinance.
- Approval of the proposal will result in development compatible with Local Commercial General Plan land use designation, the Palm Valley PAD zoning, and existing development in the area.
- The proposed land use will not be detrimental to persons residing or working in the area, on adjacent properties, or to the public welfare in general.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The Planning Commission will conduct a public hearing and recommend **APPROVAL** of Application PL-21-330 Francis and Sons Car Wash, a request for a Conditional Use Permit to allow a full-service car wash in the Palm Valley Planned Area Development (PAD), subject to the following six (6) conditions of approval:

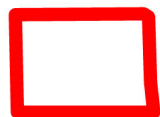
1. Development and use of the site shall conform to the Francis and Sons Express Car Wash Conditional Use Permit Narrative (Exhibit D) dated March 20, 2023, Site Plan (Exhibit E) dated January 20, 2023, Landscape Plan (Exhibits F) and Building Elevations (Exhibit G) dated January 5, 2023.
2. Administrative approval of a Site Plan and Design Review application is required prior to issuance of a building permit.
3. In accordance with the applicant's Sound Exhibit (Exhibit H) dated January 5, 2023, exterior noise levels from activities inside the car wash building during hours of operations shall not exceed a maximum of sixty (60) dBA, as measured at the Indian School Road property line directly adjacent to the car wash.
4. Grandfathered Groundwater Rights for the property must be extinguished and pledged to the City of Avondale's assured water supply account (26-002003.0000) prior to the issuance of any construction permits for any portion of the project.
5. In accordance with Section 28-8(d) of the Avondale Zoning Ordinance, the Conditional Use Permit shall expire two (2) years from the date of Council approval if the use has not commenced.
6. All required off-site improvements shall be completed before the first Certificate of Occupancy.

PROPOSED MOTION:

I move that the Planning Commission recommend **APPROVAL** of Application PL-21-330 Francis and Sons Car Wash, a request for a Conditional Use Permit to allow a full-service car wash in the Palm Valley Planned Area Development (PAD), subject to six (6) recommended conditions of approval as listed in the staff report.



Aerial Map

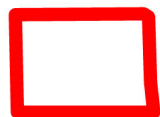


Subject Property



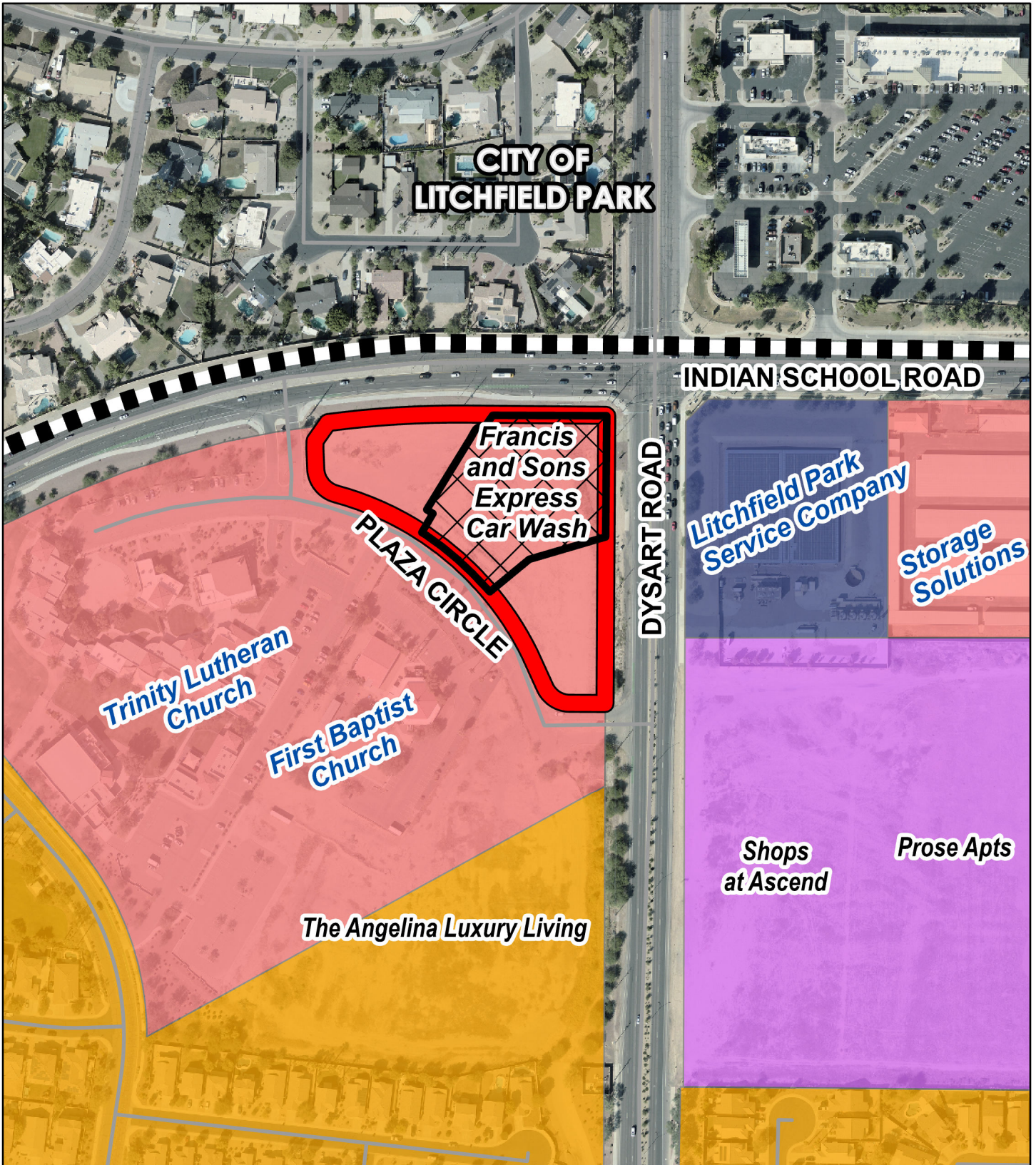


Zoning Vicinity



Subject Property

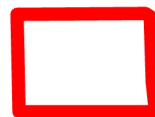




General Plan Land Use



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



**Subject
Property**



3rd Submittal: March 20, 2023

NARRATIVE - Conditional Use Permit

Francis and Sons Express Car Wash
SWC of Indian School Road and Dysart Road

I. Introduction

Francis and Sons (“F&S”) is the proposed developer of a 3.72 +/- acre property located at the southwest corner of Indian School Road and Dysart Road (“Site”). F&S requests approval of a Conditional Use Permit (CUP) to allow for a car wash in the C-2 (Community Commercial) Zoning District.

Phase I of the development will include an Express Car Wash. The Express Car Wash will include a conveyor-style car wash tunnel (approximately 4,934 SF) with state-of-the-art cleaning equipment and chemical solutions to provide a high quality and convenient car wash service to the surrounding community. F&S’s customers will remain in their vehicle throughout the entire car wash process, starting at the automated pay stations. The customer will continue through the car wash tunnel exiting out the tunnels north side proximate to Indian School Road. There is also a self-vacuuming area that is provided for no charge. This system allows for a quick process (approximately 5 minute car wash) with a very affordable price structure. Phase II of the development will include a retail building (approximately 8,031 SF) located proximate to the west of the car wash and Phase II quick service restaurant (approximately 2,050 SF) to the south of the carwash. The Phase II developments will provide architecture and building designs that are consistent and compatible with the Phase I development.

The Express Car Wash will provide a convenient service to the residences of the City of Avondale that is quick, convenient, and safe. The Express Car Wash will be compatible with the uses proposed on the Site and existing uses within the surrounding area. The Site’s location along Indian School Road and Dysart Road and within a development of future commercial uses located on the Site is an ideal location for the proposed Express Car Wash and other proposed retail and restaurant uses.

F&S will minimize its impact on the environment by using treated and recycled water and safe, biodegradable phosphate free wash solutions, and/or incorporate other sustainability technologies to maintain best practices in the industry. Further, the Express Car Wash will utilize state of the art equipment that significantly reduces noise on the Site. The vacuum motors are housed within an enclosed room inside the carwash building. Blowers for drying vehicles are located inside the tunnel at the exit end. The blowers also include air gates which significantly muffles noise. The Site is located adjacent to two major arterial roadways and located a significant distance away from any residential areas.

II. Conformance with the General Plan and the North Avondale Specific Plan

The proposed Express Car Wash and this CUP request are supported by the General Plan and North Avondale Specific Plan Land Use Map designation of Local Commercial. The Local Commercial land use category designates properties suitable for providing the daily needs of good and services to residents residing within the surrounding area, including uses such as grocery stores, gas stations, and neighborhood retail/services with preferred locations at major arterial intersections. The proposed F&S Car Wash and other future commercial uses on the Site are consistent with the Local Commercial designation for the Site. Further, below is a summary of goals and policies supported by the proposed development:

General Plan

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

The proposed development conforms to the Local Commercial land use designation in the City's General Plan. The Site is located approximately 980 feet north of the nearest residential lot within the City of Avondale and across Indian School Road from the nearest residential lot within the Town of Litchfield Park approximately 180 feet to the north. The existing Trinity Lutheran Church is the seller of this remnant infill Site, which operates a large church located southwest of the Site. Adequate transitions and buffers exist on all four sides of this Site.

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

The proposed Express Car Wash will be F&S's second business in Avondale. F&S is a family-owned business that has been operating car wash facilities for over 35 years in the Valley. F&S currently operates 18 car wash facilities. This new Express Car Wash concept has a clean, modern, and high-quality design, and utilizes state of the art equipment. F&S is excited to bring its business to the City of Avondale and support the City's goal of Economic Vitality.

Economic Vitality Goal 5: Encourage and facilitate small/local business development and diversity.

The proposed Express Car Wash will contribute to the balance of necessary retail services. No car washes are located within a mile of this Site and is appropriately located on an underutilized commercial C-2 zoned property surrounding primarily by an existing church and two arterial roadways. This is the perfect location to encourage a family-owned local Valley business to provide a convenient and safe needed service. The proposed Express Car Wash will also be located adjacent to a future retail building and a future restaurant, which provide a natural synergy between the three uses.

Environmental Planning & Conservation Element Goals 1, 2, 8 and 9: *(1) Protect floodways, floodplains, hillsides, and other environmentally sensitive areas from inappropriate development. (2) Preserve existing habitat areas of wildlife and desert plant species. (8) Conserve*

Water. (9) Ensure that all commercial and industrial activities are monitored to protect recharge environmental, and other functions of the Agua Fria, Salt and Gila rivers.

F&Ss car wash system will be part of the “green shield program,” whereby products used will be environmentally friendly and the system will comply with very efficient water usage standards and reuse compared to other car wash methods (i.e. washing vehicles in residential driveways using significantly more water and flushing detergents into the City’s storm drain system.) Less detergent waste flowing from residential driveways into the City’s storm drain systems will support the General Plan’s goal of protecting environmentally sensitive areas. The efficient, environmentally friendly methods deployed by F&S will support the City’s sustainability and conservation planning efforts.

North Avondale Specific Plan

Objective #1: *Facilitate the full buildout of North Avondale. General Plan Land Use Element Goal #1, Policy D:* *Enhance the attractiveness of infill parcels as options for new development throughout Avondale.*

The proposed development conforms to the Local Commercial land use designation in the City’s General Plan. Further, this is an underutilized infill Site that has existing infrastructure along two arterial streets, Indian School Road and Dysart Road. The Site is the last hard corner available at this intersection. The north side of Indian School Road is Litchfield Park jurisdiction and the south side is Avondale jurisdiction.

Objective #7: *Develop a “Sense of Place” in North Avondale. Urban Design Element Goal #2, Policy A:* *Create visual gateways at principal entry points to Avondale, and develop a design theme that is used throughout the City to create a sense of unity and identify.*

The proposed Express Car Wash will be F&S’s second business in Avondale. Similar to F&Ss other business across the street from City Hall, a pedestrian friendly corner feature is proposed at the intersection to provide shade trees, screen wall with welcome signage and sidewalk connecting development to pedestrian walkways along perimeter of Site, and a sense of arrival at this north gateway to Avondale.

III. Compliance with Site’s Zoning

The Site is within the Palm Valley Planned Area Development (PAD). Palm Valley PAD allows C-2 uses on the Site. Car Wash uses require a CUP within the C-2 Zoning District. This CUP request will allow F&S’s Express Car Wash to be developed on the Site. Further, the retail and restaurant uses are allowed under C-2 zoning.

IV. Site Design

The proposed development will include a new approximately 4,935 SF Express Car Wash, approximately 8,131 SF retail building and an approximately 2,050 SF restaurant building. Adequate parking is provided on the Site with sufficient cross circulation for vehicles and pedestrians. Access to the Site will be provided to/from an existing internal private drive known as Plaza Circle, which is shared with the church. Customers will enter the private drive (Plaza Circle) via existing driveways, then turn into the Site directly from Plaza Circle. There will be no direct access to/from Indian School Road and Dysart Road. Onsite circulation and parking has been designed to provide a safe and convenient customer experience.

V. **Building Design**

The car wash building has been attractively designed and will be compatible with the other high quality architectural features located with the Palm Valley PAD. The building design includes a variety of features to provide horizontal and vertical articulation, reduce massing, and provide a variety and diverse set of materials, textures, and colors.

VI. **Landscape Theme**

The landscape theme incorporates various types of desert themed trees, shrubs and groundcovers that are consistent with the existing landscaping within the Palm Valley PAD area. The Site will include approximately 35 trees total with groupings of trees located along Dysart Road and Indian School Road with groupings at the carwash entry and trees along Indian School Road near the carwash tunnel exit.

VII. **Signage**

One freestanding monument sign will be located along Dysart Road and one along Indian School Road. The car wash building will have one sign on the north and two signs on the east side and one on the south side of the building. Further, a proposed “Gateway” City sign will be located at the SWC of Dysart Road and Indian School Road that meets the intent of the North Avondale Specific Plan (NASP). The Gateway City Sign strongly announces arrival into the City of Avondale with “City of Avondale” pronounced on the Sign that is clearly visible at the intersection of Dysart Road and Indian School Road.

VIII. **Hours of Operation**

The Express Car Wash will operate between 6 a.m. and 9 p.m., Sunday through Saturday. These are the maximum hours of operation.

IX. **CUP FINDINGS**

Section 108C.2 of the Zoning Ordinance lists five findings that are to be used when reviewing a CUP application. F&S’s proposed Express Car Wash meets and satisfies the five findings as follows:

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

The proposed Express Car Wash is consistent with the Commercial land use designation of the General Plan and the North Avondale Specific Plan. See Section II above for supported Goals and Policies of the General Plan and North Avondale Specific Plan. The Site is compatible with the desired character for the surrounding area. The Site does not directly abut any residential uses and the car wash tunnel is located approximately 980 feet north of the nearest single-family home within the City of Avondale.

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

The proposed car wash is compatible with the development in the area and other commercial uses proposed on the Site. The proposed development will not be detrimental to anyone living or working in the area, adjacent property, the neighborhood or the public welfare. There is a significant distance between the Site and the nearest residential home and is located within an existing church campus that is zoned C-2.

The Site design incorporates buffers, including screen walls along Dysart Road and Indian School Road and landscape buffers around the perimeter of the Site. There is also state of the art equipment specified for the car wash tunnel to reduce noise down to ambient levels (similar to car/road noise from Indian School Road and Dysart Road), including silencers, mufflers, and air gates on the blowers. Further, vacuums are enclosed within the masonry building, dryer motors are located within the tunnel structure, and all dryer motors will be installed with noise-reducing air gates. Six-foot masonry sound walls will also exist near the entrance and exit of the wash tunnel to reduce noise by dampening noise at the loudest parts of the building. Regarding noise levels at the wash exit, near Indian School: 15 feet from the wash exit has an estimated dba of 60, 40 feet away has an estimated dba of 58, and 80 feet away from the exit—at the property line adjacent to Indian School—has an estimated dba of 55.

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

The Site is adequate in size and shape to accommodate the Express Car Wash, allow safe on-site circulation and meet all required development standards of the Palm Valley PAD and other City development standards applicable to the Site, including

building and landscape setbacks ranging from 30' to 20', parking requirements, and landscaping standards.

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

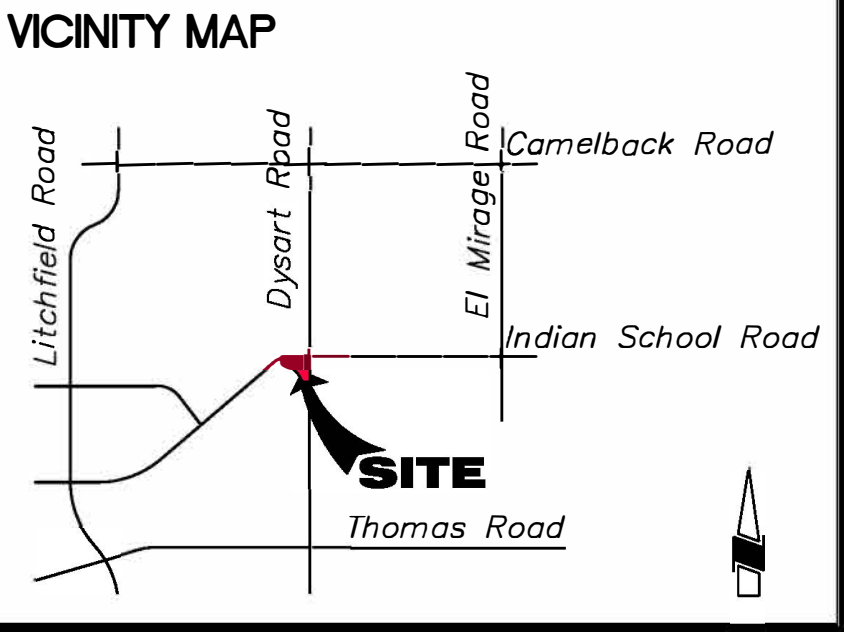
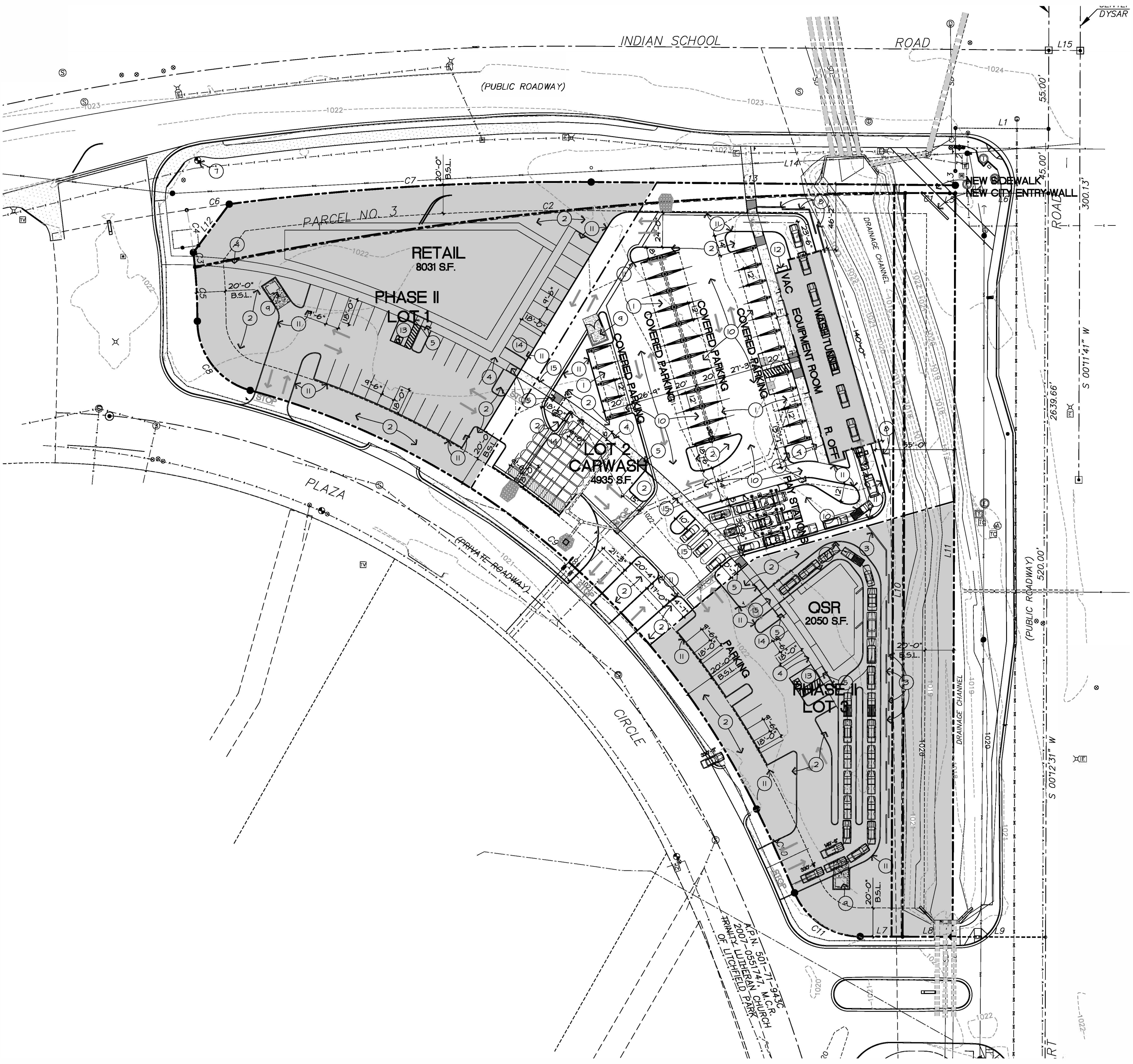
There is appropriate access to/from the Site along the existing internal private drive, with existing entry/exit points along Dysart Road and Indian School Road. Further, there is adequate capacity along the existing Arterial Roadways (Indian School and Dysart Road) to carry the type and quantity of traffic generated by the Express Car Wash, which is less traffic than would be generated by other uses that are permitted uses on the Site.

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

F&S's hours of operation on the Site will be from 6 a.m. to 9 p.m. The building will only include down-lighting that will have no adverse effects upon surrounding areas/uses. Adequate landscaping will be provided to appropriately buffer the Site from surrounding areas.

X. CONCLUSION

The proposed Express Car Wash and proposed compatible and complimentary commercial uses will provide a compatible, neighborhood service on a vacant and underutilized Site within an existing commercial area that is zoned C-2. The proposed development is consistent with the General Plan and North Avondale Specific Plan. We request your approval of this CUP request.



PROJECT DATA:

FRANCIS & SONS EXPRESS CARWASH
Dysart & Indian School Road
OWNER:
Francis and Sons LLC
16414 N. 91st Street #102
Scottsdale, AZ, 85260
480-614-1075
EMAIL: jeff@francisandsons.com

ARCHITECT:
JOHN REDDELL ARCHITECTS
4942 S. 158th Street
GILBERT, AZ, 85248
602-531-2854

ZONING ORDINANCE	CITY OF Avondale
ZONING:	PAD
PARCEL #'s	501-TI-433 H 501-TI-434 501-TI-443 B
SITE AREA:	
LOT 1	44485 S.F.
LOT 2	14236 S.F.
LOT 3	43330 S.F.
TOTAL	162,051 SQ. FT. (3.72 AC.)
CARWASH BUILDING	4435 S.F.
RETAIL BUILDING	8131 S.F.
QSR BUILDING	2050 S.F.

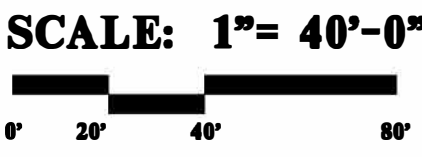
PARKING DATA:

LOT #1 - RETAIL	
REQUIRED	8030 / 300 = 26.75 OR 27
PROVIDED	INCLUDING 1 ADA ACCESSIBLE 36
LOT #2 - CARWASH SELF SERVICE	
REQUIRED	6 EMPLOYEE SPACES 6
	1 ADA ACCESSIBLE 1
TOTAL	7
PROVIDED	
VACUUM PARKING	35
STANDARD PARKING	13
TOTAL	50
LOT #3 - QSR	
REQUIRED	900 SF PUBLIC SEATING / 50
	INCLUDING 1 ADA 10
TOTAL	15

- SITE PLAN NOTES**
- COVERED PARKING (VACUUM CANOPIES)
 - NEW LANDSCAPE AREA
 - 13'-4" HIGH PARKING SCREEN WALL
 - CONCRETE SIDEWALK
 - ADA ACCESSIBLE RAMP
 - COVERED PAYSTATION
 - FIRE HYDRANT LOCATION
 - 6'-0" HIGH PARKING SCREEN WALL
 - TRASH ENCLOSURE W/ GATE PER CITY STANDARD
 - CONCRETE PAVING (TYP)
 - 6" CONCRETE CURB (TYP)
 - SEE LOCATION PAINT TO MATCH BUILDING - SEE ELEVATIONS
 - HDCP PARKING W/ 5' ACCESS
 - EV ELECTRIC CAR PARKING SPACE WITH POWER SERVICE
 - 5' MIN ACCESSIBLE PATH OF TRAVEL (COLORED SCORED PAVEMENT ACROSS DRIVEWAYS & CONNECTION TO SIDEWALK)

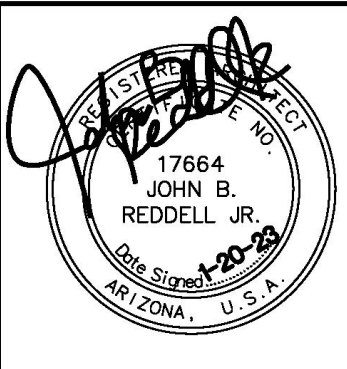
- NOTES**
- ALL SIGNS ARE BY SEPARATE PERMIT AND SHOULD CONFORM TO THE SIGN SECTION OF THE EXISTING PAD AGREEMENT.
 - THE CITY INVITES FRANCIS AND SONS CAR WASH TO PARTICIPATE IN AVONDALE'S GREEN BUSINESS PROGRAM (GBP). PARTICIPATION IS COMPLETELY VOLUNTARY, WITH PARTICIPATING BUSINESSES RECOGNIZED BY THE CITY IN A VARIETY OF WAYS, INCLUDING A STOREFRONT WINDOW DECAL, INCLUSION IN CROSS-MARKETING WITHIN THE CITY, AN AWARD AT THE MAYOR'S STATE OF THE CITY, MENTIONS IN CITY SOCIAL MEDIA POSTINGS, AND THE LIKE. IF YOU ARE INTERESTED, PLEASE VISIT THE FOLLOWING LINK FOR MORE INFORMATION AND TO DOWNLOAD THE APPLICATION
<https://www.avondaleaz.gov/government/departments/development-engineering-services/sustainability/green-business-program>
 - EXTINGUISHMENT OF GRANDFATHERED GROUNDWATER RIGHT 50-102380-0000 AND PLEDGING OF THOSE CREDITS TO THE CITY ASSURED WATER SUPPLY ACCOUNT WILL BE REQUIRED PRIOR TO ISSUANCE OF ANY PERMIT.

