

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
August 19, 2024

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

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

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

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Katie Gregory, Assistant City Manager; Dale Nannenga, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Sarmiento, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Cheryl Covert, Interim Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Julie Knoll, Deputy City Clerk; Corey Larriva, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kimberly Moon, Engineering Director; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 25 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

Larnell Farmer, a retired police officer and current president of the West Valley NAACP, addressed the City Council regarding the police-involved shooting of Amarion Hope in February 2023. Mr. Farmer described this incident as egregious and unjustified because the 17-year-old juvenile was unarmed and running away from the police officers. Upon receiving and reviewing the reports from the Avondale Police Department, Peoria Police Department, and internal investigation as well as watching footage of the shooting, he is asking City Council to reopen the investigation with another agency because the shooting was not justified.

3. CONSENT AGENDA

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

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

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

a. MINUTES

City Council approved the July 1, 2024, and July 8, 2024, City Council meeting minutes.

b. CITY COUNCIL MEETING SCHEDULE FOR 2025

City Council approved the 2025 City Council Meeting Schedule and authorized the City Clerk to execute the necessary documents.

c. FISCAL YEAR 2024 END-OF-YEAR BUDGET TRANSFER AND FISCAL YEAR 2025 PUBLIC ART BUDGET TRANSFER

City Council a) approved budget transfers as summarized in the attached Exhibit A; b) facilitated items by increasing the award authority for these items; and c) authorized Finance and Budget Department staff to take the steps necessary to execute the transfers.

d. RESOLUTION 1080-0824 – CANVASS OF VOTES FOR THE JULY 30, 2024, PRIMARY ELECTION

City Council adopted Resolution 1080-0824, canvassing the results of the July 30, 2024, Primary Election, and authorized the City Clerk to issue Certificates of Election.

e. RESOLUTION 1081-0824 – APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA GAME AND FISH COMMISSION FOR THE COMMUNITY FISHING PROGRAM

City Council adopted Resolution 1081-0824, authorizing a new Intergovernmental Agreement with the Arizona Game & Fish Commission to extend the Community Fishing Program for a five-year period, and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

f. RESOLUTION 1082-0824 – AUTHORIZING GRANT ACCEPTANCE FROM THE ARIZONA STATE PARKS BOARD FOR THE OFF-HIGHWAY VEHICLE EDUCATION AND ENFORCEMENT GRANT

City Council a) adopted Resolution 1082-0824, approving the acceptance of the Off-Highway Vehicle Education and Enforcement Grant through the Arizona State Parks Board; b) authorized the necessary budget transfers associated with this grant; and c) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

g. RESOLUTION 1083-0824 – AUTHORIZING GRANT ACCEPTANCE FROM MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PROGRAM (SITING PLANS)

City Council a) adopted Resolution 1083-0824, accepting grant funding from the Maricopa Association of Governments (MAG) for the Electric Vehicle Charging Infrastructure Program (Siting Plans) in the amount of \$100,000; b) authorized and directed staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

h. ORDINANCE 2018-0824 – ABANDONMENT OF A TEMPORARY WATERLINE EASEMENT AT FULTON HOMES ACCLAIM

City Council adopted Ordinance 2018-0824, authorizing the abandonment of a temporary waterline easement located generally 2,600 feet north of Thomas Road and west of 99th Avenue, and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

i. ORDINANCE 2019-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM 117 LAND LLC, RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council adopted Ordinance 2019-0824, authorizing the acceptance of dedication of a public waterline easement from 117 Land LLC, for Lot 1 as it relates to The District at Crystal Springs development and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

j. ORDINANCE 2020-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC., RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council adopted Ordinance 2020-0824, authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 2 as it relates to The District at Crystal Springs development and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

k. ORDINANCE 2021-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC., RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council adopted Ordinance 2021-0824, authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 3 as it relates to The District at Crystal Springs development and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

