CITY COUNCIL AGENDA

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

SPECIAL MEETING
May 20, 2013
6:00 PM

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL

2 EXECUTIVE SESSION

a. The Council may hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding Winners Development Company vs City of Avondale.

b. The Council may hold an executive session pursuant to (i) Ariz. Rev. Stat. § 38-431.03 (A)(7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property.

3 ADJOURNMENT

Respectfully submitted,

Carmen Martinez

Carmen Martinez
City Clerk

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o interprete, 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.

Notice is hereby given that pursuant to A.R.S. § 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. § 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. § 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad política haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes éstos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes durante la grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. § 1-602.A.9.

CITY COUNCIL REPORT

SUBJECT:
EXECUTIVE SESSION

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Andrew McGuire, City Attorney (602) 257-7664

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The Council may hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding Winners Development Company vs City of Avondale.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

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EXECUTIVE SESSION

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TO: Mayor and Council

FROM: Andrew McGuire, City Attorney (602) 257-7664

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PURPOSE:

The Council may hold an executive session pursuant to (i) Ariz. Rev. Stat. § 38-431.03 (A)(7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property.

ATTACHMENTS:

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No Attachments Available

CITY COUNCIL AGENDA

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

REGULAR MEETING
May 20, 2013
7:00 PM

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

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

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

3 CONSENT AGENDA

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

a. APPROVAL OF MINUTES
Regular Meeting of May 6, 2013

b. LIQUOR LICENSE SERIES 12 - ACQUISITION OF CONTROL - THAI ORCHID GARDEN
City Council will consider a request from Netchanok Aphaisuwan for approval of an application for Acquisition of Control of a Series 12 Restaurant License at Thai Orchid Garden located at 12725 W Indian School Road in Avondale. The Council will take appropriate action.

c. LIQUOR LICENSE SERIES 12 - INDIA GARDEN
City Council will consider a request from Prem Brian Tamang for approval of an application for a Series 12 Restaurant License to sell all spirituous liquors at India Garden locted at 1809 N. Dysart Road #C106 in Avondale. The Council will take appropriate action.

d. APPOINTMENT OF JUDGES PRO TEMPORE
City Council will consider the re-appointment of eight judges pro tempore to two-year terms expiring on June 1, 2015. The Council will take appropriate action.

e. CONSTRUCTION CONTRACT AWARD - SOUTHWEST SLURRY SEAL
City Council will consider a request to award a construction contract to Southwest Slurry Seal for the 2013 Spring Preservative Micro-Seal & Tire Rubber Modified Surface Seal Program in the amount of $630,040.15 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. PROFESSIONAL SERVICES AGREEMENT - STANLEY CONSULTANTS INC.
City Council will consider a request to approve a Professional Services Agreement with Stanley Consultants Inc. to provide final traffic engineering design services for the Central Avenue Improvement project in the amount of $91,267, authorize the transfer of $91,267 from 304-1267-00-8420 to 304-1178-00-8420, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. **RESOLUTION 3110-513 – INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FLOOD CONTROL DISTRICT FOR VAN BUREN DRAINAGE-RECREATION CORRIDOR PROJECT**
City Council will consider a resolution authorizing an Intergovernmental Agreement with Maricopa County Flood Control District for the purpose of the Van Buren Drainage - Recreation Corridor Project, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. **RESOLUTION 3111-513 – AMENDMENT 1 TO INTERGOVERNMENTAL AGREEMENT WITH ADOT FOR THE 99TH AVENUE/ MCDOWELL ROAD FIBER OPTIC PROJECT**
City Council will consider a resolution authorizing Amendment 1 to the Intergovernmental Agreement with the Arizona Department of Transportation for the administration of the design and construction of the 99th Avenue/McDowell Road Fiber Optic project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. **RESOLUTION 3112-513 – INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY AND THE FLOOD CONTROL DISTRICT FOR COLDWATER PARK**
City Council will consider a resolution authorizing an Intergovernmental Agreement with the Flood Control District of Maricopa County and Maricopa County to abandon the use, operation, and maintenance of Coldwater Park; and to terminate the 1986 Avondale Landfill Agreement; and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The City Council will take the appropriate action.

j. **COOPERATIVE PURCHASING AGREEMENT - SDB, INC. FOR COLDWATER PARK DEMOLITION**
City Council will consider a request to approve a Cooperative Purchashing Agreement with SDB Contracting Services in the amount of $71,067.56 for removal of City property from Coldwater Park and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents. The Council will take appropriate action.

4 **PUBLIC HEARING - ZONING EXTENSION FOR DIAMOND P RANCH PAD ZONING, ALTERNATIVELY ORDINANCE 1517-513 - ZONING REVERSION**

City Council will hold a public hearing and consider a request by Ms. Carolyn Oberholtzer, Rose Law Group, for a one-year extension of PAD zoning for Diamond P Ranch, located on 244 ± acres of land south and west of the southwest corner of Avondale Boulevard and Lower Buckeye Road. Alternatively, the Council will consider an ordinance reverting the zoning of the property back to Agricultural. The Council will take appropriate action.

5 **PUBLIC HEARING AND RESOLUTION 3107-513 – NORTH AVONDALE SPECIFIC PLAN UPDATE**

City Council will hold a public hearing and consider a resolution approving a City-initiated request for a comprehensive amendment to the North Avondale Specific Plan to establish architectural and design standards for development, open spaces and trails, and public spaces such as streets. The Council will take appropriate action.

6 **PUBLIC HEARING AND RESOLUTION 3108-513 – SINGLE FAMILY RESIDENTIAL DESIGN MANUAL UPDATE**

City Council will hold a public hearing and consider a resolution approving a City-initiated request to update the Single Family Residential Design Manual to establish criteria for the development of new residential subdivisions in Avondale. The Council will take appropriate action.

7 **RESOLUTION 3113-513 - SETTING FORTH THE FISCAL YEAR 2013-2014 TENTATIVE BUDGET**

City Council will consider a resolution to set the 2013-2014 fiscal year tentative budget which will set the coming year's expenditure limit. The Council will take appropriate action.

8 ADJOURNMENT

Respectfully submitted,

Carmen Martinez
City Clerk

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CITY COUNCIL REPORT

SUBJECT:
APPROVAL OF MINUTES

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Carmen Martinez,

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Regular Meeting of May 6, 2013

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Liquor License Series 12 - Acquisition of Control - Thai Orchid Garden

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is recommending approval of a request from Netchanok Aphaisuwan for approval of an application for Acquisition of Control of a Series 12 Restaurant License at Thai Orchid Garden located at 12725 W Indian School Road in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Netchanok Aphaisuwan for acquisition of control resulting from changes in their corporate structure. The required fees totaling $1,050.00 have been paid.

The Arizona Department of Liquor License and Control has accepted the submitted application as complete. As required by state law and city ordinance, the application was posted at the location for the required period of time starting April 23, 2013 and a notice was published in the West Valley View on May 10 and May 14, 2013. No comments have been received.

The Development Services, Police and Fire Departments have reviewed the application and are recommending approval. While not required by the ordinance, the application was also reviewed by the Finance Department which has determined that the Center is in good financial standing with the City. Department comments are attached.

RECOMMENDATION:

Staff recommends approval of a request from Netchanok Aphaisuwan for approval of an application for Acquisition of Control of a Series 12 Restaurant License at Thai Orchid Garden located at 12725 W Indian School Road in Avondale.

ATTACHMENTS:

Click to download

- Application
- Review by Departments
- Posting Photos
- Vicinity Map

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

'13 MAR 28 Liq. Lic. 0010

APPLICATION FOR AGENT CHANGE - ACQUISITION OF CONTROL - RESTRUCTURE

Check Appropriate Box

- ☒ ~~Agent~~ Change (MA) — Complete Sections 1,2,3,4,6 (See Note 1 on back)
- ☒ Acquisition of Control — Complete Sections 1,2, (3,4 if changing Agent), 6
- ☐ Restructure — Complete Sections 1,2,(3,4 if changing Agent) ,5,6 (See Note 2 on back)

SECTION 1 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

1. Name (INDIVIDUAL OR EXISTING AGENT (if no agent change) OR NEW AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER)
   APHAISUWAN (Last) NETCHANOK (First) P1047010 (Middle) B1041551 — 12077903 (Liquor License #)
2. ☐ Corporation ☒ L.L.C. ☐ N/A: THAI ORCHID GARDEN LLC (Exactly as it appears on Articles of Inc. or Articles of Org.) Corp. File #: L-1478560-4
3. Business Name: THAI ORCHID GARDEN (Exactly as it appears on license) B1041552
4. Business Address: 12725 W. INDIAN SCHOOL RD A-104 (Do not use P.O. Box Number) AVONDALE (City) MARICOPA (COUNTY) 85392 (Zip)
5. Is the business located within the incorporated limits of the above city or town? ☒ Yes ☐ No
6. Mailing Address: 12725 W. INDIAN SCHOOL RD. #A-104 (City) AVONDALE (State) AZ 85392 (Zip)
7. Business Phone: (623) 536-2800 Residence Phone: ( )
8. Does this transaction involve the sale of any portion of the corporate stock? ☒ YES ☒ NO ☐ N/A If yes, submit a certified copy of minutes. MA
9. Has there been any change of officers? ☒ YES ☒ NO ☐ N/A If yes, submit a certified copy of minutes. MA

SECTION 2 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

Each person listed in Section II must submit a personal questionnaire (Form LIC0101) and a Department approved fingerprint card which may be obtained at the Dept. A person appearing in both lists need only submit one questionnaire and fingerprint card.

1. List individual owner or partners or all directors, officers in corp., members in LLC:

Last	First	Middle	Title	Residence Address	City State Zip
APHAISUWAN	MORAKOD		MEMBER		
APHAISUWAN	RON		MEMBER		
APHAISUWAN	NETCHANOK		MEMBER		

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

2. List stockholders or controlling members owning 10% or more of Corp/LLC:

Last	First	Middle	% Owned	Residence Address	City State Zip
APHAISUWAN	MORAKOD		70		
APHAISUWAN	RON		15		
APHAISUWAN	NETCHANOK		15		

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

Disabled individuals requiring special accommodations please call the Department

1/7/2013

Date Received 3/28/13
CSR SG

SECTION 3 (COMPLETE THIS SECTION FOR AGENT CHANGE)

1. **If the corporation/L.L.C. is owned by another entity, ATTACH AN OWNERSHIP AND DIRECTOR / OFFICER / MEMBER DISCLOSURE for the parent entity. Attach additional sheets as necessary in order to disclose real people.**

As an Agent, will you be physically present and operating the licensed premises? ☒ YES ☐ NO

If you answered YES, you must provide proof of attendance of a Department approved Liquor Law Training Course within the last five years before your application for Agent can be submitted. If "no" a manager with approved training must be submitted.

SECTION 4 (COMPLETE THIS SECTION FOR AGENT CHANGE)

To be completed by the INDIVIDUAL OR EXISTING AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER:

1. License Number: 12077903 Date of last renewal: 3/27/2012

2. Current Licensee or Agent: APHAISUWAN NETCHANOK
(Exactly as it appears on license) Last First Middle

I, NETCHANOK APHAISUWAN, hereby consent to the agent appointment named herein and
(Print full name)
agree to immediately assign a new agent in the event of the death, resignation, or discharge of this agent. I also understand that if the background report shows that I, the corporation, or any officer, director, member, or stockholder have been convicted of a felony in the past five (5) years, I will immediately surrender the license to the Arizona Department of Liquor Licenses and Control and hereby waive all rights to appeal such action.

X Netchanok Aph
(Signature of INDIVIDUAL/ CORPORATE/CLUB OFFICER/MEMBER)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 27th day of March, 2013
Day Month Year

My commission expires on: May 19, 2015

(Signature of NOTARY PUBLIC)

MAIRA V ZATARAIN
Notary Public
Maricopa County, Arizona
My Comm. Expires 05-19-15

SECTION 5 (COMPLETE THIS SECTION FOR RESTRUCTURE)

Is there more than one licensed premises involved? ☐ YES ☐ NO If yes, **SEPARATE APPLICATIONS** must be filed and fees paid for each license/location.

Type of current ownership:

- ☐ J.T.W.R.O.S.
- ☐ INDIVIDU AL
- ☐ PARTNERSHIP
- ☐ CORPORATION
- ☐ LIMITED LIABILITY CO.
- ☐ TRUST
- ☐ OTHER Explain

Type of new ownership:

- ☐ J.T.W.R.O.S.
- ☐ INDIVIDUAL
- ☐ PARTNERSHIP
- ☐ CORPORATION
- ☐ LIMITED LIABILITY CO.
- ☐ TRUST
- ☐ OTHER Explain

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SECTION 6 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

To be completed by INDIVIDUAL OR EXISTING AGENT (if no agent change) OR NEW AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER as listed in Question 1 Section 1:

I, MORAKOD APHAISUWAN, hereby declare that I am the APPLICANT filing this application.
(Print full name)
have read the application and the contents and all statements are true, correct and complete.

X
(Signature of INDIVIDUAL OR AGENT)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 27th day of March, 2013
Day Month Year

My commission expires on: May 19, 2015

(Signature of NOTARY PUBLIC)

MAIRA V ZATARAIN
Notary Public
Maricopa County, Arizona
My Comm. Expires 05-19-15

NOTE 1: The fee for an agent change MUST be submitted with this application: $100.00 for the first application and $50.00 for each additional application, not to exceed $1,000.00. (A.R.S. 4-209.H)

NOTE 2: The $100.00 fee for restructure/acquisition of control MUST be submitted with this application. (A.R.S. 4-209.A)

SEE AMENDMENT

'13 MAR 28 Liqr. Lic. AM10:30

802,957

P1067610 SG

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD AVAILABLE AT THIS OFFICE. FINGERPRINTS ON FBI-APPROVED CARDS ARE ACCEPTED FROM LAW ENFORCEMENT AGENCIES, BONA FIDE FINGERPRINT SERVICES, OR THE DEPARTMENT OF LIQUOR. THE DEPARTMENT CHARGES A $13 FEE.

In addition to other fingerprint fees, a $22 DPS background check fee will be charged for each fingerprint card.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 12077903
(If the location is currently licensed)

1. **Check appropriate box** →

☐ Controlling Person ☑ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: APHAISUWAN (Last) NETCHANOK (First) (Middle) Date of Birth: (NOT a Public Record)

3. Social Security Number: (NOT a public record) Drivers License #: (NOT a public record) State: AZ

4. Place of Birth: PETCHBURI (City) THAILAND (State) Country (not county) Height: 5-0 Weight: 129 Eyes: BLK Hair: BLK

5. Marital Status ☐ Single ☑ Married ☐ Divorced ☐ Widowed

6. Name of Current or Most Recent Spouse: APHAISUWAN (Last) RON (First) (Middle) (Maiden) Date of Birth: (NOT a public record)
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residency:

8 Telephone number to contact you during business hours for any questions regarding this document.

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: THAI ORCHID GARDEN Premises Phone: 623 536 2800

11. Physical Location of Licensed Premises Address: 12725 W. INDIAN SCHOOL RD. AVONDALE MARICOPA
Street Address (Do not use PO Box #) # A-104 City County Zip 85392

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
01/2005	CURRENT	Cafeteria Manager	Cartwright School District #83
			3401 N. 67th Ave Phoenix, AZ 85033

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
01/1991	CURRENT	Own				

Disabled individuals requiring special accommodations, please call the Department. (602) 542-9027

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

AMENDMENT

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

'13 APR 18 Liqr. Lic. AM10:10

QUESTIONNAIRE

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TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD AVAILABLE AT THIS OFFICE. FINGERPRINTS ON FBI-APPROVED CARDS ARE ACCEPTED FROM LAW ENFORCEMENT AGENCIES, BONA FIDE FINGERPRINT SERVICES, OR THE DEPARTMENT OF LIQUOR. THE DEPARTMENT CHARGES A $13 FEE.

In addition to other fingerprint fees, a $22 DPS background check fee will be charged for each fingerprint card.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 12077903
(If the location is currently licensed)

1. Check appropriate box → | Controlling Person / Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager | Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: Aphaisuwan (Last) Netchanok (First) _____ (Middle) Date of Birth: _____ (NOT a Public Record)

3. Social Security Number: _____ (NOT a public record) Drivers License #: _____ (NOT a public record) State: _____

4. Place of Birth: _____ (City) _____ (State) _____ (Country (not county)) Height: _____ Weight: _____ Eyes: _____ Hair: _____

5. Marital Status Single Married Divorced Widowed

6. Name of Current or Most Recent Spouse: _____ (Last) _____ (First) _____ (Middle) _____ (Maiden) Date of Birth: ___/___/___ (NOT a public record)
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? _____ If Arizona, date of residency: _____

8. Telephone number to contact you during business hours for any questions regarding this document. _____

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: _____ Premises Phone: _____

11. Physical Location of Licensed Premises Address: _____ (Street Address (Do not use PO Box #)) _____ (City) _____ (County) _____ (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
	CURRENT		

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
	CURRENT					

Disabled individuals requiring special accommodations, please call the Department. (602) 542-9027

x Netchanok Aphai

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☑ YES ☐ NO
If you answered YES, how many hrs/day? 4, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☑ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years? In addition, please include all traffic tickets and complaints within the last ten (10) years that resulted in a warrant for arrest AND any traffic tickets and complaints that are alcohol or drug-related. ☐ YES ☑ NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? Include only criminal traffic tickets and complaints. ☐ YES ☑ NO

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ☐ YES ☑ NO

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐ YES ☑ NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ☐ YES ☑ NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.

SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

'13 MAR 28 LIQ. LIC. AM10:30

20. I, Netchanok Aphaisuwan, hereby declare that I am the APPLICANT/REPRESENTATIVE filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.
(print full name of Applicant)

x Netchanok Aphaisuwan
(Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 27th day of March, 2013.
Month Year

My commission expires on: 19 05 2015
Day Month Year

(Signature of NOTARY PUBLIC)

MAIRA V ZATARAIN
Notary Public
Maricopa County, Arizona
My Comm. Expires 05-19-15

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

x _____ _____ day of _____, _____
Signature of Controlling Person or Agent (circle one) Month Year

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

'13 MAR 28 Liq. Lic. AM10:31

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

802,957

QUESTIONNAIRE

P1069004 SG

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD AVAILABLE AT THIS OFFICE. FINGERPRINTS ON FBI-APPROVED CARDS ARE ACCEPTED FROM LAW ENFORCEMENT AGENCIES, BONA FIDE FINGERPRINT SERVICES, OR THE DEPARTMENT OF LIQUOR. THE DEPARTMENT CHARGES A $13 FEE.

In addition to other fingerprint fees, a $22 DPS background check fee will be charged for each fingerprint card.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 12077903
(If the location is currently licensed)

1. **Check appropriate box** →

✓ Controlling Person Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: Aphaisuwan (Last) Morakod (First) ____ (Middle) Date of Birth: ___/___/___ **(NOT a Public Record)**

3. Social Security Number: ____ **(NOT a public record)** Drivers License #: ____ **(NOT a public record)** State: AZ

4. Place of Birth: Bangkok (City) Thailand (State) ____ **Country** (not county) Height: 5-05 Weight: 140 Eyes: BLK Hair: Blk

5. Marital Status Single Married Divorced Widowed

6. Name of Current or Most Recent Spouse: Aphaisuwan (Last) Pajongjit (First) ____ (Middle) ____ (Maiden) Date of Birth: ___/___/___ **(NOT a public record)**
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: ____

8 Telephone number to contact you during business hours for any questions regarding this document. ____

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: THAI ORCHID GARDEN ~~LLC~~ Premises Phone: 623 536 2800

11. Physical Location of Licensed Premises Address: 12725 W. Indian School Rd. Suite # A-104 (Street Address (Do not use PO Box #)) Avondale (City) Maricopa (County) 85392 (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
12/2012	CURRENT	Manager	Thai Orchid Garden 12725 W. Indian School Rd., Avondale AZ 85392
11/2010	11/2012	Unemployed	
04/2008	10/2010	EHS Manager	Oclaro Photonics Inc.10831 N. Mavinee Drive, Suite 165 Oro Valley, AZ 85737

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
06/2011	CURRENT	Rent				
11/1989	06/2011	Own				

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ✓ YES NO
If you answered YES, how many hrs/day? 8 , and **answer #14a below**. If NO, skip to #15 13 MAR 28 Liqr. Lic. AM10:31
14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ✓ YES NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years? In addition, please include all traffic tickets and complaints within the last ten (10) years that resulted in a warrant for arrest AND any traffic tickets and complaints that are alcohol or drug-related. YES ✓ NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? Include only criminal traffic tickets and complaints. YES ✓ NO

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES ✓ NO

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES ✓ NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES ✓ NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.

SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Morakod Aphaisuwan, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Az County of Maricopa

The foregoing instrument was acknowledged before me this 27 day of March, 2013
Month Year

OFFICIAL SEAL
MICHELE COLEGROVE
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires February 12, 2016

My commission expires on: _____
Day Month Year

_____
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
Signature of Controlling Person or Agent (circle one) Month Year

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

'13 MAR 28 Liq. Lic. AM10:31

Morakod Aphaisuwan

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

CERTIFICATE OF TITLE 4 TRAINING COMPLETION

Do Not Duplicate This Form
Certificates must be completed by a state-approved training course provider, in black ink, on an original form.

MORAKOD APHAISUWAN
Full Name (please print)

Signature

27 March 2013
Training Completion Date

March 26, 2018
Certificate Expiration Date
(MANAGEMENT - 5 years from completion date)
(BASIC - 3 years from completion date)

Type of Training Completed (check Yes or No)

[X] Yes	[ ] No	BASIC	[X] Yes	[ ] No	ON SALE
[X] Yes	[ ] No	MANAGEMENT	[ ] Yes	[X] No	OFF SALE
[X] Yes	[ ] No	BOTH	[ ] Yes	[X] No	OTHER

If Trainee Is Employed By A Licensee

Name of Licensee | Business Name | Liquor License #

Alcohol Training Program Provider Information

Arizona Alcohol Traffic & Firearms
Company or Individual Name (please print)

P.O. Box 6252
Address

Chandler, AZ 85246
City State Zip

(480) 664-0389
Daytime Contact Phone #

I certify the above named individual has successfully completed the training specified above in accordance with Arizona Revised Statue, Arizona Administrative Code, and the training course curriculum approved by the Department of Liquor Licenses and Control:

Jared Repinski
Name of Trainer (please print)

Trainer Signature

27 March 2013
Date

Pursuant to A.R.S.§ 4-112(G)(2), mandatory Title 4 liquor law training is required prior to the issuance of all new liquor license applications submitted after November 1, 1997.

The persons(s) required to attend both the BASIC and MANAGEMENT Title 4 liquor law training, on- or off-sale, will include all of the following:
Owner(s)
Licensee/agent or manager(s) actively involved in daily business operation

13 MAR 28 Liq. Lic. AM10:31

*AZ CORPORATION COMMISSION
FILED

MAR 06 2013

AZ Corp. Commission
04171570

FILE NO L-14785604

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

ARTICLES OF AMENDMENT

Read the Instructions L015i

1. **ENTITY NAME** – give the exact name of the LLC as currently shown in A.C.C. records:

THAI ORCHID GARDEN LLC

2. **A.C.C. FILE NUMBER:** L-1478560-4
Find the A.C.C. file number on the upper corner of filed documents OR on our website at: http://www.azcc.gov/Divisions/Corporations

CHECK THE BOX NEXT TO EACH CHANGE BEING MADE AND COMPLETE THE REQUESTED INFORMATION FOR THAT CHANGE.

3. ☐ **ENTITY NAME CHANGE** – type or print the exact NEW name of the LLC in the space below:

4. ☑ **MEMBERS CHANGE (CHANGE IN MEMBERS)** – *see Instructions L015i* – Use one block per person - FOR MEMBERS CURRENTLY SHOWN in A.C.C. RECORDS - list the name of each member being changed, and below that provide any new information for that member (new name and/or address), then check all boxes that apply to indicate the change being made for that member. FOR NEW MEMBERS – in a separate block, list the name in the NEW Name block and give the address, and check the appropriate box. If more space is needed, complete and attach the Amendment Attachment for Members form L044.

RON APHAISUWAN Name currently shown in ACC records	NETCHANOK APHAISUWAN Name currently shown in ACC records
New Name	New Name
Address 1	Address 1
Address 2 (optional)	Address 2 (optional)
City / State or Province / Zip	City / State or Province / Zip
Country: UNITED STATES	Country: UNITED STATES
☐ Address change ☐ Name change ☐ Add as 20% or more member ☑ Add as less than 20% member ☐ Remove member	☐ Address change ☐ Name change ☐ Add as 20% or more member ☑ Add as less than 20% member ☐ Remove member
Name currently shown in ACC records MORAKOD APHAISUWAN	Name currently shown in ACC records
New Name	New Name
Address 1	Address 1
Address 2 (optional)	Address 2 (optional)
City / State or Province / Zip	City / State or Province / Zip
Country: UNITED STATES	Country
☐ Address change ☐ Name change ☑ Add as 20% or more member ☐ Add as less than 20% member ☐ Remove member	☐ Address change ☐ Name change ☐ Add as 20% or more member ☐ Add as less than 20% member ☐ Remove member

'13 MAR 28 Liq. Lic. AM10:31

5. ☐ **MANAGERS CHANGE (CHANGE IN MANAGERS)** – Use one block per person – FOR MANAGERS CURRENTLY SHOWN IN A.C.C. RECORDS - list the name of each manager being changed, and below that provide any new information for that manager (new name and/or address), then check all boxes that apply to indicate the change being made for that manager. FOR NEW MANAGERS – in a separate block, list the name in the NEW Name blank and give the address, and check the appropriate box. If more space is needed, complete and attach the Amendment Attachment for Managers form L043.

Name currently shown in ACC records	Name currently shown in ACC records
NEW Name	NEW Name
Address 1	Address 1
Address 2 (optional)	Address 2 (optional)
City / State or Province / Zip	City / State or Province / Zip
Country: UNITED STATES	Country
☐ Address change ☐ Add as manager	☐ Address change ☐ Add as manager
☐ Name change ☐ Remove manager	☐ Name change ☐ Remove manager

6. ☐ **MANAGEMENT STRUCTURE CHANGE** – see *Instructions L015I* – check only one box below and follow instructions:

☐ CHANGING TO *MANAGER-MANAGED* LLC – complete and attach the Manager Structure Attachment form L040. *The filing will be rejected if it is submitted without the attachment.*

☐ CHANGING TO *MEMBER-MANAGED* LLC – complete and attach the Member Structure Attachment form L041. *The filing will be rejected if it is submitted without the attachment.*

7. ☐ **STATUTORY AGENT CHANGE – NEW AGENT APPOINTED** – *see Instructions L015k*

7.1 *REQUIRED* – give the name (can be an individual or an entity) ***and physical or street address*** (not a P.O. Box) in Arizona of the NEW statutory agent:	7.2 *OPTIONAL* – mailing address in Arizona of NEW Statutory Agent (can be a P.O. Box):
Statutory Agent Name (required)	
Attention (optional)	Attention (optional)
Address 1	Address 1
Address 2 (optional) / City / State / Zip	Address 2 (optional) / City / State / Zip

7.3 *REQUIRED* – the Statutory Agent Acceptance form M002 must be submitted along with these Articles of Amendment.

8. ☐ **STATUTORY AGENT ADDRESS CHANGE – ADDRESS OF CURRENT STATUTORY AGENT** – complete 8.1 and/or 8.2:

8.1 ***NEW physical or street address*** (not a P. O. Box) in Arizona of the existing statutory agent:	8.2 NEW mailing address in Arizona of the existing statutory agent (can be a P.O. Box):
Attention (optional)	Attention (optional)
Address 1	Address 1
Address 2 (optional) / City / State / Zip	Address 2 (optional) / City / State / Zip

'13 MAR 28 Liq. Lic. AM10:31

9. ☐ **ARIZONA KNOWN PLACE OF BUSINESS ADDRESS CHANGE:**

9.1 Is the NEW Arizona known place of business address the same as the street address of the statutory agent?

☐ Yes – go to number 10 and continue

☐ No – go to number 9.2 and continue

9.2 If you answered "No" to number 9.1, give the NEW physical or street address (not a P.O. Box) of the known place of business of the LLC in Arizona:

Attention (optional)		
Address 1		
Address 2 (optional)		
City	State or Province	Zip
Country		

10. ☐ **DURATION CHANGE** – check one to indicate the NEW duration or life period of the LLC:

☐ Perpetual

☐ The LLC's life period will end on this date: _____ (enter a date – mm/dd/yy)

☐ The LLC's life period will end upon the occurrence of this event:

_____ (describe an event)

11. ☐ **ENTITY TYPE CHANGE** – If changing entity type, check one and follow instructions:

☐ Changing to a PROFESSIONAL LLC – number 12 must also be completed.

☐ Changing to a NON-PROFESSIONAL LLC (professional LLC becoming a regular LLC).

12. ☐ **PROFESSIONAL SERVICES CHANGE** – describe the NEW type of professional services the professional LLC will render:

_____

13. ☐ **OTHER AMENDMENT** – if an amendment was made that was not addressed by the check boxes on this form, then you must attach to these Articles of Amendment a complete copy of the LLC's written amendment.

SIGNATURE: By checking the box marked "I accept" below, I acknowledge *under penalty of perjury* that this document together with any attachments is submitted in compliance with Arizona law.

Netchanok Aphaisuwan

Signature

☑ I ACCEPT

NETCHANOK APHAISUWAN

Printed Name

02/27/2013

Date (mm/dd/yy)

REQUIRED – check only one and fill in the corresponding blank if signing for an entity:

☐ This is a manager-managed LLC and I am signing individually as a manager or I am signing for an entity manager named:	☒ This is a member-managed LLC and I am signing individually as a member or I am signing for an entity member named: NETCHANOK APHAISUWAN

Filing Fee: $25.00 (regular processing) Expedited processing – add $35.00 to filing fee. All fees are nonrefundable – see Instructions.	Mail:	Arizona Corporation Commission - Corporate Filings Section 1300 W. Washington St., Phoenix, Arizona 85007
	Fax:	602-542-4100

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.

All documents filed with the Arizona Corporation Commission are public record and are open for public inspection.

If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

'13 MAR 28 Liq. Lic. AM10:31

Az Corp. Commission
03926480

AZ CORPORATION COMMISSION
FILED

JUL 06 2012

[redacted] L-1478560-4

ARTICLES OF AMENDMENT
Pursuant to A.R.S. 29-633 (F)

1. The name of the limited liability company is:

THAI ORCHID GARDEN L.L.C.

2. Attached hereto as Exhibit A is the text of the amendment.

Dated this 4 July day of 2012.

Signature: [signature]

Print Name: John M. Wieser

Check One: ☒ Member ☐ Manager

DO NOT PUBLISH THIS SECTION
The amendment must be executed by a manager if management of the limited liability company is vested in a manager or by a member if management is reserved to the members.

'13 MAR 28 Liq. Lic. AM10:31

EXHIBIT A

(Insert the text of the amendment)

(From page 1 section B Removing John M. Wilson and Perry Adams as the members because they have sold their portion to the new two members)

B. Management of the limited liability company reserved to the members. The names and addresses of each person who is a member are:

Ron Aphaisuwan
7895 W Roads Ave.,Glendale, AZ 85303
(X) Member
Matchanok Aphaisuwan
7895 W. Roads Ave., Glendale, AZ 85303
(X) Member

Please remove John M. Wilson from statuory Agent and add. Morakod Aphaisuwan New statuory Agent.

MORAKOD APHAISUWAN.
I Acceptance the appointment.
7-6-12

'13 MAR 28 Liq. Lic. AM10:31

AZ Corp. Commission
03827240

AZ CORPORATION COMMISSION
FILED

APR 0 8 2012

FILE NO. L1478560-4

ARTICLES OF AMENDMENT
Pursuant to A.R.S. 29-533 (F)

1. The name of the limited liability company is:

Thai Orchid Garden, LLC

2. Attached hereto as Exhibit A is the text of the amendment.

Dated this 27th day of March, 2012.

Signature: [signature]

Print Name: Jason M. Wilson

Check One: ■ Member ☐ Manager

DO NOT PUBLISH THIS SECTION
The amendment must be executed by a manager if management of the limited liability company is vested in a manager or by a member if management is reserved to the members.

'13 MAR 28 Liq. Lic. 001031

EXHIBIT A

(Insert the text of the amendment)

(from page 1., section B. Removing Warna Waitanawat as a member because she has sold her portion to the other two members)

B. Management of the limited liability company is reserved to its members. The names and addresses of each person who is a member are:

JOHN N WILSON
12725 W INDIAN SCHOOL ROAD STE A.104 AVONDALE, AZ 85392
[x] member
PERRY ADAMS
12725 W INDIAN SCHOOL ROAD STE A-104 AVONDALE, AZ 85392
[x] member

'13 MAR 28 Liq. Lic. #11031

AZ Corp. Commission
02560387

AZ CORPORATION COMMISSION
FILED

SEP 2 5 2008

FILE NO. L14785604

ARTICLES OF ORGANIZATION

OF

THAI ORCHID GARDEN, L.L.C.

Pursuant to A.R.S. Section 29-632, the undersigned states as follows:

1. **Name.** The Name of the limited liability company is:

   THAI ORCHID GARDEN, LLC

2. **Registered Office.** The address of the registered office in Arizona is located at:

   1483 E HOLIDAY DRIVE CASA GRANDE, AZ 85222 located in the County of MARICOPA.

3. **Statutory Agent.** The statutory agent's name and address is: John M Wilson, located at 1483 E HOLIDAY DRIVE CASA GRANDE, AZ 85222 in Maricopa County.

4. **Management.** Management of the liability company is vested in Members. The name and address of the Members of the limited liability company are:

   JOHN M WILSON
   12725 W. Indian School Rd Ste A-104
   Avondale, AZ 85392

   PERRY ADAMS
   12725 W. Indian School Rd Ste A-104
   Avondale, AZ 85392

   WANNA WATTANAWAT
   12725 W. Indian School Rd Ste A-104
   Avondale, AZ 85392

'13 MAR 28 Liqr. Lic. #1081

5. **Dissolution.** This Limited Liability Company shall have a perpetual life.
6. **Purpose.** The purpose for which the Limited Liability Company is organized is the transaction of any and all lawful business for which a Limited Liability Company may be organized under the laws of Arizona, as they may be amended from time to time.
7. **Initial Business.** The LLC initially intends to conduct the business of a Retail Restaurant.
8. **Indemnification.** The Limited Liability Company shall indemnify any person who incurs expenses or liabilities by reason of the fact he or she is or was and officer, director, employee or agent of the Limited Liability Company or is or was serving the request of the Limited Liability Company as a director, officer, employee or agent of another company, partnership, joint venture, trust or other enterprise. This indemnification shall be mandatory in all circumstances in which indemnification is permitted by law.
9. **Limitation of Liability.** To the fullest extent permitted by the Arizona Revised Statutes, as the same exists or may hereafter be amended, a member, manager, officer, employee, agent of or advisor to the Limited Liability Company shall be exempt of any from any liabilities of the Limited Liability Company or any liabilities performed on behalf of the Company.

'13 MAR 28 Liq. Lic. #M1031

Dated: 9/15/08, 2008 Signed: _____
JOHN M WILSON, Member

Dated: 9-15-08, 2008 Signed: _____
PERRY ADAMS, Member

Dated: 9-15-08, 2008 Signed: _____
WANNA ~~WATTANAWAN~~, Member
WATTANAWST

'13 MAR 28 Liq. Lic. AM10:31

ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT

The undersigned, having been designated to act as Statutory Agent, hereby consents to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

JOHN M WILSON

LLC Operating Agreement

This is a Limited Liability Company Operating Agreement (the "Agreement") made on March 27, 2013. The Members in this agreement are as follows:

Morakod Aphaisuwan
Ron Aphaisuwan
Netchanok Aphaisuwan

The Members to this Agreement agree to the following:

Name:

This Limited Liability Company will be known as Thai Orchid Garden LLC (the "LLC" or "Company").

The LLC:

a) The Members have formed a Limited Liability Company.

b) The terms and conditions of their LLC will be outlined in this Agreement.

c) If the Agreement is executed, the LLC Operating Agreement will be in effect on February 28, 2013.

d) The LLC will only be terminated as outlined in this Agreement.

e) The LLC's primary place of business will be 12725 W. Indian School Rd. Suite # A -104, Avondale, Arizona, 85392.

f) The LLC will be governed under the laws of the state of Arizona.

g) The LLC's primary purpose is Retail restaurant.

Registered Office and Agent:

The Company's initial registered agent shall be Morakod Aphaisuwan, located at 10938 W. College Dr., Phoenix, Arizona, 85037. The Company's Managers may, in accordance with the voting authority established above, change the principal office, registered office, or registered agent of the Company, or establish additional agents, offices or places of business of the Company from time to time.

Contributions:

'13 MAR 28 Liq. Lic. AM10:31

The Members will make an initial contribution to the LLC as follows:

Morakod Aphaisuwan : $60,000.00 in Cash
Ron Aphaisuwan : $10,000.00 in Cash
Netchanok Aphaisuwan : $3,000.00 in Cash

Contributions will be submitted no later than March 31, 2013. All capital contributions are final unless all Members give written consent of withdrawal. All contributions will be deposited into a joint capital account.

Interest:

The Members' ownership interest in the LLC will be as follows:

Morakod Aphaisuwan : 70%
Ron Aphaisuwan : 15%
Netchanok Aphaisuwan : 15%

Costs:

The Company shall reimburse the Managers or Members for all direct out-of-pocket expenses incurred by them in managing the Company.

Profits & Losses:

a) The Members will share the net profits and losses of the LLC according to the following percentages:
Morakod Aphaisuwan : 70%
Ron Aphaisuwan : 15%
Netchanok Aphaisuwan : 15%

b) The Members' profit allocation will be accounted by Morakod Aphaisuwan according to the above percentages after the costs of the LLC have been paid or calculated according to the above cost percentages.

c) Profit allocations will be distributed 1 times per year.

d) Each member must receive 50% of their profit allocation each year from the LLC, although percentages greater than the above listed may be distributed according to a member vote.

e) The members are allowed to withdraw from their profit allocation at any time.

f) All members will receive enough funds from the LLC to cover their income taxes for total profit allocation by the LLC.

Members and Managers:

'13 MAR 28 Liq. Lic. AM10:31

a) The liability of the Members is limited according to the Limited Liability statutes for the state of Arizona.

b) No Member shall be an agent of any other Member by reason of being a Member of the Company.

c) All Members of the LLC, by majority vote of Member interest, will maintain 1 Manager(s) to be reelected every 5. All Members will vote in each election.

d) Members that are not elected as Managers shall not have any control or vote in the operation of the Company's affairs and shall have no power to bind the Company.

e) The Managers' voting authority will be defined by the following unless otherwise stated in the Agreement: All decisions for contract or otherwise will be made based on a majority vote of percent of ownership. Each Manager will have the authority based on their percent ownership outlined above in the Agreement.

Proxies:

At all meetings of Members, a Member may vote in person or by proxy executed in writing by the Member or by his duly authorized attorney-in-fact. Such proxy shall be filed with the Managers of the Company before or at the time of the meeting. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

Filing of Notices:

The Managers of the Company shall be responsible for preparation, maintenance, filing and dissemination of all necessary returns, notices, statements, reports, minutes or other information to the Internal Revenue Service, the state of Arizona, the Members of the Company, and any other appropriate state or federal authorities or agencies. The Managers may delegate this responsibility to a single Manager in accordance with the voting authority established above.