SITE PLAN

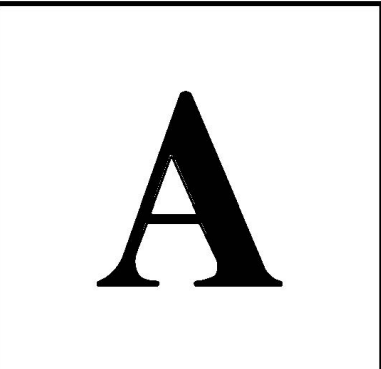


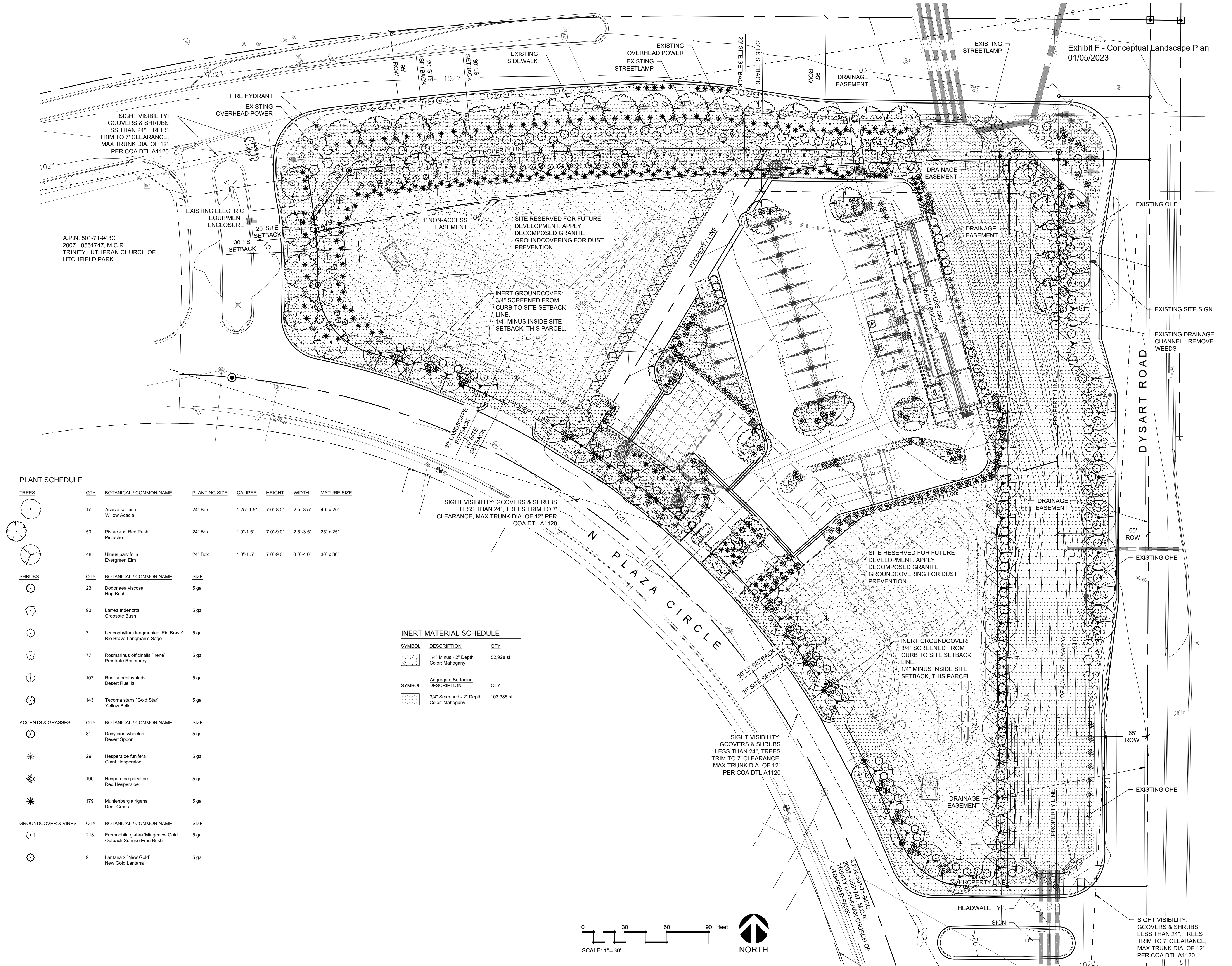
Francis and Sons Carwash
Dysart and Indian School
Avondale, AZ

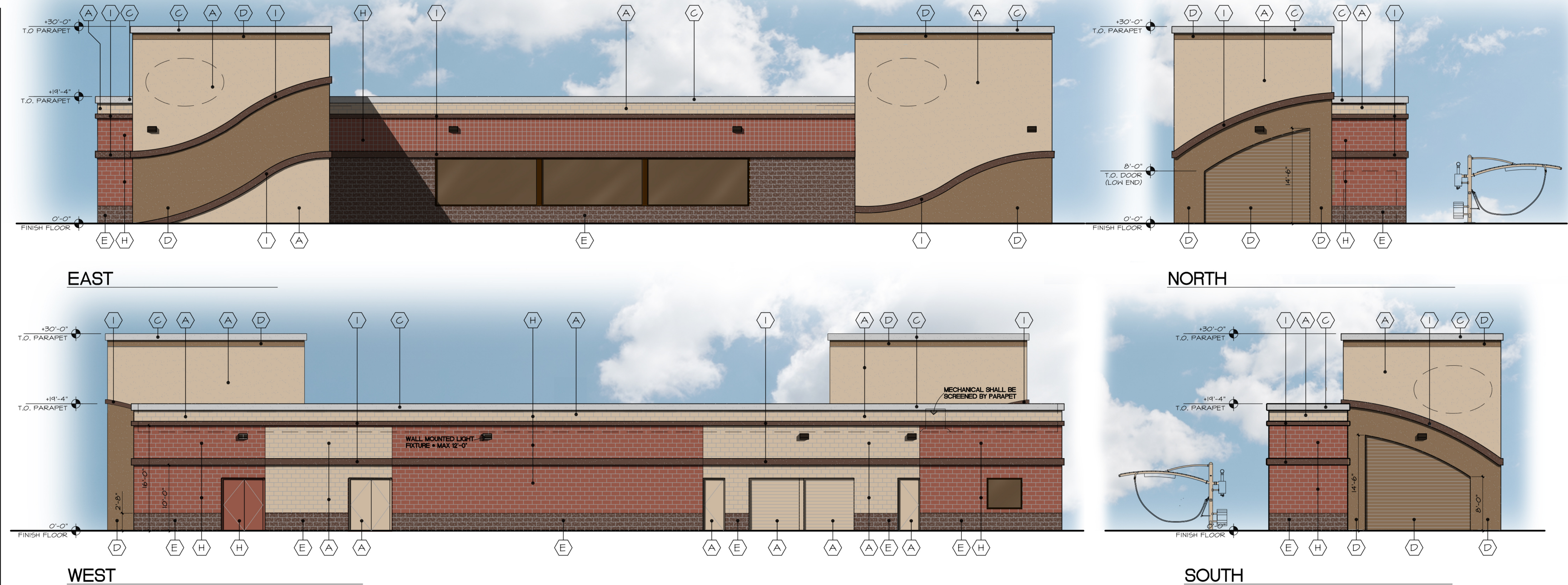
John Reddell Architects, Inc.
Architecture Interiors Land Planning
4992 S. 158th Street Gilbert, Arizona 85298
(602) 531-2854 Email: john@reddellarchitects.com



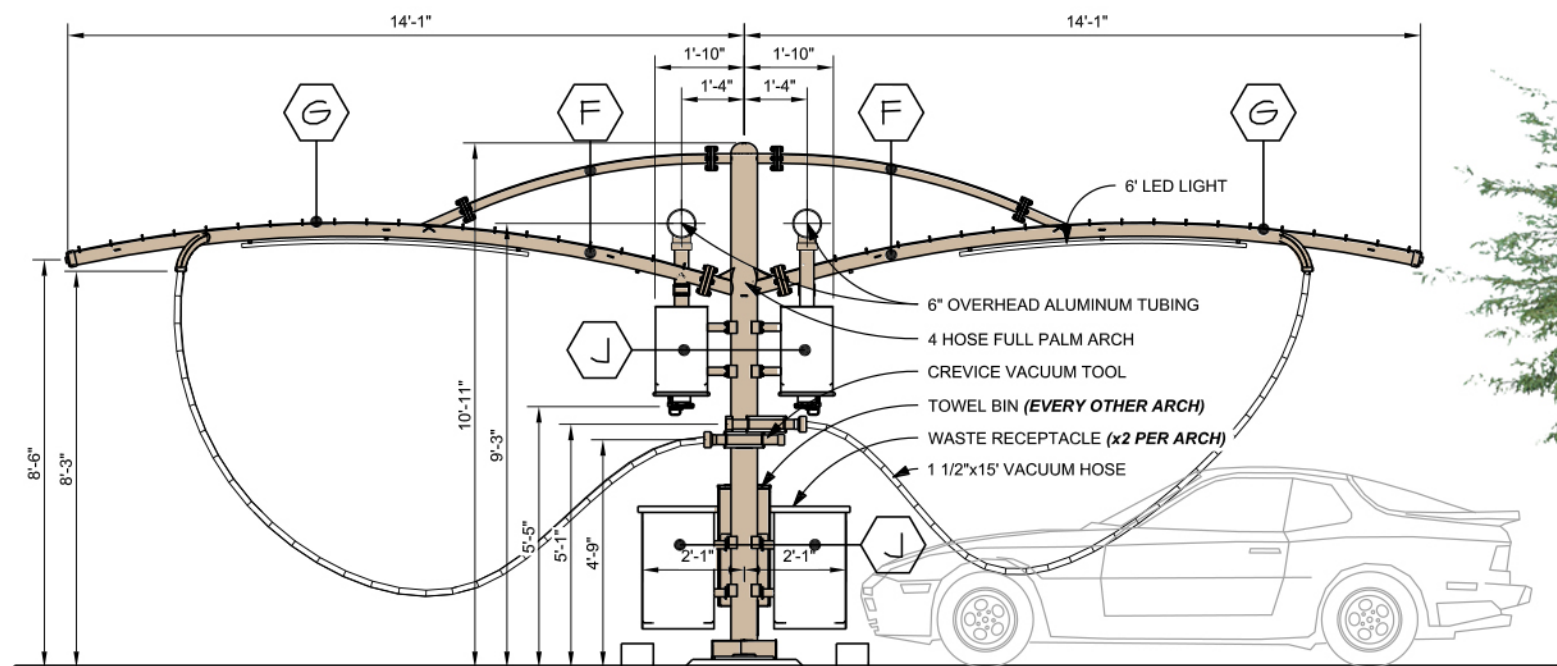
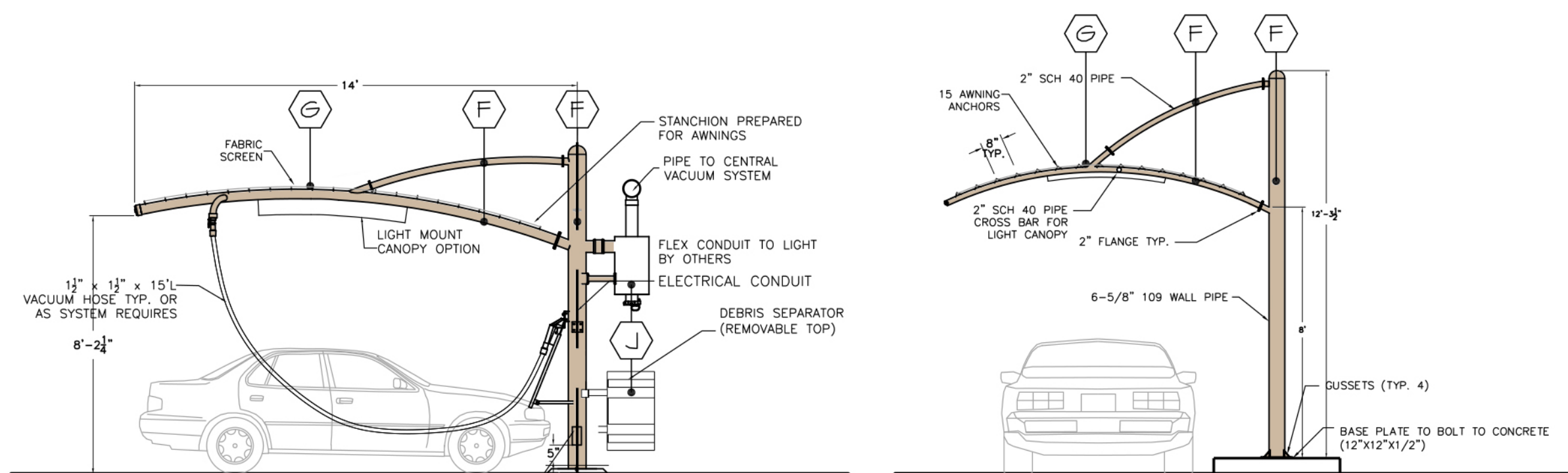
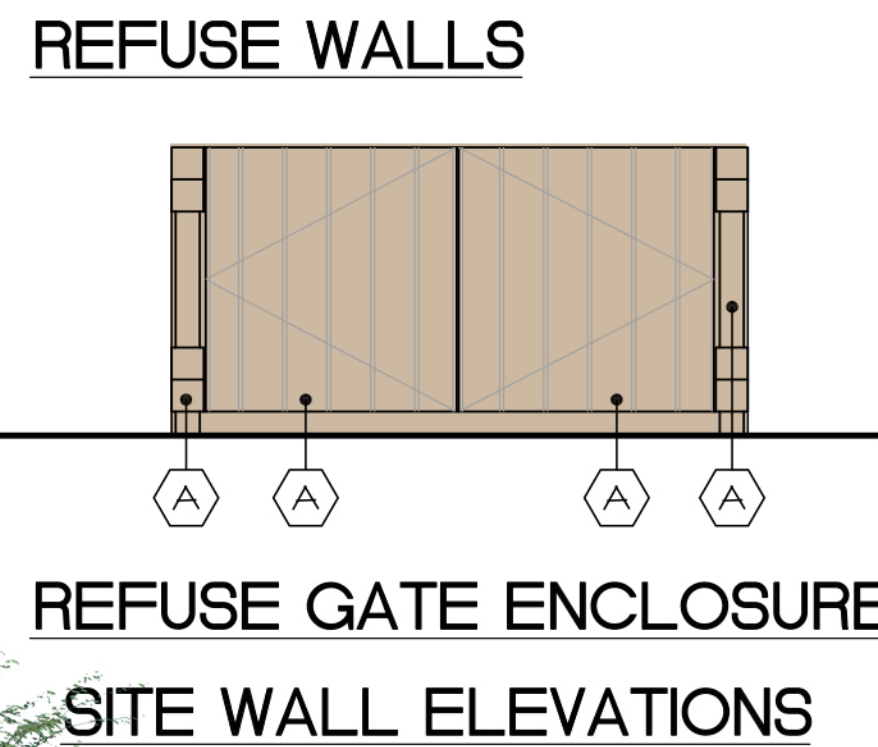
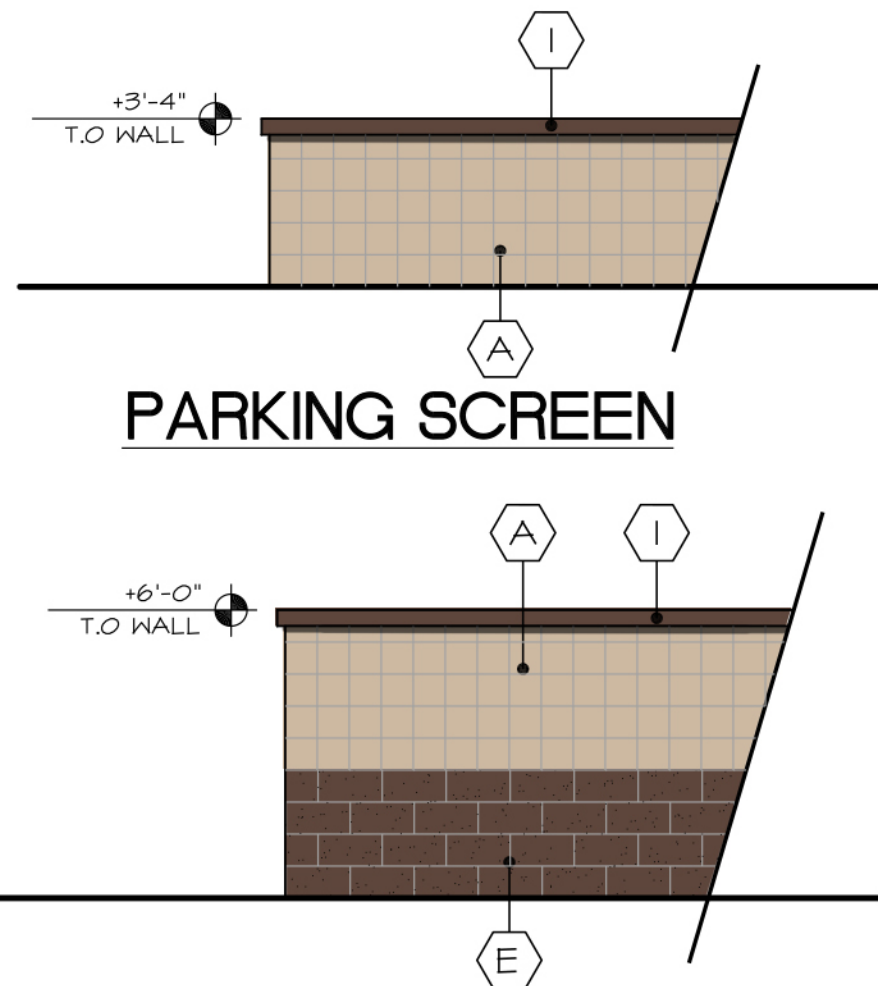
Date:	
Revisions:	







COLOR SCHEDULE		
STUCCO SYSTEM (MEDIUM FINISH) STANDARD CMU CENTERSCORE	PAINTED DUNN EDWARDS DE 612H RUSTIC TAUPE	(A)
STUCCO SYSTEM (MEDIUM FINISH) SAND FINISH	PAINTED DUNN EDWARDS DE 506T1 BLUE CHIP	(B)
STUCCO FASCIA (MEDIUM FINISH)	PAINTED DUNN EDWARDS DE 612H SILVER POLISH	(C)
STUCCO SYSTEM (MEDIUM FINISH) SAND FINISH	PAINTED DUNN EDWARDS DE 6132 BIG STONE BEACH	(D)
CMU - SPLITFACE	PAINTED DUNN EDWARDS DEA 159 NORTHERN TERRITORY	(E)
VACUUM CANOPY	POWDER COATED TAN	(F)
VACUUM CANOPY SCREEN	BLUE	(G)
ACCENT: STUCCO SYSTEM (MEDIUM FINISH) CENTERSCORE CMU	PAINTED DUNN EDWARDS DEJ 440 RUSSET LEATHER	(H)
ACCENT: STUCCO SYSTEM (MEDIUM FINISH)	PAINTED DUNN EDWARDS DEA 159 NORTHERN TERRITORY	(I)
VACUUM TRASH COLLECTORS	PAINTED DUNN EDWARDS DE 506T1 BLUE CHIP	(J)
NOTE: ALL WINDOW FRAMES SHALL BE ANODIZED BRONZE W/ BRONZE TINTED GLASS		



SINGLE STANCHION

EXPRES PAY STATION

DOUBLE STANCHION

CITY WALL

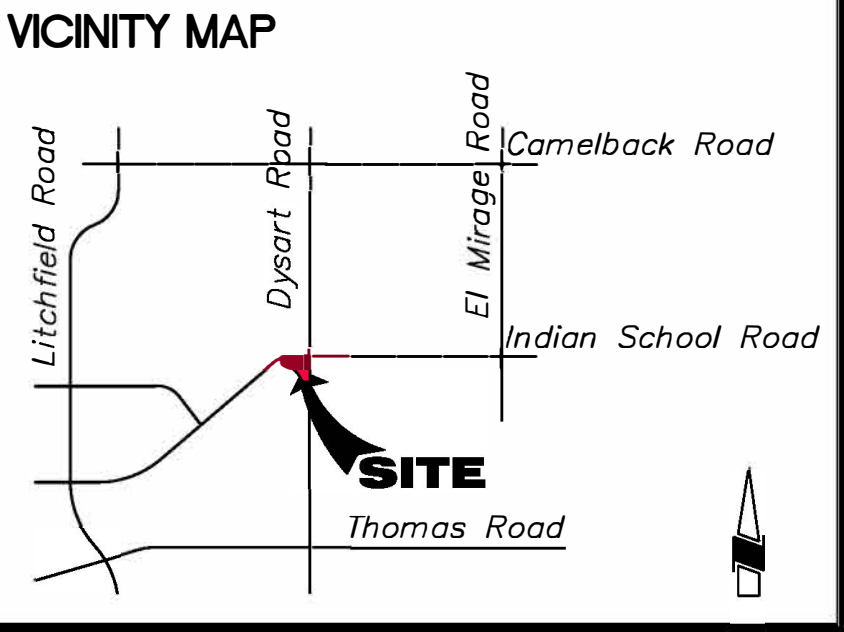
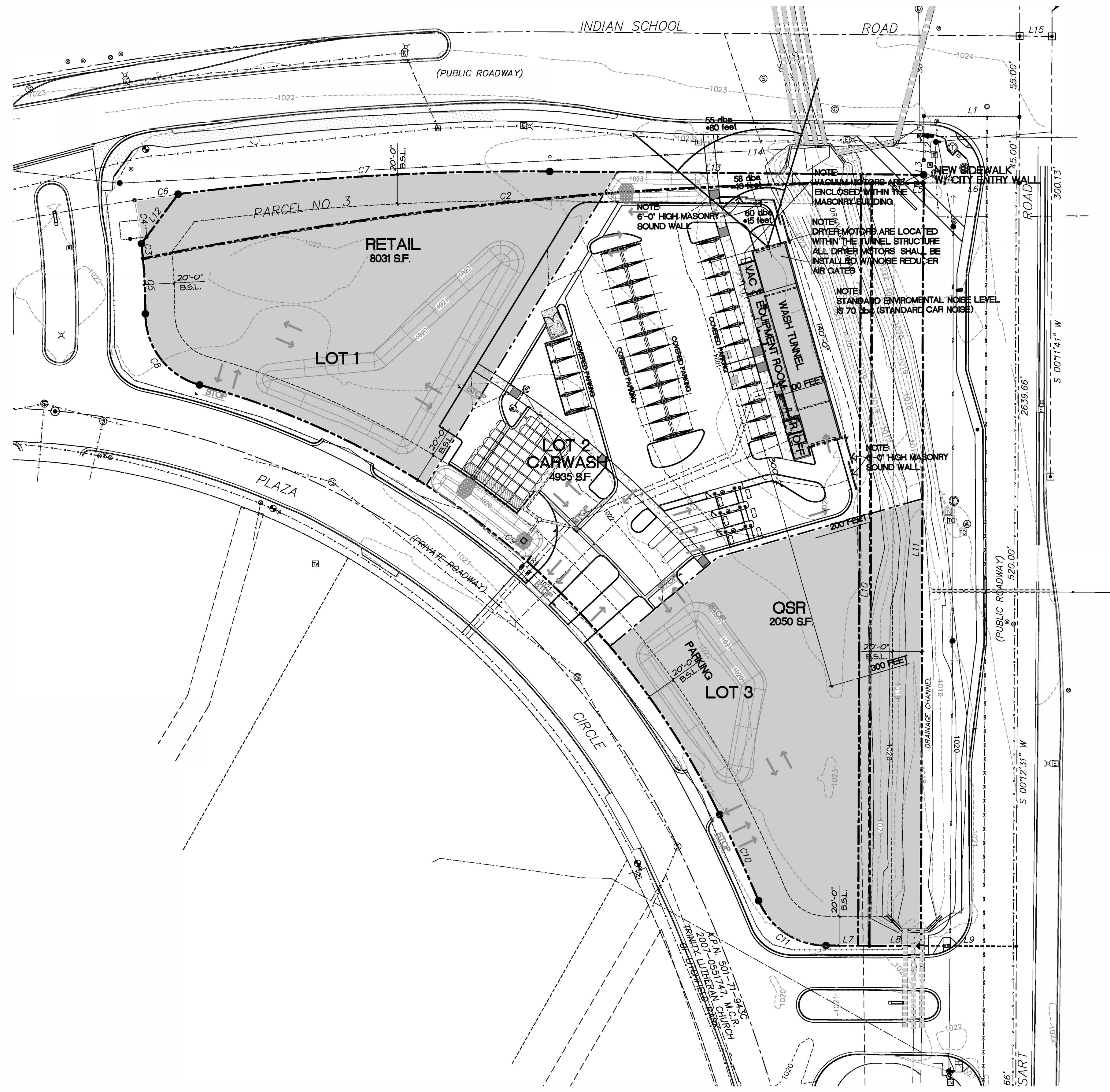
CANOPY ELEVATIONS

Francis and Sons Carwash
Dysart and Indian School
Avondale, AZ

John Reddell Architects, Inc.
Architecture Interiors Land Planning
4992 S. 158th Street Gilbert, Arizona 85298
(602) 531-2854 Email: john@reddellarchitects.com

Date: _____
Revisions: _____

C



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Dysart & Indian School Road
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16414 N. 91st Street #102
Scottsdale, AZ, 85260
480-614-1015
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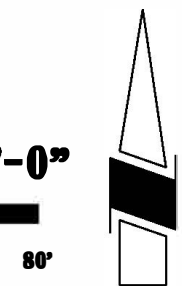
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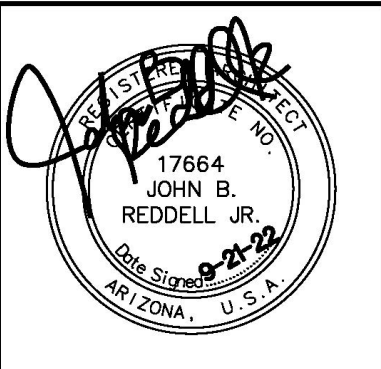
SOUND EXHIBIT

SCALE: 1"= 40'-0"



Francis and Sons Carwash
Dysart and Indian School
Avondale, AZ

John Reddell Architects, Inc.
Architecture Interiors Land Planning
4992 S. 158th Street Gilbert, Arizona 85298
(602) 531-2854 Email: john@reddellarchitects.com



Date:	
Revisions:	

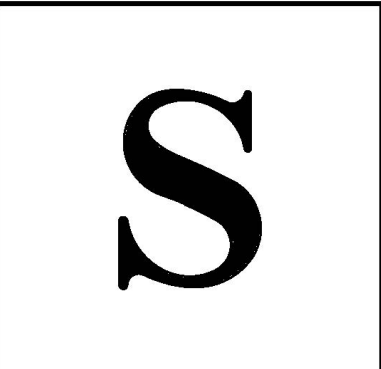


Exhibit H - Neighborhood Meeting Summary

Neighborhood Meeting Summary

Project Name: Francis and Sons Express Car Wash CUP – PL-21-0330

Location: Southwest Corner of Indian School Road and Dysart Road Property Owners and Area

Entitlement: Conditional Use Permit (CUP)

Applicant: Brian Greathouse, Burch & Cracchiolo

Owner: Jeff Francis, Francis & Sons Express Car Wash (F&S)

Held on: Thursday, September 29, 2022, via Zoom.