I. ORDINANCE 2022-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC, RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council adopted Ordinance 2022-0824, authorizing the acceptance of dedication of a public waterline easement from Encompass Health Arizona Real Estate, LLC, for Lot 4 as it relates to The District at Crystal Springs development and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

m. ORDINANCE 2023-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC., RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council adopted Ordinance 2023-0824 authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 5 as it relates to The District at Crystal Springs development and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

n. ORDINANCE 2024-0824 – LOWER BUCKEYE ROAD RIGHT-OF-WAY ANNEXATION

City Council adopted Ordinance 2024-0824, authorizing the annexation of a portion of the Lower Buckeye Road right-of-way, and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

o. FINAL PLAT FOR FULTON HOMES ACCLAIM – PHASE 2B – APPLICATION PL-23-0366

City Council a) approved Application PL-23-0366, a request by Meikle Garrett with EPS Group, Inc., on behalf of Fulton Homes Corporation, for approval of the Final Plat for Fulton Homes Acclaim – Phase 2B, generally located at the northwest corner of 99th Avenue and Thomas Road; and b) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

p. BOARD AND COMMISSION APPOINTMENTS AND BOARD MEMBER REMOVAL FROM THE BOARD OF ADJUSTMENT

City Council a) removed Margarita Barron from the Board of Adjustment due to being non-responsive; b) approved the following appointments to the City's Boards, Commissions, and Committees as recommended by the City Council Subcommittee on Boards, Commissions, and Committees; and c) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

- Rhonda Bell as a Regular Member to the Municipal Art Committee with a partial term to expire on 12/31/2026.
- Deanna Sapata as an Alternate Member to the Municipal Art Committee with a partial term to expire on 12/31/2026.
- Nicole List as a Regular Member to the Board of Adjustment with a partial term to expire on 12/31/2024.
- Natosha Edmonds as a Regular Member to the Board of Adjustment with a partial term to expire on 12/31/2026.
- Zahra Muhidin as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2026.
- Diana Estrada as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2025.
- Ramon Sanchez as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2025.
- Ben Ruoti as an Alternate Member to the Sustainability Commission, with a partial term to expire on 12/31/2024.

4. REGULAR AGENDA

a. PUBLIC HEARING – EXTRA SPACE STORAGE – APPEAL OF CONDITIONAL USE PERMIT – APPLICATION PL-23-0303

City Council held a public hearing and considered an appeal by Adam Baugh of Withey Morris Baugh (on behalf of Extra Space Storage) of the Planning Commission's denial of a conditional use permit (CUP) to allow for a mini storage warehouse and personal storage development. The 2.28 net-acre subject property is located at the southwest corner of Indian School Road and Osborn Road. This project was previously approved as a CUP by the City Council on June 21, 2021, zoning case PL-21-0003. The previous CUP has expired, and the appellant filed an application for a new one to move forward with the development. The Planning Commission denied the application. City Council may affirm, reverse, or modify the decision of the Planning Commission.

Pursuant to Ariz. Rev. Stat. 38-431.03(A)(3), City Council may move and vote to go into executive session for discussion with the City's Attorneys for legal advice on the appeal of the denial of Extra Space Storage Conditional Use Permit Application PL-23-0303.

Mayor Weise stated the City Council would be acting in a quasi-judicial role because this is an appeal. Ms. Harris reviewed the difference between the Council's legislative role and quasi-judicial role.

On behalf of the applicant, Adam Baugh of Withey Morris Baugh noted in 2021, staff and the Planning Commission recommended approval of this same CUP, which contains the same facts and scenarios as the current application before you. The purpose of the current application is to reapprove the CUP that was approved in 2021 with the same manner, size, scope, design, and operation.

The property is zoned C-2, which allows the use subject to the use permit, and it is not a question of whether the use is preferred or desired but if the use meets the five criteria of the use permit test. This is a two-story storage facility with a 30-foot height consistent with the C-2 zoning district. Access is proposed from Osborn Road, and there will be two recessed loading areas as well as significant landscaping along the property.

Within the previously approved CUP, a code states you must commence construction within two years. However, with the need to obtain a site plan, complete the platting process, and obtain a building permit all before you can start construction, two years was not enough time—not due to any failure to effect use or complete the process, but simply because it takes time to go from dirt to operation with all the processes in between. This project was in the final stages of obtaining the building permit when the CUP's two-year period expired.

The applicant explained they do not understand where the opposition is coming from as there was no opposition in 2021. Again, the request is to reapprove what was previously approved, and the criteria matters because this is not a decision based on popularity, if we want it, or if there is too much in the area; it is a decision based on the five elements of the legal criteria within the zoning ordinance.