Liability of Members and Managers:

All debts, obligations and liabilities of the LLC, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the LLC, and no Member shall be obligated personally for any such debt, obligation or liability of the LLC solely by reason of being a Member. However, each Member remains personally liable for payment of his, her or its Capital Contribution as set forth in the Act or as otherwise provided in this Agreement. This section does not prevent an LLC Member, should they so choose, from separately agreeing to guaranty or

otherwise become liable for a debt which is also of the LLC.

'13 MAR 28 Liq. Lic. AM10:31

Indemnification:

The Company will indemnify the Members, Managers, and agents for all costs, losses, liabilities and damages paid or accrued by the Member, Manager or agent in connection with the Company's business, to the fullest extent provided or allowed by the laws of Arizona.

Accounting:

a) All accounts related to the LLC, including contribution and distribution accounts will be audited once per year.

b) All Members will maintain a joint contribution account. All Members will maintain a joint distribution account. Members will keep accurate and complete books of account for all accounts related to the LLC. Any Member, whether majority or minority, will be allowed to review all books of account at any time they request.

c) Accounting records will be kept on a cash basis.

d) All financial records including tax returns and financial statements will be held at the LLC's primary business address and will be accessible to all members.

e) The fiscal year will be complete on the last day of December of each year. All Members will present their position on the state of the LLC within two weeks of the completion of each fiscal year.

f) The following Members will be able to sign checks from any joint Member account:

Morakod Aphaisuwan
Ron Aphaisuwan
Netchanok Aphaisuwan

New Members:

The LLC will amend this agreement to include new Members upon the written and unanimous vote of all Members.

The name of the LLC may be amended if a new Member is added to the LLC upon the written and unanimous vote of all Members.

Withdrawal or Death:

'13 MAR 28 Liq.Lic. AM10:31

The Members hereby reserve the right to withdraw from the LLC at any time. Should a Member withdraw from the LLC because of choice or death, the remaining Members will have the option to buy out the remaining shares of the LLC. Should the Members agree to buy out the shares, the shares will be bought in equal amounts by all Members. The Members agree to hire an outside firm to assess the value of the remaining shares. The Members will have 60 days to decide if they want to buy the remaining shares together and disperse them equally. If all Members do not agree to buy the shares, individual Members will then have the right to buy the shares individually. If more than one Member requests to buy the remaining shares, the shares will be split equally among those Members wishing to purchase the shares. If all Members agree by unanimous vote, the LLC may choose to allow a non-Member to buy the shares thereby replacing the previous Member.

If no individual Member(s) finalize a purchase agreement by 60 days, the LLC will be dissolved.

The name of the LLC may be amended upon the written and unanimous vote of all Members if a Member is successfully bought out.

Powers of Legal Representative:

If a Member who is an individual dies or a court of competent jurisdiction adjudges the Member to be incompetent to manage his or her person or property, the Member's personal representative, administrator, guardian, conservator, trustee or other legal representative shall have all of the rights of an assignee of the Member's interest. If a Member is a corporation, trust, partnership, limited liability company or other entity and is dissolved or terminated, the powers of that Member may be exercised by its legal representative or successor.

Dissolution:

Should the LLC be dissolved by majority vote or otherwise, the LLC will be liquidated, and the debts will be paid. All remaining funds after debts have been paid will be distributed based on the percentage of ownership interest outlined in this Agreement. An assignment or sale of a Members interest in the Company does not result in the dissolution of the Company. For the avoidance of doubt, the granting of a lien on any amount of Member interest is not deemed to be an assignment.

Liquidation:

Upon dissolution of the Company, the Managers or one of their members that they select shall liquidate the Company's assets and shall do so as promptly as is consistent with obtaining fair value for them, and shall apply and distribute the assets of the Company as follows:

a) First, to the payment and discharge of all of the Company's debts and liabilities to creditors of the Company other than the Members;

b) Second, to the payment and discharge of all of the Company's debt and liabilities

to creditors of the Company that are Members;

'13 MAR 28 Liq. Lic. #10031

c) Third, to the Members in accordance with their capital accounts, after giving effect to all contributions, distributions and allocation for all periods.

Amendments:

a) Amendments may be made hereto upon the unanimous and written consent of all Members.

b) Amendments must be expressly written and have the original signatures of all Members.

Settling Disputes:

All Members agree to enter into mediation before filing suit against any other Member or the LLC for any dispute arising from this Agreement or LLC. Members agree to attend one session of mediation before filing suit. If any Member does not attend mediation, or the dispute is not settled after one session of mediation, the Members are free to file suit. Any law suits will be under the jurisdiction of the state of Arizona.

Action Without Meeting:

Any action required or permitted to be taken by the Managers at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Managers.

No State Law Partnership:

The Members intend that the Company not be a partnership (including, without limitation, a limited partnership) or joint venture, and that no Member or Manager be a partner or joint venturer of any other Member or Manager, for any purposes other than federal and state tax purposes, and this Operating Agreement may not be construed to suggest otherwise.

Choice of Law and Severability:

This Agreement shall be construed in accordance with the internal law of the state of Arizona. If any provision of this Agreement shall be contrary to the internal laws of the state of Arizona or any other applicable law, at the present time or in the future, such provision shall be deemed null and void, but this shall not affect the legality of the remaining provisions of this Agreement. This Agreement shall be deemed to be modified and amended so as to be in compliance with applicable law and this Agreement shall then be construed in such as way as will best serve the intention of the parties at the time of the execution of this Agreement.

Entire Agreement:

This Agreement constitutes the entire agreement among the Members regarding the terms and operations of the Company, except for any amendments to this Agreement adopted in accordance with the terms herein. This Agreement supersedes all prior and contemporaneous agreements, statements, understandings, and representations of the parties regarding the terms and operation of the Company, except as provided in the preceding sentence.

'13 MAR 28 Liar Lic. AM10:31

All Members signed hereto agree to the above stated Agreement.

Signed this 27 day of March, 2013

Signature: _____
Morakod Aphaisuwan

Signature: _____
Ron Aphaisuwan

Signature: _____
Netchanok Aphaisuwan

Operating Agreement.

Thai Orchid Garden LLC

Ron Aphaisuwan — Menber — 50%

Netchanok Aphaisuwan — Menber — 50%

'13 MAR 28 Liqr. Lic. AM10:31

'12 JUL 24 Liqr. Lic. PM 4:04

Netchanok Aphaisuwan

7/24/12

Ron Aphaisuwan

7/24/12

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ ACQUISITION OF CONTROL

ROUTING:

☒ POLICE DEPARTMENT
☐ FIRE DEPARTMENT
☐ DEVELOPMENT SERVICES
☐ FINANCE DEPARTMENT

APPLICANT'S NAME: NETCHANOK APHAISOWAN

BUSINESS NAME: THAI ORCHID GARDEN

ADDRESS: 12725 W. INDIAN SCHOOL RD. #A-104

CITY: AVONDALE STATE: ARIZONA ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

■ APPROVED
☐ DENIED

SIGNATURE

Asst Police Chief
TITLE

04-17-13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 22, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ ACQUISITION OF CONTROL

ROUTING:

☐ POLICE DEPARTMENT
☒ FIRE DEPARTMENT
☐ DEVELOPMENT SERVICES
☐ FINANCE DEPARTMENT

APPLICANT'S NAME: NETCHANOK APHAISOWAN

BUSINESS NAME: THAI ORCHID GARDEN

ADDRESS: 12725 W. INDIAN SCHOOL RD. #A-104

CITY: AVONDALE STATE: ARIZONA ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

Valorie Russell
SIGNATURE

4/16/13
DATE

Fire Inspector
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 22, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ ACQUISITION OF CONTROL

ROUTING:

☐ POLICE DEPARTMENT
☐ FIRE DEPARTMENT
☒ DEVELOPMENT SERVICES
☐ FINANCE DEPARTMENT

APPLICANT'S NAME: NETCHANOK APHAISOWAN

BUSINESS NAME: THAI ORCHID GARDEN

ADDRESS: 12725 W. INDIAN SCHOOL RD. #A-104

CITY: AVONDALE STATE: ARIZONA ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

Building Official
TITLE

4/16/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 22, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ **ACQUISITION OF CONTROL**

ROUTING:

- ☐ POLICE DEPARTMENT
- ☐ FIRE DEPARTMENT
- ☒ DEVELOPMENT SERVICES
- ☐ FINANCE DEPARTMENT

APPLICANT'S NAME: NETCHANOK APHAISOWAN

BUSINESS NAME: THAI ORCHID GARDEN

ADDRESS: 12725 W. INDIAN SCHOOL RD. #A-104

CITY: AVONDALE **STATE:** ARIZONA **ZIP CODE:** 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

Lonnie Lostine
SIGNATURE

4/22/13
DATE

Zoning Specialist
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 22, 2013

DEVELOPMENT SERVICES

MEMORANDUM

DATE: April 22, 2013

TO: Carmen Martinez, City Clerk

PREPARED BY: Jennifer Fostino, Zoning Specialist (623) 333-4022

SUBJECT: Acquisition of Control – Series 12 Liquor License
Thai Orchard Garden Restaurant
12725 W. Indian School Road, Suite A-104

The proposed site is located at 12725 W. Indian School Road. This address is located within Palm Desert Plaza, a 5.1 acre retail and office center. Development of the site is complete.

The General Plan designates the property as Commercial and the subject property is zoned C-2 (Community Commercial). A restaurant is a permitted use within the C-2 Zoning District.

A Series 12 (Restaurant) liquor license is exempt from any separation requirements from churches, schools, or fenced school recreational areas. There are no zoning or separation issues with the site. A Series 12 liquor license was approved by City Council in March 2009.

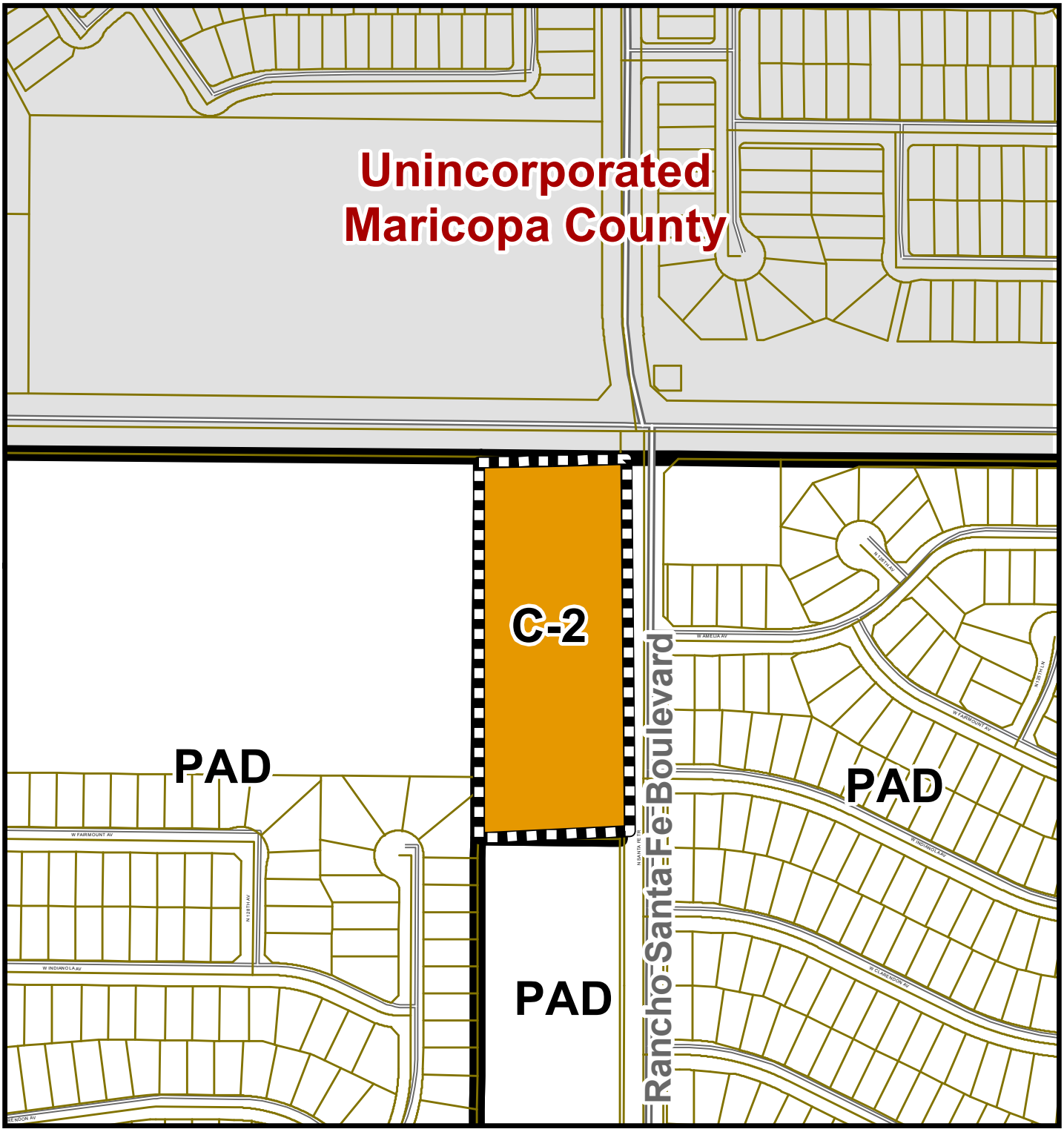
Staff recommends approval of this request.

Attachment: 2013 Aerial Photo
Zoning Vicinity Map

Aerial Photograph 2013

Avondale

Subject Property



Zoning Vicinity Map

Avondale

Subject Property

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ ACQUISITION OF CONTROL

ROUTING:

☐ POLICE DEPARTMENT
☐ FIRE DEPARTMENT
☐ DEVELOPMENT SERVICES
☒ FINANCE DEPARTMENT

APPLICANT'S NAME: NETCHANOK APHAISOWAN

BUSINESS NAME: THAI ORCHID GARDEN

ADDRESS: 12725 W. INDIAN SCHOOL RD. #A-104

CITY: AVONDALE STATE: ARIZONA ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

4/16/13
DATE

Tax Audit Supervisor
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 22, 2013

12725
Thai Orchid Garden
RESTAURANT
A-103
A-104
SHOCK TOP
04.23.2013 15:49

NOTICE

APPLICATION TO SELL ALCOHOLIC BEVERAGES
DATE POSTED: *APRIL 23, 2013*

A HEARING ON A LIQUOR LICENSE APPLICATION SHALL BE HELD BEFORE THE **AVONDALE CITY COUNCIL**

LOCATION: 11465 WEST CIVIC CENTER DRIVE
DATE: MONDAY, MAY 20, 2013
AT 7:00 PM.

(HEARING DATES SUBJECT TO CHANGE, TO VERIFY CALL: 623-333-1200)

SERIES 12: RESTAURANT LICENSE TO SELL ALL SPIRITUOUS LIQUORS

THE LOCAL GOVERNING BODY WILL RECOMMEND TO THE STATE LIQUOR BOARD WHETHER THE BOARD SHOULD GRANT OR DENY THE LICENSE. THE STATE LIQUOR BOARD MAY HOLD A HEARING TO CONSIDER THE RECOMMENDATION OF THE LOCAL GOVERNING BODY. ANY PERSON RESIDING OR OWNING OR LEASING PROPERTY WITHIN A ONE-MILE RADIUS MAY CONTACT THE STATE LIQUOR BOARD IN WRITING TO REGISTER AS A PROTESTER. TO REQUEST INFORMATION REGARDING PROCEDURES BEFORE THE BOARD AND NOTICE OF ANY BOARD HEARINGS REGARDING:

Thai Orchid Garden
12725 W. Indian School Rd. #A-104
Avondale, AZ. 85392

THIS APPLICATION, CONTACT: STATE LIQUOR BOARD - 800 W. WASHINGTON, 5TH FLOOR, PHOENIX, AZ 85007 STATE LIQUOR DEPT: (602) 542-9789
INDIVIDUALS REQUIRING ADA ACCOMMODATIONS CALL THE CITY CLERK AT: 623-333-1200.

04.23.2013 15:48

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL
800 W. Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-9141

*13 MAR 28 Liq. Lic. #1030

APPLICATION FOR AGENT CHANGE - ACQUISITION OF CONTROL - RESTRUCTURE

Check Appropriate Box: ☐ Agent Change (Complete Section 1,2,3,4,5 (See Note 1 on back)) ☒ Acquisition of Control (Sections 1,2 and 3 only for Agent) ☐ Restructure (Complete Section 1,2,3,5 if changing Agent & 5,6 (See Note 2 on back))

SECTION 1 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

1. Name (INDIVIDUAL OR EXISTING AGENT (If no agent change) OR NEW AGENT OR CORPORATION OR LLC CONTROLLING MEMBER): ARAMSUWAN NETCHANOF (Last) MORRAKOT (Middle) 1814651 (Liquor License #) 20779103
2. ☐ Corporation ☒ LLC ☐ N/A (Exactly as it appears on Articles of Inc. / Articles of Org.): THAI ORCHID GARDEN LLC Corp. File #: L-1673510-4
3. Business Name: THAI ORCHID GARDEN 1814652
4. Business Address: 12725 W INDIAN SCHOOL RD #A-104 AVONDALE MARICOPA 85392 (City) (County) (Zip) (Do not use P.O. Box Number)
5. Is the business located within the incorporated limits of the above city or town? ☒ Yes ☐ No
6. Mailing Address: 12725 W. INDIAN SCHOOL RD #A-104 AVONDALE AZ 85392 (City) (State) (Zip)
7. Business Phone: (623) 536-2300 Residence Phone: ____
8. Does this transaction involve the sale of any portion of the corporate stock? ☒ Yes ☐ No ☐ N/A If yes, submit a certified copy of minutes.
9. Has there been any change of officers? ☒ Yes ☐ No ☐ N/A If yes, submit a certified copy of minutes.

SECTION 2 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

Each person listed in Section 8 must submit a personal questionnaire (Form LIC0101) and a Department approved fingerprint card which may be obtained at the Dept. A person appearing in both lists need only submit one questionnaire and fingerprint card.