Project Description: City staff has received an application for a Conditional Use Permit (“CUP”) on approximately 3.72± acres located at the southwest corner of Indian School Road and Dysart Road to allow for a full service express car wash. The proposed express car wash will include a conveyor style car wash tunnel (approximately 4,934 SF) with state-of-the-art equipment.

Attendance: Six (6) total attendees including Tommy Gahl (Litchfield Park resident), Jeff Francis (owner/applicant), Brian Greathouse (legal counsel), Leslie Chatburn (legal counsel), John Reddell (architect), Mark Trinidad (Avondale Planning).

Summary of Comments and Responses:

Mr. Gahl stated four (4) concerns regarding the proposed car wash. Applicant responses in *italics*.

1. Noise - *Response: Mr. Francis stated company purchases latest in noise reduction car wash technology*
2. Car wash exit at north end close to Litchfield Park homes - *Response, site plan includes site/sound walls to attenuate noise at both north and south entrances*
3. Francis & Sons has low Yelp ratings – *Response, Yelp ratings do not have much standing, prefer to utilize Google ratings instead*
4. Existing car wash business within a mile – *Response, Mr. Francis believes current market supports another car wash*

Mr. Gahl indicated he is a homeowner in Litchfield Park. He further stated he represented other homeowners presumably in Litchfield Park adjacent to the project. He did not indicate he was for or against the project but from his line of questions, he may not support the project.



AGENDA ITEM REPORT

SUBJECT: LIV Communities Avondale - Minor General Plan Amendment - Application PL-22-0049

MEETING DATE: 4/19/2023

TO: Planning Commission

FROM: Michelle Simerdla, Senior Planner

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

The Planning Commission will hold a public hearing and consider a request by Brian Greathouse, Burch & Cracchiolo, P.A., for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for LIV Communities Avondale, a proposed 17.92 gross acres residential and commercial development located at the southwest corner of Indian School Road and 99th Avenue. The proposed Minor General Plan Amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from Mixed Use to High Density Residential and Commercial. The Commission will take appropriate action and forward a recommendation to the City Council.

BACKGROUND:

The subject property (Exhibits A and B) is located at the southwest corner of Indian School Road and 99th Avenue. The property was annexed into the City's corporate limits on June 25, 1981, and in 2007 was rezoned from Agricultural (AG) to Planned Area Development zoning named Entorno PAD. The planned Entorno development included single-family and multi-family residential and commercial uses but did not develop. On June 16, 2014, Council approved a rezoning from Entorno PAD to Parkside Village PAD, which was amended in 2019 and 2021. The approximately 17.92 gross acre site is vacant and undeveloped.

The property is designated by the General Plan 2030 Land Use Map (Exhibit C) as Mixed Use, which is a land use designation for a mixture of residential and commercial. This category encourages innovatively designed developments, which create a core living environment, reflective of a village concept where residents can live, work, and recreate within the same development or close by. Basic criteria for development include a reasonable scale to the surrounding neighborhood, proportionate ratios for each use, and encouragement of alternative modes of transportation (such as bicycling or walking), and a well-conceived plan with access to and integration of transit facilities.

The existing uses and zoning of surrounding properties include:

NORTH: Commercial and residential developments in the City of Phoenix.

EAST OF 99TH AVENUE: Vacant land currently being used for farming in the City of Phoenix.

SOUTH: Single-family neighborhood currently under construction zoned Parkside Village PAD.

WEST: Single-family neighborhood currently under construction zoned Parkside Village PAD.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Minor General Plan Amendment (GPA) to the General Plan 2030

Land Use Map to facilitate the development of LIV Communities, a planned multi-family residential development with a future commercial component (Exhibit D). The requested Minor GPA will change the designation of the subject property from Mixed Use to High Density Residential (the western approximately 14.62 acres of the property) and Local Commercial (the eastern approximately 3.29 acres of the property).

The High Density Residential designation is a land use category for residential land that allows densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums or townhomes are suitable for this land use. The Local Commercial designation is a land use category that is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community.

There is a concurrent request to rezone the subject property to Planned Area Development (PAD). Approval of this Minor GPA request is required before the rezoning may be approved.

PUBLIC PARTICIPATION:

A virtual neighborhood meeting to discuss the proposal with neighboring property owners and other interested parties was held on Thursday, May 26, 2022, via Zoom. All notices of the meeting were in accordance with the Zoning Ordinance notification requirements. The applicant gave a presentation on the project and answered questions. An overview of the discussion topics is outlined in the Neighborhood Meeting Summary, attached as Exhibit E. In addition to City Staff and the applicant's team, one (1) neighbor and one (1) Councilmember attended the virtual meeting.

No comments pertaining to the proposal were posted on the City's Avondale Connect digital forum, and no additional public comments have been received to date.

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with the Zoning Ordinance notification requirements.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:

The property is located in the service areas of the Pendergast Elementary School District and the Tolleson Unified School District, both of which have provided the City with a Certificate of Adequate School Facilities (Exhibit F) which states that the districts do have adequate capacity to accommodate the estimated enrollment from the proposed development and that no school site within the development is needed.

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.

Currently, there is a minor percentage of land in North Avondale that is designated as High Density Residential, all of which is developed or planned to be developed. Changing the General Plan land use map from Mixed Use to both High Density Residential and Local Commercial provides an infill opportunity to develop on an otherwise underutilized approximately 17.92-acre site.

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 amendment provides additional housing options in Avondale, and it will benefit residents looking for a lock-and-leave lifestyle and housing in Avondale.

3. The amendment will not adversely impact the community as a whole and/or a portion of the community by: (1) significantly altering acceptable land use patterns; (2) requiring large and more expensive public infrastructure improvements including, but not limited to roads, water,

wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land use.

The amendment will not significantly alter acceptable land use patterns in the area or impact nearby uses in the area, considering that the current designation of Mixed Use allows a mixture of commercial and residential uses with a village concept and with proportionate ratios for each use.

The amendment will not have a negative impact on the City's utility services. Public infrastructure exists or will be constructed by the developer.

The development will not adversely impact the surrounding area, as the current Mixed Use already permits residential and commercial uses. The required landscape buffer will be provided along the south property as required between single-family and multi-family properties.

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

The amendment is consistent with the overall intent of the General Plan 2030 and North Avondale Specific Plan, specifically meeting housing, open space, and commercial goals and policies. The accompanying PAD is in conformance with the Zoning Ordinance aside from the requested deviations.

These goals and policies include:

- GOAL 4: Require excellence and innovation in residential design and construction.
- GOAL 1: Identify, protect, and preserve the natural amenities and environmental attributes that are unique to Avondale and contribute to a healthy lifestyle.
- GOAL 3: Enhance and market Avondale's business climate.
- Policy D: Support new development that accommodates business attraction opportunities
- North Avondale Objective #7: Develop a "Sense of Place" in North Avondale.

DISCUSSION:

The proposal meets the four (4) required findings for General Plan Amendments as detailed in the Analysis section, above.

STRATEGIC PLAN:

Strategic Outcome and Strategy: Creative and Sustainable Community Development

Strategic Goal: Develop diverse housing options, to include housing that is affordable for workers and close to their jobs.

BUDGET IMPACT:

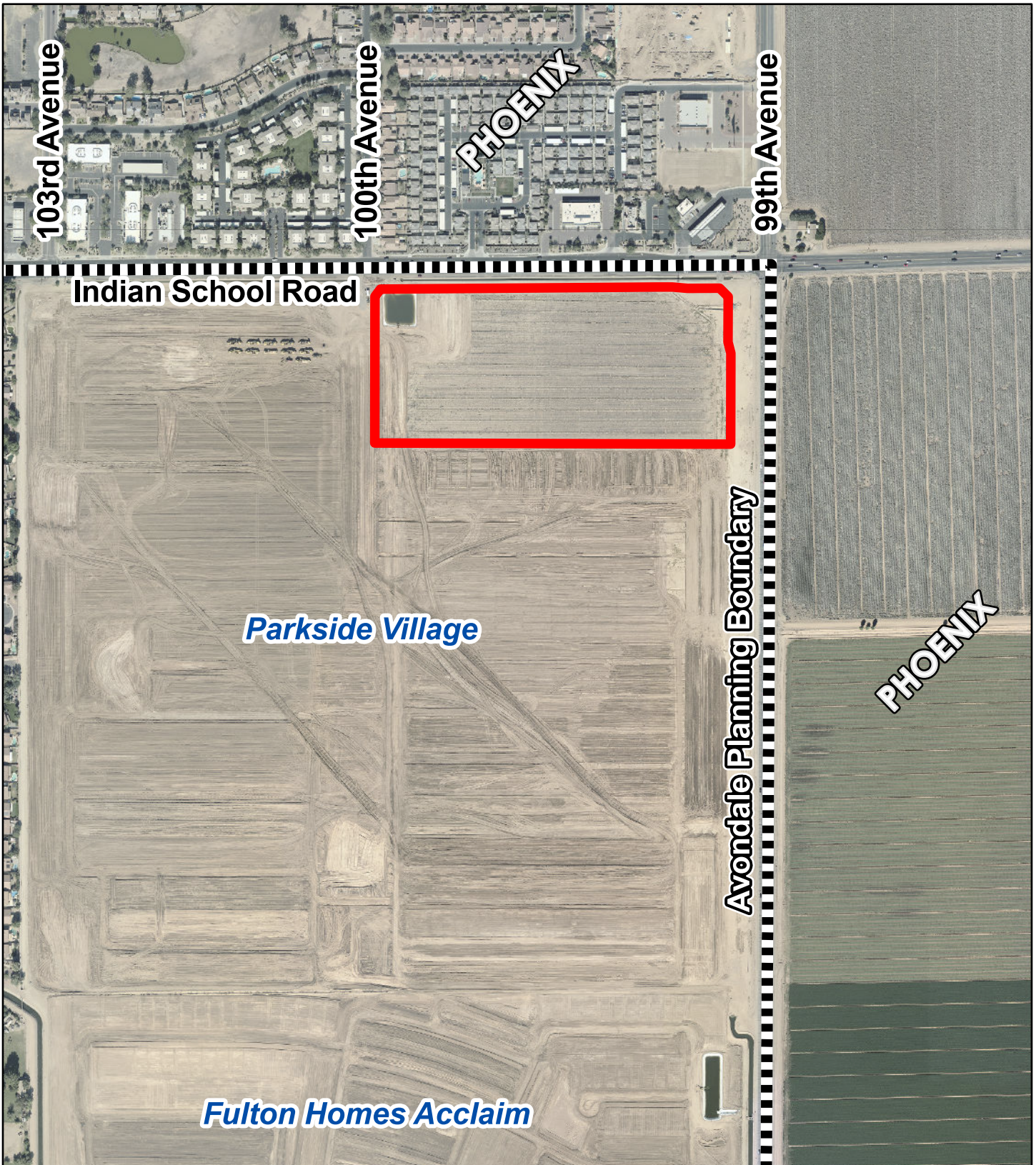
No budget impacts.

RECOMMENDATION:

The Planning Commission will conduct a public hearing and recommend **APPROVAL** of Application PL-22-0049 LIV Communities, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation from Mixed Use to Local Commercial and High Density Residential.

PROPOSED MOTION:

I move that the Planning Commission recommend **APPROVAL** of Application PL-22-0049 LIV Communities, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation from Mixed Use to Local Commercial and High Density Residential.

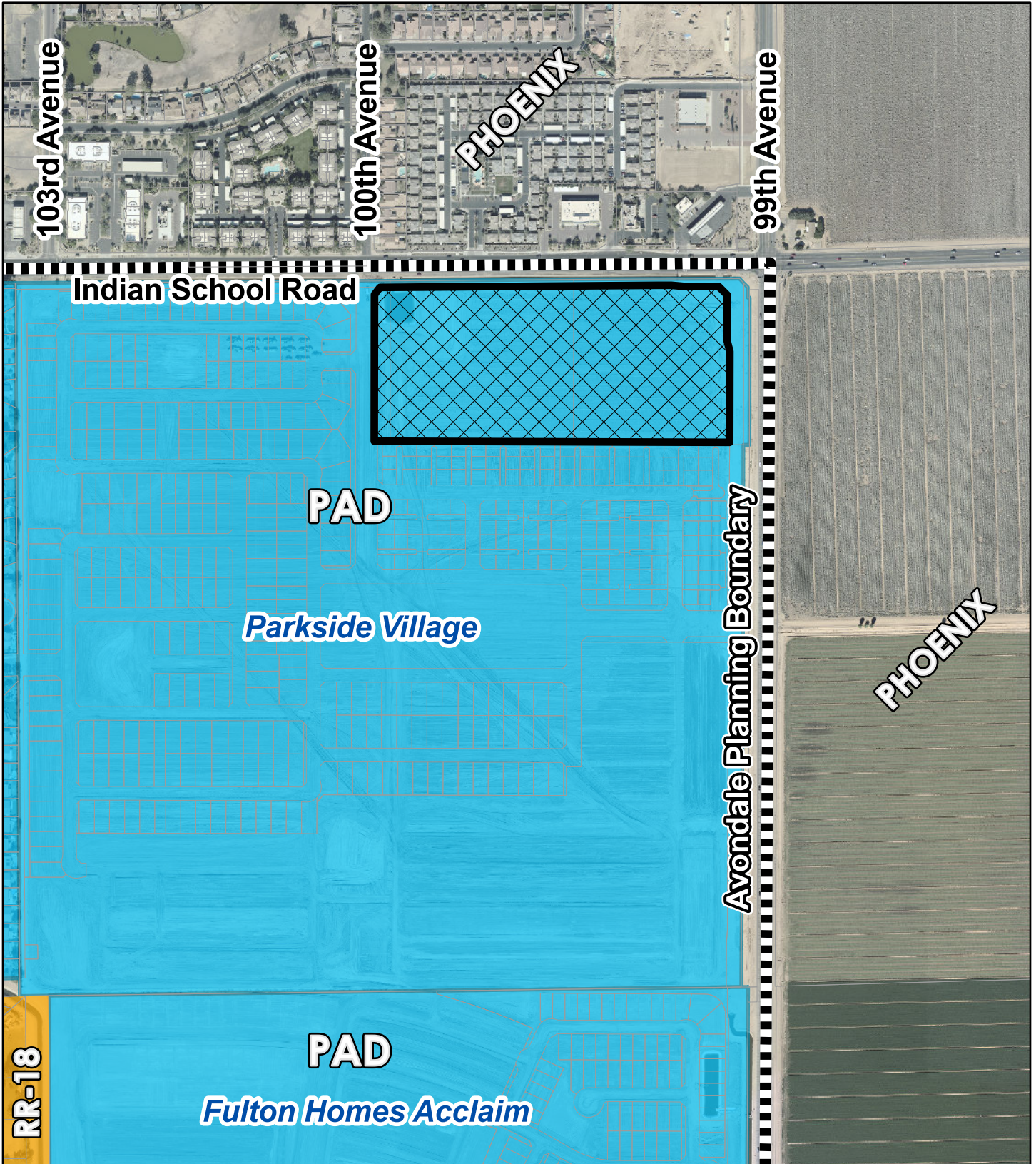


Aerial Map

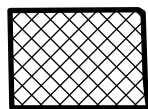


Subject Property



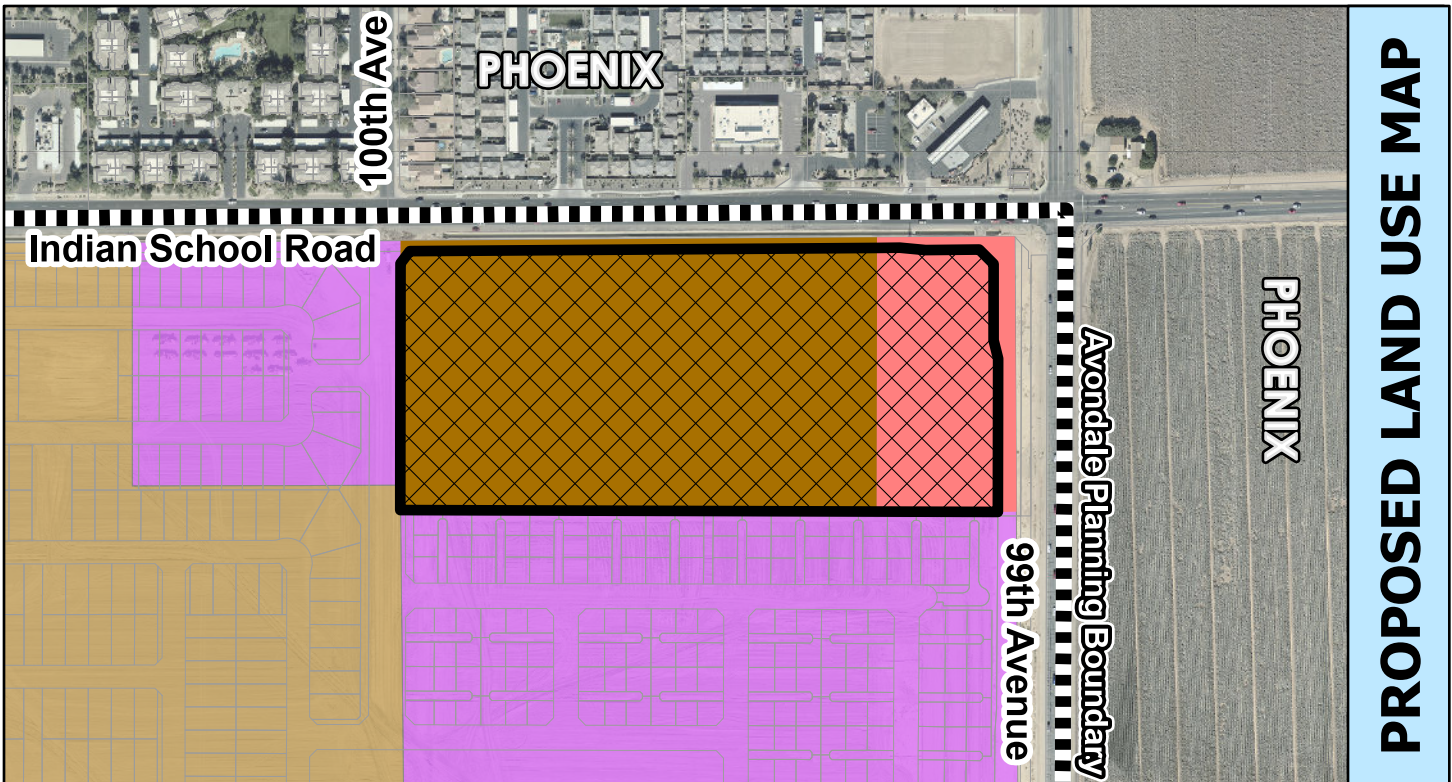
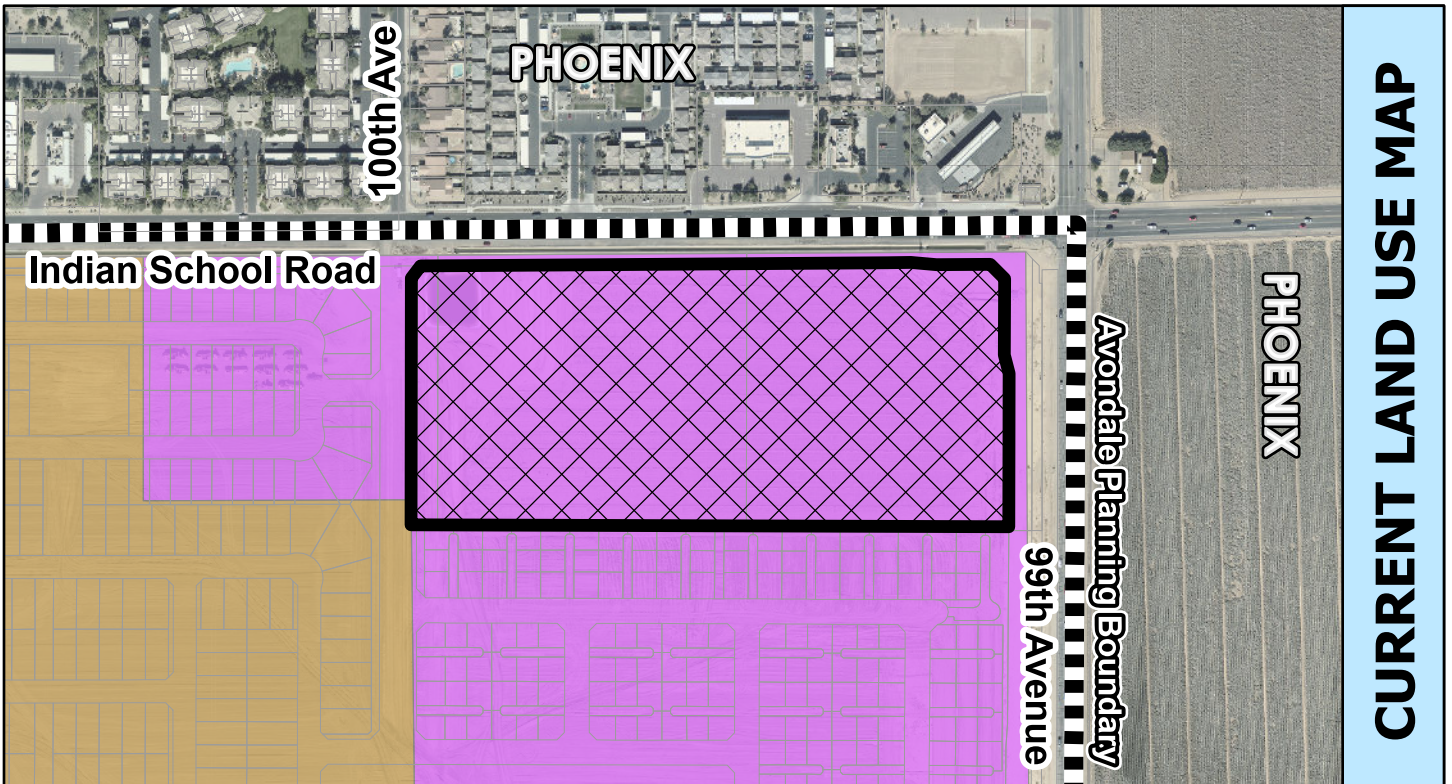


Zoning Vicinity



Subject Property

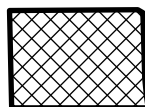




General Plan Land Use



- Local Commercial
- Mixed Use
- Medium High Density Residential
- High Density Residential



Subject Property



Exhibit D

Electronically
received 4-5-23

LIV COMMUNITIES - AVONDALE

Minor General Plan Amendment Narrative

Case No. PL-22-0049

1st Submittal: February 25, 2022

Updated: March 8, 2023

LIV COMMUNITIES -AVONDALE

Minor General Plan Amendment Narrative

A. Request and Property Description

This is a proposal to amend the Avondale General Plan 2030 Land Use Map for an approximately 17.92 net acre property located at the southwest corner of 99th Avenue and Indian School Road (“Site”). An Aerial Map is provided at **Exhibit A**. The eastern approximately 3.29 acres of the Site will be changed from the Mixed Use designation to Local Commercial designation and the western approximately 14.62 acres of the Site will be changed from the Mixed Use designation to High Density Residential (12 to 30 dwelling units per acre, target density = 12) designation. An Existing General Plan Land Use Map and the Proposed General Plan Land Use Map are provided at **Exhibit B**. The proposed density for the High Density Residential portion of the Site is approximately 23 dwelling units per acre. The Site is currently vacant and has frontage on both 99th Avenue and Indian School Road. The surrounding land uses consist of a single- family residential subdivision to the south and west.