Conditional Use Permit Criteria:

- That the proposed use is consistent with the land-use designation set forth in the General Plan; will further the City's general guidelines and objectives for the development of the area, as set forth in the General Plan; and will be consistent with the desired character of the surrounding area.
 - The local commercial designation allows and promotes commercial services in the immediate area, like a storage facility that is used by residents. This property was zoned in 1976 and has been vacant since, and the ability to build brings infrastructure and fulfills goals within the North Avondale Specific Plan. The building is consistent with surrounding commercial uses, with stucco masonry and earth tone colors.
- That the use will be compatible with other adjacent and nearby land uses and will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood, or the public welfare in general.
 - The facility is located on a major arterial street in a commercial area and buffered by other commercial buildings from residents to the south. The building height is

equal to the building heights of the commercial center next to it and shorter than some of the surrounding buildings. The loading area is recessed under the building. Traffic is minimal, with eight trips in and out during peak hours.

- That the site is adequate in size and shape to accommodate the proposed use, allows safe on-site circulation, and meets all required development standards, including, but not limited to, setbacks, parking, screening, and landscaping.
 - The City staff completed an analysis and approved the site plan without variances or deviations and verified it met the legal standards related to development of this use.
- 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 property will be accessed from Osborn Road, and the surrounding streets can accommodate the minimal demand and traffic impact.
- That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.
 - Another two years to commence use, no sale of goods or materials out of the storage units, the ability to regulate and prohibit hazardous materials, and the requirement that the development comply precisely with the plans before you today.

Upon reading the concerns presented by community members, Mr. Baugh responded, noting in relation to hazardous materials, they are not permitted, they are very restrictive, and it is included in the leases. Traffic was another main concern, which has already been addressed. The 30-foot height of the building is allowed in the commercial zoning district. An outside service is used to mitigate any chance of pests or rodents within the facility. I do not believe trash is a legitimate issue, but the facility will be gated without public access, with several dumpsters on site that can be picked sooner if necessary. Lighting at the facility is called wall pack, which is shielded and directed downward, which is intentional and part of the City's analysis to ensure the foot candle does not exceed City standard. There is an agreement to extinguish the office lights at 8:00 p.m., leaving the wall pack lights and signage seen from Indian School Road and Osborn Road.

In 2021, a neighborhood meeting was held virtually in December with multiple attendees and a second one in January 2022 with five attendees. In 2024, upon appeal, a neighborhood meeting was held in April with two attendees and a second one in June with two attendees. An attempt was made to meet with Dysart Ranch Community to sort through facts versus perception and fear, but it was declined. There appeared to be procedural confusion at the Planning Commission meeting where the CUP was denied with a 2-2 tied vote because the analysis appeared based on a zoning case. The criteria in a CUP are not subjective because they are outlined in the City's code, and this use is

allowed in a C-2 district and, consistent to the General Plan, will generate low traffic and minimal noise.

Sandra Freund, Senior Planner, provided an overview of Application PL-23-0303 for a CUP to allow a Mini Storage Warehouse and Personal Storage facility in the Palm Valley Planned Area Development (PAD), which includes community commercial uses and development standards. A CUP for this development was previously approved on June 21, 2021, but has since expired, and the applicant is requesting a new approval for the same project to allow the development to move forward. The property, which is 2.23 net acres, was annexed in the City in 1981 on Indian School Road and Osborn Road. To the north is Litchfield Park with single family homes. Access will only be from west Osborn Road through a controlled security gate, and on-site parking will accommodate 10 vehicles with covered loading sections. The south elevation will be visible from the post office.

The staff's analysis found that the project conforms with the General Plan, zoning, and existing development, complies with the City's commercial design manual, and is a low traffic generator. The developer must meet five conditions of approval for the project: Consistent with the General Plan 2030 and North Avondale Specific Plan to facilitate and build out North Avondale; Compatible with existing land uses; Suitable size to accommodate use and meet all required development standards: The site is 2.3 acres with a proposed use of a fully enclosed mini storage facility, which is considered among the least impactful commercial uses. The architectural design includes stucco masonry and earth tones to complement the area, and the project meets development standards; Adequate access to public streets and capacity to accommodate traffic generated by the proposed use. The proposed project will have full access to Osborn Road and is considered very low traffic generating compared to other commercial uses; and Adequate conditions in place to mitigate any negative impacts from the project should they occur.