1. List individual owner or partners or all directors, officers in corp., members in LLC:

Last	First	Middle	Title	Residence Address	City State Zip
ARAMSUWAN	MORAKOT		MEMBER		
MEHAISUWAN	RON		MEMBER		
ARAMSUWAN	NETCHANOF		MEMBER		

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

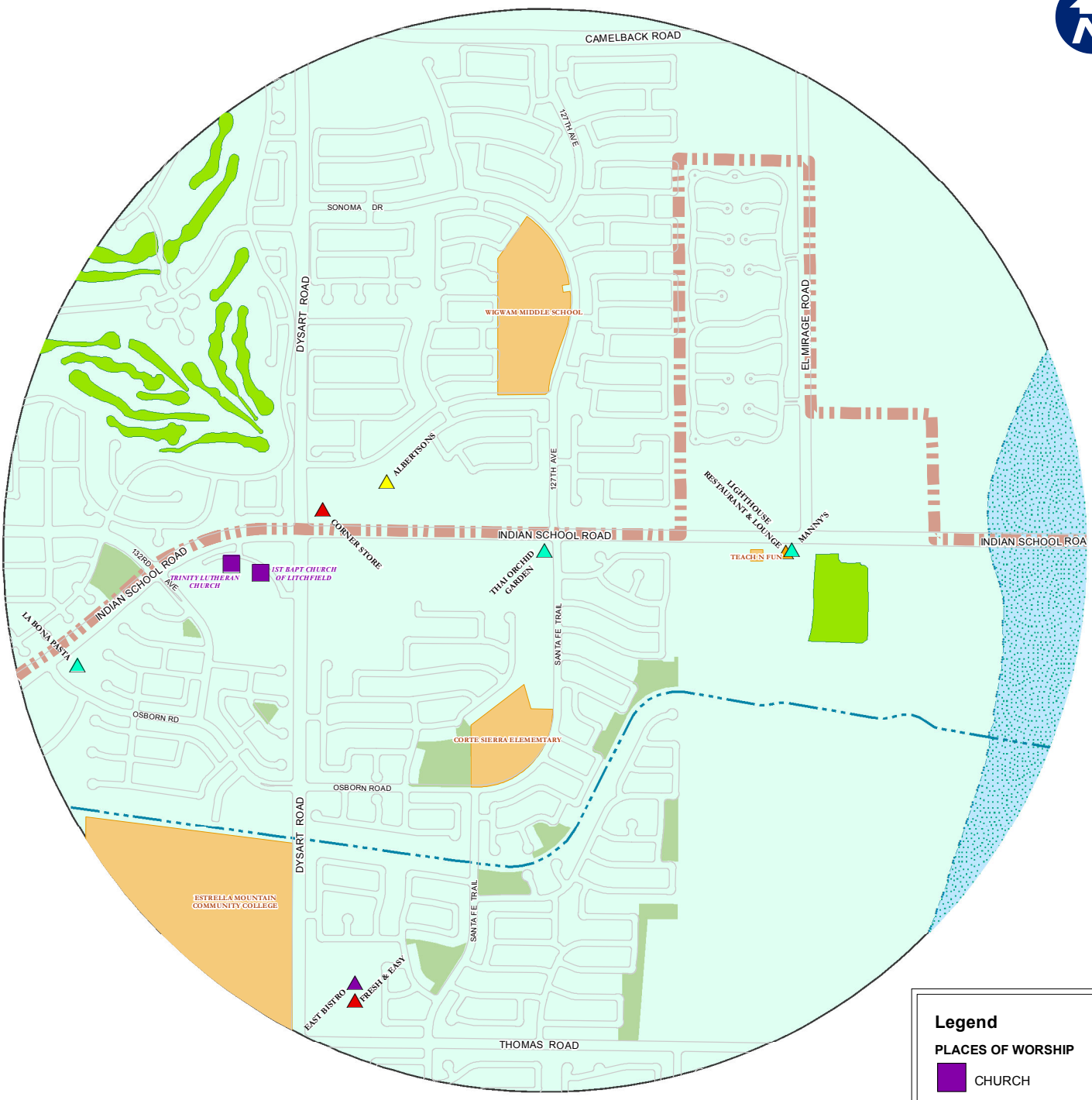
2. List stockholders or controlling members owning 10% or more of Corp/LLC:

Last	First	Middle	% Owned	Residence Address	City State Zip
ARAMSUWAN	MORAKOT		70		
MEHAISUWAN	RON		15		
ARAMSUWAN	NETCHANOF		15		

(ATTACH ADDITIONAL SHEETS IF NECESSARY)
Disclosure includes including spouse and/or children, please call the Department

Date Received: 3/28/13
By: SG

1/7/2013



Legend

PLACES OF WORSHIP

- CHURCH

Liquor License

- SERIES 14
- SERIES 5
- SERIES 11
- SERIES 6
- SERIES 7
- SERIES 9
- SERIES 10
- SERIES 12
- SERIES 15
- SERIES 16
- SCHOOLS

THAI ORCHID GARDEN
12725 W INDIAN SCHOOL RD
#A-104
1 Mile Buffer

0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

Avondale GIS Division of Water Resources

CITY COUNCIL REPORT

SUBJECT:
Liquor License Series 12 - India Garden

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is recommending approval of a request from Prem Brian Tamang for approval of an application for a Series 12 Restaurant License to sell all spirituous liquors at India Garden locted at 1809 N. Dysart Road #C106 in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Prem Brian Tamang for approval of a Series 12 Restaurant License to sell all spirituous liquors at India Garden. The required fees totaling $1,050.00 have been paid.

The Arizona Department of Liquor License and Control has accepted the submitted application as complete. As required by state law and city ordinance, the application was posted at the location for the required period of time starting April 23, 2013 and a notice was published in the West Valley View on May 10 and May 14, 2013. No comments have been received.

The Development Services, Police, and Fire Departments have reviewed the application and are recommending approval. While not required by the ordinance, the application was also reviewed by the Finance Department which has determined that the business is in good financial standing with the City. Department comments are attached.

RECOMMENDATION:

Staff is recommending approval of a request from Prem Brian Tamang for approval of an application for a Series 12 Restaurant License to sell all spirituous liquors at India Garden locted at 1809 N. Dysart Road #C106 in Avondale.

ATTACHMENTS:

Click to download

- Application
- Review by Departments
- Posting photos
- Vicinity Map

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

'13 MAR 28 Liq. Lic. PM 2:40

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 **This application is for a:**

- ☐ MORE THAN ONE LICENSE
- ☑ INTERIM PERMIT ***Complete Section 5***
- ☑ NEW LICENSE ***Complete Sections 2, 3, 4, 13, 14, 15, 16***
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 11, 13, 15, 16***
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 12, 13, 15, 16***
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE ***Complete Sections 2, 3, 4, 9, 13, 16*** (fee not required)
- ☐ GOVERNMENT ***Complete Sections 2, 3, 4, 10, 13, 15, 16***

SECTION 2 **Type of ownership:**

- ☐ J.T.W.R.O.S. ***Complete Section 6***
- ☐ INDIVIDUAL ***Complete Section 6***
- ☐ PARTNERSHIP ***Complete Section 6***
- ☐ CORPORATION ***Complete Section 7***
- ☑ LIMITED LIABILITY CO. ***Complete Section 7***
- ☐ CLUB ***Complete Section 8***
- ☐ GOVERNMENT ***Complete Section 10***
- ☐ TRUST ***Complete Section 6***
- ☐ OTHER (Explain) _____

SECTION 3 **Type of license and fees** **LICENSE #(s):** 12079456

1. Type of License(s) # 12

2. Total fees attached: $ 294

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 **Applicant**

1. Owner/Agent's Name: Mr. / Ms. TAMANG (Last) Prem (First) Brian (Middle) P1042467
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: INDIA EVEREST Garden LLC B1049909
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: INDIA GARDEN B1038068
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 1809 N. Dysart Rd #C 106, Avendale (City) Maricopa (County) 85392 (Zip)
(Do not use PO Box Number)

5. Business Phone: (623) 536-2300 Daytime Phone: ( ) Email:

6. Is the business located within the incorporated limits of the above city or town? ☒ YES ☐ NO

7. Mailing Address: 1809 N. Dysart Rd #C106 (City) Avendale (State) AZ (Zip) 85392

8. Price paid for license only bar, beer and wine, or liquor store: Type _____ $_____ Type _____ $_____

DEPARTMENT USE ONLY

Fees: 100 Application | 100 Interim Permit | 50 Site Inspection | 44 Finger Prints | $ 294 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☑ YES ☐ NO

Accepted by: SG Date: 3/28/13 Lic. # 12079456

1/7/2013 ***Disabled individuals requiring special accommodation, please call (602) 542-9027.**

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12078280
4. Is the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use?_____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Joga Singh Dusanjh, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.
(Print full name)

X Joga Singh Dusanjh
(Signature)

My commission expires on: July 1st, 2016

MARIELLE SILVA
Notary Public - Arizona
Maricopa County
My Comm. Expires Jul 1, 2016

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 12 day of March, 2013
Day Month Year

Marielle Silva
(Signature of NOTARY PUBLIC)

'13 MAR 28 Liq. LICENSE 2 40

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND $22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip
TAMANG	Prem	B	50%		

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
☐ ☒	TAMANG	Prem	B	50%		
☐ ☒	DHAKAL	Anil	B	50%		
☐ ☐						
☐ ☐						

) Y R A S S E C E N F I

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

REST

License 12078280

Issue Date: 6/25/2010

Expiration Date: 3/31/2013

Restaurant

Issued To:
JOGA SINGH DUSANJH, Agent
JD & TS LLC, Owner

Location:
INDIA GARDEN
1809 N DYSART RD #C106
AVONDALE, AZ 85392

Mailing Address:
JOGA SINGH DUSANJH
JD & TS LLC
INDIA GARDEN
1809 N DYSART RD #106
AVONDALE, AZ 85392

EXP 3/31/2013

'13 MAR 28 LIQ. LIC. AM 2:40

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND $22 PROCESSING FEE FOR EACH CARD.

☐ CORPORATION ***Complete questions 1, 2, 3, 5, 6, 7, and 8.***

☒ L.L.C. ***Complete 1, 2, 4, 5, 6, 7, and 8.***

1. Name of Corporation/L.L.C.: INDIA EVEREST GARDEN 3 MAR 28 Liq. Lic. PM 2:40
   (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 8/28/12 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: L-1785596-5 Date authorized to do business in AZ: 8/31/12
5. Is Corp./L.L.C. Non-profit? ☐ YES ☒ NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
TAMANG	Prem	Brian	Member/ ~~Manager~~		
DHAKAL	Anil	Bibhushan	Member/ ~~MANAGER~~		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
TAMANG	Prem	Brian	50%		
DHAKAL	Anil	Bibhushan	50%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND $22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
   (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? ☐ YES ☐ NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____ (Exactly as it appears on license) Last First Middle

2. Assignee's Name: _____ Last First Middle

3. License Type: _____ License Number: _____ Date of Last Renewal: _____

4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____

2. Person/designee: _____ Last First Middle _____ Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ (Exactly as it appears on license) Last First Middle Entity: _____ (Indiv., Agent, etc.)

2. Corporation/L.L.C. Name: _____ (Exactly as it appears on license)

3. Current Business Name: _____ (Exactly as it appears on license)

4. Physical Street Location of Business: Street _____
   City, State, Zip _____

5. License Type: _____ License Number: _____

6. If more than one license to be transfered: License Type: _____ License Number: _____

7. Current Mailing Address: (Other than business) Street _____
   City, State, Zip _____

8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

9. Does the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____ (print full name), hereby authorize the department to process this application to transfer the privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____ (print full name), declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

_____ (Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____ Day _____ Month Year

My commission expires on: _____

_____ (Signature of NOTARY PUBLIC)

'13 MAR 28 LIQ. LIC. AM 2 40

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: (Exactly as it appears on license) Name _____
   Address _____ '13 MAR 28 LIQ. LIC. PM 2:40

2. New Business: (Physical Street Location) Name _____
   Address _____

3. License Type: _____ License Number: _____

4. If more than one license to be transferred: License Type: _____ License Number: _____

5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizonal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

a) Restaurant license (§ 4-205.02)
b) Hotel/motel license (§ 4-205.01)
c) Government license (§ 4-205.03)
d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 1.2 Mile ft. Name of school La Petite Academy
   Address 13203 W. McDowell Rd Avondale AZ 85395
   City, State, Zip

2. Distance to nearest church: 1.1 Mile ft. Name of church Church of Jesus Christ LDS
   Address 13277 W. Thomas Rd Avondale AZ 85392
   City, State, Zip

3. I am the: ☒ Lessee ☐ Sublessee ☐ Owner ☐ Purchaser (of premises)

4. If the premises is leased give lessors: Name West Valley Properties
   Address 280 2nd St #230 Los Altos CA 94022
   City, State, Zip

4a. Monthly rental/lease rate $ 7116.96 What is the remaining length of the lease 11 yrs. 5 mos.

4b. What is the penalty if the lease is not fulfilled? $ 0 or other 0
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? $ -0-
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Restaurant

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?

☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:

License # 12078280 (exactly as it appears on license) Name Joga Singh Dusanjh

---

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☒ YES ☐ NO
   If yes, give the name of licensee, Agent or a company name:

   Dusanjh (Last) Joga (First) Singh (Middle) and license #: 12078280

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☒ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

   applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

PT
applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check **ALL** boxes that apply to your business:

   ☒ Entrances/Exits ☒ Liquor storage areas Patio: ☒ Contiguous
   ☐ Service windows ☐ Drive-in windows ☐ Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO
   If yes, what is your estimated opening date? _____ month/day/year

3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.

4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).

5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

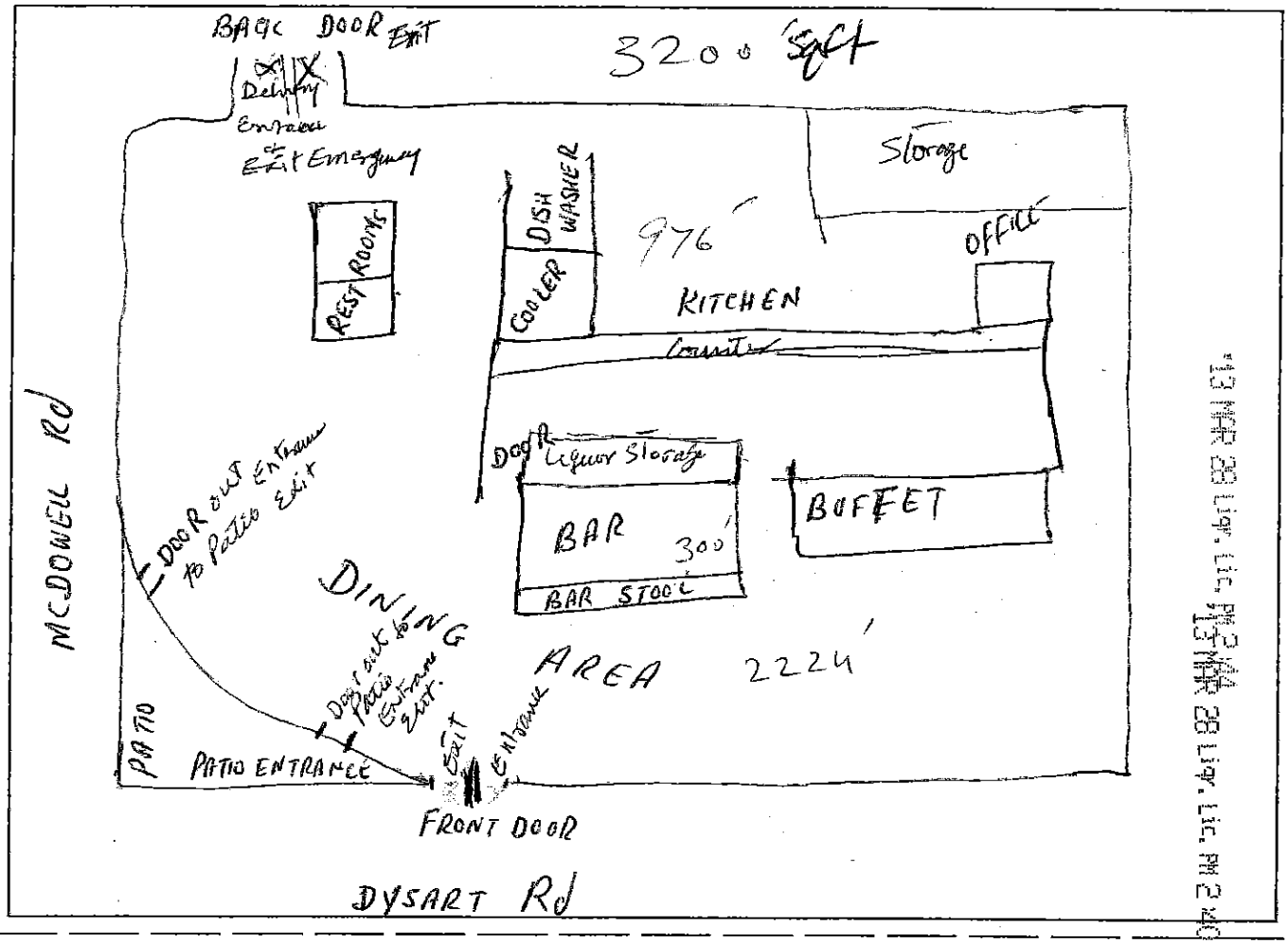
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows,or increase or decrease to the square footage after submitting this initial drawing.

PT
applicants initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, Poem Bozdin Timang (print full name of applicant), hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X _____
(signature of applicant listed in Section 4, Question 1)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 28 (Day) of March (Month), 2013 (Year)

My commission expires on: 12-2-16 (Day Month Year)

Selena Marie Gonzales
signature of NOTARY PUBLIC

OFFICIAL SEAL
SELENA MARIE GONZALES
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires February 12, 2016

SEE AMENDMENT

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W. Washington, 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

2013 MAR 28 Liq. Lic. PM 2:44

RESTAURANT OPERATION PLAN

LICENSE # 12079456

1. List by Make, Model and Capacity of your:

Grill	1	SOFL77R VULCAN
Oven	2	SOFL77R VULCAN
Freezer	1	PF48-1A Beverage Air
Refrigerator	1	PF53-CF PACC1 EN
Sink	3	Auto Chor
Dish Washing Facilities	1	Echo Lab
Food Preparation Counter (Dimensions)	2	American Range D 4245
Other		

2. Print the name ofyour restaurant: INDIa Garden

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

a. Restaurant area of your premises [3200.00]

b. Bar area of your premises [+ 300.00]

c. Total area of your premises [3500.00]

5. What type of dinnerware and utensils are utilized within your restaurant?
☒ Reusable ☐ Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover). ☐ Yes _____% ☐ No

7. What percentage of your public premises is used primarily for restaurant dining? (Does not include kitchen, bar, cocktail tables or game area.) 60 %

*Disabled individuals requiring special accommodations, please call (602) 542-9027

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
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'13 MAR 28 Liq. Lic. PM 2:44

RESTAURANT OPERATION PLAN

LICENSE # 12079456

AMENDMENT

1. List by Make, Model and Capacity of your :

Grill	
Oven	
Freezer	
Refrigerator	
Sink	
Dish Washing Facilities	
Food Preparation Counter (Dimensions)	
Other	

2. Print the name ofyour restaurant: _____

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

   a. Restaurant area of your premises [120]

   b. Bar area of your premises [+ 12]

   c. Total area of your premises [132]

5. What type of dinnerware and utensils are utilized within your restaurant?
   ☐ Reusable ☐ Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover). ☒ Yes 14% % ☐ No

7. What percentage of your public premises is used primarily for restaurant dining? (Does not include kitchen, bar, cocktail tables or game area.) 86% %

*Disabled individuals requiring special accommodations, please call (602) 542-9027

Lic0114 05/2009

AMENDMENT

8. Does your restaurant contain any games or television? O Yes ☒ No
If yes, specify what types and how many of each type (Televisions, Pool tables, Video Games, Darts, etc).

9. Do you have live entertainment or dancing? O Yes ☒ No
(If yes, what type and how often?)

10. Use space below or attach a list of employee positions and their duties to fully staff your business.

Manager
Waiter
Waiter
Chef
Cook
Dishwasher
Tandoori (Grill) Cook.

13 MAR 28 AM 10:44

I, PREM BRAM TAMANG, hereby declare that I am the APPLICANT filing this application. I have
(Print full name)
read this application and the contents and all statements true, correct and complete.

X _____ (Signature of APPLICANT)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
28 day of March, 2013
Day of Month Month Year

My commission expires on:: 2-12-16

Selena Marie Gonzales
(Signature of NOTARY PUBLIC)

OFFICIAL SEAL
SELENA MARIE GONZALES
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires February 12, 2016

State of Arizona
Department of Liquor Licenses and Control
800 W. Washington, 5th Floor
Phoenix, Arizona 85007-2934
www.azliquor.gov
(602)542-5141

'13 MAR 28 Liq. Lic. PM 2:44

RECORDS REQUIRED FOR AUDIT

Applies to Series 11 (Hotel/Motel W/Restaurant) & Series 12 (Restaurant) Only

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

In the event that your business is audited by the Department of Liquor, you will be asked to provide documentation of compliance with A.R.S. §4-205(H). Other documents that may be required for audit include and are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.