A companion Planned Area Development (“PAD”) rezoning request has been filed with the City of Avondale under separate cover (Case No. PL-22-0054) to establish site-specific permitted uses, as well as development standards and design criteria for a gated 333-unit multifamily community and future commercial development. The proposed multifamily community will provide new and additional housing opportunities and will accommodate a variety of lifestyles and transitions.

Amendment of the General Plan Land Use Map will facilitate a quality development and it will not adversely impact the community by significantly altering the acceptable land use pattern or impact existing uses in the area. The justifications for this request are provided herein.

B. Minor General Plan Amendment

1. Availability of Current and Future Water Supplies.

The Development’s onsite water and sewer systems will tie into the existing City of Avondale water system located within 99th Avenue and Indian School Road. We understand the existing City of Avondale water and sewer systems have adequate capacity to serve the development.

2. Impact on and potential support of the City’s transportation system.

A Traffic Impact Analysis has been provided to the City under separate cover with the PAD application. Ultimately, access to the Development will be provided to and from Parkside Boulevard, 99th Avenue and Indian School Road. The Development will comply with the City’s current engineering policies and standards.

3. *Impact on the natural environment, including, but not limited to, hillsides, riparian areas, and floodways.*

The Development will not negatively impact the surrounding natural environment, and it is not located within any hillside, riparian or floodway areas. The development will provide significant improvements this vacant infill Site, including a significant amount of landscaping, open space and amenities.

4. *Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ratio; and (iii) multi-family housing ratio identified within the GP2030.*

The proposed General Plan Amendment will not have an overall negative impact on the total City's current job-to-population ratio. The development will provide an appropriate mix of much needed housing and appropriate commercial opportunities. The additional residents will provide support for existing and future employment and commercial uses within the area. The re-designation of the Property to HDR and Local Commercial is consistent and supports the City's goals and policies aimed at furthering additional diverse residential housing opportunities in Avondale, which are currently limited.

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

The proposed General Plan Amendment will not have a negative impact on the City's services. There are adequate facilities and/or connections to serve the Project, which will be improved by the developer, as required. Exact infrastructure improvements for the Property will be determined during the platting and/or site plan and design review application phase.

6. *Extent to which the goals of the GP2030 are accomplished.*

The proposed development supports the following goals and policies of the General Plan 2030.

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.

The Liv Communities development provides multifamily housing that is prominent within the Valley but still relatively limited within the City of Avondale. The community includes a significant number of high-quality amenities within a traditional style multifamily development. The proposed development increases a sense of place within the neighborhood and ultimately encourages more community interaction. This development also creates optimal density to support surrounding employment, educational and commercial uses.

GOAL 4: *Require excellence and innovation in residential design and construction.*

Policies:

B. Support creatively designed subdivision layouts, particularly layouts in which open space and recreation areas containing amenities are thoughtfully integrated throughout.

C. Utilize the City's Design Manuals to promote quality development and attractive residential communities, updating these documents when necessary to reflect changing preferences and styles.

E. Endorse the use of Crime Prevention through Environmental design (CPTED) principles when designing residential communities.

The Liv Communities development incorporates the City's Design Manual policies to create a layout with ample open space and recreation areas that contain amenities throughout the development. It also provides quality architecture and will incorporate CPTED design features.

Open Space Element

GOAL 1: *Identify, protect, and preserve the natural amenities and environmental attributes that are unique to Avondale and contribute to a healthy lifestyle.*

The Liv Communities multifamily development provides 191,681 SF of landscaped areas, including landscaping materials and design that is consistent and compatible with surrounding developments. This includes common open space areas that are linked with pedestrian connections to support a healthy lifestyle.

C. North Avondale Specific Plan

The Site is within the North Avondale Specific Plan ("NASP") area, which covers the majority of land within the Avondale City Limits north of McDowell Road. The following objectives and goals of the NASP are supported by the development.

Objective #1: *Facilitate the full buildout of North Avondale.*

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

This infill Site is surrounded by medium density residential neighborhoods within a development known as Parkside Village. The development of the Site will provide a significant improvement from its current vacant condition, an appropriate land use transition, and will improve public infrastructure within the area.

Objective #5: Attract residential products and subdivision designs that are unique from what North Avondale currently offers.

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.

North Avondale consists primarily of traditional single-family residential housing with garage-dominated houses. The Liv Communities development provides multifamily housing options within a gated, high-quality and well amenitized community. Significant emphasis has been focused on aesthetics and open spaces to create a healthy community where residents can recreate outdoors. With an emphasis on community open space and enriched amenities, Liv Communities will be an additional housing option that will attract a variety of new residents to Avondale, thereby encouraging a variety of different socio-economic levels to this part of the City.

Objective #7: Develop a “Sense of Place” in North Avondale.

Urban Design Element Goal #2, Policy A: Create visual “gateways” at principal entry points to Avondale, and develop a design “theme” that is used throughout the City to create a sense of unity and identity.

The Site is currently vacant and an entry gateway along Avondale’s north boundary. With the enhanced open space, amenities, and additional housing options and high-quality architecture, the proposed multifamily and commercial developments will provide a visual pleasing environment that will add to the “sense of place” in this area of Avondale. Further, the development will include a pedestrian friendly area at the northeast corner of the Site with new “gateway” signage, welcoming residents and visitors to the City of Avondale.

D. Avondale Strategic Five-Year Plan

The Avondale Strategic Five-Year Plan was designed with the vision and guidance from the Avondale City Council and crafted with input from engaged residents and local businesses. The Plan represents a cohesive and intelligent approach to continuing on the path to Avondale’s vision to create a community that is both family friendly and economically robust. A City that is Aspiring, Achieving and Accelerating.

The Liv Communities development is in a unique location which provides the opportunity to develop a site located along a gateway location within Avondale. The Site located proximate to the Loop 101 and Indian School Road intersection within proximity and easy access to employment and entertainment opportunities within the area. With the increase of employment, commercial and educational opportunities that are anticipated in the area, this Site will provide a prime location for new Avondale residents. This will complement and support the economic vision of the Strategic Five-Year Plan.

Additionally, the following goals of the Strategic Five-Year Plan will be met.

Initiative #1, Strategic Goal: *Encourage build-out in residential housing opportunities that support diverse housing options.*

The development will provide a unique and diverse housing opportunity which is otherwise underrepresented within the City of Avondale. The development will appeal to millennials, professionals, empty nesters, and those looking for a “lock and leave” lifestyle. The development will provide a modern and well amenitized housing development that caters to those looking for something different than the typical single-family housing predominantly offered in Avondale.

Initiative #2, Strategic Goal, Action Item: *Establish relationships with potential partners for the development of trail and river corridors.*

The development provides connectivity and pedestrian access to 99th Avenue and Indian School Road, which promotes pedestrian and bicycle connectivity of the residents to the adjacent employment, educational and other surrounding uses. The Developer will ensure access to the surrounding sidewalks and promote connectivity to the larger trails master plan for Avondale.

E. Minor General Plan Amendment Findings Analysis

This request for a Minor General Plan Amendment meets or exceeds the required findings established by the City of Avondale, as detailed below.

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

Currently, there is a minor percentage of land uses in Avondale that are available for high density residential. Almost all of these high density residential areas are south of McDowell Road and are not located in the North Avondale area. This development provides the appropriate infill development, providing a mix of high density residential housing and commercial uses for the area.

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

The proposed land use designations provide the opportunity for infill development on a vacant Site at a gateway location within the City that supports employment, educational and commercial uses in the area. The proposed multifamily development provides additional housing options that will attract new residents, including young professionals, millennials, and empty nesters who are looking for a “lock and leave” lifestyle. This amendment will not be solely for the good or benefit of the owner.

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

- a. Significantly altering the acceptable land use patterns;*
- b. Requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change; or*
- c. Adversely impacting the existing land uses.*

The amendment will not significantly alter acceptable land use patterns in the area or impact nearby existing uses. The amendment supports an appropriate land use transition and pattern of commercial uses on the hard corner of the intersection, adjacent to multifamily housing and single-family homes. Public infrastructure currently exists for this development, and it will not be a significant burden on the existing systems that are in place. The development is designed with landscaped buffering around the perimeter to provide an appropriate pedestrian environment.

4. That the amendment is consistent with the overall intent of the GP2030 and other adopted plans, code and ordinances.

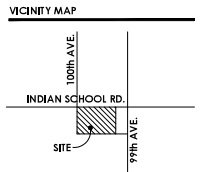
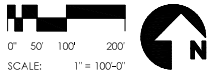
Overall, the amendment consists of an improvement to the General Plan with the overall enhancements as outlined below:

- The development will provide enhanced and quality amenities.
- The residential units will have direct and convenient access to community open spaces.
- Enhanced vegetation is provided within key locations within the development.
- There are strategically placed open space areas, landscaping, amenities, and gateway signage to provide a sense of arrival.

F. Conclusion

The vacant infill Site is the perfect location for commercial and multifamily uses, providing an appropriate land use transition within the area. This Minor General Plan Amendment and the companion PAD are intended to provide a framework for development of a complementary land use in the area, while providing additional housing and commercial opportunities. Further, the proposed amendment is consistent with the overall goals and objectives of the General Plan and North Avondale Specific Plan and it will be a positive addition to the area.

EXHIBIT A



TODD+ ASSOCIATES

602-952-8280 / TODDASSOC.COM
21-2004-02



Apartments - SWC Indian School Rd. & 99th Avenue

Avondale, Arizona
PRE-APPLICATION SUBMITAL
October 19, 2021

Aerial

Preliminary Not For Construction

A0.1

EXHIBIT B

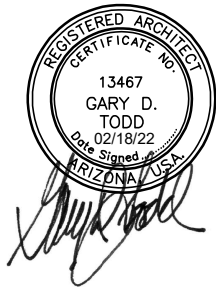
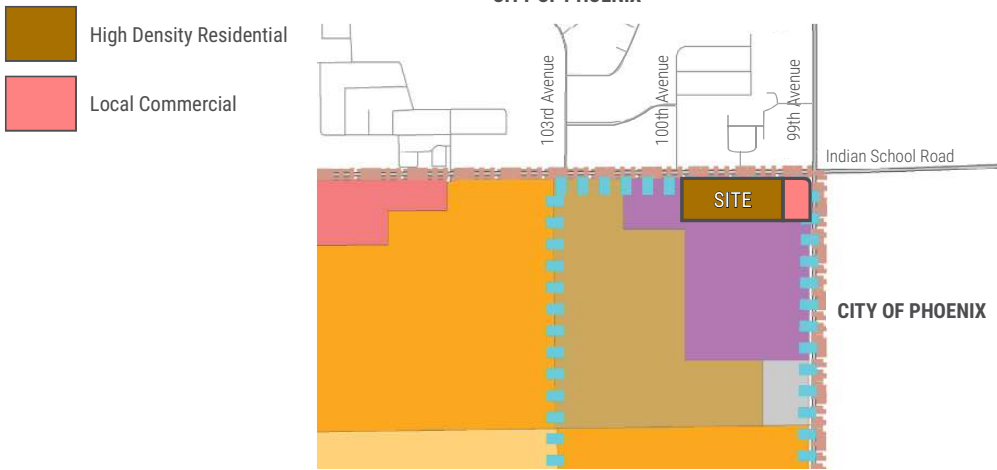
GENERAL PLAN MAP

City of Avondale

EXISTING GENERAL PLAN



PROPOSED GENERAL PLAN



5/26/2022 NEIGHBORHOOD MEETING SUMMARY

LIV – 99TH AVENUE & INDIAN SCHOOL ROAD

Attendees

Jean Constantine, Liv Communities
Scott Pieart, Todd & Associates
Scott Lucas, Terrascope
Ed Bull, Burch & Cracchiolo
Ali Bull, Burch & Cracchiolo
Ricki Horowitz, Burch & Cracchiolo
CM Gloria Solorio, City Council Member
Mark Trinidad, City of Avondale
Eric Fitzer, City of Avondale
1 Neighbor – Ian Grant

Introductions

Overview and PowerPoint Presentation

- LIV is in the multifamily and senior housing business
- Reviewed list of awards and recognitions Liv has received in the Valley and in Michigan
- Mixed-use development on vacant infill Site
- Proposing residential on western part and commercial on the eastern part
- Plan shows lots of landscaping and internalized amenities
- Architect is among the best at designing high-quality developments with horizontal and vertical movements, varying/contrasting colors, sensitive to surrounding environment, architectural articulation, quality and timeless developments
- LIV is not bashful spending money on architecture and landscaping
- Will have pedestrian connection to the future commercial
- Significant open space throughout the development

- Majority of the amenities are centralized – keeps active amenities away from residential uses nearby
- Amenities include dog park, cabanas, clubhouse, fitness center, shaded play structure, hammock garden, fire pit, splash pad, etc.
- Mix of studios, 1s, 2, & 3 bedrooms – mainly 1 and 2 bedroom units
- Gateway sign for Avondale will be at the corner of 99th Avenue and Indian School. Not sure what it will say yet – work in progress.
- General Plan shows the Site is designated mixed-use.
- Request is for a Minor GPA to change to HDR and Local Commercial
- Site is zoned PAD for the Parkside Village PAD for mixed use
- Request is to zone the Site PAD for C-2 and R-4 uses
- Next steps: Additional staff review, neighborhood outreach, PC and CC. No hearing dates set yet.
- Gave contact information for 3 people on the Team
- Well designed, highly amenitized, mixed use development.
- Good place to live, work, shop, & play
- Compliment to the neighborhood
- LIV has been in the Valley for 12 years
- LIV owns and manages their own sites
- Like to hold properties for 8-10 to give their properties a chance to be positive and developed within the community
- LIV is looking forward to joining Avondale

Questions, Answers, and Comments

1. Ian Grant. He submitted a question to the zoom email address. He is an area resident. There will be an Increase in traffic with this development. Has a traffic study been done? Alternatives? Lights at other Intersections between 99th and 103rd Avenues going in?
 - A. A Traffic Study is required. The Study will look at trip generations and will compare anticipated traffic with previously approved uses. Street improvements will be required on Indian School Road. City will look at traffic signal warrants to determine whether additional traffic signals will be warranted. Do not know if the Traffic Study has been

reviewed/approved by City yet. Traffic is important to City, Liv, and their consultants.

Mark Trinidad, assigned case planner. The TIA has been submitted to the City and County (County controls Indian School Rd). The Avondale Traffic Engineer is reviewing it now and so is MCDOT reviewing the Traffic Study. The review and comments will be forthcoming.

2. Mark Trinidad – Will Liv Communities act as manager? Did a thorough presentation of the development.
 - A. LIV will act as manager for the multifamily component. The retail will be managed by the commercial owner. In partnership with Vintage, the retail developer.
3. Will provide a summary to Staff of the neighborhood meeting.

End of Meeting

Received 8/24/22



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for a multi-family and commercial development has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Liv Communities - Avondale Project Manager: Jean Constantine
 Request: PAD Acreage/Parcel Size: 14.63 gross/net acres (MF)
 Current Density Allowed: _____ Density Proposed: 22.76 du/ac
 Total number of residential units proposed: 333+/-

As an authorized representative of the District, please complete the questionnaire below.

Does the District have adequate capacity to accommodate the estimated enrollment from the proposed development?

Yes ☒

No ☐

If answered no, please summarize the needs of the district as they relate to serving the students generated by the proposed development.

Is a school site within the proposed development needed?

Yes ☐

No ☒

If answered yes, how many acres is needed for the school site?

Is the district currently working with the developer to provide or help meet the needs identified above through a developer assistance or impact agreement? Yes ☐ No ☒

If answered yes, please explain below:

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

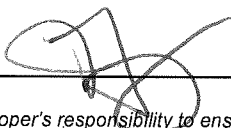
Date Reviewed: 4/1/22

School District: Pendergast ESD

District Superintendent: Dr. Jennifer Cruz

Phone #: 603 778 2000

E-mail: j.fimbrese@psd98.org

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
www.avondaleaz.gov/developmentservices



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If answered yes, please explain below:

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

Date Reviewed: April 5, 2022

School District: Tolleson Union High School District #214

District Superintendent: Nora Gutierrez

Phone #: 623-478-4001

E-mail: nora.gutierrez@tuhsd.org

Signature: _____

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

www.avondaleaz.gov/development/services



AGENDA ITEM REPORT

SUBJECT: LIV Communities Avondale - Rezone from Parkside Village Planned Area Development (PAD) to LIV Communities Avondale PAD – Application PL-22-0054

MEETING DATE: 4/19/2023

TO: Planning Commission

FROM: Michelle Simerdla, Senior Planner

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

The Planning Commission will hold a public hearing and consider a request by Brian Greathouse, Burch & Cracchiolo, P.A., on behalf of the property owner ACKA #3 Limited Partnership; c/o Liv Communities, to rezone the approx. 17.92 acres of land located at the southwest corner of Indian School Road and 99th Avenue. The proposed rezoning would allow for a new multi-family development and commercial uses. The Commission will take appropriate action and forward a recommendation to the City Council.

BACKGROUND:

The subject property (Exhibits A and B) is located at the southwest corner of Indian School Road and 99th Avenue. The property was annexed into the City's corporate limits on June 25, 1981, and in 2007 was rezoned from Agricultural (AG) to Planned Area Development called Entorno. The planned Entorno development included single-family and multi-family residential and commercial uses but did not develop. On June 16, 2014, Council approved a rezoning from Entorno PAD to Parkside Village PAD, which was amended in 2019 and 2021. The Parkside Village PAD currently allows for a mixture of residential and commercial uses.

The property is designated by the General Plan 2030 Land Use Map (Exhibit C) as Mixed Use, which is a land use designation for a mixture of residential and commercial. This category encourages innovatively designed developments, which create a core living environment, reflective of a village concept where residents can live, work, and recreate within the same development or close by. Basic criteria for development include a reasonable scale to the surrounding neighborhood, proportionate ratios for each use, encouragement of alternative modes of transportation (such as bicycling or walking), and a well-conceived plan with access to and integration of transit facilities.

The existing uses and zoning of surrounding properties include:

NORTH: Commercial and residential developments in the City of Phoenix.

EAST OF 99TH AVENUE: Vacant land currently being used for farming in the City of Phoenix zoned Planned Unit Development Mixed Use.

SOUTH: Single-family neighborhood currently under construction zoned Parkside Village PAD.

WEST: Single-family neighborhood currently under construction zoned Parkside Village PAD.

SUMMARY OF REQUEST:

The applicant is requesting to rezone the subject property from Parkside Planned Area Development (PAD) to

LIV Communities Avondale PAD. The proposed LIV Communities Avondale PAD Narrative included as Exhibit D, details permitted uses, development standards, landscaping standards, architectural design standards, and other requirements that will guide the future development of the site.

As previously noted, the property is currently designated by the General Plan Land Use Map for Mixed Use and there is a concurrent request to change the designation to High-Density Residential and Local Commercial.

The applicant is proposing a multi-family development on approximately 14.63 acres that consists of nine 3-story multi-family buildings with 333 dwelling units, a clubhouse, carports, garages, and a maintenance building. The amenities include a dog park, a dog wash, hammocks, gardens, two outdoor kitchens, a fire pit, a pool and spa with cabanas, a splash pad, and a shaded play structure. One vacant 3.28 net-acre pad will remain for future development of commercial uses. Development of the multi-family project is expected to occur in a single phase.

The multi-family portion will allow all uses permitted, permitted with conditions, and permitted as accessory uses under the Multi-Family District (R-4). The commercial portion will allow all permitted uses, permitted with conditions, and permitted as accessory uses in the Community Commercial (C-2) district.

In terms of development standards for the multi-family portion, the applicant is requesting the R-4 standards in the City's zoning ordinance with deviations. These deviations include establishing a minimum separation between the principal entrance or exit for 3-story buildings, reducing the percentage of garages provided, reducing private outdoor space, and reducing landscaping. See details of deviation request under the "Development and Design Standards" section below.

The main entry for the multi-family development is proposed on Indian School Road and the secondary entrance is proposed on Parkside Boulevard. There will be two (2) pedestrian connections from the multi-development to the future commercial development. Access to the commercial site will occur on both 99th Avenue and Indian School Road. The development proposes 610 parking spaces, which is the required amount for this development. The parking includes 330 covered spaces, 69 garages, 196 uncovered parking spaces, and 67 guest parking spaces. Electric vehicle (EV) chargers and parking spaces dedicated for EV will also be provided.

A six (6) foot CMU wall is proposed on the southern boundary of the project. Parking screen walls are provided as well as view fencing for the remainder of the project. Landscaping will be provided along street frontages and on the site and will meet the requirements in Article 12, aside from the requested deviations. The project provides balconies for each unit. Trash will be a private valet (concierge) service and trash enclosures will be screened and provided throughout the development.

A Comprehensive Sign Plan (CSP) will be required for review and approval during the Site Plan and Design Review process.

PUBLIC PARTICIPATION:

A virtual neighborhood meeting to discuss the proposal with neighboring property owners and other interested parties was held on Thursday, May 26, 2022, via Zoom. All notices of the meeting were in accordance with the Zoning Ordinance notification requirements. The applicant gave a presentation on the project and answered questions. An overview of the discussion topics is outlined in the Neighborhood Meeting Summary, attached as Exhibit E. In addition to City Staff and the applicant's team, one (1) neighbor and one (1) Councilmember attended the virtual meeting.

No comments pertaining to the proposal were posted on the City's Avondale Connect digital forum, and no additional public comments have been received to date.

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with the Zoning Ordinance notification requirements.

CERTIFICATE OF ADEQUATE SCHOOL FACILITIES:

The property is located in the service areas of the Avondale Elementary School District (AESD) and the Agua Fria High School District (AFHSD), both of which have provided the City with a Certificate of Adequate School Facilities (Exhibit F) which states that the districts have adequate capacity to accommodate the estimated enrollment from the proposed development and that no school site within the development is needed.

ANALYSIS:

General Plan and North Avondale Specific Plan

A General Plan Amendment to change the land use from Mixed Use to High Density Residential (HDR) and Local Commercial is being considered concurrently with this rezoning request. The proposed LIV Communities PAD, with a proposed density of 23.63 dwelling units per acre, aligns with the requested HDR designation which allows (12-30 dwelling units per acre, target density 12). The commercial pads will align with the requested Local Commercial designation.

Additionally, the proposed PAD furthers several goals in the General Plan, and advances multiple objectives in the North Avondale Specific Plan, most notably:

General Plan:

GOAL 4: Require excellence and innovation in residential design and construction.

This project meets the design goals in the Multi-Family Design Manual and construction documents will be reviewed for code compliance.

North Avondale Specific Plan:

Objective #1: Facilitate the full buildout of North Avondale.

This project will facilitate more development in North Avondale, contributing to the full buildout.

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

This subject site is an infill site, and the proposed development represents a way to develop the otherwise vacant site.

Access and Circulation

Based upon a review of a Traffic Impact Analysis, Maricopa County Department of Transportation (MCDOT) and the City have determined that the proposed access onto their maintained roadways to LIV Communities will function in a safe and efficient manner and the current level of service for traffic operations on 99th Avenue and Indian School Road will not be significantly impacted by the proposed development. As previously noted, the main entry for the multi-family development will be on Indian School Road and the secondary access will be on Parkside Boulevard. Access to the commercial pad will occur via driveways on both Indian School Road and 99th Avenue. The driveways along Indian School Road are required to be approved by MCDOT prior to Site Plan and Design Review approval.

In regard to internal circulation on the site, the site complies with all turning radius requirements necessary for resident and emergency access. Pedestrian access proposed to the LIV Communities sidewalk will allow residents to access nearby future commercial establishments in the 99th Avenue/Indian School Road corridor.