The applicant had several neighborhood meetings to review the proposal, answer questions, and take public comment. Prior to the Planning Commission meeting, a virtual meeting was held on December 19, 2023, and an in-person meeting on January 31, 2024. A meeting was held at Litchfield Elementary School on April 15, 2024, and June 11, 2024, prior to the City Council meetings, with only two attendees at each meeting. One was virtual and the other in person. The public comments focused on traffic safety concerns, landscape and water demand, and the proposed use at this location. On the City's digital platform, Avondale Connect, we received two comments. One of the comments had concerns about the traffic and building height and the other comment voiced support for the project.

Public comment at the February 21, 2024, Planning Commission meeting expressed concern about traffic, noise, safety, property values, and visual quality. All public comments received at the time of publication are included in the packet, with most of them being focused on traffic safety, landscape, water demand, and location. Staff is aware of the objections raised about the sign, and those issues have been resolved. Proper notification was made for the public hearing, with a posting at the site on August 4, 2024,

post cards mailed to property owners on July 25, 2024, and a newspaper legal ad published on July 24, 2024.

The Planning Commission approval failed with a 2-2 tie vote. A copy of the Planning Commission minutes, including public comments received, is included in the packet. An appeal was filed with the City Council on March 6, 2024, and approval should be subject to the five conditions of approval listed in the staff report. If the decision is reversed or modified, the Council will direct Attorney Harris to prepare written findings setting the basis for the decision.

Mayor Weise opened the public hearing. The City Clerk read the following public comments into the record.

R Bridges: Opposed to the agenda item. "I am opposed to any development made in the neighborhood until the city does something about the rampant speeding through here, namely Osborn between Dysart and Indian School. At peak hours, it is already nearly impossible to turn onto Osborn from 132nd Ave due to those speeding along Osborn. Pushing more traffic through here decreases our quality of life and our safety. Thank you for your consideration."

Catherine M: Opposed of this agenda item, no comments.

Deborah Wilson: Opposed of this agenda item. "As a property owner in Dysart Ranch, I am opposed to breaking the current C2 zoning to allow yet another storage facility to be built in our area. A facility like this is in such close proximity to our neighborhood will only have a negative impact such as the increased possibility of crime, unkempt property, and even homeless related issues that is rapidly moving into our area. In addition, the type of building proposed is not in keeping with the surrounding area and its current aesthetic. This area would be better used for the purpose it was intended by C2 zoning which would be businesses that provide value to the surrounding community such as medical offices, a day care, shops, or even restaurants. My biggest concern is that this type of facility will break our current zoning that is appropriate for this area and will open the door for other non-C2 uses on adjacent parcels. Thank you."

Andrea Sandoval: Opposed of this agenda item. "I wish to speak at the meeting I am opposed to this agenda item. I would like my previous written statement removed from the record and my statement at this meeting be utilized as my statement of record."

Virginia Theel: Opposed of this agenda item. "I just heard about another monstrosity of a storage facility. My goodness there are already hundreds of big box storage all over Buckeye, Avondale and especially Goodyear. We are becoming a commercialized area that will allow more big rig vehicles onto our already jammed, parking lot type freeways. The freeways will not be expanded enough to carry all the excess vehicles. I've lived in Goodyear for 23 years and it was a wonderful, charming family town. Now it's dominated by ugly, multi-level apartments and box buildings. I definitely say no to another one being allowed to be built close to the family home neighbors and a critical post office. Additionally, we have a water crisis and adding these huge facilities will further put a strain

on our natural resources. Greed has taken common sense. When is enough, enough? Please do not allow this reasoning for another commercial monstrosity.”

Edward Quinn: Opposed of this agenda item. “Edward & Lisa Quinn – Statement in Opposition to Appeal PL-23-0303. As a resident of Dysart Ranch, my wife Lisa Quinn, and myself, Edward Quinn, strongly oppose this conditional use permit. As others have stated throughout this process, this type of facility favors only the investor stakeholders and seems to completely disregard the actual community stakeholders, and the environmental issues related to this use. Regarding the community members like my wife and I, this type of facility fails any sort of wholesome, beneficial use for community members, as other community members have stated. Further, the record shows this developer has continually failed in his obligations in a code-regulated zoning application process for a range of things that will be covered by other community members. But in the interests of being specific, my wife and I have lived here since 2016, and in 2021, we, and many neighbors I have spoken to, did not receive any effective noticing on this project application, nor were there any attempts by this developer to reach out for cooperative community stakeholder engagement on this project application. If we had been effectively noticed, and had been effectively engaged as a stakeholder, we would have strongly opposed the project then.