2. A list of ***all*** food and liquor vendors.

3. The restaurant menu reflecting prices during the audit period.

4. A price list for alcoholic beverages on menu during the audit period.

5. Mark-up figures on food and alcoholic products during the audit period.

6. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)

7. Monthly Inventory Figures - beginning and ending figures for food and liquor.

8. Chart of accounts (copy).

9. Financial Statements (Income Statements, Balance Sheets, etc).

10. General Ledger
    - A. Sales Journals/Monthly Sales Schedules
        - 1) Daily Sales Reports (to include the name of wait staff, bartender, etc. with sales for that day)
        - 2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
        - 3) Dated Guest Checks
        - 4) Coupons/Specials/Discounts
        - 5) Any other evidence to support income from food and liquor sales
    - B. Cash Receipts/Disbursement Journals
        - 1) Daily Bank Deposit Slips
        - 2) Bank Statements and canceled checks

11. Tax Records
    - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    - B. Income Tax Return - city, state and federal (copies)
    - C. Any supporting books, records, schedules or documents used in preparation of tax returns

12. Payroll Records
    - A. Copies of all reports required by the State and Federal Government
    - B. Employee Log (A.R.S. §4-119)
    - C. Employee time cards (actual document used to sign-in and –out each work day)
    - D. Payroll records for all employees showing hours worked each week and hourly wages

13. Off-Site Catering records (must be complete and separate from restaurant records)
    - A. All documents which support the income derived from the sale of food to be consumed off of the licensed premises
    - B. All documents which support purchases made for food to be consumed off of the licensed premises
    - C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment-to-establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. §4-210(A)(7) AND A.R.S. §4-205.02(H)

A.R.S. §4-210(A)(7)

The Licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(H)

1. "Gross Revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

2. "Restaurant" means an establishment which derives at least forty per cent of its gross revenue from the sale of food, including sales of food for consumption off the licensed premises if the amount of these sales included in the calculation of gross revenue from the sale of food does not exceed fifteen percent of all gross revenue of the restaurant.

'13 MAR 28 L10, Lic. PM 2:44

I, Brian Prem Tamang have read and fully understand all aspects of this statement.
Print Full Name (first, middle, last)

Signature of Licensee

Notary

State of Arizona County of Maricopa
State County

The foregoing instrument was acknowledged before me this

27 day of March, 2013
Day Month Year

My Commission Expires on: 3-10-15
Day Month Year

Signature of Notary

OFFICIAL SEAL
BOBBI L. HAMELMAN
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires March 10, 2015

MAKE A COPY OF THE DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

'13 MAR 28 Liqr. Lic. PM 2:44

Wine Selections

House

	Gls	Btl
Coastal Vines, California	$5.99	$19.99

Chardonnay, White Zinfandel, Cabernet Sauvignon, Pinot Grigio

White

	Gls	Btl
Forest Glen Chardonnay	$6.99	$20.99
Forestville White Zinfandel	$6.99	$20.99
Silver Ridge Sauvignon Blanc	$6.99	$20.99

Red

	Gls	Btl
Forest Glen Merlot	$6.99	$20.99
Forest Glen Cabernet Sauvignon	$6.99	$20.99
Sula Shiraz, India	$7.50	$24.00

IndiaGarden

Draft Selections

$4.99

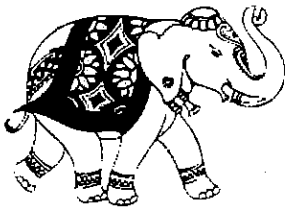
Fat Tire
Harp
Heineken
Blue Moon
Coors Light

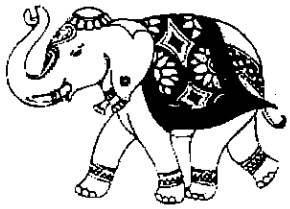
Bottled Beer

King Fisher	$4.99
Taj Mahal	$6.99
Flying Horse	$7.99
Blue Himalayan	$7.99

India Garden

'13 MAR 28 Lqr. Lic. PM 2:44





Fine Indian Cuisine

'13 MAR 28 Liq. Lic. AM 2:44

India Garden

1809 N Dysart RD IIC/06, AVONDALE, AZ 85392

Ph.: 623-536-2320

40. **Lamb Achari** *Lamb cooked in exotic Indian pickle and spices*.....10.99
41. **Lamb Do Piazza** 11.99
42. **Lamb Daal** 10.99

Indian Garden Sea-Food

43 **Shrimp Curry** *Finest jumbo shrimp cooked in curry sauce*.....11.99
44. **Fish Curry** *Fish cooked in curry sauce*.....10.99
45. **Tandoori Shrimp Masala** *Shrimp cooked with ginger, bell peppers and butter sauce*.....13.99
46. **Tandoori Fish Masala** *Spiced and herbed fish cooked with a butter sauce*.....12.99
47. **Shrimp Korma** *Shrimp cooked with Indian herbs with a touch of butter & cream*.....12.99
48. **Fish Vindaloo** *Fish cooked with potatoes & chilly peppers*.....12.99
49. **Shrimp Vindaloo** *Finest jumbo shrimp cooked with potatoes, chilly peppers and a highly spices sauce*.....11.99
50. **Saag Shrimp** *Jumbo shrimp fried in butter, cooked with freshly chopped spinach & gravy*.....13.99
51. **Karahi Shrimp** *Jumbo shrimp marinated with Indian spices, cooked with ginger, tomatoes, onions and bell pepper. served in an Indian pan*.....13.99
52. **Shrimp Bhuna** *Jumbo shrimp cooked with onion, bell peppers & spices*.....12,99
53. **Shrimp Madras** *Jumbo shrimp cooked in onion sauce and spices*.....12.99
54. **Fish bhuna** *Fish cooked with onion, bell pepper and tomatoes*.....11.99
55. **Shrimp Daal** 11.99

Indian Garden-Beef

56. **Beef Curry** *Traditional beef curry prepared with special spices*.....9.99
57. **Beef Korma** *Beef marinated and cooked with yogurt, nuts. seasoned with delicate herbs & spice.* 10.99
58. **Beef Vindaloo** *Beef cooked in a highly seasoned gravy with potatoes.* 10.99
59. **Beef Madras** *Beef cooked in onion sauce and spices* 9.99
60. **Karahi Beef Palak** *Fresh chopped spinach cooked with beef, onions, tomatoes in an Indian pan.* 11.99
61. **Keema Matter** *Ground Beef cooked with green peas & spices*.....10.99
62. **Beef Do Piazza** 11.99

Indian Garden Vegetables

71. **Saag Paneer** *Spinach cooked with Indian style cheese and mildly spiced sauce*.....9.99
72. **Paneer Masala** *Homemade cheese cooked with bell peppers and onions with Indian spices*.....10.99
73. **Madras Vegetables** *Vegetables cooked in onion, tomato, coconut sauce and spices*.....9.99
74. **Vegetable Korma** *Mixed vegetables & nuts cooked with butter sauce*.....10.99
75. **Matter Paneer** *Green peas and homemade cheese cooked with spices*.....9.99
76. **Karahi Paneer** *Indian Style cheese made with onions, tomatoes and spices*.....10.99
77. **Bombay Aaloo** *Potatoes cooked in rich tomato sauce*.....9.99
78. **Mushroom Bhaji** *Chopped mushrooms cooked with chopped onions, tomatoes and spices*.....9.99
79. **Aloo Matter** *otatoes cooked with green peas and spices*.....9.99
80. **Aloo Gobhi** *Cauliflower cooked with potatoes and Indian spices*.....9.99
81. **Mushroom Matter** *Mushrooms cooked with onions, tomatoes, green peas and spices*.....9.99
82. **Bengan Bharta** *Eggplant cooked with green peas, onions, tomatoes in Indian spices*.....10.99
83. **Chana Masala** *Garbanzo beans cooked with specially spiced masala sauce*.....9.99
84. **Malai Kofta** *Vegetable and cheese dumplings cooked in a special sauce*.....9.99
85. **Bhindi Masala** *Okra cooked with onions, tomatoes and spices*.....10.99
86. **Daal Maharani** *Lentils cooked with garlic, ginger, tomatoes and spices*.....8.99

Indian Garden-Biryanis

87. **Chicken Biryani** *Tender pieces of chicken cooked with vegetables & nuts with rice*.....10.99
88. **Royal Taj Biryani** *Combination of lamb & chicken cooked with vegetables, nuts & rice* 12.99
89. **Lamb Biryani** *Tender pieces of lamb cooked with vegetables, nuts & rice*.....11.99
90 **Beef Biryani** *Beef cooked in mild spiced sauce With vegetables & rice*.....10.99

Indian Garden Shuruat (Appetizers)

1. **Vegetable Samosa** *Crishp pastry with potatoes and peas, deep fried* 2.99
2. **Meat Samosa** *Crisp pastry with ground beef and peas, deep fried* 5.99
3. **Chicken Pakora** *Mildly spiced boneless chicken, batter fried* 5.99
4. **Onion Bhaji** *Mildly spiced onions, batter fried* 4.99
5. **Vegetable Pakora** *Mixed vegetables, mildly spiced, batter fried* 4.99
6. **Vegetable Assorted Snacks** *One samosa, two mixed pakora, two onion bhaji & two paneer pakora* 5.99
7. **Non-Vegetarian Assorted Snacks** *Two wings tandoori, one meat samosa, two chicken pakora & one seekh kebab* 6.99
8. **Paneer Pakora** *Indian style home-made cheese fritters mildly spicy* 5.99
9. **Garlic Shrimp** *Shrimp sauteed in garlic sauce* 7.99

Indian Garden Soups

10. **Chicken Soup** *Delicious lentil soup with chicken, herbs and mild spices* 4.99
11. **Vegetable Soup** *Lentil Soup with vegetables, seasoned with herbs and mild spices* 3.99
12. **Tomato Soup** *With mushroom and onion* 3.99

Indian Garden Chicken

13. **Chicken Curry** *Traditional chicken curry prepared with special Indian spices* 9.99
14. **Chicken Makhni** *Tandoori chicken cooked in buteer and special tomato sauce* 11.99
15. **Chicken Tikka Masala** *Breast pieces cooked with tomatoes & bell peppers in an Indian style butter gravy* 11.99
16. **Chicken Korma** *Chicken pieces cooked with almonds and nuts in a rich spicy sauce* 10.99
17. **Chicken Vindaloo** *Pieces of chicken with hot spices in a highly seasoned gravy with potatoes, tomatoes & chilli peppers* 9.99
18. **Chicken Saag** *Chicken cooked with freshly chooped spinach in spiced gravy* 10.99
19. **Karahi Chicken** *Fresh Chicken cooked in fresh ground Indian spices with onions, bell peppers, tossed in an Indian pan* 11.00
20. **Chicken Fraizee** *Chicken breast pieces cooked with bell peppers, onions served in an Indian pan* 10.99
21. **Karahi Tandoori Chicken Saag** *Boneless tandoori Chicken cooked with special sauce, tossed in an Indian pan* 11.99
22. **Chicken Bhuna** *Chicken pieces cooked with onions, bell peppers, tomatoes & spices* 11.99
23. **Chicken Jalfrazy** *Chicken cooked with mixed vegetables & spices* 10.99
24. **Chicken Madras** *Chicken pieces cooked in onion, tomatoes and coconut sauce & spices* 10.99
25. **Chicken Mughlai** *Chicken pieces cooked in creamy sauce with eggs & spices* 11.99
26. **Chicken Achari** *Chicken cooked in exotic Indian pickle masala* 11.99
27. **Chicken-Do-Piazza** 10.99
28. **Chicken Deal** 9.99

Indian Garden Lamb

29. **Lamb Curry** *Lamb meat marinated and cooked with herbs & spices* 10.99
30. **Lamb Boti Masala** *Lamb cooked with onion, bell peppers and butter sauce* 12.99
31. **Lamb Korma** *Lamb pieces marinated and cooked with yogurt, nuts, herbs & spices* 11.99
32. **Lamb Vindaloo** *Pieces of lamb owht hot spices in a highly seasoned gravy, with potatoes, tomatoes and chilli peppers* 10.99
33. **Saag Lamb** *Lamb cooked with spinach and a mildly spiced gravy* 10.99
34. **Lamb Fraizee** *Lamb cooked in special gravy with onions, tomatoes, bell peppers, tossed in an Indian iron pan* 12.99
35. **Karahi Lamb** *Boneless lamb cooked with herbs, onions, tomatoes with Indian spices & tossed in an Indian pan* 11.99
36. **Lamb Bhuna** *Tender lamb cooked with chopped onions, bell peppers, tomatoes and spices* 10.99
37. **Lamb Madras** *Lamb cooked in onion sauce & spices* 10.99
38. **Lamb Rogan Josh** *Tender lamb cooked with chopped tomatoes & onion sauce* 10.99
39. **Lamb Jalfrazy** *Lamb cooked with mixed vegetables in sauce* 11.99

91. **Shrimp Biryani** *Jumbo Shrimp cooked with vegetables, nuts & rice*.....12.99
92. **Vegetable Biryani** *Garden fresh vegetables cooked with nuts, herbs, spices & rice*.....9.99
93. **Peas Pulao Rice** *Rice cooked with peas, onions, tomatoes & nuts*.....4.99
94. **Basmati Rice** *Special rice imported from India*.....2.99
95. **Naan** *Leavened bread baked in clay oven*.....1.75
96. **Garlic Naan** *eavened bread with a subtle touch of garlic*.....1.99
97. **Roti** *Traditional Indian style wheat bread*.....1.99
98. **Paratha** *Whole wheat bread with a little touch of butter*.....2.99
99. **Aloo Paratha** *Whole wheat bread stuffed with potatoes and green peas*.....3.99
100. **Gobhi Paratha** *Whole wheat bread stuffed with cauliflower*.....3.99
101. **Chicken Naan** *Leavened bread stuffed with chicken and mild or hot spices*.....3.99
102. **Keema Naan** *Leavened bread stuffed with ground beef*.....3.99
103. **Onion Kulcha** *Naan bread stuffed with onions and spices*.....2.99
104. **Bhatura** *Leavened bread deep fried*.....2.99
105. **Puri** *Whole wheat bread deep fried*.....2.99
106. **Cheese Naan** *Special bread with cheese*.....2.99
107. **Kabli Naan** *Special bread with nuts and raisins*.....3.99

Indian Garden Salads

108. **Mixed Salad**.....3.99
109. **Cucumber Raita** *Cucumbet, tomato and potato bits in whipped yogurt*.....2.99
110. **Plain Yogurt**.....1.99
111. **Kachumbar** *Diced fresh lettuce, onions, tomatoes, cucumbers &fresh lemon juice*.....2.99

Indian Garden Desserts

112. **Mango Kulfi** *Indian style ice cream with mango flavor*.....3.99
113. **Pistachio Kulfi** *Indian style ice cream*.....2.99
114. **Gulab Jamun** *Juicy pastry deep fried*.....2.99
115. **Kheer** *Rice pudding*.....2.99
116. **Rasmalai** *Delicate pattie of fresh homemade cottage cheese served with cream and pistachio*.....4.99
117. **Gajar Halwa** *Carrots cooked in exotic creamy sauce with nuts and raisins*.....3.99

Indian Garden Drinks

118. **Mango Lassi** *Fresh mango with yogurt, milk drink*.....2.99
119. **Mango Shake** *Fresh mangoes with milk*.....2.99
120. **Lassi** *Yogurt Drink-Sweet or Salt or Plain*.....2.99
121. **Indian Tea** *Hot Tea with Indian Spices - Refill*.....1.99
122. **Indian Coffee** *Hot Coffee with milk*.....2.99
123. **Milk Rose** *Milk with rose flavored syrup*.....2.99
124. **Jalzeera** *Herbal Drink*.....2.99
125. **Soft Drinks** *(Coke, Diet Coke, Spirit, Dr. Pepper, Root beer, Lemonade)-Refill*.....1.99
126. **Iced Tea** *Chilled ice tea - Refill*.....1.99

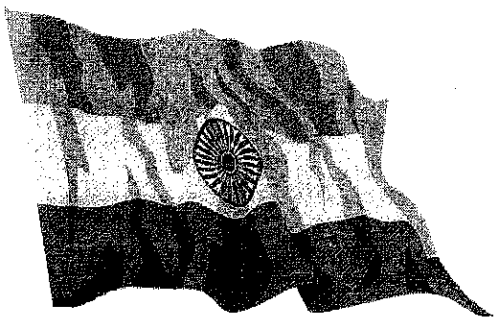
Full Service Bar Also Available

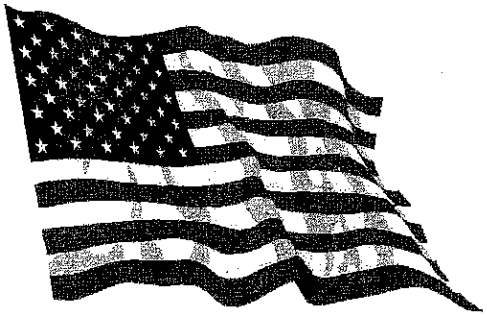
Enjoy India Garden Lunch Buffet
Super Weekend Buffet
Banquet Hall

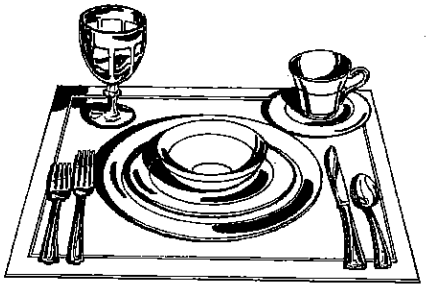
CATERING
Business Meetings, Working Lunches, Office Parties, Team Meetings, House Parties, Holiday Gatherings, Special Events.

Fine Indian Cuisine

India Garden







1809 N. Dysart Rd., C106

[illegible] Arizona 85392

(623) 546-2320

Open 7 Days a Week

Lunch: 11:00 a.m. - 2:30 p.m.

Dinner: 5:00 p.m. - 10:00 p.m.

Indian Garden Tandooris

Reshmi/Shami *Kabob Chicken Keema marinated in spices and cooked in a tandoor*..... 10.99

Tandoori Chicken *Chicken marinated in yogurt and mild spices, cooked in it's own juices over hot charcoal, roasted in Tandoor*..... 9.99

Chicken Tikka *Tandoori roasted boneless chicken breast pieces on an onion bed*..... 10.99

Chicken Ginger Kabob *Chicken breast marinated with ginger and yogurt on an onion bed*..... 11.99

Seekh Kabob *Minced beef, blended with onion, herbs and spices cooked in tandoori oven*..... 10.99

Tandoori Mixed Grill *Assorted kabobs of chicken, lamb and shrimp on an onion bed*..... 13.99

Shrimp Tandoori *Jumbo shrimp marinated in mild spices on an onion bed*..... 14.99

Fish Tandoori *Large pieces of fish prepared with Indian Spices*..... 13.99

Lamb Boti Kabob *Lamb pieces marinated in Indian Spices on an onion bed*..... 11.99

'13 MAR 28 Lib. Lic PM 2:45

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

13 MAR 28 Liq. Lic. PM 2:45

QUESTIONNAIRE

P1042467 SG

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD AVAILABLE AT THIS OFFICE. FINGERPRINTS ON FBI-APPROVED CARDS ARE ACCEPTED FROM LAW ENFORCEMENT AGENCIES, BONA FIDE FINGERPRINT SERVICES, OR THE DEPARTMENT OF LIQUOR. THE DEPARTMENT CHARGES A $13 FEE.

In addition to other fingerprint fees, a $22 DPS background check fee will be charged for each fingerprint card.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 12079456
(If the location is currently licensed)

1. Check appropriate box →

☒ Controlling Person ☒ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: TAMANG (Last) Prem (First) Bman (Middle) Date of Birth: ____ (NOT a Public Record)

3. Social Security Number: ____ (NOT a public record) Drivers License #: ____ (NOT a public record) State: Az

4. Place of Birth: KATHMANDU (City) Nepal (State) Country (not county) Height: 5-7 Weight: 186 Eyes: B Hair: B

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed

6. Name of Current or Most Recent Spouse: Tamang (Last) Jamaki (First) K (Middle) (Maiden) Date of Birth: ____ (NOT a public record)
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: ____

8 Telephone number to contact you during business hours for any questions regarding this document. ____

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: INDIA GARDEN Premises Phone: (623) 536-2320

11. Physical Location of Licensed Premises Address: 1809 N. Dysart Rd #103 (Street Address (Do not use PO Box #)) Avondale (City) Maricopa (County) 85392 (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
9/12	CURRENT	Member MGR	INDia Garden 1809 N. Dysart Rd. Avondale AZ 85392
9/05	9/12	Nightclub Manager	777 N. Pinal Ave Casagrand AZ 85222

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
8/01	CURRENT	OWN				

Disabled individuals requiring special accommodations, please call the Department. (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☒ YES ☐ NO
If you answered YES, how many hrs/day? 10, and **answer #14a below**. If NO, skip to #15.
14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☒ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years? In addition, please include all traffic tickets and complaints within the last ten (10) years that resulted in a warrant for arrest AND any traffic tickets and complaints that are alcohol or drug-related. ☐ YES ☒ NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? Include only criminal traffic tickets and complaints. ☐ YES ☒ NO

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ☐ YES ☒ NO

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐ YES ☒ NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ☒ YES ☐ NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.

SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

13 MAR 28 PM 12:45 Liq. Lic.

20. I, PREM BRIAN TAMANG, hereby declare that I am the APPLICANT/REPRESENTATIVE filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.
(print full name of Applicant)

x PREM BRIAN TAMANG
(Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 28 day of March, 2013
Month Year

Selena Marie Gonzales
(Signature of NOTARY PUBLIC)

My commission expires on: 12-2-16
Day Month Year

OFFICIAL SEAL
SELENA MARIE GONZALES
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires February 12, 2016

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

x _____
Signature of Controlling Person or Agent (circle one)

_____ day of _____, _____
Month Year

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

This is certify that Prem Brian Tamang

the ex owner of Himalian Indian Restaurant

License #12075288.

'13 MAR 28 Liq. Lic. PM 2:45

THx

Prem Brian Tamang

Dated

3/28/13

13 MAR 28 Liq. Lic. PM 2:45

SECTION IV — DECLARATION

All applicants must complete this section. I declare under penalty of perjury under the laws of the state of Arizona that the answers I have given are true and correct to the best of my knowledge.

APPLICANT'S SIGNATURE

3/28/13
TODAY'S DATE

Print Form

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

CERTIFICATE OF TITLE 4 TRAINING COMPLETION

Do Not Duplicate This Form

Certificates must be completed by a state-approved training course provider, in black ink, on an original form.

PREM BRIAN TAMANG
Full Name (please print)

Signature

1/31/12
Training Completion Date

01-31-2017
Certificate Expiration Date
(MANAGEMENT - 5 years from completion date)
(BASIC - 3 years from completion date)

Type of Training Completed (check Yes or No)

[X] Yes	[ ] No	BASIC	[X] Yes	[ ] No	ON SALE
[X] Yes	[ ] No	MANAGEMENT	[X] Yes	[ ] No	OFF SALE
[X] Yes	[ ] No	BOTH	[ ] Yes	[X] No	OTHER

If Trainee Is Employed By A Licensee

Name of Licensee	Business Name	Liquor License #
Melissa Florez	Holiday Inn	11113003

Alcohol Training Program Provider Information

AATF - All-Star Alcohol Awareness
Company or Individual Name (please print)

P.O. Box 6252
Address

City	State	Zip	Daytime Contact Phone #
Chandler	Arizona	85246	(480) 664 0389

I certify the above named individual has successfully completed the training specified above in accordance with Arizona Revised Statue, Arizona Administrative Code, and the training course curriculum approved by the Department of Liquor Licenses and Control:

Jared Repinski
Name of Trainer (please print)

Trainer Signature

01-31-2012
Date

Pursuant to A.R.S.§ 4-112(G)(2), mandatory Title 4 liquor law training is required prior to the issuance of all new liquor license applications submitted after November 1, 1997.

The persons(s) required to attend both the BASIC and MANAGEMENT Title 4 liquor law training, on- or off-sale, will include all of the following:
Owner(s)
Licensee/agent or manager(s) actively involved in daily business operation

A valid (not expired) Certificate of Title 4 Training Completion must be submitted to the Department of Liquor Licenses and Control before a liquor license application is considered complete.

Before acceptance of a manager's questionnaire and/or agent change for an existing liquor license, proof of attendance for the BASIC and MANAGEMENT Title 4 liquor law training (on- or off-sale) is required.

Disabled individuals requiring special accommodations, please call (602) 542-9027

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

'13 MAR 28 Liq. Lic. PM 2:45

QUESTIONNAIRE

P1069008 SG

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD AVAILABLE AT THIS OFFICE. FINGERPRINTS ON FBI-APPROVED CARDS ARE ACCEPTED FROM LAW ENFORCEMENT AGENCIES, BONA FIDE FINGERPRINT SERVICES, OR THE DEPARTMENT OF LIQUOR. THE DEPARTMENT CHARGES A $13 FEE.

In addition to other fingerprint fees, a $22 DPS background check fee will be charged for each fingerprint card.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 120794560
(If the location is currently licensed)

1. Check appropriate box → ☒ Controlling Person ☒ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager | ☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: ~~DHAKAL~~ DHAKAL Anil B Date of Birth: _____
Last First Middle (NOT a Public Record)

3. Social Security Number: _____ (NOT a public record) Drivers License #: _____ (NOT a public record) State: Az

4. Place of Birth: Kathmandu NEPAL Height: 5.8 Weight: 170 Eyes: Bro Hair: Blk
City State Country (not county)

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed

6. Name of Current or Most Recent Spouse: DHAKAL Muna Date of Birth: _____
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: _____

8 Telephone number to contact you during business hours for any questions regarding this document.

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: INDIA GARDEN Premises Phone (623) 536-2320

11. Physical Location of Licensed Premises Address: 1809 N DYSART RD #C106 Avondale Maricopa 85392
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
9/12	CURRENT	Member/Manager	INDIA Garden 1809 N. DYSART #C106 Avondale AZ 85392
2/2002	9/2012	Manager	INDIA Palace 2941 W. BELL Rd PHX AZ 85038

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
2/02	CURRENT	Own				

Disabled individuals requiring special accommodations, please call the Department. (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☒ YES ☐ NO
If you answered YES, how many hrs/day? 8, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☐ YES ☒ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years? In addition, please include all traffic tickets and complaints within the last ten (10) years that resulted in a warrant for arrest AND any traffic tickets and complaints that are alcohol or drug-related. ☐ YES ☒ NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? Include only criminal traffic tickets and complaints. ☐ YES ☒ NO

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ☐ YES ☒ NO

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐ YES ☒ NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ☒ YES ☒ NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.

SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

13 MAR 28 AM 11:45 DLLC

20. I, ANIL B. DHAKAL, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 27 day of March, 2013
Month Year

Marielle Silva
(Signature of NOTARY PUBLIC)

MARIELLE SILVA
Notary Public - Arizona
Maricopa County
My Comm. Expires Jul 1, 2016

My commission expires on 1 07 2016
Day Month Year

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

_____ day of _____, _____
Month Year

X _____
Signature of Controlling Person or Agent (circle one)

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

AZ CORPORATION COMMISSION
FILED

AUG 28 2012

FILE NO. L17855965

'13 MAR 28 Liar. Lic. PM 2:45

AZ Corp. Commission
03995401

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

ARTICLES OF ORGANIZATION

Read the Instructions L010I

1. ENTITY TYPE – check only one to indicate the type of entity being formed:

☒ LIMITED LIABILITY COMPANY ☐ PROFESSIONAL LIMITED LIABILITY COMPANY

2. ENTITY NAME – see Instructions L010I for naming requirements – give the exact name of the LLC:

India Everest Garden LLC.

3. PROFESSIONAL LIMITED LIABILITY COMPANY SERVICES – If professional LLC is checked in number 1 above, describe the professional services that the professional LLC will provide (*examples*: law firm, accounting, medical):

4. STATUTORY AGENT – *see Instructions L010I*:

4.1 *REQUIRED* – give the **name** (can be an individual or an entity) **and *physical or street address*** (not a P.O. Box) in Arizona of the statutory agent:			**4.2** *OPTIONAL* – mailing address in Arizona of Statutory Agent (can be a P.O. Box):		
Prem B Tamang Statutory Agent Name					
Attention (optional)			Attention (optional)		
Address 1			Address 1		
Address 2 (optional) City	State	Zip	Address 2 (optional) City	State	Zip

4.3 *REQUIRED*—the Statutory Agent Acceptance form M002 must be submitted along with these Articles of Organization.

5. ARIZONA KNOWN PLACE OF BUSINESS ADDRESS:

5.1 Is the Arizona known place of business address the same as the **street address** of the statutory agent? ☐ Yes – go to number 6 and continue
☑ No – go to number 5.2 and continue

5.2 If you answered **"No"** to number 5.1, give the **physical or street address** (not a P.O. Box) of the known place of business of the LLC in Arizona:

India Everest Garden LLC. Attention (optional)			
1809 N, Dysart Rd. # C-106 Address 1			
Avondale Address 2 (optional)		AZ	85392
City Country	UNITED STATES	State or Province	Zip

'13 MAR 28 Liv. Lic. PM 2:45

6. DURATION – the duration or life period of the LLC is **presumed to be perpetual** ***unless*** one of the boxes is checked below *and* the corresponding blank is filled in:

☐ The LLC's life period will end on this **date:** _____ (enter a date)

☐ The LLC's life period will end upon the occurrence of this **event**

_____ (describe an event)

COMPLETE NUMBER 7 OR NUMBER 8 – NOT BOTH.

7. MANAGER-MANAGED LLC – *see Instructions L010i* – check this box ☐ if management of the LLC will be vested in a manager or managers, and complete and attach the Manager Structure Attachment form L040. *The filing will be rejected if it is submitted without the attachment*.

8. MEMBER-MANAGED LLC – *see Instructions L010i* – check this box ☑ if management of the LLC will be reserved to the members, and complete and attach the Member Structure Attachment form L041. *The filing will be rejected if it is submitted without the attachment.*

9. ORGANIZERS - list the **name and address**, and provide the **signature**, of each and every organizer – minimum of one is required. If more space is needed, check this box ☐ and complete and attach the Organizer Attachment form L042.

Prem B. Tamang
Name

Address 1

Address 2 (optional)

City | State | Zip

UNITED STATES
Country

SIGNATURE – *see Instructions L010i:*

By checking the box marked "I accept" below, I acknowledge *under penalty of perjury* that this document together with any attachments is submitted in compliance with Arizona law.

☑ I ACCEPT

Signature

Prem B. Tamang
Printed Name | Date

IF SIGNING FOR AN ENTITY, CHECK ONE, FILL IN BLANK:

☐ **Corporation as Organizer** – I am signing as an officer or authorized agent of a corporation and its name is:

☑ **LLC as Organizer** – I am signing as a member, manager, or authorized agent of a **limited liability company**, and its name is:

Anil B. Dhakal
Name

Address 1

Address 2 (optional)

City | State | Zip

UNITED STATES
Country

SIGNATURE – *see Instructions L010i:*

By checking the box marked "I accept" below, I acknowledge *under penalty of perjury* that this document together with any attachments is submitted in compliance with Arizona law.

☑ I ACCEPT

Signature

Anil B. Dhakal
Printed Name | Date

IF SIGNING FOR AN ENTITY, CHECK ONE, FILL IN BLANK:

☐ **Corporation as Organizer** – I am signing as an officer or authorized agent of a corporation and its name is:

☑ **LLC as Organizer** – I am signing as a member, manager, or authorized agent of a **limited liability company**, and its name is:

Filing Fee: $50.00 (regular processing) Expedited processing – add $35.00 to filing fee. All fees are nonrefundable - see Instructions.	Mail: Arizona Corporation Commission Corporate Filings Section 1300 W. Washington St., Phoenix, Arizona 85007 Fax: 602-542-4100

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for these matters that may pertain to the individual needs of your business.
All documents filed with the Arizona Corporation Commission are public record and are open for public inspection.
If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

'13 MAR 28 Liq. Lic. PM 2:45

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

MEMBER STRUCTURE ATTACHMENT

1. **ENTITY NAME** – give the exact name of the LLC (foreign LLCs – give name in domicile state or country):
India Everest Garden LLC. AZ. United States

2. **A.C.C. FILE NUMBER** (if known): _____
Find the A.C.C. file number on the upper corner of filed documents OR on our website at: http://www.azcc.gov/Divisions/Corporations

3. **Check one box only to indicate what document the Attachment goes with:**

- [x] Articles of Organization
- [ ] Application for Registration
- [ ] Articles of Amendment
- [ ] Articles of Amendment to Application for Registration

4. **MEMBERS** – give the name and address of all **Members.** If more space is needed, use another Member Structure Attachment form.

Prem B. Tamang	Anil B, Dhakal
Name	Name
Address 1	Address 1
Address 2 (optional)	Address 2 (optional)
City / Country: UNITED STATES / State or Province / Zip	City / Country: UNITED STATES / State or Province / Zip
Name	Name
Address 1	Address 1
Address 2 (optional)	Address 2 (optional)
City / Country / State or Province / Zip	City / Country / State or Province / Zip
Name	Name
Address 1	Address 1
Address 2 (optional)	Address 2 (optional)
City / Country / State or Province / Zip	City / Country / State or Province / Zip

'13 MAR 28 Liq. Lic. 98245

Operating Agreement

India everest Garden

dba

India Garden

IS managed by The Member Managers Poem Brian Tamang Anil Bibushan Dhakal.

Their duties Are to Manage the day to day Business. They Supervise the Employees at front & back in The Kitchen. to make Sure the standard of Service Maintained All the Restaurant Supplies in place.

When one Member manager's out Rest towards The other member Manager Takes the full charge of The Restaurant.

The both Member Managers ~~Are~~ Share The Profit or LOSS 50/50

We have signed this operating agreement as a guideline.

Poem Brian Tamang
Member/manager

Anil Bibushan Dhakal.

Dated: 3/26/13

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ RESTAURANT - NEW LICENSE

ROUTING:

☒ POLICE DEPARTMENT
☐ FIRE DEPARTMENT
☐ DEVELOPMENT SERVICES
☐ FINANCE DEPARTMENT

APPLICANT'S NAME: PREM BRIAN TAMANG

BUSINESS NAME: INDIA GARDEN

ADDRESS: 1809 N. DYSART RD #C106

CITY: AVONDALE STATE: AZ. ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☑ APPROVED
☐ DENIED

SIGNATURE

Chief of Police
TITLE

4/23/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 29, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ RESTAURANT - NEW LICENSE

ROUTING:

☐ POLICE DEPARTMENT
☒ FIRE DEPARTMENT
☐ DEVELOPMENT SERVICES
☐ FINANCE DEPARTMENT

APPLICANT'S NAME: PREM BRIAN TAMANG

BUSINESS NAME: INDIA GARDEN

ADDRESS: 1809 N. DYSART RD #C106

CITY: AVONDALE STATE: AZ. ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

Valorie Russell
SIGNATURE

4/23/13
DATE

Fire Inspector
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 29, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ RESTAURANT - NEW LICENSE

ROUTING:

☐ POLICE DEPARTMENT
☐ FIRE DEPARTMENT
☒ DEVELOPMENT SERVICES
☐ FINANCE DEPARTMENT

APPLICANT'S NAME: PREM BRIAN TAMANG

BUSINESS NAME: INDIA GARDEN

ADDRESS: 1809 N. DYSART RD #C106

CITY: AVONDALE STATE: AZ. ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☑ APPROVED
☐ DENIED

SIGNATURE

4/23/13
DATE

Chief Building Official
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 29, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ **RESTAURANT - NEW LICENSE**

ROUTING:

- ☐ POLICE DEPARTMENT
- ☐ FIRE DEPARTMENT
- ☒ DEVELOPMENT SERVICES
- ☐ FINANCE DEPARTMENT

APPLICANT'S NAME: PREM BRIAN TAMANG

BUSINESS NAME: INDIA GARDEN

ADDRESS: 1809 N. DYSART RD #C106

CITY: AVONDALE **STATE:** AZ. **ZIP CODE:** 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

Zoning Specialist
TITLE

4/25/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 29, 2013

DEVELOPMENT SERVICES

MEMORANDUM

DATE: April 25, 2013

TO: Carmen Martinez, City Clerk

PREPARED BY: Jennifer Fostino, Zoning Specialist

SUBJECT: Series 12 Liquor License for India Gardens
1809 N Dysart Rd #C106

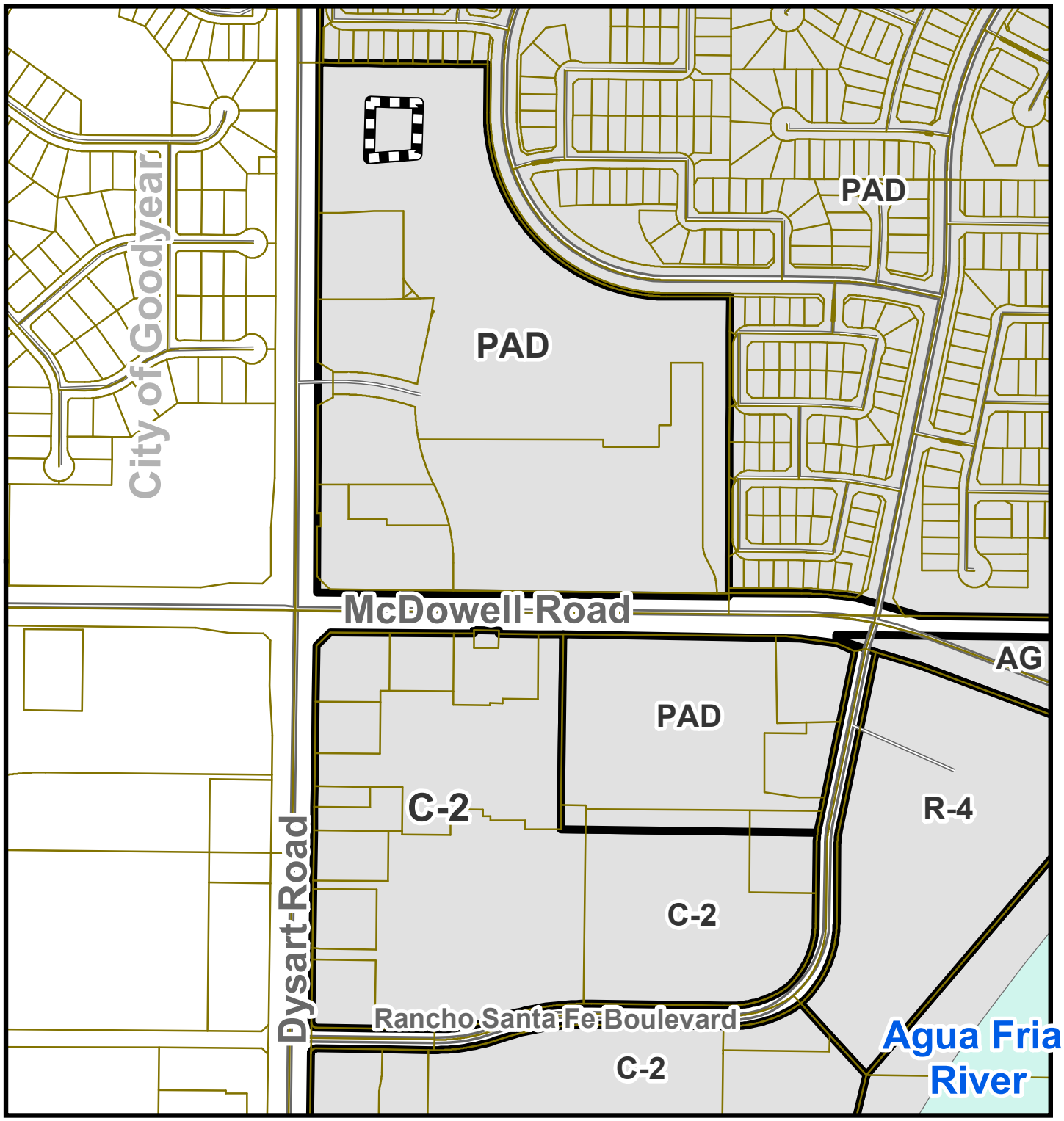
The proposed location is at the northeast corner of McDowell Rd and Dysart Rd in the Alameda shopping center. The building is existing.

A Series 12 liquor license is exempt from the 300 foot separation requirement from a church, school, or fenced school recreational area.