Permitted Uses

The uses proposed by the PAD for the multi-family portion match the uses allowed in the City's Multi-Family Residential (R-4) zoning district, which includes all permitted uses, permitted with conditions, and permitted as accessory uses. The uses allowed in the R-4 district are fully consistent with the proposed High Density Residential designation and are appropriate for a future multi-family residential community.

The uses proposed by the PAD for the commercial portion are the uses allowed in the City's C-2 zoning district, which includes all permitted uses, permitted with conditions, and permitted as accessory uses. The uses allowed in the C-2 district are fully consistent with the proposed Local Commercial designation and appropriate for future commercial development.

Development and Design Standards

The proposed PAD utilizes the City's R-4 district for development standards for the multi-family portion with the following requested deviations and justifications:

- **Establish a minimum separation of 30 feet between the principal entrance or exit of a multi-family building and any other building.**
- The R-4 district does not have a separation requirement for principal entrances or exits for 3+ story buildings. Therefore, this deviation is not a reduction in standards.
- **Reduce the minimum percentage of provided garages from 25 percent to 13 percent, excluding visitor parking spaces.**
- The development is exceeding the covered parking spaces by 71 covered spaces instead, meeting the intent of the City's covered parking requirements.
- **Reduce the minimum private open space per dwelling unit from 80 square feet to 74 square feet.**
- The project provides balconies that range from 74-88 square feet, meeting the intent of the City's balcony requirement since, on average, some patios will exceed the requirement.
- **Reduce the minimum number of trees per dwelling unit from 1.5 to 0.75.**
- The applicant's narrative indicates that the proposed number of trees allows for healthy root growth and tree head canopies to allow for proper spacing, so Staff is in support of this reduction.
- **Reduce the minimum number of trees in the right-of-way (ROW) from 1 tree per every 25 feet to 1 tree per every 32 feet of ROW.**
- The applicant's narrative indicates that 31 trees will be planted instead of 39, which again will provide proper spacing for healthy root and canopy growth, so Staff is in support of this reduction.

The PAD also utilizes the C-2 district for the commercial pad, with no requested deviations.

DISCUSSION:

The proposed PAD rezone meets the following findings:

1. The proposed LIV Communities PAD, with Staff recommended conditions of approval, will be in conformance with the proposed General Plan Land Use Map designation of High Density Residential and Local Commercial. The amenities and open space provided justify the increase above the High Density Residential's target density.
2. The proposed LIV Communities PAD is in direct conformance with the proposed General Plan Land Use Map designations of High Density Residential and Local Commercial.
3. The proposed LIV Communities PAD is in conformance with the North Avondale Specific Plan and Multi-Family Residential Design Manual.
4. The proposed rezoning will result in compatible land use relationships. There are multi-family developments and commercial developments to the north. The single-family homes to the south will be buffered by the required minimum 15-foot landscape buffer. Furthermore, the existing PAD and General Plan designation already permit a mix of residential and commercial uses.
5. Adequate public infrastructure to support the proposed development either presently exists or will be constructed by the developer.
6. The recommended conditions of approval are reasonable to ensure conformance with the provisions of the Zoning Ordinance and all other applicable City codes, ordinances, and policies.

STRATEGIC PLAN:

Strategic Initiative: Creative and Sustainable Community Development

Strategy: Develop diverse housing options, to include housing that is affordable to workers and close to their jobs.

BUDGET IMPACT:

No budget impacts.

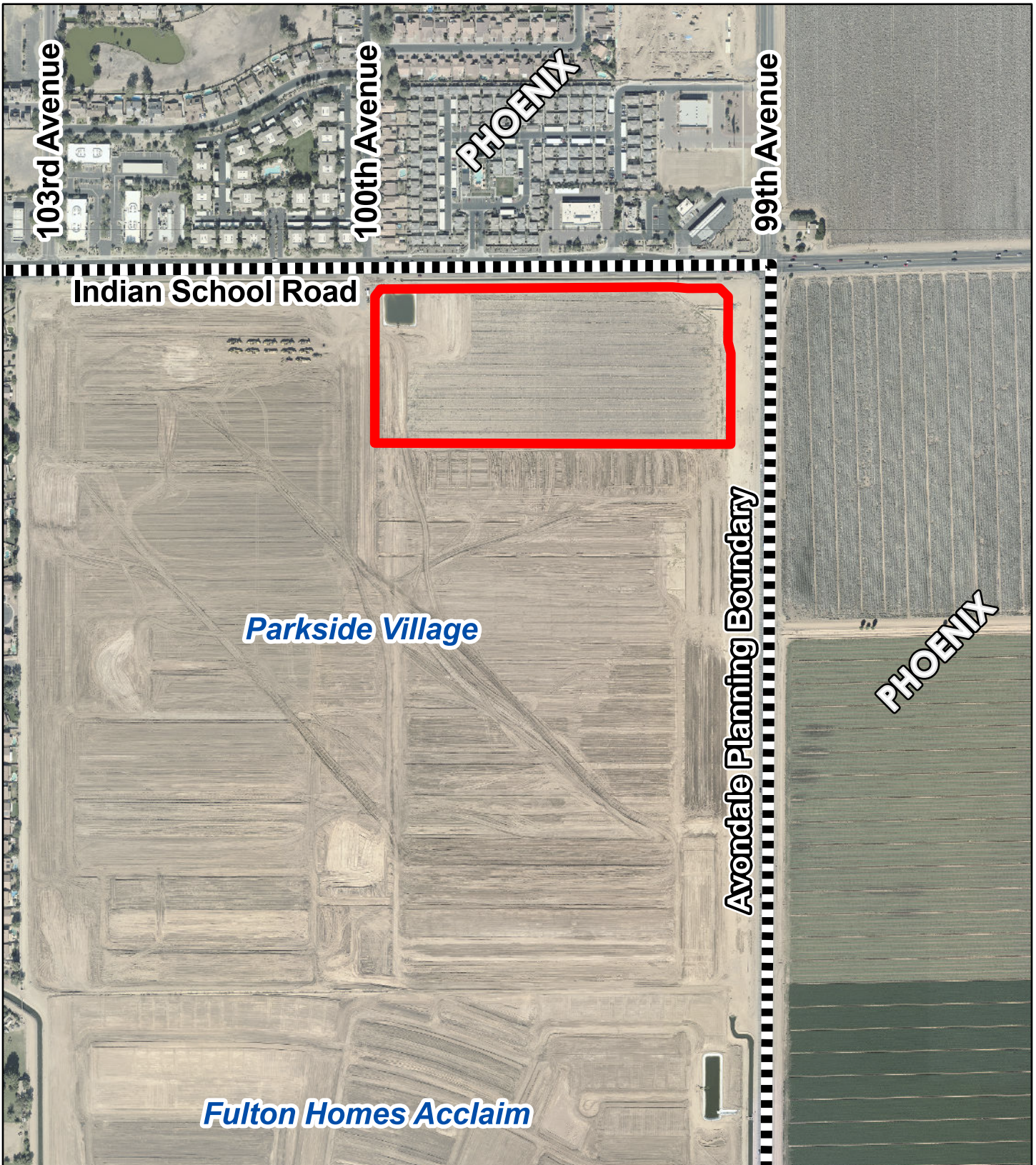
RECOMMENDATION:

The Planning Commission will conduct a public hearing and recommend **APPROVAL** of Application PL-22-0054, a request to rezone an approximately 17.92-acre site from Parkside PAD to LIV Communities Avondale PAD subject to the following eight (8) conditions of approval:

1. Development shall conform to the LIV Communities Avondale PAD Narrative electronically date stamped 3/27/23, except as modified by these conditions.
2. The driveways along Indian School Road shall be approved by the Maricopa County Department of Transportation (MCDOT) prior to Site Plan and Design Review approval.
3. All required off-site improvements shall be completed before the first Certificate of Occupancy.
4. A Final Plat shall be recorded prior to the issuance of permits.
5. The power lines adjacent to Indian School Road and the power lines that cross Indian School Road shall be converted underground.
6. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to the issuance of any construction permits for any portion of the project.
7. Parking shall comply with the electric vehicle parking requirements in Zoning Ordinance Article 8, 28-164, (g).
8. A minimum of twenty (20) percent usable open space shall be provided.

PROPOSED MOTION:

I move that the Planning Commission recommend **APPROVAL** of PL-22-0054, a request to rezone an approximately 14.63-acre site from Parkside PAD to LIV Communities Avondale PAD subject to the eight (8) conditions of approval listed in the staff report.

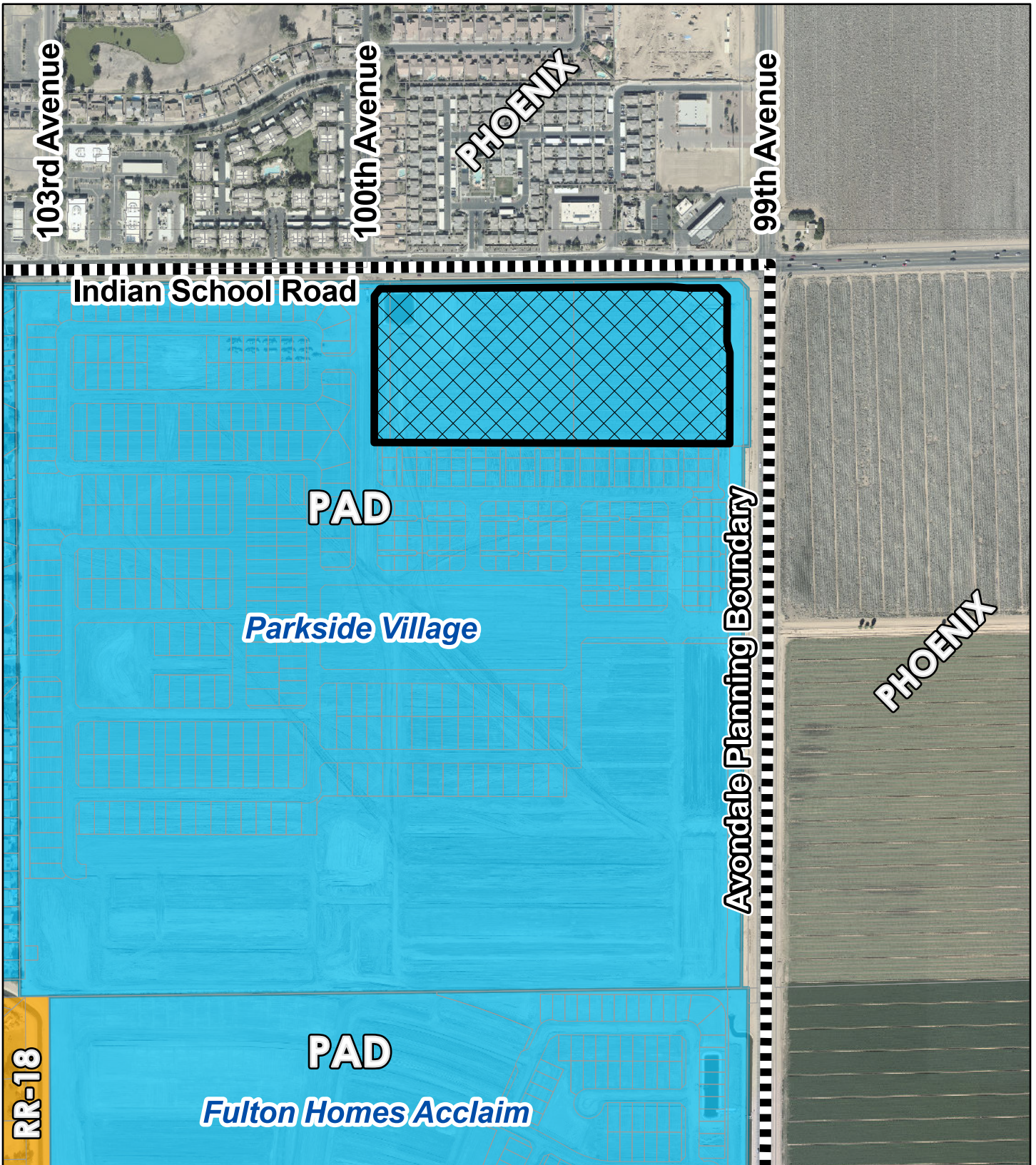


Aerial Map

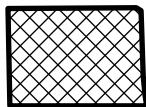


Subject Property



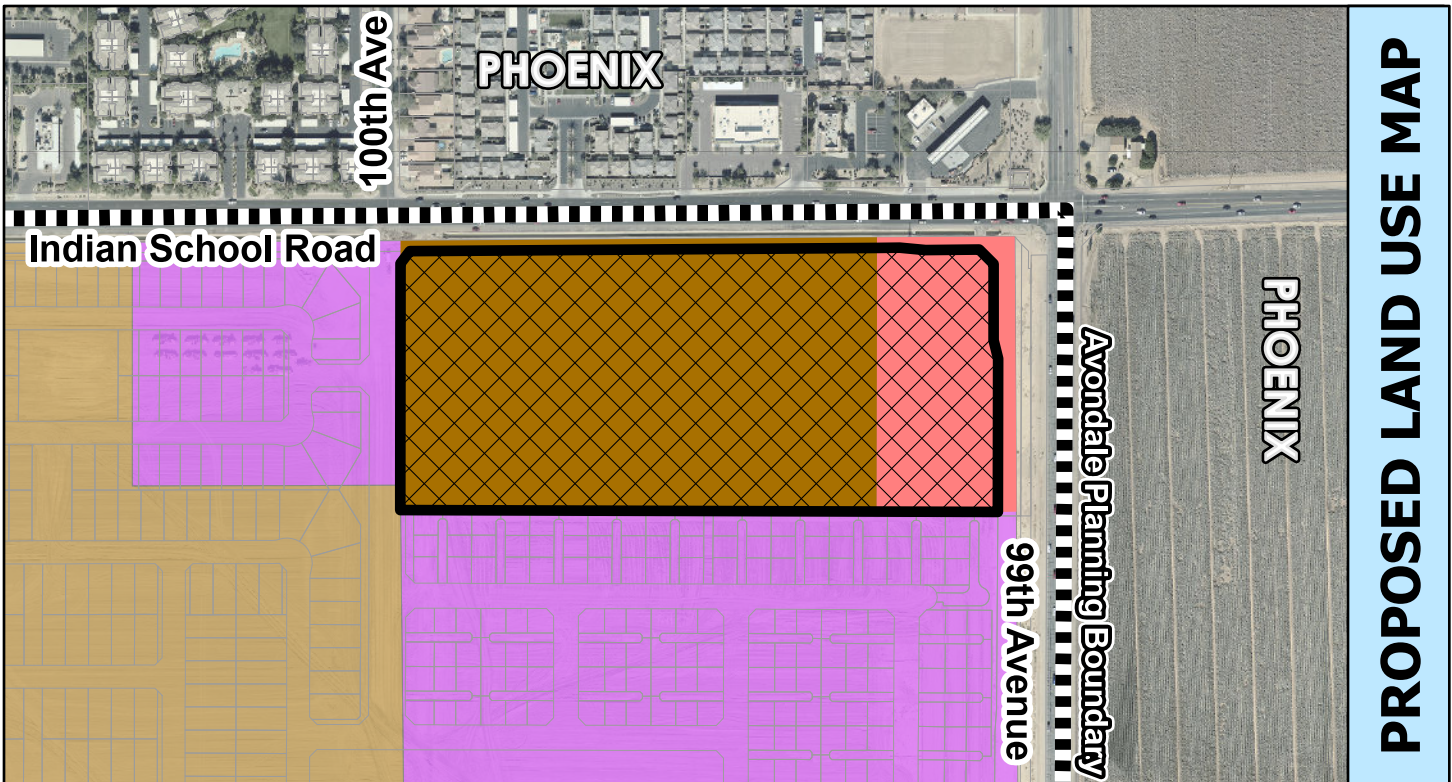
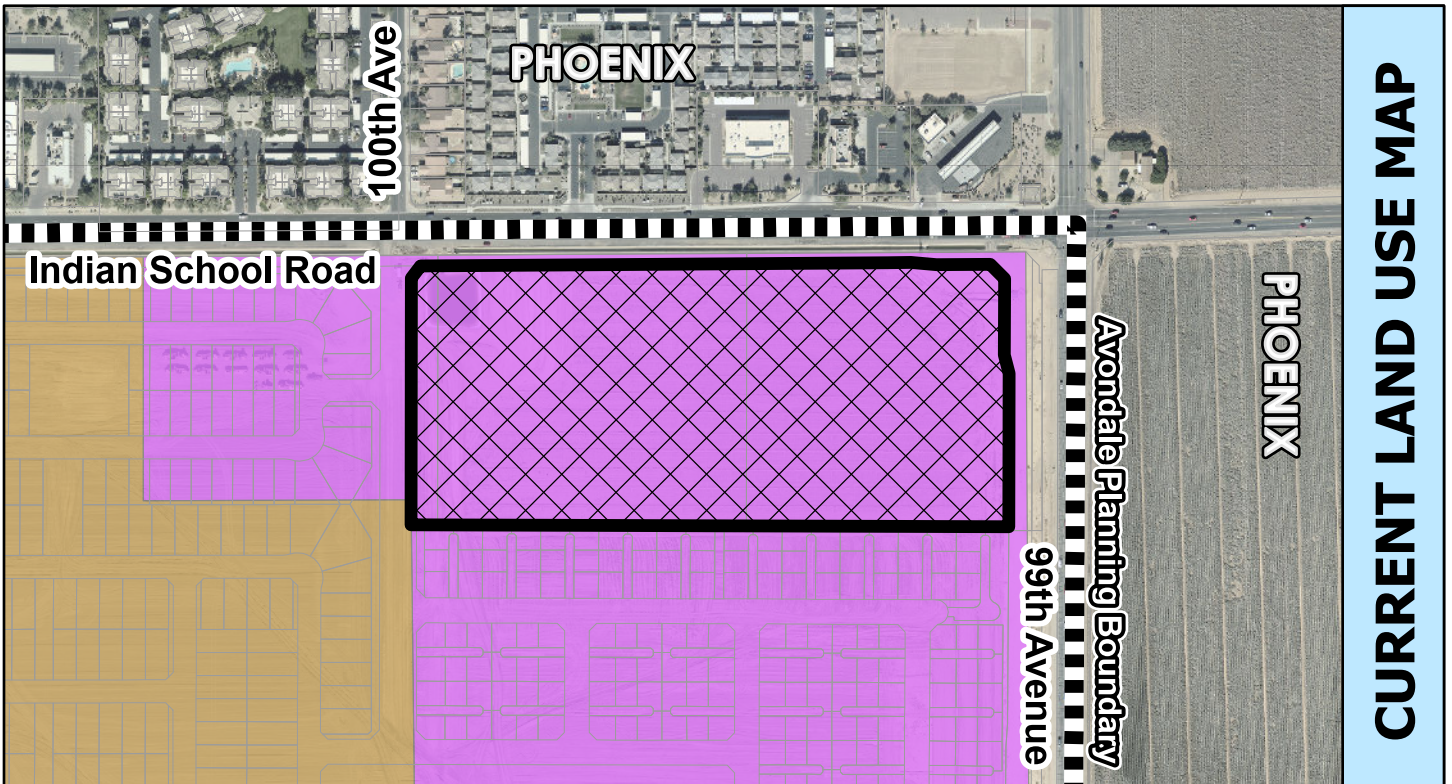


Zoning Vicinity



Subject Property

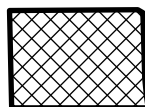




General Plan Land Use



- Local Commercial
- Mixed Use
- Medium High Density Residential
- High Density Residential



Subject Property



LIV COMMUNITIES - AVONDALE

A Planned Area Development

Case Number: PL-22-0054

1st Submittal: February 25, 2022

2nd Submittal: June 15, 2022

5th Submittal: February 13, 2023

Final Submittal: March 3, 2023

NARRATIVE

I. INTRODUCTION AND OPENING STATEMENTS

Liv Communities proposes a multifamily and commercial development on 17.92 +/- net acres located at the southwest corner of 99th Avenue and Indian School Road (“Site”). An Aerial Map is provided at **Exhibit 1**. The Site is currently vacant. The multifamily development is proposed on 14.63 +/- acres located on the west portion of the Site and the future commercial development is proposed on 3.29 +/- net acres located on the east portion of the Site. A Conceptual Development Plan is provided at **Exhibit 2**. The multifamily development will be managed and maintained by a professional management company.

The Site is bordered on the north and east by Indian School Road and 99th Avenue, respectively. The Parkside Village Residential Community is located west and south of the Site. The existing Salt River Project (SRP) Irrigation Canal located north and east of the Site is currently under construction to relocate the irrigation facilities to allow future half-street improvements. The SRP facilities will be located within easements located on the north and east boundaries of the Site.

The Site is designated Mixed Use by the Avondale General Plan 2030. The existing zoning on the Site is Parkside Village Planned Area Development (PAD). A Minor General Plan Amendment has been filed concurrent with this Liv Communities PAD rezoning request to change the land use designations from Mixed Use to High Density Residential on the west portion of the Site and Local Commercial on the east portion of the Site. This Liv Communities PAD replaces the previous Parkside Village PAD as it relates to the Site only.

The requirements of the Zoning Ordinance, as amended, and Avondale Subdivision Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD.

II. PROPOSED USES

The Conceptual Development Plan (**Exhibit 2**) includes a high-quality 333-unit multifamily community with appropriate community amenities. The multifamily development will include approximately 21 – Studio Units, 159 – One Bedroom Units, 138 – Two Bedroom Units, and 15 – Three Bedroom Units. Further, there is a future commercial development planned on the east portion of the Site. The proposed uses are consistent with the character of the surrounding area and special attention has been given to the landscaping and architectural designs to create a high-quality attractive development. All areas of the Site have easy access to the surrounding roadways and pedestrian sidewalks.

The land uses on the Site shall be allowed as follows:

1. Multifamily Area (see **Exhibit 2**): The permitted uses, permitted with a conditional use permit, permitted with conditions, and permitted as accessory uses listed under the City’s R-4 Zoning District.
2. Commercial/Office Area (see **Exhibit 2**): The permitted uses, permitted with a conditional use permit, permitted with conditions, and permitted as accessory uses listed under the City’s C-2 Zoning District.

III. DEVELOPMENT STANDARDS

The Development Standards for the Site shall be the R-4 Zoning District Standards for the Multifamily Area and the C-2 Zoning District Standards for the Commercial/Office Area, except as modified below.

Development Standard	R-4 Zoning District	Liv Communities - PAD
Minimum separation between the principal entrance or exit of a multifamily building and any other building (3 Story Buildings)	N/A	30 Feet
Minimum % of Parking within Garage Units	25% of the required parking, excluding visitor parking spaces.	13% of the required parking, excluding visitor parking spaces.
Minimum Private Open Space per Dwelling Unit ("DU")	80 SF per DU	74 SF per DU
Minimum Number of Trees per Dwelling Unit ("DU")	1.5 Trees per DU	0.75 Trees per DU
Minimum Number of Trees in Right-of-Way ("ROW")	1 Tree per 25 feet of ROW	1 Tree per 32 feet of ROW

JUSTIFICATION FOR DEVIATIONS:

1. Minimum separation between entrance/exit of multifamily building and any other building. The Zoning Ordinance does not provide minimum separation requirements for 3-Story buildings. The 3-Story building requirement is included in this PAD consistent with the requirements for 2-Story and 1-Story buildings.
2. Min. % of Parking within Garage Units. The multifamily development provides 70 garage units, which is a reduction of 39 garage units. Rather than garage units, the multifamily development is exceeding the covered parking space requirement by 71 covered spaces, which is nearly double the amount required by the Zoning Ordinance.
3. Minimum Private Open Space per DU. The multifamily development provides balconies that range from 74 SF to 88 SF. There are also significant amenities provided within common area open spaces that provide residents with ample opportunities to recreate, gather, and spend time outdoors.
4. Minimum Number of Trees within MF Zoning District. Trees need proper space for healthy root growth and tree head canopies. This development provides appropriate use of trees for a healthy and green community. There are trees planned adjacent to buildings and covered parking canopies with appropriate spacing to allow proper and healthy tree growth. Additional trees in these and other areas of the Site would create

unhealthy tree growth. The Site has a total of 191,681 SF of landscaped areas. The tree planting requirements in the landscape setback, buffer areas, and parking islands meet or exceed the number required.

5. Minimum Number of Trees within ROW. Similar to #4 above, trees need proper space for healthy root growth and tree head canopies. The multifamily development is providing 31 trees planted within the ROW. 39 trees are required for the 966 feet of ROW frontage. The trees proposed within the ROW is appropriate for this development and provide proper spacing for healthy root and canopy growth.

IV. OPEN SPACE AND AMENITIES

The open space for this development is consistent with the high level of resort amenities provided within other LIV Communities. This includes an oversized resort pool with cabana, fire pit, covered outdoor kitchen and plenty of deck space; a themed dog park; a children's play area with a tot lot, splash pad and associated seating; garden spaces and hammocks.

V. ARCHITECTURAL DESIGN

Architectural design shall conform to the applicable City Multifamily and/or Commercial Design Manual, except as modified below. Conceptual Building Elevations are provided at **Exhibit 3.**

The architectural character maintains essential elements derived from the natural environment. The framework to achieve regional architecture includes the following:

- A. Architecture will focus on scale, balance, massing, patterns of sun and shade, color and responsiveness to energy conservation and environmental comfort.
- B. Building forms are intended to relate to timeless design with simple massing, proportion, repetition, scale and color.
- C. The predominant exterior material is stucco. Accent materials include concrete block, metal railings, and metal awnings.
- D. The majority of the buildings are positioned north/south to maximize the solar orientation.
- E. The massing and forms are simple elements which will remain relevant over time.
- F. Awnings over vinyl windows and recessed balconies provide further subtle articulation of the visual qualities of sunlight and shadows found in the southwest. Articulation of the walls, balconies and roof provide variety in building planes and effectively break up the massing of buildings.