The use does not serve the immediate needs of the community, does not conform to the aesthetics of the community, does not create jobs, and does not conform to traditional C2 zoning. In fact, the developer’s other similar project in Gilbert, AZ, actually fosters an environment for crime in that facility, among other deleterious effects for that community. Our community has proven during the recent application that this applicant has not been working in good faith with the community and has sought to limit opposition. I encourage the City Council members to focus on the decision regarding the DENIAL of the planning commission, not on question of whether the current application is the same as application 2021. If it were the same application, it was AGAIN DENIED by the 2024 Avondale Planning Commission on Feb. 21, 2024, confirming that this CUP does not meet the requirements for a Conditional Use Permit. Respectfully, if I may speak for others in the community, please consider that this community and its members are informed, committed, and will remain resilient in our current and future opposition to this project, or any other project of this type.”

Stephen E: Opposed of this agenda item. “I am a Litchfield Park homeowner. My family and I vote regularly and have a great appreciation for the hard work and service of the City Council. I am writing to express my family’s vehement opposition to Guardian/Extra Space Storage’s request for a Conditional Use Permit in contravention of the existing C2 zoning. This is not simply an issue of vague concern regarding community impact. Granting this Conditional Use Permit would result in potentially catastrophic effects on the Dysart Ranch neighborhood. Due to the massive size of the Guardian/Extra Space warehouse—over 2.5 acres, with a building over 30 feet tall and over 11,000 square feet total—this building would result in substantially increased flood risk to Dysart Ranch due to the project’s impact on stormwater runoff. This impact is not speculative; it is confirmed by FEMA analysis, as well as Guardian/Extra Space’s own drainage and stormwater runoff plans for the project. Due to the widespread changes and challenges in the home

insurance industry, the increased flood risk resulting from this project will likely render Dysart Ranch homes UNINSURABLE. And if this project is approved, more similar projects will presumably apply for and be granted similar exceptions for adjacent parcels, causing the flood risk to Dysart Ranch to increase even further. The impact on Dysart Ranch homes and homeowners could be catastrophic. There are already multiple storage facilities in the area, including one (appropriately located in a commercially zoned area) that is less than a half mile away from this new proposed project. The community does not need more storage facilities. Keeping the existing zoning—C2—in place will best serve the community by prioritizing neighborhood-appropriate businesses which offer essential services, while locating commercial projects in appropriate commercial zones.

The impact of this Conditional Use permit could not be more one-sided. If the permit is denied, then Guardian/Extra Space will simply locate their business somewhere else - but if the permit is approved, the homes of an entire neighborhood will be put at risk, and homeowners will have no recourse whatsoever. Please do not prioritize the profit interests of a single business over the safety, security and financial stability of an entire neighborhood. Large commercial projects such as this one belong in commercially zoned areas, not in C2 zoned areas and not where they will put entire neighborhood at increased risk of flood. We respectfully request that Guardian/Extra Space's appeal be denied, consistent with the denial of the original Conditional Use permit. Thank you for your consideration and recognition of this community's needs."

Irene Vasquez: Opposed of this agenda item. "I oppose the storage warehouse project at the corner of Osborn and Indian School because it will depreciate property values and add to the traffic issues in the Dysart Ranch neighborhood."

Elzbieta S: Opposed of this agenda item. "I am strongly opposed to this project and believe the City has already made a correct decision when it denied the CUP for this project. A storage facility has no place in a residential neighborhood—period. The project does not fit the surrounding homes and businesses, and due to the size of this building, it is likely the neighborhood will be seriously affected by stormwater runoff based on new FEMA information and the drainage and stormwater runoff plans for this project. The current zoning of C2 does not allow for residential development, only additional valuable services for residents like medical care, shops, restaurants, day care, etc. The zoning decision was mindfully made with residents in mind. Allowing this variation flies in the face of that intent and would reflect a wholehearted disregard for residents. Please vote no and uphold the integrity of this neighborhood. There are commercial zones for a reason. This project belongs there. There is no reason the project needs to be here; it can move to where it should have been in the first place. Residents don't have that luxury and depend on City Council to ensure that residential neighborhoods stay residential. Please vote no."