The General Plan designates the property as Local Commercial and the site is zoned Planned Area Development (PAD). A dine-in restaurant is a permitted use.

Staff recommends approval of this request.

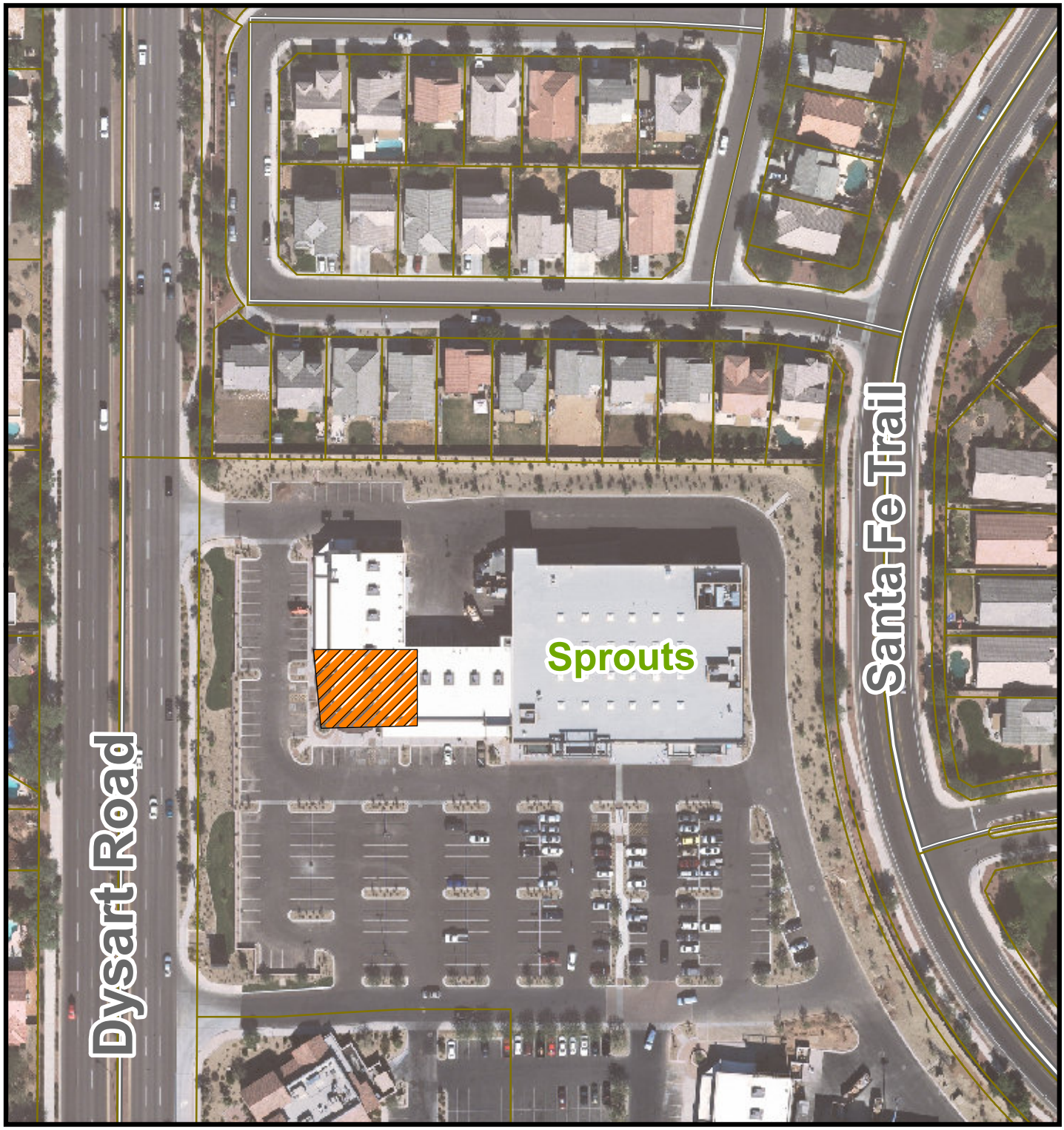
Attachment: Zoning Vicinity Map
2013 Aerial Photograph



Zoning Vicinity Map

Avondale

Subject Property



2013 Aerial Photograph

Avondale

India Garden

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE: SERIES 12

☒ RESTAURANT - NEW LICENSE

ROUTING:

☐ POLICE DEPARTMENT
☐ FIRE DEPARTMENT
☐ DEVELOPMENT SERVICES
☒ FINANCE DEPARTMENT

APPLICANT'S NAME: PREM BRIAN TAMANG

BUSINESS NAME: INDIA GARDEN

ADDRESS: 1809 N. DYSART RD #C106

CITY: AVONDALE STATE: AZ. ZIP CODE: 85392

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

TAX Audit Supervisor
TITLE

4/23/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAY 20, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: APRIL 29, 2013

INDIA GARDEN
Indian Cuisine
04.23.2013 15:35
106
OPEN
HANNA YEAR
OPEN 7 DAYS A WEEK
Monday - Sunday
LUNCH BUFFET
11:00am - 2:30pm
DINNER
5:00pm - 10:00pm
623-535-2320
BLUE MOON
OPEN

NOTICE

APPLICATION TO SELL ALCOHOLIC BEVERAGES
DATE POSTED: *APRIL 23, 2013*

A HEARING ON A LIQUOR LICENSE APPLICATION
SHALL BE HELD BEFORE THE **AVONDALE CITY COUNCIL**

LOCATION: 11465 WEST CIVIC CENTER DRIVE
DATE: MONDAY, MAY 20, 2013
AT 7:00 PM.

(HEARING DATES SUBJECT TO CHANGE,
TO VERIFY CALL: 623-333-1200)

SERIES 12: RESTAURANT LICENSE TO SELL ALL SPIRITUOUS LIQUORS

THE LOCAL GOVERNING BODY WILL RECOMMEND TO THE STATE LIQUOR BOARD WHETHER THE BOARD SHOULD GRANT OR DENY THE LICENSE. THE STATE LIQUOR BOARD MAY HOLD A HEARING TO CONSIDER THE RECOMMENDATION OF THE LOCAL GOVERNING BODY. ANY PERSON RESIDING OR OWNING OR LEASING PROPERTY WITHIN A ONE-MILE RADIUS MAY CONTACT THE STATE LIQUOR BOARD IN WRITING TO REGISTER AS A PROTESTER. TO REQUEST INFORMATION REGARDING PROCEDURES BEFORE THE BOARD AND NOTICE OF ANY BOARD HEARINGS REGARDING:

India Garden
1809 N. Dysart Rd. #C-106
Avondale, AZ. 85392

THIS APPLICATION, CONTACT: STATE LIQUOR BOARD - 800 W. WASHINGTON, 5TH FLOOR, PHOENIX, AZ 85007 STATE LIQUOR DEPT: (602) 542-9789
INDIVIDUALS REQUIRING ADA ACCOMMODATIONS CALL THE CITY CLERK AT: 623-333-1200.

Arizona Department of Liquor Licenses and Control
100 West Washington, 5th Floor
Phoenix, Arizona 85007-2934

'13 MAR 28 AM 10:40

APPLICATION FOR LIQUOR LICENSE
OFFICE USE ONLY

Notice: Effective Nov. 1, 1997, all Corporations, Partnerships, Shareholders, Officers, or Members of Limited Liability Companies must be listed in the day to day operations of the business must attend a Department approved course on liquor laws and responsible beverage service training within the last five years. See page 3 of the Liquor Licensing requirements.

SECTION 1 This application is for:
☐ MORE THAN ONE LICENSE
☐ INTERIM PERMIT Complete Section 4
☑ NEW LICENSE Complete Sections 2, 3, 4, 10, 12, 14
☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 10, 12, 14
☐ LOCATION TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 10, 12, 14
☐ PROBATE/WILL ASSIGNMENT (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 10, 12, 14
☐ GOVERNMENT Complete Sections 2, 3, 4, 10, 12, 14

SECTION 2 Type of ownership:
☐ JTWROS Complete Section 6
☐ INDIVIDUAL Complete Section 6
☐ PARTNERSHIP Complete Section 7
☐ CORPORATION Complete Section 7
☐ LLC Complete Section 8
☐ SOLE PROPRIETOR Complete Section 9
☐ TRUST Complete Section 9
☐ OTHER (Explain) Complete Section 9

SECTION 3 Type of license and fees LICENSE #(s) 12070456
1. Type: #12
2. Total fees attached: $ 294

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
The fees allowed under A.R.S. 44-6062 will be charged for all dishonored checks.

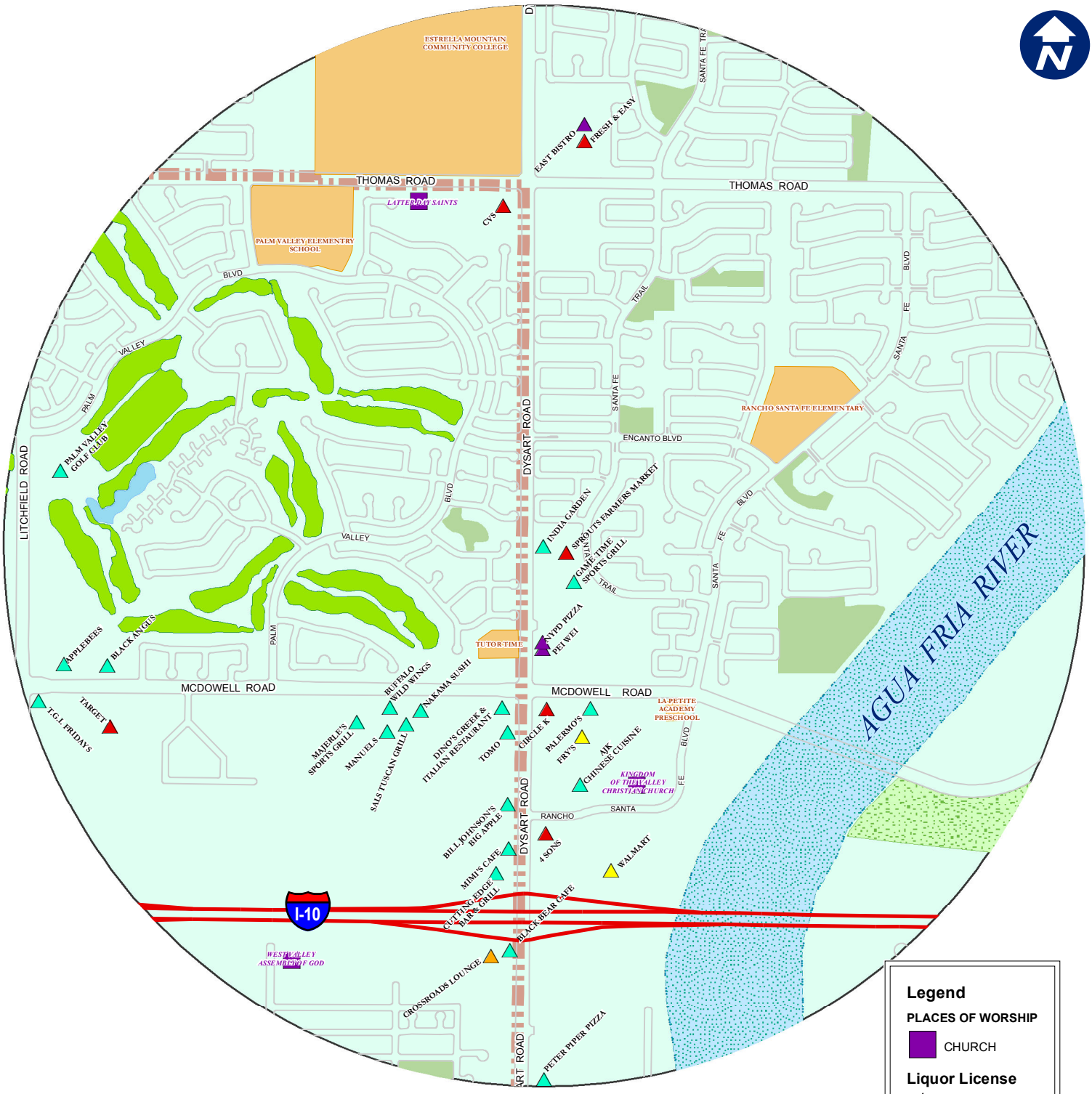
SECTION 4 Applicant
1. Owner/Agent's Name: Mr. TAMANG Prem Middle
(Insert one name ONLY to appear on license) Last First
2. Corp./Partnership/L.L.C. INDIA Garden LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: India Garden
(Exactly as it appears on the exterior of premises)
4. Principal Street Location 1809 N. Dysart Rd #C 106 Avondale Maricopa 85392
(Do not use PO Box Number) City County Zip
5. Business Phone (623) 536-7200 Daytime Phone ( ) Email:
6. Is the business located within the incorporated limits of the above city or town? ☑ YES ☐ NO
7. Mailing Address 1809 N. Dysart Rd #C106 Avondale AZ 85392
8. Price paid for license only bar, beer and wine, or liquor store: Type $ Type $

DEPARTMENT USE ONLY
Fees: 100 Application, 100 Interim Permit, 50 Site Inspection, 44 Finger Prints, $ 294 TOTAL OF ALL FEES
Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☑ YES ☐ NO
Accepted by SG Date 3/28/13 Lic # 12070456

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

1

04.23.2013 15:34



INDIA GARDEN
1809 N DYSART RD
#C-106
1 Mile Buffer

0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

Avondale GIS Division of Water Resources

CITY COUNCIL REPORT

SUBJECT:
Appointment of Judges pro tempore

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Abril Ruiz-Ortega, Court Administrator (623) 333-5822

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council re-appoint eight judges pro tempore to two-year terms expiring on June 1, 2015.

BACKGROUND:

Avondale City Code section 5-1 (f) gives the City Council the authority to appoint judges pro tempore. During its May 21, 2012 meeting, the City Council appointed pro tem judges to serve one year terms to fill in during the absence of the City Judge. The City Attorney advises that the term for pro-tem judges be not less than two years. Their terms expire on June 1, 2013.

DISCUSSION:

Judge Lynch is recommending the Council re-appoint the following to an additional two-year terms through June 1, 2015:

Hon. Alicia Lawler
Hon. William Molner
Hon. Craig Ring
Hon. Joanne Landfair
Hon. Sherri Tolar Rollison
Hon. Tamika Nercella Cheatham
Hon. Erin Regina Steffin
Hon. E. Evans Farnsworth

The judges named above have been admitted to the practice of law for at least five years as required by Avondale City Code, Section 5-1 (f); have extensive judicial experience in the courts of limited jurisdiction and have completed the application, interview and selection process conducted with the help of the Avondale Human Resources department.

The panel of qualified judges authorized to serve in Avondale fill in for the absent City Judge when all sitting judges are summoned on an annual basis to judicial conferences and mandatory training. Pro tem judges also fill in during the City Judge's scheduled vacation leave and sick leave and are scheduled to assist on days with a heavy court docket.

BUDGETARY IMPACT:

Judges pro tempore are compensated at an hourly rate of $55.00 per hour. This rate is competitive with other West Valley courts. Funding for the pro tem judges is provided in the Court operating budget in the Professional Services account.

RECOMMENDATION:

Staff recommends that the City Council re-appoint the existing pro tem judges listed above to two-year terms expiring on June 1, 2015.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Construction Contract Award - Southwest Slurry Seal

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Charles Andrews, P.E., City Engineer, 623-333-4216

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve a construction contract with Southwest Slurry Seal for the 2013 Spring Preservative Micro-Seal & Tire Rubber Modified Surface Seal (TRMSS) Program in the amount of $630,040.15 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City continues to strive to keep roadways in the best condition possible. In 2009, the City implemented a Pavement Management System (PMS). This fully implemented computerized system tracks past pavement treatments, current pavement conditions and projects future pavement performance enabling staff to more effectively perform the financial planning necessary to stretch limited pavement preservation and reconstruction dollars.

City staff continuously researches preservative treatments that most efficiently meet preservation needs. Several factors are used to evaluate pavement preservation strategies including age, history of prior treatments, current pavement conditions and usage. With the assistance of the PMS and in conjunction with the appropriated budget, staff determines the best treatment and prioritizes the streets to be treated.

DISCUSSION:

Based on data from the PMS, field analysis, CIP planning and available budget, staff selected a group of streets and then also selected a combination of commonly used surface treatments including Tire Rubber Modified Surface Seal (TRMSS), a Type II Micro Seal and a Polymer Modified MasterSeal (PMM) for the City Hall Campus.

All treatments will extend the useful pavement life by sealing the streets and help to prevent further damage caused by oxidation and weather. TRMSS and the PMM are mainly preservative surface sealants while the Type II Micro-Seal uses an emulsified asphalt with fine mineral aggregate to fill in imperfections/voids and renew the driving surface. Both treatments are also environmentally friendly.

SCOPE OF WORK:

The scope of work for this project will include:

- Prepare street surfaces including minor pavement repairs.
- Apply Tire Rubber Modified Surface Seal (TRMSS) Preservative Seal
- Apply Type II Micro Seal

- Seal City Hall Parking Lots with the PMM
- Restriping as required

The major streets include:

- Avondale Boulevard from Buckeye Road to McDowell Road
- Santa Fe Trail from Indian School Road to Thomas Road and Thomas Road down to Rancho Santa Fe
- Osborn Road from Santa Fe Trail to Dysart Road
- Encanto Boulevard from 107th Avenue to 99th Avenue
- Portions of 103rd Avenue from Encanto Boulevard to McDowell Road
- Hilton Way, Hilton Drive & Roosevelt Street east of Avondale Boulevard
- Maricopa Street east of Avondale Boulevard

BID PROCESS:

Requests-for-Bid notices were published in the West Valley View on April 19 and 23, 2013, and the Arizona Business Gazette on April 18, 2013. The Development and Engineering Services Department held a mandatory pre-bid meeting on April 29, 2013. Two (2) bids were received and opened on May 9, 2013. Each bid package was reviewed and both bidders met the bidding requirements. The firms and their bid amounts are as follows:

BIDDER	BID AMOUNT	DBE
Southwest Slurry Seal	$630,040.15	No
International Surfacing Systems	$706,860.8	No

See the attached Bid Tabulation Sheet for a detailed bid item breakdown of each submitted bid. Staff contacted references and believes Southwest Slurry Seal to be competent and qualified for this project. Southwest Slurry Seal has successfully completed similar work for the City in the past and for other local government agencies. Staff contacted the Registrar of Contractors and found no claims on file against this contractor.

The contract is on file with the City Clerk.

SCHEDULE:

A tentative construction schedule is as follows:

PROJECT MILESTONES	TARGET DATES
Issue Notice of Award	05/21/13
Pre-Construction Conference	06/10/13
Issue Notice to Proceed	06/24/13
Begin Construction	07/01/13
Completion	08/16/13

BUDGETARY IMPACT:

Funding in the amount of $630,040.15 is available in CIP Street Fund Line Item No. 304-1020-00-8420, Citywide Preventive Street Maintenance.