- G. Well-designed private open spaces that are edge sensitive will provide internal and external views, opportunities for active and passive recreation and desirable pedestrian experience.
- H. Parking lots are screened from street views by providing solid block walls in the openings.
- I. Contemporary theme that compliments the surrounding natural desert. Use of natural materials, finishes, colors, textures, and plantings that blend with the natural desert.
- J. Connection to the adjacent future commercial use parcel is provided through two separate walkways that extend from the internal pedestrian walkway feature.

VI. CIRCULATION

Ingress and egress are provided to/from the Multifamily Development from Indian School (Main Entrance) and Parkside Boulevard (Secondary Entrance). The Main Entrance allows guests and visitors to access the development but there are gates provided on the west and east sides of the main entry for residents and their guests only. The Secondary Entrance is gated with a call box. Right turn deceleration lanes are not warranted at the Main and Secondary entrance locations per the Traffic Study. Future commercial driveway locations and deceleration lanes will be in accordance with the Traffic Study.

VII. LANDSCAPING

Landscaping provided along street frontages, around the property perimeter, internal to the Site and in parking areas shall conform to the standards set for in the applicable City Multifamily and/or Commercial Design Manual. A Conceptual Landscape Plan is provided at **Exhibit 4**. The landscaping within the development is time-tested, low water use material consistent with over LIV Communities. In addition, the perimeter landscape will be consistent and compatible with the adjacent Parkside Village community, including matching the street tree types and spacing and shrub, groundcover and accent material. Trees are placed to reduce reflected heat from buildings and impervious surfaces, and understory planting creates a visual interest while responding to shade and sun patterns. The low water use plant palette (ADWR Phoenix AMA) will be irrigated with an underground drip irrigation system using a “Smart Controller.” A 2-inch coverage of rock mulch will be used for erosion control and weed prevention.

VIII. PERIMETER AND INTERNAL WALLS, GATES & ENTRY FEATURE DESIGNS AND MATERIALS

All perimeter and internal walls, gates and entry feature designs and materials shall conform to the applicable City Multifamily and/or Commercial Design Manual, except as modified below. The walls for the development will include view fencing, partial screen walls and view fences and solid screen walls. View fencing is used along the perimeter for site security while being transparent to the architecture of the buildings. The Partial screen wall is

used proximate to parking areas to screen vehicles but allow views toward the architecture. The solid screen walls are used on the south boundary of the Site adjacent to the Parkside Village community. All materials and colors used within the development will be complementary to the multifamily building architecture and the Parkside Village community. This includes, but is not limited to, painted/powder coated steel, stucco, veneers and concrete block.

IX. SIGNAGE

A Comprehensive Sign Plan (“CSP”) will be provided during the Site Plan and Design Review process.

X. TRASH AND REFUSE

Liv Communities will provide valet (concierge) trash services. This service provides door service for residents and the trash is transported by the vendor to the compactor. One compactor for this development provides ample capacity. The operation of the trash compactor is under keyed control and only operated by onsite maintenance technicians. Trash enclosures will be provided throughout the Site and include a minimum of 6’ CMU walls for noise attenuation.

XI. THE PROPOSAL IS IN COMPLIANCE WITH SECTION 603.A OF THE AVONDALE ZONING ORDINANCE

As described below, the Project meets the criteria of the required PAD District findings.

1. The proposed PAD is in conformance with the General Plan and applicable specific plan(s).

Concurrent with this PAD request, we have submitted a request for a Minor General Plan Amendment from the existing Mixed-Use designation to Local Commercial and High Density Residential (12 to 30 dwelling units per acre, target density = 12). The development is in conformance with the proposed General Plan land use designations and the North Avondale Specific Plan (“NASP”) as discussed in detail in the Minor General Plan Amendment Narrative.

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

This PAD and the proposed development meet the R-4 and C-2 development standards with minor modifications as described and justified above. Future applications for Site Plan and Design Review will comply with the City’s Multifamily and Commercial Design Manuals.

3. That adequate public infrastructure and services exist to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

All necessary public infrastructure and services (not currently existing) will be completed in connection with the development of this Site.

4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

The proposed PAD will result in compatible land use relationship and will not significantly alter existing land use patterns in the area or impact nearby existing uses. This PAD supports an appropriate land use transition and pattern of commercial uses on the hard corner of the intersection, adjacent to multifamily housing and single-family homes. The development is designed with landscaping buffering around the perimeter to provide an appropriate pedestrian environment.

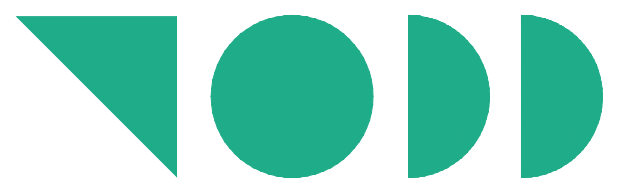
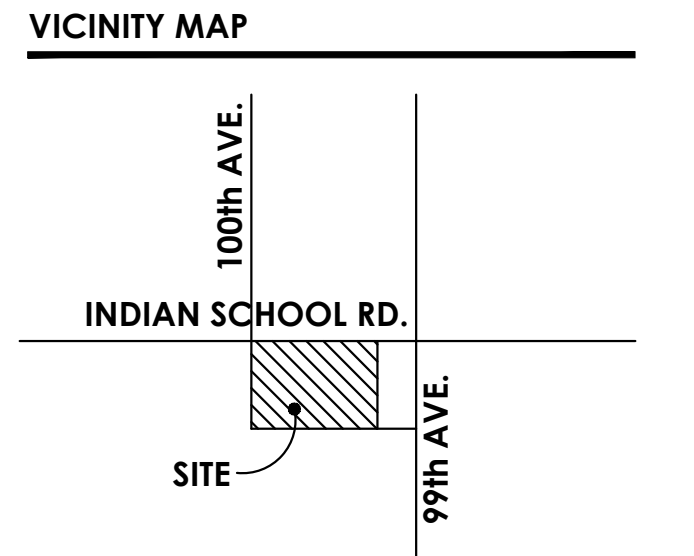
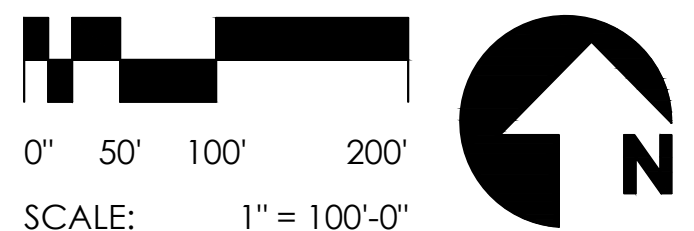
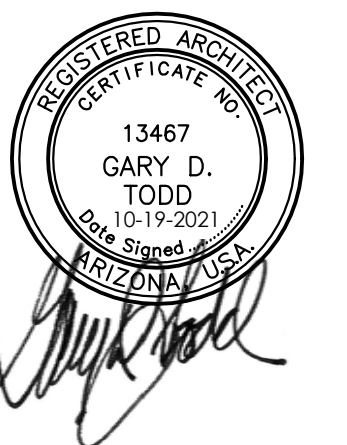
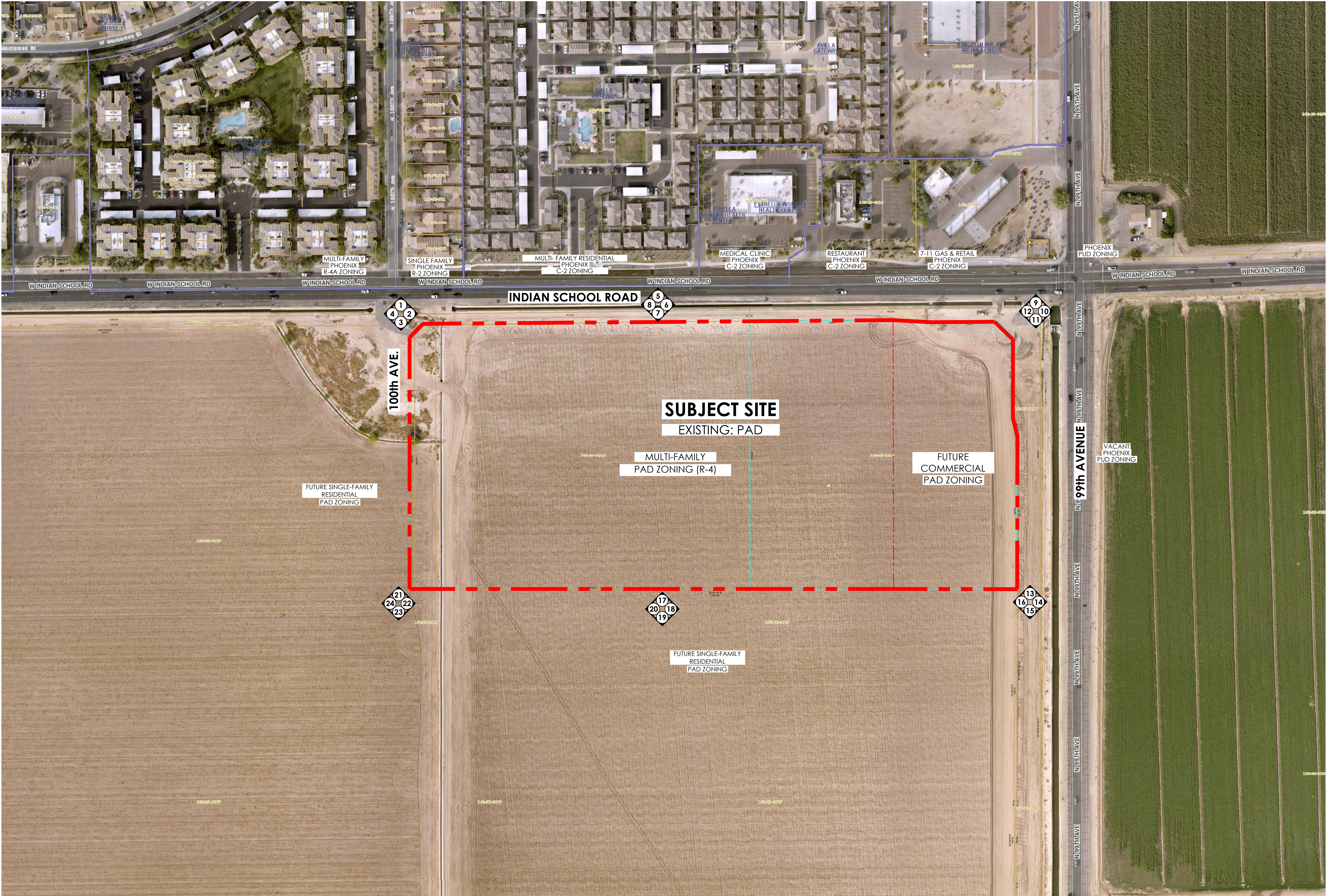
5. The development standards of the proposed PAD are consistent with or exceed the desired character of development for the area.

The proposed development standards are consistent with the desired character of the area. The development standards are those that apply to the R-4 and C-2 Zoning Districts with minor modifications. Additionally, the character of the existing PAD Zoning allows for a mixed-use development, which is what is proposed with this PAD with a mix of housing and commercial uses.

XII. CONCLUSION

This PAD will facilitate the continued development of this vacant infill Site and provides additional housing options in the area. The proposed development is consistent and compatible with the character of the surrounding area. The proposed land uses will be unified through the layout and development standards, providing a great opportunity for residents to live, work, shop, dine and play in the area. We request your approval.

EXHIBIT 1



**TODD +
ASSOCIATES**

602-952-8280 / TODDASSOC.COM
21-2004-02



Apartments - SWC Indian School Rd. & 99th Avenue

Avondale, Arizona
PRE-APPLICATION SUBMITTAL
October 19, 2021

Aerial

Preliminary Not For Construction

A0.1

EXHIBIT 2

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KEYED NOTES

- 1A TYP. PARKING SPACE: 9'-6"x20'-0". SEE DET. 5/A-011
1C TYP. ACCESSIBLE PARKING SPACE: 11'-0"x20'-0" WITH 5' WIDE ACCESS AISLE. SEE DETAIL 3/A-011.
1D DECORATIVE PAVING CROSSWALK, TYP. SEE LANDSCAPE FOR EXACT MATERIAL
2E CARPORT LOCATION. SEE DETAIL 9/A-011.
3A POOL AND SPA AMENITY AREA. SEE LANDSCAPE PLANS.
3C SHADE RAMADA WITH OUTDOOR KITCHEN AND RESTROOM AT POOL. SEE LANDSCAPE.
3D NEW 5' WIDE SIDEWALK, TYP. U.N.O.
4A VEHICULAR GATE. SEPARATE FIRE DEPT SUBMITTAL & PERMIT REQUIRED. PROVIDE KNOX BOX FOR EMERGENCY ACCESS.
4F CAMPUS MAP & KEYPAD FOR VEHICULAR GATE ACCESS.
6A MASONRY REFUSE ENCLOSURE FOR COMPACTOR AND RECYCLE. SEE DETAILS 11, 13, & 16/A-011
9B NEW ASPHALT PAVING, TYP. U.N.O.
10 ACCESSIBLE GARAGE SPACE.
12 FIRE TRUCK TURNING RADIUS PER CITY OF SURPRISE STANDARDS: 35 FT INSIDE RADIUS, 56 FT OUTSIDE RADIUS.
13 DOG PARK WITH FABRIC SHADE RAMADA. SEE LANDSCAPE.
14 PLAY AREA WITH FABRIC SHADE RAMADA. SEE LANDSCAPE.
18 MAILBOX LOCATION.
20 FABRIC SHADE STRUCTURE PER LANDSCAPE.
22 EV CHARGING STATION. SEE ELECTRICAL FOR DETAILS.
24 HAMMOCK GARDEN. SEE LANDSCAPE.
31 MONUMENT SIGNAGE INCLUDING SITE STREET ADDRESS. SEE LANDSCAPE PLANS FOR CONCEPTUAL DESIGN. ALL SIGNAGE SHALL BE DESIGNED, SUBMITTED AND PERMITTED BY THE CITY SEPARATELY.
32 SPORT COURT. SEE LANDSCAPE PLANS.
33 BIKE RACK LOCATION. SEE LANDSCAPE PLANS.
54 SPLASH PAD PLAY AREA. SEE LANDSCAPE PLANS.
55 CAR CARE AREA.
56 20' WIDE FIRE LANE. PROVIDE MOUNTABLE CURB AT DRIVE AISLE AND SIGNAGE. FIRE LANE TO BE GRASS-CRETE OR SIMILAR MATERIAL CAPABLE OF SUPPORTING FIRE TRUCK PER FIRE DEPARTMENT STANDARDS. NO PLANTING OVER 12" TALL WITHIN FIRE LANE

PROJECT DATA

SITE INFORMATION:
PROJECT: LIV AVONDALE
SEC INDIAN SCHOOL RD & PARKSIDE BLVD.
AVONDALE, ARIZONA

PROJECT OWNER / DEVELOPER: LIV COMMUNITIES
1600 S BEACON BLVD, SUITE 260
GRAND HAVEN, MI 49417
CONTACT: JEAN CONSTANTINE
JCONSTANTINE@LIVCOMMUNITIES.COM
616-850-1058

PROJECT ARCHITECT: triARC ARCHITECTURE & DESIGN
1934 E. CAMELBACK RD. SUITE 200
PHOENIX, AZ 85016
CONTACT: JON HANNA
JON@TRIARCDESIGN.COM
602-229-1100

PROJECT NARRATIVE: NEW MULTIFAMILY PROJECT, 3 STORY BUILDINGS WITH AMENITIES INCLUDING CLUBHOUSE WITH FITNESS ROOM, POOL, DOG PARK

ZONING: PARKSIDE VILLAGE AMENDED PAD MULTI-FAMILY (R-4)

APN: 102-27-001N + PORTION OF 102-27-001P

SITE AREA: NET: 14.65 AC (638,097 SF)
GROSS: 16.60 AC (723,037 SF)

DENSITY: MAX ALLOWED: 30.00 DU/AC NET
PROVIDED: 22.73 DU/AC (333 UNITS / 14.65 NET AC)

OPEN SPACE: REQUIRED: 127,619 SF (20% OF NET SITE)
PROVIDED: 137,900 SF (21.6%)

PRIVATE OPEN SPACE: REQUIRED: 80 SF PER UNIT
PROVIDED: 83 SF PER UNIT AVERAGE
(SEE CALCULATION THIS SHEET)

BUILDING INFORMATION:

BUILDING HEIGHT: ALLOWED: 45'-0"
PROVIDED: 3 STORY (44'-0" AT STAIR TOWER)

OCCUPANCY: R-2

CONSTRUCTION TYPE: TYPE V-A, 1 HOUR

FIRE SPRINKLERS: APARTMENTS: NFPA 13
CLUBHOUSE: NFPA 13

DWELLING UNIT MIX:
STUDIO = 21 (6%)
1 BEDROOM = 159 (48%)
2 BEDROOM = 138 (41%)
3 BEDROOM = 15 (5%)
TOTAL UNITS = 333

BUILDING MIX & FOOTPRINT:
(3) BUILDING TYPE 1 x 11,520 SF FOOTPRINT = 34,560 SF
(1) BUILDING TYPE 2 x 24,903 SF FOOTPRINT = 24,903 SF
(2) BUILDING TYPE 3 x 8,953 SF FOOTPRINT = 17,906 SF
(2) BUILDING TYPE 4 x 19,890 SF FOOTPRINT = 39,780 SF
(1) BUILDING TYPE 5 x 11,186 SF FOOTPRINT = 11,186 SF
(9) GARAGE BUILDING x 1,957 SF FOOTPRINT = 17,613 SF
(1) CLUBHOUSE/LEASING x 8,905 SF FOOTPRINT = 8,905 SF
(1) FITNESS x 4,474 SF FOOTPRINT = 4,474 SF
TOTAL BUILDING FOOTPRINT = 159,327 SF

LOT COVERAGE: MAX ALLOWED: 50%
PROVIDED: 25.0% (159,327 SF BLDG FOOTPRINT / 638,097 SF NET SITE)

VEHICLE PARKING REQUIRED:
STUDIO: 21 UNITS x 1.5 = 32 SPACES
1 BEDROOM: 159 UNITS x 1.5 = 239 SPACES
2 BEDROOM: 138 UNITS x 1.75 = 242 SPACES
3 BEDROOM: 15 UNITS x 2 = 30 SPACES
GUEST: 333 UNITS x 0.2 = 67 SPACES
TOTAL REQUIRED = 610 SPACES
ACCESSIBLE: 2% OF TOTAL = 11 SPACES (INCLUDED IN TOTAL)

PARKING PROVIDED:
SURFACE OPEN = 200 SPACES
SURFACE COVERED = 340 SPACES
GARAGE = 70 SPACES (11.5% OF REQ'D PARKING)
TOTAL = 610 SPACES (1.83 PS/UNIT)
(12 ACCESSIBLE PROVIDED, INCLUDED IN TOTAL ABOVE)

ELECTRIC VEHICLE (EV) CHARGING:
REQUIRED: MIN. 5% OF PARKING = 31 EV SPACES
PROVIDED: 32 EV SPACES

BUILDING SETBACKS:		
	REQUIRED	PROVIDED
FRONT YARD	25'-0"	46'-8"
STREET SIDE	25'-0"	44'-11"
SIDES	15'-0"	15'-0"
REAR	15'-0"	15'-0"

PRIVATE OPEN SPACE:

UNIT S (1 BED): 21 UNITS
1ST FLR. PATIO = 94 SF x 7 UNITS = 658 SF
2ND/3RD FLR. BALCONY = 90 SF x 14 UNITS = 1,260 SF

UNIT A (1 BED): 33 UNITS
1ST FLR. PATIO = 89 SF x 11 UNITS = 979 SF
2ND/3RD FLR. BALCONY = 80 SF x 22 UNITS = 1,760 SF

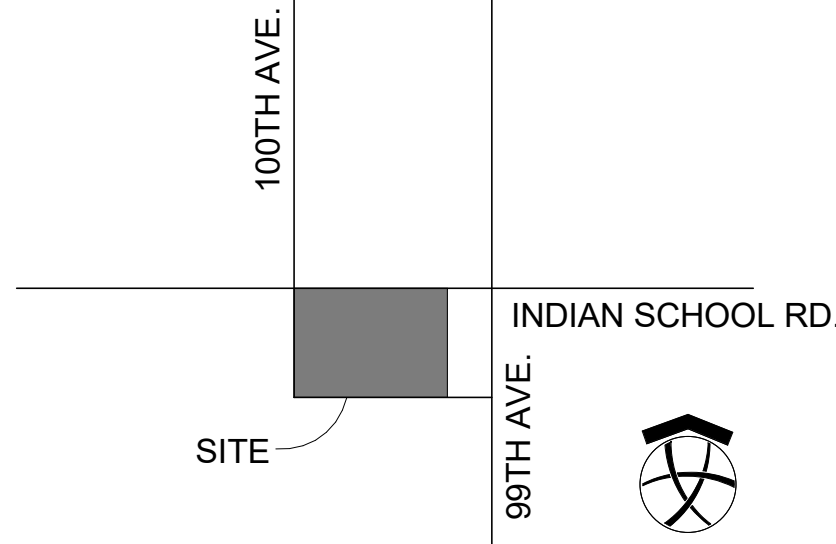
UNIT A1 (1 BED): 126 UNITS
1ST FLR. PATIO = 93 SF x 42 UNITS = 3,906 SF
2ND/3RD FLR. BALCONY = 82 SF x 84 UNITS = 6,888 SF

UNIT B (2 BED): 138 UNITS
1ST FLR. PATIO = 87 SF x 46 UNITS = 4,002 SF
2ND/3RD FLR. BALCONY = 75 SF x 92 UNITS = 6,900 SF

UNIT C (2 BED): 15 UNITS
1ST FLR. PATIO = 80 SF x 5 UNITS = 400 SF
2ND/3RD FLR. BALCONY = 79 SF x 10 UNITS = 790 SF
TOTAL ALL PRIVATE OPEN SPACE = 27,543 SF

MINIMUM REQUIRED: 80 SF PER UNIT
PROVIDED: 83 SF AVERAGE (27,543 SF / 333 UNITS)

VICINITY MAP:



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LIV AVONDALE
LIV COMMUNITIES
SEC INDIAN SCHOOL RD & PARKSIDE BLVD
AVONDALE, AZ

REV	DATE	DESCRIPTION
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PROJECT NUMBER	22-090
ISSUE DATE	3/28/2023
SHEET TITLE	