J Nichols: Opposed of this agenda item. "I work at the business park next door. We've had enough of the denials that there is a link to these facilities and the homeless. We have read the vetted studies and looked at the data. Two reputable universities, ASU and

USC, partnered with the Arizona Self Storage Association to study the use of these facilities as an outreach point for the homeless. Why? Because as this independent, academic study says, many homeless or near-homeless use these facilities for storing belongings while living in vehicles or on the street, and even as shelter. A simple Google search will send you to YouTube and shows people giving tours of the units they've converted into shelter, and the so-called secure, climate-controlled facilities are their favorite. They know it's not allowed, but as they know the facilities have no staff to monitor activity after hours. There was a massive fentanyl bust recently at one of these places, and I'm sure that place had rules too."

Jay L: Opposed of this agenda item. "I would rather see a development that would create more jobs, etc., a building with a sandwich shop, an insurance agent, a bundt cake, businesses that would have more services for our community. I have used a local storage facility."

Gail Sanchez: Opposed of this agenda item. "We do not need another storage facility. There are 3 extremely close that come to mind. The Post Office I work for would deliver the mail to the business there. Has the Post Office even been notified? My Postmaster was not aware that this was even considered. What about a swap of land with Litchfield Park City Hall? What about Trader Joe's, a Cheesecake Factory, Outback, Longhorn, a Miracle Mile Deli or something that would better service the area better? Something that would look better, even a mom-and-pop sandwich place. I live in Bel Fleur and have been there for 20 years and have worked for that post office and am very familiar with the mail route. It's a lot of medical and only one food place I believe. There's nothing to walk to for lunch or coffee without driving. The neighborhood restaurants in the middle of Litchfield by the Wigwam are very profitable, and it's packed daily with residents eating outside that we need more of. We at the Post Office will service whatever is approved, and hopefully this area will remain unique and still feel like a small-town community."

Jay Lageschulte: Opposed of this agenda item. "Guardian storage sent out a letter with a Zoom meeting address for their proposed storage facility at Osborn Road and Indian school Rd. Tried several times and could not get signal in. Each time it came back invalid. I wondered how many other residents could not get signed in. Concerns me about application PL-23-0303 meeting was to be on Dec. 19th at 6pm. They gave us no phone number in the mailing to contact them. We are not in favor of a 2-story building on that property. We would have expressed more of our concerns, such as traffic flow, had we been able to sign into the meeting. Thank you, Jay and Eva Lageschulte,"

Transparency AZ: Opposed of this agenda item. "TransparencyAZ has been looking into the repository of files related to this CUP. Looks like while Guardian Storage was pleading for a reversal of the Planning Commission's 2021 denial in front of the City Council of Avondale, Paul Hedges' companies were in default with the ACC. Looks like the 2021 conditional use permit potentially obtained by fraud or misrepresentation, since the

Applicant has not proven he is a legal representative of Extra Space Storage, and Guardian Storage is not a registered company (foreign or domestic) in the State of Arizona at the time of either application. Community reps have documents presented by the applicant to the City that appear to be altered, and from what we can gather, the applicant's attorney has repeatedly made statements to City officials and the public that are misleading or untrue, including but not limited to, his safety record at other owned properties and references to ample onsite trash bins for clients. Video and photographic evidence we've obtained from the subject facility in Gilbert, as well as conversations with representatives from Extra Space Storage facilities including the subject's own, prove this not to be the case. According to the ACC, this is not the only company that Paul Hedges has formed during a construction project then allowed to fall into dissolution. We also checked out the Yelp reviews, and half of them are 1 star and talk about unresponsive management, price gouging, rats, and roaches. Due to the lack of transparency in the process, video / audio / photographic evidence, and other concerns conveyed, we stand with the community in opposition to any approval of this application."

John B: Opposed of this agenda item. "I know that many members of our community have specific points to address in opposition to the construction and operation of the storage facility. The more I learn about the facility and the tactics of the owners of the intended facility, the more uncomfortable I am with its effects on our neighborhood and the obvious disdain the owners of the facility have for the community they wish to build on top of. I know from experience the effects the building and then forever operations of a storage facility built on top of a community; there is no doubt the significant increase in traffic, particularly heavy vehicle traffic, that will occur on Osborne Road right through the middle of the Dysart Ranch community will have a poor and permanent effect on our community. We don't need this facility built on top of our community, and we don't want it here. There are plenty of appropriately zoned properties this company can use in the area that would not poorly affect the daily lives of residents of a safe and comfortable community."