SITE PLAN

SHEET NUMBER

A-010

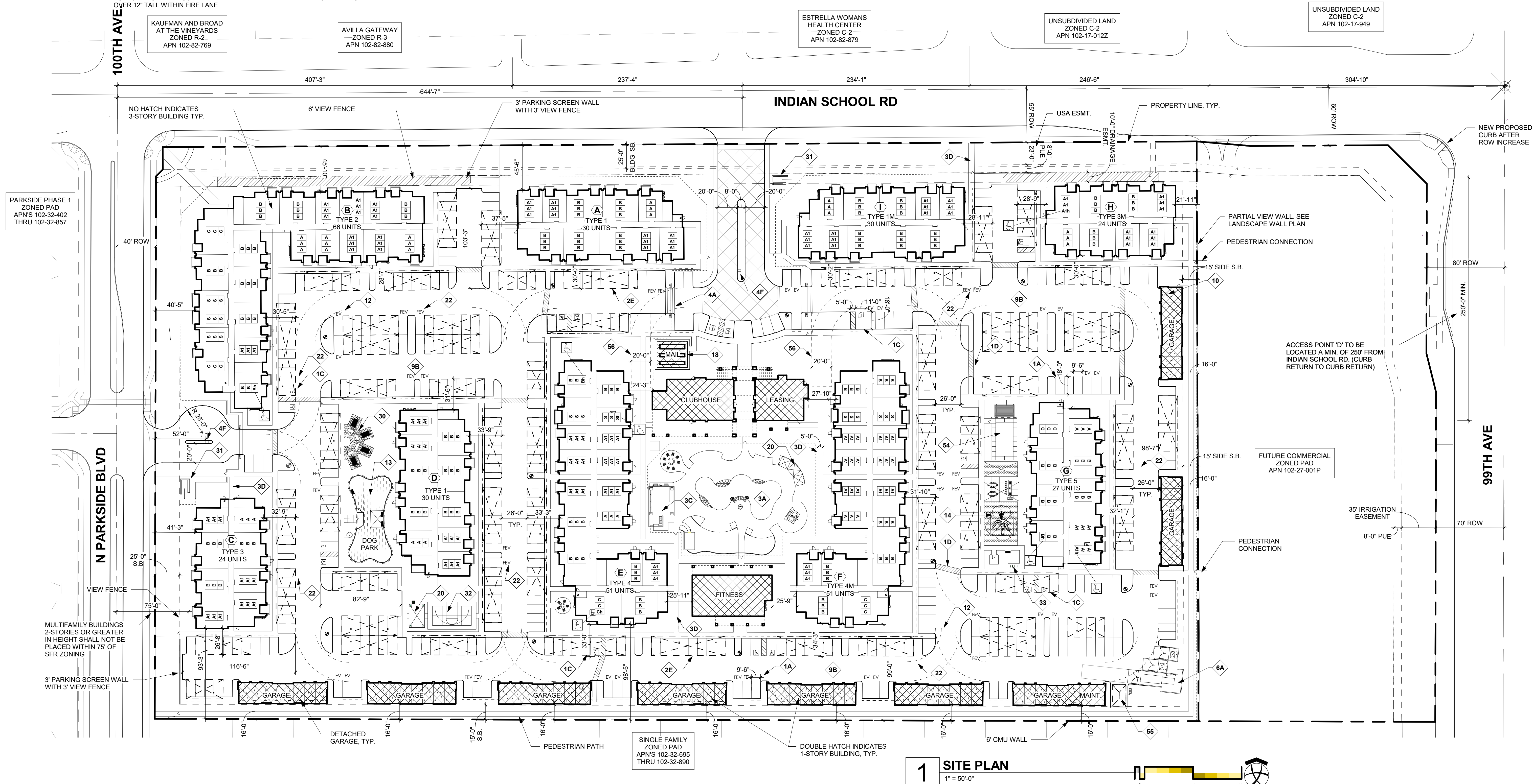
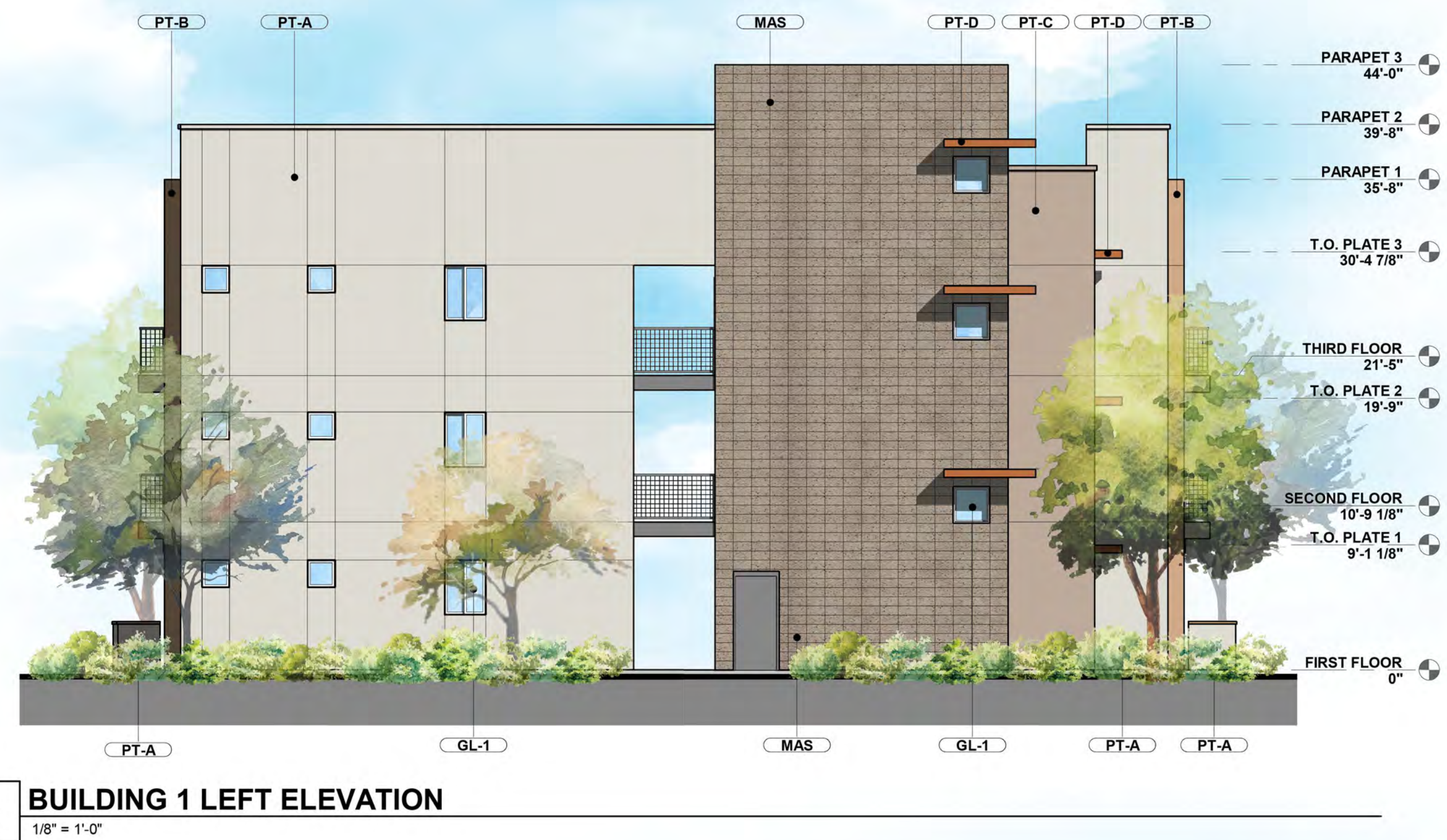


EXHIBIT 3

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EXTERIOR FINISH LEGEND

- PT-A STUCCO, MAIN BODY
SHERWIN WILLIAMS
SW 7647 "CRUSHED ICE"
 - PT-B STUCCO, ACCENT
SHERWIN WILLIAMS
SW 7720 "DEER VALLEY"
 - PT-C STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6080 "UTTERLY BEIGE"
 - PT-D STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6355 "TRUEPENNY"
 - MAS MASONRY BLOCK
ORCO BLOCK & HARDSCAPE
"STERLING BLACK CINDERS"
FINISH: SHOT BLAST
 - MTL METAL RAILING & FENCE
SHERWIN WILLIAMS
SW 6075 "GARRET GRAY"
 - GL-1 WINDOWS: VINYL, DUAL PANE, LOW-E
FRAME COLOR: TAN
- PARAPET 3 44'-0"
PARAPET 2 39'-8"
PARAPET 1 35'-8"
T.O. PLATE 3 30'-4 7/8"
THIRD FLOOR 21'-5"
T.O. PLATE 2 19'-9"
SECOND FLOOR 10'-9 1/8"
T.O. PLATE 1 9'-1 1/8"
FIRST FLOOR 0"

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1 BUILDING 2 FRONT ELEVATION
1/8" = 1'-0"



2 BUILDING 2 REAR ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH LEGEND

- PT-A**
STUCCO, MAIN BODY
SHERWIN WILLIAMS
SW 7647 "CRUSHED ICE"
- PT-B**
STUCCO, ACCENT
SHERWIN WILLIAMS
SW 7720 "DEER VALLEY"
- PT-C**
STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6080 "UTTERLY BEIGE"
- PT-D**
STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6355 "TRUEPENNY"
- PT-E**
STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6075 "GARRET GRAY"
- MAS**
MASONRY BLOCK
ORCO BLOCK & HARDSCAPE
"STERLING BLACK CINDERS"
FINISH: SHOT BLAST
- GL-1**
WINDOWS: VINYL, DUAL PANE, LOW-E
FRAME COLOR: TAN

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LIV AVONDALE
LIV COMMUNITIES
SEC INDIAN SCHOOL RD & PARKSIDE BLVD
AVONDALE, AZ

REV DATE DESCRIPTION

PROJECT NUMBER

22-090

ISSUE DATE

XX/XX/202X

SHEET TITLE

BUILDING 2
EXTERIOR
ELEVATIONS

SHEET NUMBER

A-225.

EXTERIOR FINISH LEGEND

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SHERWIN WILLIAMS
SW 7647 "CRUSHED ICE"
- PT-B STUCCO, ACCENT
SHERWIN WILLIAMS
SW 7720 "DEER VALLEY"
- PT-C STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6080 "UTTERLY BEIGE"
- PT-D STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6355 "TRUEPENNY"
- PT-E STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6075 "GARRET GRAY"
- MAS MASONRY BLOCK
ORCO BLOCK & HARDSCAPE
"STERLING BLACK CINDERS"
FINISH: SHOT BLAST
- GL-1 WINDOWS: VINYL, DUAL PANE, LOW-E
FRAME COLOR: TAN



1 BUILDING 2 LEFT ELEVATION
1/8" = 1'-0"



2 BUILDING 2 RIGHT ELEVATION
1/8" = 1'-0"

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EXTERIOR FINISH LEGEND

- PT-A STUCCO, MAIN BODY
SHERWIN WILLIAMS
SW 7647 "CRUSHED ICE"
- PT-B STUCCO, ACCENT
SHERWIN WILLIAMS
SW 7720 "DEER VALLEY"
- PT-C STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6080 "UTTERLY BEIGE"
- PT-D STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6355 "TRUEPENNY"
- PT-E STUCCO, ACCENT
SHERWIN WILLIAMS
SW 6075 "GARRET GRAY"
- MAS MASONRY BLOCK
ORCO BLOCK & HARDSCAPE
"STERLING BLACK CINDERS"
FINISH: SHOT BLAST
- GL-1 WINDOWS: VINYL, DUAL PANE, LOW-E
FRAME COLOR: TAN

NOT FOR CONSTRUCTION

N.F.C.

NOT FOR CONSTRUCTION



LIV AVONDALE
LIV COMMUNITIES
SEC INDIAN SCHOOL RD & PARKSIDE BLVD
AVONDALE, AZ

REV DATE DESCRIPTION

PROJECT NUMBER

22-090

ISSUE DATE

XX/XX/202X

SHEET TITLE

BUILDING 3
EXTERIOR
ELEVATIONS

SHEET NUMBER

A-234.

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EXTERIOR FINISH LEGEND

- PT-A STUCCO, MAIN BODY SHERWIN WILLIAMS SW 7647 "CRUSHED ICE"
- PT-B STUCCO, ACCENT SHERWIN WILLIAMS SW 7720 "DEER VALLEY"
- PT-C STUCCO, ACCENT SHERWIN WILLIAMS SW 6080 "UTTERLY BEIGE"
- PT-D STUCCO, ACCENT SHERWIN WILLIAMS SW 6355 "TRUEPENNY"
- MAS MASONRY BLOCK ORCO BLOCK & HARDSCAPE "STERLING BLACK CINDERS" FINISH: SHOT BLAST
- PT-E METAL RAILING & FENCE SHERWIN WILLIAMS SW 6075 "GARRET GRAY"
- GL-1 WINDOWS: VINYL DUAL PANE, LOW-E FRAME COLOR: TAN



1 BUILDING 4 FRONT ELEVATION
1/8" = 1'-0"



2 BUILDING 4 LEFT ELEVATION
1/8" = 1'-0"



3 BUILDING 4 RIGHT ELEVATION
1/8" = 1'-0"



4 BUILDING 4 REAR ELEVATION
1/8" = 1'-0"

NOT FOR CONSTRUCTION

N.F.C.

NOT FOR CONSTRUCTION

LIV AVONDALE
LIV COMMUNITIES
SEC INDIAN SCHOOL RD & PARKSIDE BLVD
AVONDALE, AZ

REV | DATE | DESCRIPTION

PROJECT NUMBER

22-090

ISSUE DATE

XX/XX/202X

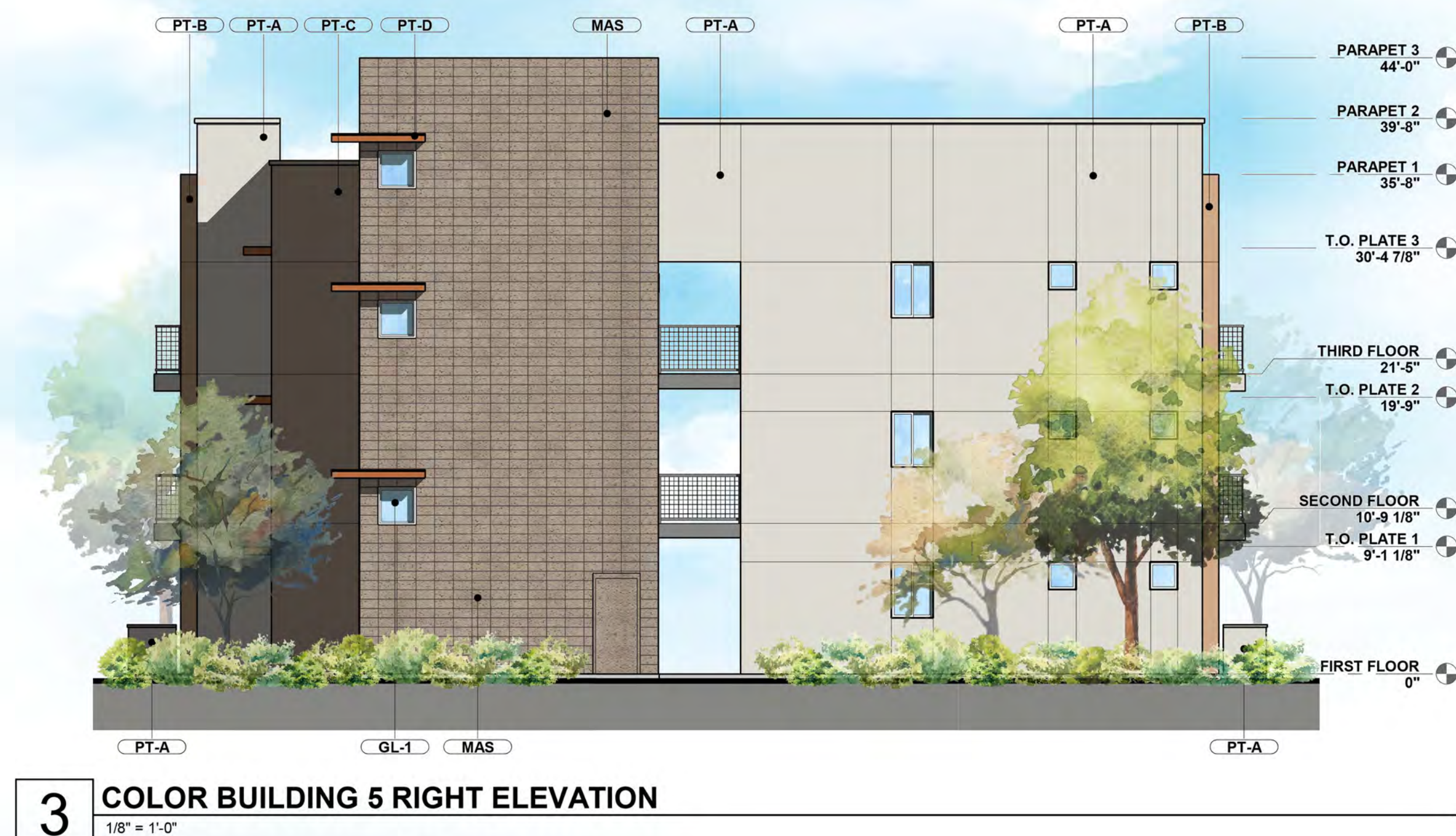
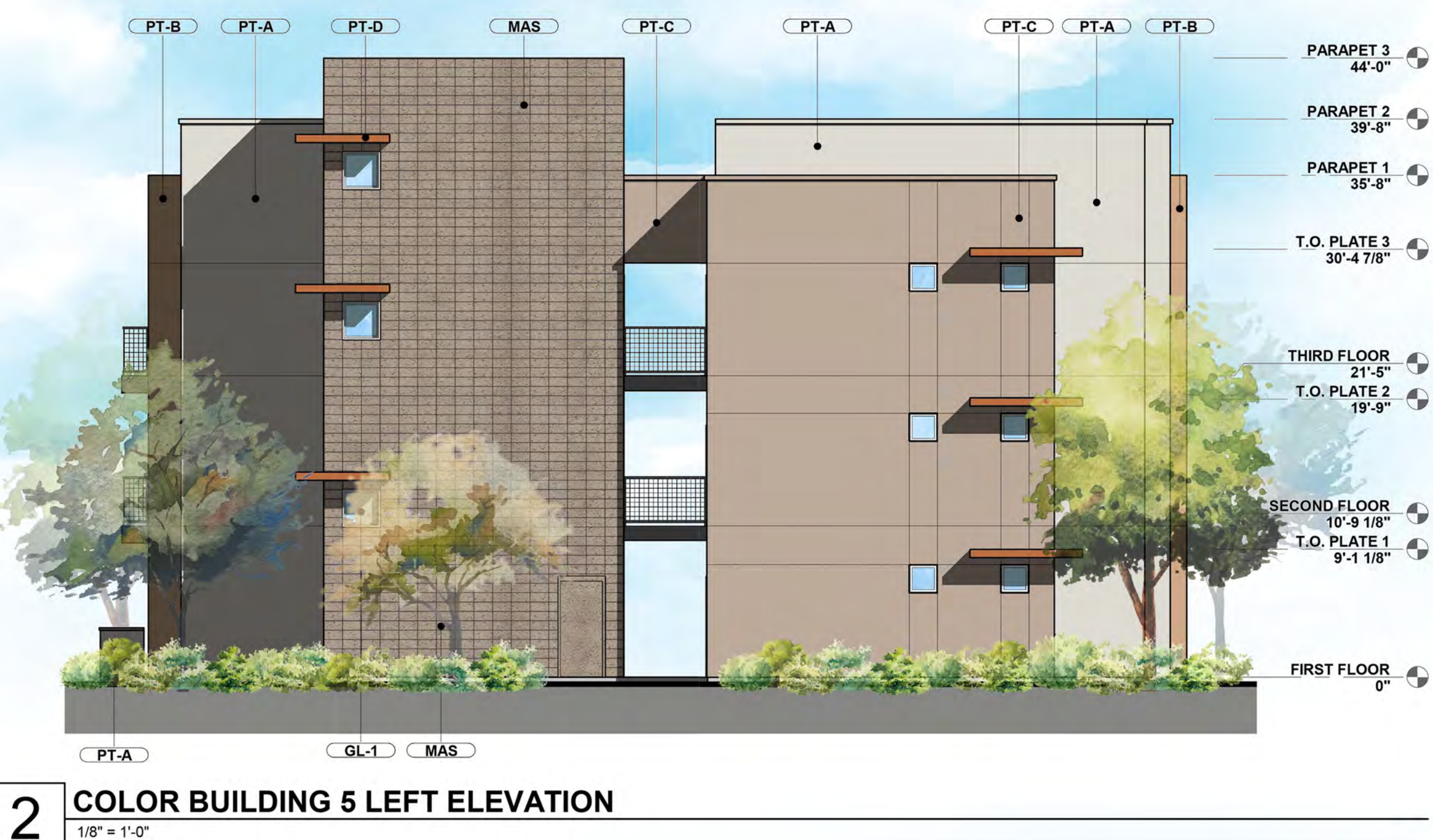
SHEET TITLE

BUILDING 4
EXTERIOR
ELEVATIONS

SHEET NUMBER

A-244.

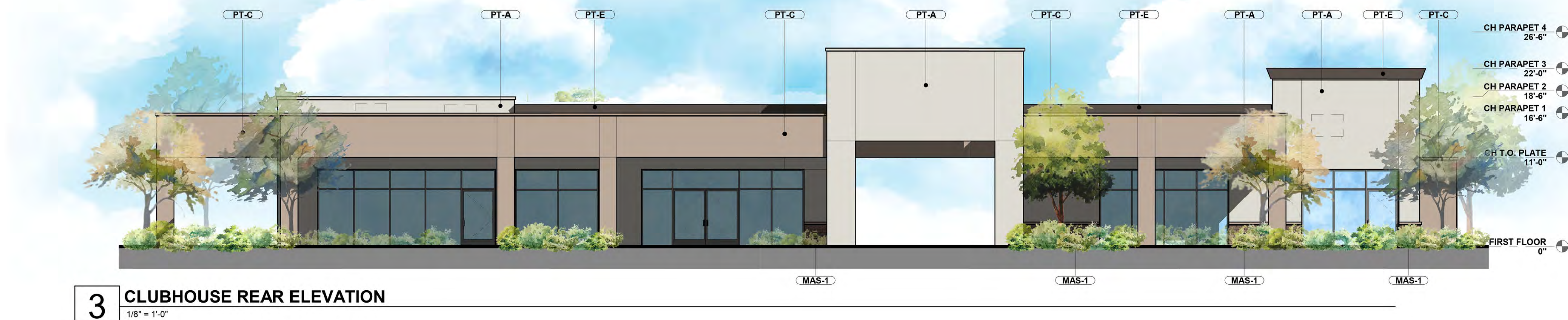
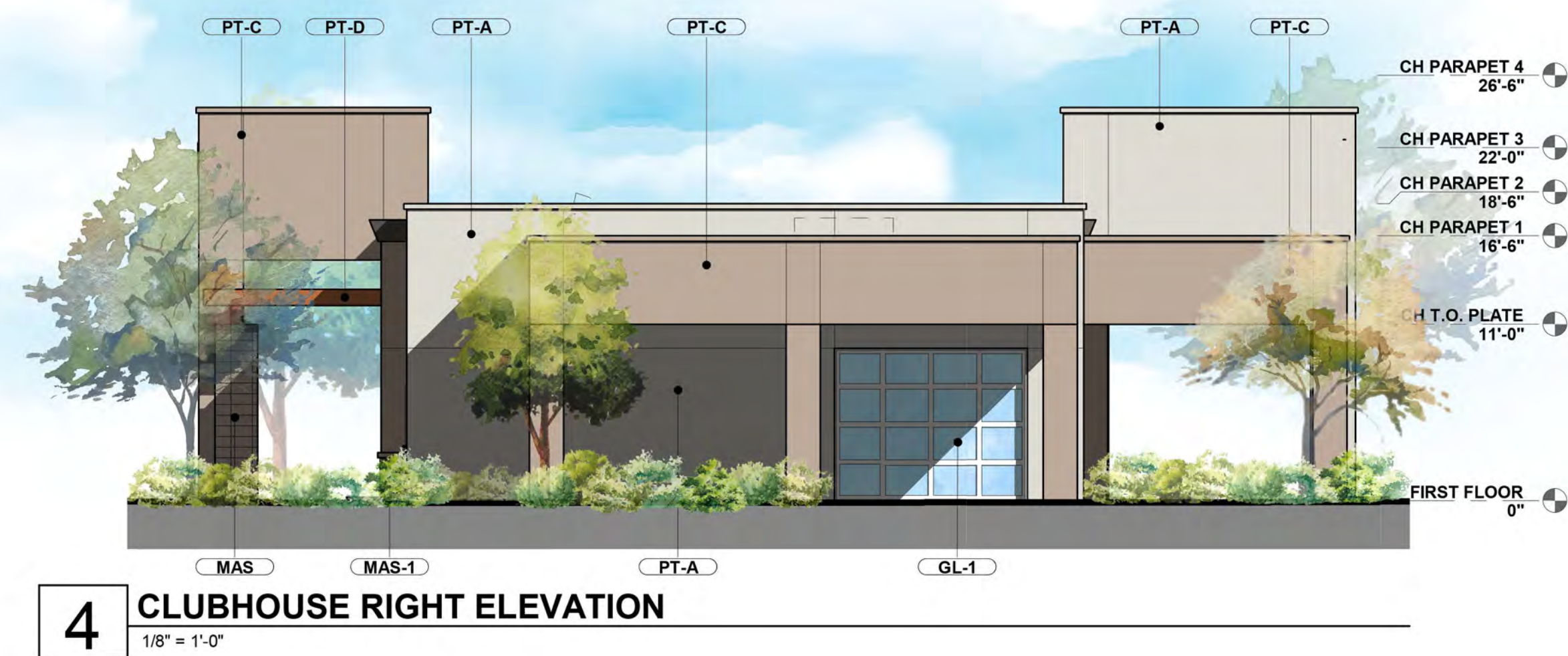
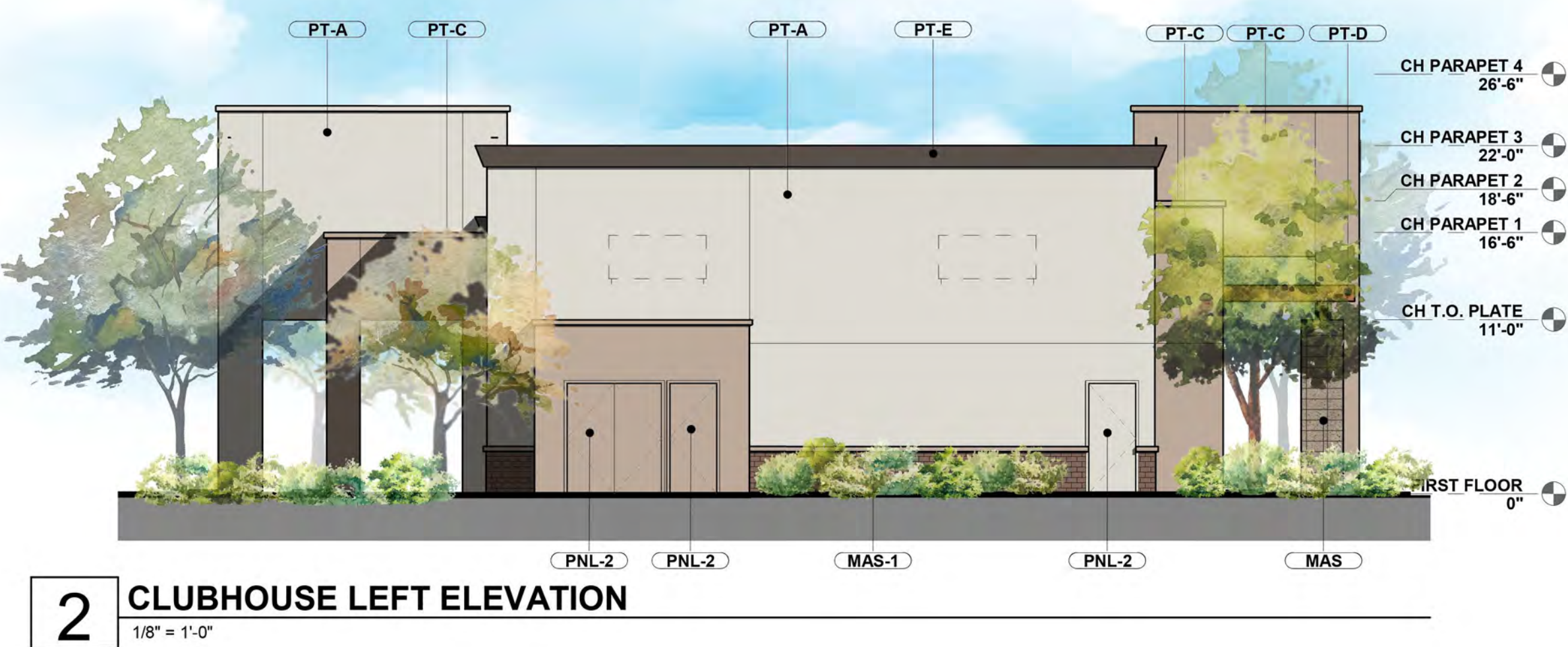
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EXTERIOR FINISH LEGEND

- PT-A STUCCO, MAIN BODY SHERWIN WILLIAMS SW 7647 "CRUSHED ICE"
- PT-B STUCCO, ACCENT SHERWIN WILLIAMS SW 7720 "DEER VALLEY"
- PT-C STUCCO, ACCENT SHERWIN WILLIAMS SW 6080 "UTTERLY BEIGE"
- PT-D STUCCO, ACCENT SHERWIN WILLIAMS SW 6355 "TRUEPENNY"
- PT-E STUCCO, ACCENT SHERWIN WILLIAMS SW 6075 "GARRET GRAY"
- MAS MASONRY BLOCK ORCO BLOCK & HARDSCAPE "STERLING BLACK CINDERS" FINISH: SHOT BLAST
- GL-1 WINDOWS: VINYL, DUAL PANE, LOW-E FRAME COLOR: TAN

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EXTERIOR FINISH LEGEND

- PT-A STUCCO, MAIN BODY
SHERWIN WILLIAMS
SW 7647 "CRUSHED ICE"
- PT-B STUCCO, ACCENT
SHERWIN WILLIAMS
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"STERLING BLACK CINDERS"
FINISH: SHOT BLAST
- GL-1 WINDOWS: VINYL, DUAL PANE, LOW-E
FRAME COLOR: TAN

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1 GARAGE BUILDING FRONT
1/8" = 1'-0"



2 GARAGE BUILDING LEFT
1/8" = 1'-0"



3 GARAGE BUILDING BACK
1/8" = 1'-0"



4 GARAGE BUILDING RIGHT
1/8" = 1'-0"



5 FITNESS BUILDING LEFT SIDE
1/8" = 1'-0"



6 FITNESS BUILDING FRONT
1/8" = 1'-0"



7 FITNESS BUILDING RIGHT SIDE
1/8" = 1'-0"



8 FITNESS BUILDING REAR
1/8" = 1'-0"

EXTERIOR FINISH LEGEND

- PT-A STUCCO, MAIN BODY
SHERWIN WILLIAMS
SW 7647 "CRUSHED ICE"
- PT-B STUCCO, ACCENT
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"STERLING BLACK CINDERS"
FINISH: SHOT BLAST
- GL-1 WINDOWS: VINYL, DUAL PANE, LOW-E
FRAME COLOR: TAN

EXHIBIT 4



FUTURE SINGLE-FAMILY RESIDENTIAL PAD

PLANT MATERIALS LEGEND



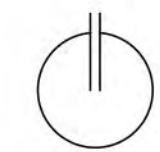
Trees	Size	Qty.	Extra Large Shrubs	Size	Qty.	Medium Shrubs	Size	Qty.	Small Shrubs	Size	Qty.	Cacti/ Accents	Size	Qty.	Inerts	Qty.
Acacia aneura	24" box		Caesalpinia pulcherrima			Bougainvillea Torch Glow			Ambrosia deltoidea			Agave angustifolia 'variegata'			Decomposed Granite	
Mulga Acacia			Red Bird of Paradise	5 gal.		Torch Glow Bougainvillea	5 gal.		Triangle Leaf Bursage	1 gal.		Variegated Agave	5 gal.		5/8" Screen, Apache Brown, 2" Deep	
Acacia salicina	24" box		Callistemon viminalis 'CV01' Slim			Encelia farinosa			Calliandra californica x eriophylla 'Maricopa Red'			Agave weberi			Decomposed Granite, 1/4" Minus	
Willow Acacia			Slim Dwarf Bottlebrush	15 gal.		Brittlebush	5 gal.		Maricopa Red Fairy Duster	5 gal.		Weber's Agave	5 gal.		Compacted and Stabilized, 3" Deep, Apache Rose	
Acacia willardiana	24" box		Dodonaea viscosa			Eremophila glabra carnososa-Winter Blaze			Olea europaea "Little Ollie"			Dasyllirion quadrangulum			Cobble, 4"-6" loose	
Palo Blanco - Multi-Trunk			Hopbush	5 gal.		Winter Blaze	5 gal.		Little Ollie Dwarf Olive	5 gal.		Mexican Grass Tree	5 gal.		Apache Brown	
Caesalpinia cacalaco 'Smoothie'	24" box		Tecoma x 'Sunrise'			Eremophila hygrophana Blue Bells			Groundcovers			Hesperaloe sp. 'Pink Parade'			Artificial Turf-Synlawn	
Cascalote - Multi-Trunk			Sunrise Tecoma	5 gal.		Blue Bells	5 gal.		Eremophila prostrata			Pink Parade	3 gal.		SYNBermuda 220	
Chitalpa tashkentensis	24" box		Vaquelina californica			Ericameria larcifolia			Outback Sunrise	1 gal.		Opuntia santa rita	5 gal.		6" Concrete Header	
Pink Dawn Chitalpa			Arizona Rosewood	5 gal.		Turpentine Bush	5 gal.		Hymenoxys acutis	1 gal.		Purple Prickly Pear			Black Mexican Beach Pebbles	
Olesea tesota	24" box		Large Shrubs			Leucophyllum frutescens 'compacta'			Angelita Daisy	1 gal.		Pachycereus marginatus			6" Concrete Header Turndown	
Ironwood			Cassia artemesoides 'Silver'			Compact Texas Sage	5 gal.		Lantana montevidensis	1 gal.		Mexican Fence Post	5 gal.			
Pistacia X 'Red Push'	24" box		Silver Cassia	5 gal.		Leucophyllum sp. 'Heavenly Cloud'			Purple Trailing Lantana	1 gal.		Pedilanthus macrocarpus	5 gal.			
Red Push Pistache			Larrea tridentata			Heavenly Cloud Sage	5 gal.		Lantana sp.	1 gal.		Slipper Plant				
Prosopis hybrid	24" box		Creosote	5 gal.		Perovskia atriplicifolia			'New Gold' Lantana	1 gal.		Yucca pallida	5 gal.			
Thornless Mesquite			Leucophyllum langmaniae 'Rio Bravo'			Russian Sage	5 gal.		Setcreasea pallida	1 gal.		Pale Leaf Yucca				
Quercus virginiana 'Heritage'	24" box		Texas Sage	5 gal.		Ruellia brittoniana			Purple Heart	1 gal.		Yucca rostrata	5 gal.			
Heritage Live Oak			Simmondsia Chinensis			Ruellia	5 gal.		Trachileospermum asiaticum			Beaked Yucca				
Sophora secundiflora	24" box		Jojoba	5 gal.		Ruellia peninsularis			Asiatic Jasmine	1 gal.						
Texas Mountain Laurel						Desert Ruellia	5 gal.									
Ulmus parvifolia	24" box															
'Allee' Elm																
Washingtonia filibusta																
California Fan Palm - Hybrid	16'-0"															

NOTES:
 1. QUANTITIES SHOWN FOR SUBMITTAL PURPOSES ONLY.
 2. ALL QUANTITIES SHOWN ARE FOR THE LANDSCAPE ARCHITECT'S ESTIMATING PURPOSES ONLY AND THEREFORE ARE NOT GUARANTEED. THE CONTRACTOR SHALL CALCULATE QUANTITIES BASED ON THIS DRAWING SET.
 3. ALL TREES SHALL COMPLY WITH THE LATEST AMENDED EDITION OF THE "ARIZONA NURSERY ASSOCIATION - RECOMMENDED TREE SPECIFICATIONS." SEE SECTION 1903(6)(A), ZONING CODE.



Conceptual Landscape Plan

Liv Communities - Avondale



scale: 1:50

date: 06.16.22



anderson
 815 n. 1st avenue, suite 3
 phoenix, az 85003

5/26/2022 NEIGHBORHOOD MEETING SUMMARY

LIV – 99TH AVENUE & INDIAN SCHOOL ROAD

Attendees

Jean Constantine, Liv Communities
Scott Pieart, Todd & Associates
Scott Lucas, Terrascope
Ed Bull, Burch & Cracchiolo
Ali Bull, Burch & Cracchiolo
Ricki Horowitz, Burch & Cracchiolo
CM Gloria Solorio, City Council Member
Mark Trinidad, City of Avondale
Eric Fitzer, City of Avondale
1 Neighbor – Ian Grant

Introductions

Overview and PowerPoint Presentation

- LIV is in the multifamily and senior housing business
- Reviewed list of awards and recognitions Liv has received in the Valley and in Michigan
- Mixed-use development on vacant infill Site
- Proposing residential on western part and commercial on the eastern part
- Plan shows lots of landscaping and internalized amenities
- Architect is among the best at designing high-quality developments with horizontal and vertical movements, varying/contrasting colors, sensitive to surrounding environment, architectural articulation, quality and timeless developments
- LIV is not bashful spending money on architecture and landscaping
- Will have pedestrian connection to the future commercial
- Significant open space throughout the development

- Majority of the amenities are centralized – keeps active amenities away from residential uses nearby
- Amenities include dog park, cabanas, clubhouse, fitness center, shaded play structure, hammock garden, fire pit, splash pad, etc.
- Mix of studios, 1s, 2, & 3 bedrooms – mainly 1 and 2 bedroom units
- Gateway sign for Avondale will be at the corner of 99th Avenue and Indian School. Not sure what it will say yet – work in progress.
- General Plan shows the Site is designated mixed-use.
- Request is for a Minor GPA to change to HDR and Local Commercial
- Site is zoned PAD for the Parkside Village PAD for mixed use
- Request is to zone the Site PAD for C-2 and R-4 uses
- Next steps: Additional staff review, neighborhood outreach, PC and CC. No hearing dates set yet.
- Gave contact information for 3 people on the Team
- Well designed, highly amenitized, mixed use development.
- Good place to live, work, shop, & play
- Compliment to the neighborhood
- LIV has been in the Valley for 12 years
- LIV owns and manages their own sites
- Like to hold properties for 8-10 to give their properties a chance to be positive and developed within the community
- LIV is looking forward to joining Avondale

Questions, Answers, and Comments

1. Ian Grant. He submitted a question to the zoom email address. He is an area resident. There will be an Increase in traffic with this development. Has a traffic study been done? Alternatives? Lights at other Intersections between 99th and 103rd Avenues going in?
 - A. A Traffic Study is required. The Study will look at trip generations and will compare anticipated traffic with previously approved uses. Street improvements will be required on Indian School Road. City will look at traffic signal warrants to determine whether additional traffic signals will be warranted. Do not know if the Traffic Study has been

reviewed/approved by City yet. Traffic is important to City, Liv, and their consultants.

Mark Trinidad, assigned case planner. The TIA has been submitted to the City and County (County controls Indian School Rd). The Avondale Traffic Engineer is reviewing it now and so is MCDOT reviewing the Traffic Study. The review and comments will be forthcoming.

2. Mark Trinidad – Will Liv Communities act as manager? Did a thorough presentation of the development.
 - A. LIV will act as manager for the multifamily component. The retail will be managed by the commercial owner. In partnership with Vintage, the retail developer.
3. Will provide a summary to Staff of the neighborhood meeting.

End of Meeting

Received 8/24/22



CERTIFICATE OF ADEQUATE SCHOOL FACILITIES

An application for a multi-family and commercial development has been submitted to the City of Avondale, Development & Engineering Services Department, for review.

Project: Liv Communities - Avondale Project Manager: Jean Constantine
 Request: PAD Acreage/Parcel Size: 14.63 gross/net acres (MF)
 Current Density Allowed: _____ Density Proposed: 22.76 du/ac
 Total number of residential units proposed: 333+/-

As an authorized representative of the District, please complete the questionnaire below.

Does the District have adequate capacity to accommodate the estimated enrollment from the proposed development?

Yes ☒

No ☐

If answered no, please summarize the needs of the district as they relate to serving the students generated by the proposed development.

Is a school site within the proposed development needed?

Yes ☐

No ☒

If answered yes, how many acres is needed for the school site?

Is the district currently working with the developer to provide or help meet the needs identified above through a developer assistance or impact agreement? Yes ☐ No ☒

If answered yes, please explain below:

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

Date Reviewed: 4/1/22

School District: Pendergast ESD

District Superintendent: Dr. Jennifer Cruz

Phone #: 603 778 2000

E-mail: j.fimbres@psd92.org

Signature: 

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010
www.avondaleaz.gov/developmentservices



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No ☒

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If answered yes, please explain below:

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

Date Reviewed: April 5, 2022

School District: Tolleson Union High School District #214

District Superintendent: Nora Gutierrez

Phone #: 623-478-4001

E-mail: nora.gutierrez@tuhsd.org

Signature: _____

It is the developer's responsibility to ensure that this form is completed by an authorized representative of the District noted above and returned to the Development & Engineering Services Department prior to the scheduling of any City Council meetings

Development & Engineering Services Department

11465 W. Civic Center Drive, #110, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • TDD (623) 333-0010

www.avondaleaz.gov/development/services



AGENDA ITEM REPORT

SUBJECT: Zoning Text Amendment – Revise Conditional Use Permit Sections 28-8 and 28-91(f) – Application PL-23-0070

MEETING DATE: 4/19/2023

TO: Planning Commission

FROM: Catherine Lorbeer, AICP, Deputy Director of Planning

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

Planning Commission will hold a public hearing and consider a staff-initiated request for text amendments to the Zoning Ordinance. The amendments will improve the conditional use permit process by allowing review and final action by the Planning Commission, unless appealed to City Council. The Commission will take appropriate action and forward a recommendation to City Council.

BACKGROUND:

The Avondale Zoning Ordinance was first adopted in 1951 and has been updated numerous times. The last update occurred in February 2020.

SUMMARY OF REQUEST:

The purpose of text amendment is to make the City's conditional use permit (CUP) review process clear and effective. The proposed changes will benefit the development community by eliminating additional review and approval time. The following is a summary of the proposed amendments to the Zoning Ordinance referenced by section number. The proposed text for each of these sections may be found in Exhibit A.

Section 28-8 Conditional Use Permits

Revise (a) Process and Procedure. Revise the process so CUPs may be reviewed and acted on by the Planning Commission.

Add (f) Continuing jurisdiction. Clarify the code such that the Development Services Department retains jurisdiction over conditional use permits after approval. This is important as it provides the city with the legal basis to take enforcement action if necessary.

Revise (g) Revocation, modification, or suspension. Clarify provisions for revocation of conditional use permits when they are in violation of the zoning ordinance.

Add (i) Appeal. A process is provided for appeals to City Council.

28-91 The BLVD District

Revise (f) Use-specific conditions. Language in The BLVD zoning is modified to make reference to Section 28-8 to be compatible with the changes.

PUBLIC PARTICIPATION:

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with notification requirements. At the time of writing this report, Staff has not received any feedback on the proposed text amendments and no comments have been posted on the City's Avondale

Connect digital forum.

ANALYSIS:

The Zoning Ordinance Text Amendments are not anticipated to result in any adverse impacts on the community. The amendments will allow for continued refinement of the Zoning Ordinance to reflect changes in policies and procedures, allow for clerical corrections, and address the overall accuracy and usability of the Zoning Ordinance.

DISCUSSION:

Staff recommends approval of the request for the following reasons:

- The proposed text amendments will streamline the review and approval process for conditional use permits.
- The proposed text amendments clarify jurisdiction after approval and contain specific revocation procedures.
- The proposed text amendments are deemed necessary to best serve the public health, safety, and general welfare of the city.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The Planning Commission will conduct a public hearing and recommend **APPROVAL** of Application PL-23-0070, Zoning Ordinance Text Amendments, a request for text amendments to the City of Avondale Zoning Ordinance.

PROPOSED MOTION:

I move that Planning Commission recommend **APPROVAL** of Application PL-23-0070, Zoning Ordinance Text Amendments, a request for text amendments to the City of Avondale Zoning Ordinance

ATTACHMENTS:

Exhibit A – Proposed Text Amendments

28-8 Conditional use permit.

Some uses that are not permitted by right in a zoning district may be acceptable as conditional uses. A site-specific review is required to determine if the location, design, scale and operation of the use is appropriate at given location. A conditional use permit may only be granted for the conditional uses listed in each zoning category according to the procedure set forth below.

~~(a)~~A- Process and procedure.

- ~~(1)-~~ The designation of a use as a conditional use in a zoning district does not convey a right or constitute an assurance that the use will be approved. Each application will be evaluated for compliance with the required findings set forth below. The burden of proof for satisfying these findings rests with the applicant.
 - ~~(2)-~~ An application for a conditional use permit shall be submitted on a form prescribed by the planning division with all required deliverables as outlined on the application checklist, including the required fee before the conditional use permit application can be processed.
 - ~~(3)-~~ The applicant shall conduct a neighborhood meeting in accordance with section 28-12, below and complete notifications pursuant to section 28-13, below.
 - ~~4. The planning commission shall hold a public hearing and forward a recommendation to the city council. The planning commission shall base its recommendation on whether or not the information provided is sufficient to meet the required findings. Notifications must be completed pursuant to section 28-13, below.~~
 - ~~5. The city council shall hold a public hearing considering the information presented and may accept or reject the planning commission's recommendation with respect to whether the required findings have been met. Notifications must be completed pursuant to section 28-13, below.~~
 - ~~(4) The planning commission shall consider a request for a conditional use permit, hold a public hearing and determine if the information provided is sufficient to meet the required findings. Notifications must be completed pursuant to section 28-13.~~
 - ~~(A) If the planning commission approves the application, the department shall issue a conditional use permit approval setting forth all the conditions and requirements imposed and adopted by the commission.~~
 - ~~(B) If the planning commission denies the application, it shall identify the basis for the denial and the specific required findings that have not been met.~~
 - ~~(C) Continuance. -A request for a continuance of a scheduled conditional use permit application shall be determined by city staff with a valid reason.~~
 - ~~(D) The decision of the planning commission is final and effective on the date of planning commission's decision.~~
 - ~~6. The city council shall have complete discretion to approve, conditionally approve, or deny a request for a conditional use permit based upon its determination of whether the required findings (set forth in subsection 28-08(b) below) have been met.~~
- (b) Required findings. A conditional use permit may only be approved if all the following findings are met:
- (1) That the proposed use (a) is consistent with the land-use designation set forth in the general plan, (b) will further the city's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.

-
- (2) That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.
 - (3) That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.
 - (4) That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.
 - (5) That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.
- (c) Conditions upon approval. The approval of a conditional use permit may be subject to conditions when necessary to mitigate the potential impacts of the use and ensure land use compatibility. These conditions may include, but are not limited to the following:
- (1) Additional requirements for setbacks, open space, screening, parking, lighting and landscaping.
 - (2) Dedication of public rights-of-way, street improvements and the control of access points or on-site circulation to mitigate traffic impacts.
 - (3) Limitations on the hours of operation, methods of operation, and phasing of site development.
 - (4) Time limitations on the duration of the conditional use permit to determine if the use, after a temporary period of operation, is materially detrimental to the area or to evaluate whether changed conditions in the neighborhood affect the compatibility of the use or its ability to continue to adequately mitigate the impacts on the surrounding area or the city as a whole.
- (d) Expiration. Unless otherwise stipulated, a conditional use permit shall be void if the use approved therein is not commenced within twenty-four (24) months after the date of approval by the commission. Once an approved conditional use has commenced, the conditional use permit shall run with the land and continue to be valid regardless of ownership of the site or structure subject to the conditional use permit application, so long as it operates within the conditions, stipulations and terms of the use-conditional use permit approval.
- (e) Modification of conditional use permit. A request to modify, expand, or otherwise change an approved conditional use permit shall be reviewed and processed according to the procedures required for a new application.
- (f) Continuing jurisdiction and the revocation, modification or suspension of conditional use permits. The department director or designee shall have continuing jurisdiction over all conditional use permits and may recommend that a conditional use permit be revoked, modified or suspended should any of the following occur:
- (1) The conditional use permit was obtained by fraud or misrepresentation;
 - (2) The use authorized by the conditional use permit has been exercised in violation of the conditions of its approval;
 - (3) Changes in aesthetic or environmental impacts such as noise, odors or pollutions; or
 - (4) The use authorized by the conditional use permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods or the city.
- (gf) Revocation, modification, or suspension. An approved conditional use permit may be revoked, modified, or suspended by the planning commission at a public hearing if the holder thereof fails to

comply with the conditions or terms of approval for such conditional use permit. The zoning administrator shall provide notice of the revocation hearing to the conditional use permit holder via certified mail. Additionally, notification of the revocation, modification or suspension hearing shall be completed at the city's expense, to include a sign, legal advertisement, and mailing described in section 28-13 below. The decision of the city council with respect to such revocation, modification or suspension shall be final.

- (hg) Reapplication. If a conditional use permit has been denied or revoked, no application shall be accepted by the zoning administrator or designee for a conditional use permit that is (1) for the same or substantially similar use (2) located on the same site and (3) submitted within one (1) year from the date of the final denial or revocation.
- (ih) Appeal of decision of the planning commission to city council. A decision of the planning commission regarding a conditional use permit may be appeal to the city council. The appeal must be in writing, specifying the grounds of the appeal, and filed with the department within fifteen (15) calendar days of the date of the decision. The appeal fee shall be paid in full at the time of application. The filing of the appeal will be considered complete upon receipt to the department. During the pendency of the appeal, further actions to proceed with the development shall be stayed.
- (1) Filing. Appeals may be filed by:
- (A) The owner of property that is the subject of the final decision of the planning commission.
- (B) Any other person aggrieved by the final decision and who has standing to appeal pursuant to state law.
- (2) Notice. The department shall ensure that notice of the appeal hearing is provided in the manner described above for the planning commission public hearing. Upon submittal for a conditional use permit process that allows for an appeal, the property owner agrees to the notice of public hearing sign to be posted on the subject property.
- (3) Hearing. The department shall set the hearing date for an appeal of a conditional use permit no more than sixty (60) days after the date the appeal is filed. The city council shall hold the public hearing and shall reverse, affirm or modify the decision of the planning commission. The city council shall base its decision on the written findings previously issued by the planning commission, applicable law, the review criteria stipulated in this section and guidelines promulgated by the Department.
- (4) Reversal or modification. If the city council reverses or modifies the decision of the planning commission, the council shall direct the city attorney to prepare written findings setting forth the basis for the reversal or modification.
- (5) Continuance. The matter shall not be continued except by request by written request of the applicant prior to the hearing or upon oral request of the applicant at the hearing. -City council must approve all requests for continuance.

28-91 The BLVD District.

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- (f) Use-specific conditions. Land uses listed in the land use matrix above as permitted with conditions are permitted by right only if the conditions listed below for the individual uses are met. Land uses listed as conditional uses require ~~city council~~planning commission approval of a conditional use permit in accordance with section 28-8 of this ordinance. Based on development plan review, staff may add additional conditions of approval deemed necessary to protect the health, safety and public welfare.



AGENDA ITEM REPORT

SUBJECT: City Council Chamber Audio and Video Changes

MEETING DATE: 4/19/2023

TO: Planning Commission

FROM: Marcella Carrillo, City Clerk

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

The Planning Commission will receive an update from staff regarding the audio and video changes to the Council Chamber. Additionally, the City Clerk will provide training on the voting system. This item is for discussion only.

BACKGROUND:

Due to the COVID-19 pandemic, the Development Services Department was tasked with hosting public meetings digitally for Planning Commission. The meetings were held via Zoom, mostly without any interruption. While the solution from 2020 worked, it was not intended for long-term use. Thus, the Planning Commission returned to in-person meetings in the Council Chambers. The meetings are currently recorded with audio. This item is to inform the Planning Commission of the meetings being upgraded to video recordings.

DISCUSSION:

The City provides an online platform configuration for City Council meetings which includes one camera in the Council Chamber and audio through an online platform for all City Council meetings. The future configuration will include four cameras within the Council Chamber and audio through the room sound system for online streaming of both City Council and Planning Commission meetings. The future setup will enhance the current service and allow residents an opportunity to easily watch live-streamed Planning Commission meetings in the future.

BUDGET IMPACT:

No budget impact.

RECOMMENDATION:

This item is for discussion only.