Chuck L: Opposed of this agenda item with no comments.

Kathleen Monterey: Opposed of this agenda item. "Our family is on vacation. A lot of families are on vacation. I was at the previous meeting at City Hall but can't attend this one because for some reason it was scheduled during a very busy vacation season rather than in September. You waited 4 months, why give such short notice to people? At first, it appeared on the City Website as remote meeting, so I figured I could make comments. Thankfully, this was brought to my attention by a neighbor just in time to make this comment on behalf of our entire family—grandma, kids, and grandkids. Here it is: The thing about a storage facility building is that it will only ever be one thing, a storage facility. Unlike other shops or business offices, this use and design limits what can operate here. The neighborhood can't adjust and evolve. Please don't approve it."

The following individuals addressed the City Council:

Timothy La Sota spoke on behalf of the Dysart Ranch Community (DRC) HOA, noting that while this is an appeal, and the Planning Commission did not develop a proper record, the City Council would be unable to reverse or modify the appeal. Additionally, Mr. Baugh presented new evidence, which is not allowed. He discussed the notice, stating upon searching newspapers.com, no legal notice appeared, and the sign was in the middle of the field and illegible.

Andrea Sandoval discussed the many reasons she opposes this item, being the applicant was late to the meeting in April and granted a continuance; there are a number of existing storage facilities in the neighborhood; it will be an unmanaged facility; the applicant has not met all the conditions of the CUP—specifically, the entrance/exit would be into the small neighborhood next to the post office; the public signage is inaccurate and placed in locations where they cannot be read; and the community engagement has been sporadic, confusing, and unmanageable. Ms. Sandoval discussed her interaction with Council Members regarding this matter who provided her with suggestions and ideas needed to prove bad business practices.

Art Crisostomo withdrew their submitted request to speak.

Benjamin Grassi addressed the Council, who the voters have entrusted to serve them, and asked for them to vote down this appeal. They have poor signage at the site, the notice was in the middle of the field, and they only provided notice to residents within 1,000 feet, even though we all live in DRC. If this is approved, there will be 19 storage facilities within five miles of DRC with a 10–45% vacancy rate. An approval would allow further unnecessary developments, lower home values, and impede the community with trash, drugs, crime, and homelessness. This area really needs daycare facilities more than another storage facility. Please welcome in businesses that benefit the neighborhood.

Jennifer Deeds spoke on behalf of the Dysart Ranch Community Coalition. She discussed the research conducted into the noticing performed in 2021 and 2024. They believe the appeal presentation contained new information. She expressed concern with the public comments at the Planning Commission being omitted or “boiled down.” She discussed a similar project that was completed in Gilbert by the developer, including the police records obtained. Concerns were presented regarding potential misrepresentations by Mr. Hedges and Mr. Baugh. A final plea was made to support the Planning Commission’s denial.

Laida Fonte addressed the Council, expressing concern with the size and appearance of the building, security issues, after-hours noise, negative effect on property values, the 24-hour lit signage, and hazardous material. The parcel is better suited for a business that serves the community.

Eric Blocher addressed the Council, expressing concerns related to the facility not being consistent with the 2030 General Plan because the operating hours are not consistent

with the office park hours and could create a potential noise impact. The signage and night light are not consistent with the existing office park signage and night light. Excessive traffic and congestion is a concern, along with waste dumping and removal, hazardous waste, toxic materials, disposal, and vagrancy.

Greg Deeds compared the distances between a daycare, pharmacy, neighborhood market, and a storage facility to the subject location. He addressed the Council with concerns related to Mr. Hedges storage facility in Gilbert. He implored the Council to listen to the neighbors that this facility will be an economic injury.

Mayor Weise noted audience members were holding up signs that said “deny.”

Janice Kupiszewski addressed the Council, stating she is opposed to this CUP because it is not good for the community.

Charles Anderson addressed the Council, stating his opposition of the CUP and expressing concern with the impact on home values and the potential for flood insurance based on the FEMA assessment.

Laida Fonte spoke again, stating this facility should not be near any schools in the community, and the site is close to Trinity Lutheran School. She added a concern with the decrease in home values.

Jennifer Deeds spoke again, stating some of the community comments do not appear to have been read. She explained where the concern related to flooding came from and that although it was requested, a storm water pollution prevention plan has not been provided to the DRC Coalition. Although they have never said no to development, there is a saturation concern.

Mayor Weise closed the public hearing and opened the floor to the applicant for a rebuttal.

Mr. Baugh of Withey Morris Baugh reiterated the processes to go from dirt to construction take time that is often out of the developer’s control.

- A monstrosity that exceeds heights – This facility is a permitted use in the C-2 zoning and consistent with the surrounding heights.
- Flooding – The City’s engineering staff review the plans and provide comments to ensure they are compliant, and it is unclear where the flooding comments are coming from.
- Traffic – If eight trips in and out in a one-hour peak period is considered high traffic, how will the community react if a shopping center comes in?
- Property values – No evidence has been provided.

- Residential neighborhood – The site is zoned commercial and surrounded by commercial properties.
- Notices – Staff have a copy of the tear sheet from the newspaper as evidence the notice was published. The sign on the property is legally placed in the middle of the property due to a three-foot right-of-way restriction.
- Saturation – That is not a criterion the Council is allowed to consider because it is not part of the five-part test.
- Neighborhood – The facility exits onto Osborn Road, a public arterial way.
- Signage – The City has not restricted a business owner for having lit signs at night. The inside lights are extinguished at 8:00 p.m., and there is only signage facing the street and no signage on the back of the building.
- Police Records – This is a misrepresentation to refer to a different facility in a different city, and a set of facts that we have not had a chance to consider.
- Noise – How can something with so few visits create noise.

In closing, Mr. Baugh stated the only thing the City Council can consider are the parts outlined and codified in the zoning code. Staff concluded all five elements were satisfied and recommended approval at the conclusion of their presentation.

Mayor Weise opened the floor to the City Council.

Mayor Weise discussed the vote made in 2021 by the City Council and explained their responsibility is to Avondale residents, not Litchfield Park, because they have their own government. With this being a quasi-judicial panel, we are not evaluating the merits of the facility, but looking at whether the Planning and Zoning Commission of Avondale got it right or wrong. He noted the City Council cannot make a decision based off anything except for the facts presented.

Council Member White moved to enter into Executive Session pursuant to Ariz. Rev. Stat. 38-431.03(A)(3), for discussion with the City's Attorneys for legal advice on the appeal of the denial of Extra Space Storage Conditional Use Permit Application PL-23-0303; Council Member Solorio seconded the motion.

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye

Vice Mayor Pineda	Aye
Mayor Weise	Aye

City Council recessed the Regular Meeting and convened into Executive Session at 7:00 p.m.

City Council reconvened the Regular Meeting at 7:23 p.m.

Council members were given an opportunity to comment and ask questions. In response, Ms. Harris clarified the Council is serving in a quasi-judicial capacity and their decision to reverse or affirm the Planning Commission's decision shall only be made upon the record that was presented at the Planning Commission. New evidence should not be considered unless that evidence or information was presented at the Planning Commission. Police Chief Espinosa noted the overall crime rates for both property and persons have decreased, and he does not have information related to the storage facility but will provide it later.

Ms. Freund explained in her experience the process of needing a CUP reapproved is rare, and she has not been with Avondale long enough to provide historical data. She did explain how a site plan and design review application can be submitted prior to the CUP approval. Council Member White discussed the on-site notice, stating she believed it complied with the existing code. Ms. Stevens noted she does not recall any prior applications for this property in that location. Ms. Freund confirmed the C-2 zoning matches what is being asked for. She noted other types of uses that would need a CUP within a C-2 zoning district, such as a childcare, gas station, car wash, night club, reception centers, etc.

Vice Mayor Pineda moved to reverse the Planning Commission's denial because the applicant has met the required findings as set forth in Chapter 28 of the City Code; Council Member White seconded the motion.

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

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

The City Council reversed the Planning Commission's denial; therefore, the Extra Space Storage Conditional Use Permit Application PL-23-0303 was approved.

Mayor Weise directed Attorney Harris to prepare written findings showing that the applicant has met all the requested findings, which is the basis for this Council's decision tonight.

5. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

None.

6. ADJOURNMENT

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

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

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

The meeting was adjourned at 7:35 p.m.


Kenn Weise (Sep 11, 2024 13:34 PDT)

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 19th day of August 2024. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Sarmiento, City Clerk

September 9, 2024

Date Approved by City Council