RECOMMENDATION:

Staff recommends that the City Council award a construction contract to Southwest Slurry Seal for the 2013 Spring Preservative Micro-Seal & Tire Rubber Modified Surface Seal (TRMSS) Program in the amount of $630,040.15 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Bid Tab
- Project Map

CITY OF AVONDALE
BID TABULATION SHEET
EN13-037 2013 Spring Preservative Micro-Seal TRMSS Program (ST1020)
BID DATE: May 9, 2013

Item No.	Description of Materials and/or Services	Qty	Unit	Southwest Slurry Seal		International Surfacing Systems	
				Unit Price	Total Price	Unit Price	Total Price
107.15000	Community Relations (Allowance)	1	ALLOW	$15,000.00	$15,000.00	$15,000.00	$15,000.00
109.04000	Miscellaneous Reimbursables (Allowance)	1	ALLOW	$25,000.00	$25,000.00	$25,000.00	$25,000.00
109.10010	Mobilization/Demobilization	1	LS	$24,500.00	$24,500.00	$14,871.00	$14,871.00
317.09010	Narrow 2.0" Mill for Longitudinal AC Patching	1,520	SY	$9.25	$14,060.00	$12.52	$19,030.40
317.09020	2" Area Mill for AC Patching Adj to MH's on Maricopa St.	400	SY	$22.00	$8,800.00	$25.50	$10,200.00
321.00209	AC Surface Course; 12.5 mm Marshall, 2 - 2½ inch, 1 lift, Milled Sections	1,920	SY	$22.50	$43,200.00	$24.50	$47,040.00
331.10010	Type II Micro-Seal Application	172,000	SY	$1.78	$306,160.00	$1.98	$340,560.00
333.01102	Preservative Seal; (TRMSS) - Streets	43,000	SY	$0.51	$21,930.00	$1.61	$69,230.00
333.01109	Preservative Seal; Polymer Modified Masterseal (PMM) - Parking Lots	23,700	SY	$1.00	$23,700.00	$1.12	$26,544.00
345.01100	Adjust Sewer Manhole Frame and Cover	10	EA	$500.00	$5,000.00	$1,530.00	$15,300.00
401.01000	Traffic Control	1	LS	$51,500.00	$51,500.00	$35,200.00	$35,200.00
401.01100	Uniformed Off-Duty Officer (Allowance)	1	ALLOW	$7,500.00	$7,500.00	$7,500.00	$7,500.00
461.01100	100mm (4") White Traffic Stripe; Paint	89,700	LF	$0.09	$8,073.00	$0.06	$5,382.00
461.01200	100mm (4") Yellow Traffic Stripe; Paint	38,500	LF	$0.10	$3,850.00	$0.06	$2,310.00
461.01511	Left Turn Arrow Symbol; Preformed	56	EA	$115.00	$6,440.00	$117.00	$6,552.00
461.01512	Right Turn Arrow Symbol; Preformed	26	EA	$115.00	$2,990.00	$117.00	$3,042.00
461.01515	Railroad Crossing Symbol; Preformed	2	EA	$500.00	$1,000.00	$336.00	$672.00
461.01520	Bike Lane Symbol; Preformed	95	EA	$170.00	$16,150.00	$148.00	$14,060.00
461.01700	Miscell Parking Lot Symbol (Handicap); Paint	36	EA	$95.00	$3,420.00	$84.00	$3,024.00
463.01100	Reflectorized Raised Pavement Marker (Type D, Yellow 2-Way)	1,010	EA	$2.20	$2,222.00	$2.20	$2,222.00
463.01200	Reflectorized Raised Pavement Marker (Type G, Clear, 1-Way)	780	EA	$2.20	$1,716.00	$2.20	$1,716.00
463.01400	Reflectorized Raised Pavement Marker (Type 911-A, Blue 2-Way)	45	EA	$2.20	$99.00	$2.20	$99.00
			SUBTOTAL		$592,310.00		$664,554.40
			Taxes As Applicable		$37,730.15		$42,305.98
			TOTAL BASED ON UNIT PRICES		$630,040.15		$706,860.38
			TOTAL SUBMITTED BY BIDDER		$630,040.15		$706,449.98
			Required Attachments Included?		Yes		Yes

Calculation or Extension Error

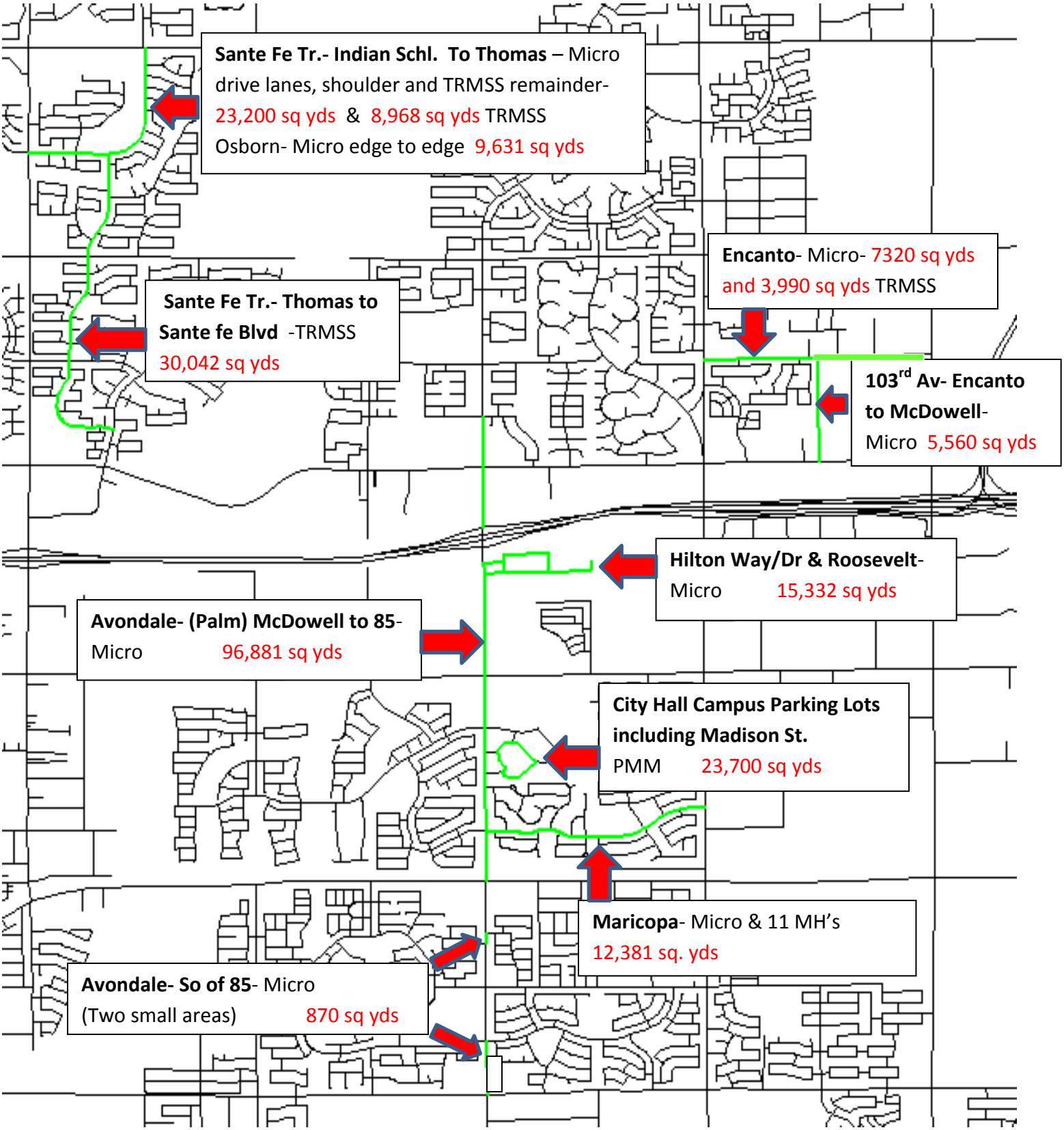
2013 Preservative Treatment Map

last revised 5-13-13

Micro Surface, TRMSS & PMM

Work anticipated June/July 2013

172,000 sq yds (MICROseal) **43,000 sq yds (TRMSS -Tire Rubber Modified Surface Sealant)**
23,700 sq yds (PMM -Polymer Modified Masterseal – City Hall Campus)



CITY COUNCIL REPORT

SUBJECT:
Professional Services Agreement - Stanley Consultants Inc.

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Charles Andrews, P.E., City Engineer, 623-333-4216

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve a PSA with Stanley Consultants Inc. to provide final traffic engineering design services for the Central Avenue Improvement project in the amount of $91,267, authorize the transfer of $91,267 from 304-1267-00-8420 to 304-1178-00-8420, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The current Capital Improvement Program includes a project for roadway improvements on Central Avenue from Van Buren Street to Western Avenue. This project proposes to narrow the existing street from 5 lanes to 3 lanes within the project limits. There is a considerable amount of traffic that would be affected by this change due to the nature of the roadway. The goal of the project is to create a corridor that is walkable, bikable and drivable while incorporating a distinct theme including landscape and hardscape.

DISCUSSION:

The Central Avenue Improvement project is federally funded and is therefore required to follow the ADOT local government process. In order to satisfy the ADOT local government requirements, the following traffic design items will be necessary:

- Pavement Marking and Signing
- Roadway / Pedestrian Lighting
- Traffic Signal Improvements
- Maintenance of Traffic Control

SCOPE OF WORK:

The scope of work for this phase will include:

- Project administration and coordination
- Preparation of traffic (signing and striping, traffic control, traffic signal and street lighting) plans including, specifications, and estimate (PS&E)

SELECTION PROCESS:

In accordance with the City's Procurement Policy, staff requested proposals from 3 firms listed on the Professional Consultants Selection List. A committee was formed and the proposals were evaluated. Upon review, it was determined that Stanley was the best qualified firm to provide engineering design consulting services for this project. Staff contacted references and found that

Stanley is considered to be a competent, knowledgeable, and highly recommended consultant based on similar projects. Staff requested, received, and negotiated a proposal from Stanley for engineering services for the delivery of a traffic impact study and lighting evaluation.

SCHEDULE:

A tentative schedule is as follows:

Traffic Engineering Design
60% Plans - September 2013
95% Plans - December 2013
Final Plans - March 2014

BUDGETARY IMPACT:

Funding for this Project in the amount of $91,267 is available in CIP Street Fund Line Item 304-1267-00-8420, ITS, and is proposed to be transferred to the CIP Street Fund Line Item 304-1178-00-8420, Central Avenue.

RECOMMENDATION:

Staff recommends that the City Council approve a PSA with Stanley Consultants Inc. to provide final traffic engineering design services for the Central Avenue Improvement project in the amount of $91,267, authorize the transfer of $91,267 from 304-1267-00-8420 to 304-1178-00-8420, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- PSA - Stanley Consultants, LLC
- Vicinity Map

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

http://www.avondale.org/DocumentCenter/View/32230

MAP PRODUCED BY AVONDALE GIS DEPARTMENT

Central Ave - Van Buren to Western

CITY COUNCIL REPORT

SUBJECT:
Resolution 3110-513 – Intergovernmental Agreement with Maricopa County Flood Control District for Van Buren Drainage-Recreation Corridor Project

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Charles Andrews, P.E., City Engineer, 623-333-4216

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution authorizing an Intergovernmental Agreement (IGA) between the City of Avondale (City) and Maricopa County Flood Control District for the purpose of the Van Buren Drainage - Recreation Corridor Project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

In 2009, City staff submitted the Van Buren Drainage-Recreation Corridor Project to the Flood Control District of Maricopa County's (FCDMC or District) Fiscal Year 2009/2010 Capital Improvement Program Prioritization Procedure. The Project was approved and FCDMC initiated the Design Concept Report (DCR) which will be completed in 2013. The Project's conceptual cost estimate is $13,788,000, and project implementation is expected to occur over a 15 year period.

On April 10, 2013, the Board of Directors of the District adopted a resolution authorizing the District to cost-share in the design, rights-of-way (ROW) acquisitions, construction, construction management, and operation and maintenance of the Project.

On May 13, 2013, staff provided an overview to the Mayor and City Council and received general direction to move forward with the Project.

DISCUSSION:

The Van Buren Drainage-Recreation Corridor Project drainage area is bounded by I-10 on the north, Van Buren Street on the south, 99th Avenue on the east and the Agua Fria River on the west.

The DCR developed conceptual plans for the Project that includes a channel and culverts on the north side of Van Buren Street. The channel will utilize existing retention basins at Coldwater Depot Logistics Center and Desert Springs Village and will outlet into the Agua Fria River with a penetration of the east levee. The proposed project will:

- Provide a drainage system along Van Buren Street for 10-year design flows.
- Provide an outlet to safely convey storm water to the Agua Fria River from a developing area that includes the mixed-use, high density Avondale City Center, and existing and future commercial, industrial, and residential development.
- Solve drainage issues for the future development of the Avondale City Center.
- Incorporate a multi-use features that enhances pedestrian and bicycle connections, and improve the aesthetic appearance of the Van Buren streetscape.

In order to cost-share with the District on this Project, an Intergovernmental Agreement (IGA) is necessary. The IGA identifies and defines the responsibilities of the FCDMC and the City for Project activities related to the design, ROW acquisition, utility relocations, construction, construction management, operation and maintenance. The IGA proposes that FCDMC shall:

- Plan and coordinate the design of the Project
- Fund 50% of the Project DCR cost, estimated to be $196,000
- Fund 40% of the Project design cost, other than the DCR (estimated to be $1,200,000)
- Fund 40% of the Project Phase I cost for ROW, utility relocations, construction and construction management (estimated to be $9,347,000
- Serve as the lead agency for Project DCR and the Phase I construction management

The IGA proposes that the City shall:

- Fund 50% of the Project DCR cost
- Fund 60% of the Project design cost, other than the DCR
- Fund 60% of the Project Phase I cost for ROW, utility relocations, construction and construction management
- Fund 100% of the Project Phase II cost for ROW, utility relocations, construction and construction management (estimated to be $3,045,000)
- Serve as the lead agency for the final design, and shall be solely responsible for the Phase II construction and construction management, and for all operations and maintenance of the Project.

The Project cost is estimated to be $13,788,000. The target date for completion of Project Phase I construction is 2017 and the target date for completion of Phase II is 2028.

BUDGETARY IMPACT:

Funding for this Project is available in CIP Street Fund Line Item 304-1286, Van Buren Drainage Channel in FY2014/15.

RECOMMENDATION:

Staff recommends that City Council adopt a resolution authorizing an Intergovernmental Agreement (IGA) between the City of Avondale (City) and Maricopa County Flood Control District for the purpose of the Van Buren Drainage - Recreation Corridor Project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Resolution 3110-513
- Vicinity Map

RESOLUTION NO. 3110-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FLOOD CONTROL DISTRICT RELATING TO THE VAN BUREN STREET CHANNEL PROJECT.

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

SECTION 1. The Intergovernmental Agreement with Maricopa County Flood Control District relating to the Van Buren Street Channel Project (the "Agreement") is hereby approved in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3110-513

(Agreement)

See following pages.

When Recorded Return to:
Flood Control District of Maricopa County
2801 West Durango Street
Phoenix, AZ 85009-6399

INTERGOVERNMENTAL AGREEMENT

Between

THE CITY OF AVONDALE

and the

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

for the

DESIGN, RIGHTS-OF-WAY ACQUISITION, UTILITY RELOCATIONS, CONSTRUCTION, CONSTRUCTION MANAGEMENT, AND OPERATION AND MAINTENANCE

of the

VAN BUREN STREET CHANNEL PROJECT (99TH AVENUE TO AGUA FRIA RIVER)

IGA FCD 2012A017

Agenda Item _____

This Intergovernmental Agreement (Agreement) is entered into by and between the City of Avondale, acting by and through its City Council hereinafter called AVONDALE, and the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, acting by and through its Board of Directors, hereinafter called the DISTRICT. The DISTRICT and AVONDALE are hereinafter collectively called the PROJECT PARTNERS.

This Agreement shall become effective as of the date it has been executed by all parties and will be recorded by the Maricopa County Recorder.

STATUTORY AUTHORIZATION

1. The DISTRICT is empowered by Arizona Revised Statutes (A.R.S.) Section 48-3603, as revised, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the DISTRICT.

2. AVONDALE is empowered by A.R.S. Section 11-952, as amended, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of AVONDALE.

BACKGROUND

3. The Van Buren Street Channel Project drainage area is bounded by Interstate 10 on the north, Van Buren Street on the south, 99th Avenue on the east and the Agua Fria River on the west.

4. In July, 2009, AVONDALE submitted the Project to the DISTRICT's Fiscal Year 2009/2010 Capital Improvement Program Prioritization Procedure. DISTRICT staff recommended the Project, and the

Flood Control Advisory Board agreed with staff recommendations. The DISTRICT initiated the Van Buren Street Channel (99th Avenue to Agua Fria River) Design Concept Report (DCR) to be completed in 2013. The Project's conceptual cost estimate is $13,788,000, and project implementation is expected to occur over a 15 year period.

5. The DCR developed conceptual plans for the Project that includes a channel and culverts on the north side of Van Buren Street (Exhibit A). The channel will utilize existing retention basins at Coldwater Depot Logistics Center and Desert Springs Village and will outlet into the Agua Fria River with a penetration of the east levee. This Agreement is for the design, rights-of-way acquisition, utility relocations, construction, construction management, operation and maintenance of elements of the Van Buren Street Channel (99th Avenue to Agua Fria River), hereinafter referred to as the PROJECT. The PROJECT will be implemented in phases:

   5.1 PHASE I is the downstream portion from Agua Fria River on the west upstream to the Avondale City Center East at approximately 113th Avenue alignment, Park Avenue at City Center Drive.

   5.2 PHASE II is the upstream portion and extends to the east from 113th Ave alignment to approximately 99th Ave.

   5.3 The PROJECT COST will be shared by the PROJECT PARTNERS with the DISTRICT funding 40% of PHASE I and AVONDALE funding 60% of PHASE I and 100% of PHASE II.

6. The PROJECT will:

   - Provide a drainage system along Van Buren Street for 10-year design flows.

   - Provide an outlet to safely convey storm water to the Agua Fria River from a developing area of Avondale that includes the mixed-use, high density Avondale City Center, and existing and future commercial, industrial, and residential development.

   - Solve drainage issues for the future development of the Avondale City Center.

   - Incorporate a multi-use features that enhances pedestrian and bicycle connections, and improve the aesthetic appearance of the Van Buren streetscape.

7. On April 10, 2013, the Board of Directors of the DISTRICT adopted Resolution FCD 2012R006 (C-69-13-038-6-00), authorizing the DISTRICT to cost-share in the PROJECT, and to negotiate Intergovernmental Agreements for the design, rights-of-way acquisitions, construction, construction management, and operation and maintenance of the PROJECT.

PURPOSE OF THE AGREEMENT

8. This Agreement identifies and defines the responsibilities of the DISTRICT and AVONDALE for PROJECT activities related to design, rights-of-way acquisition, utility relocations, construction, construction management, operation and maintenance.

TERMS OF AGREEMENT

9. The PROJECT, as referenced herein, is defined by paragraph 5 of this Agreement.

10. The PROJECT COST, as referenced herein, solely encompasses the following costs directly associated with the PROJECT:

10.1 All costs associated with acquiring Rights-of-Way (ROW) required for the PROJECT, as defined below:

10.1.1 The cost of ROW acquired by AVONDALE for the PROJECT and in accordance with the DCR recommendations will be credited toward the PROJECT COST, subject to documentation of the fair market value of such ROW supported by independent appraisals that are reviewed by and determined to be acceptable to the DISTRICT. AVONDALE's credit for ROW acquisition is limited to no more than 50% of AVONDALE's cost share to provide for some City contribution towards the construction cost.

10.1.2 PROJECT ROW obtained by AVONDALE through dedication by a proposed development and, in exchange, AVONDALE offers credits for open space requirements, permit fees, and/or other discretionary negotiable terms, and provides to the DISTRICT documentation of the credits, the PROJECT ROW cost shall be based on only the fair market appraised value of channel and buffer ROW per paragraph 10.1.1.

10.1.3 The following ROW costs are excluded from the PROJECT COST:

10.1.3.1 All costs associated with additional ROW acquired at AVONDALE's request for non-flood control purposes will be borne solely by AVONDALE.

10.1.3.2 PROJECT ROW obtained by AVONDALE through dedication of a public easement or easement to Avondale that is normally required for onsite retention will be considered donated to the PROJECT at no cost to the PROJECT, benefitting both PROJECT PARTNERS.

10.1.3.3 Where the PROJECT incorporates existing retention areas with an existing drainage easement dedicated to the public or to Avondale, the easement is assumed to be donated to the PROJECT at no cost to the PROJECT.

10.1.3.4 Acquisition of ROW for the channel may require acquisition of the remnant strip between the channel and existing road ROW that will in the future be improved for the road. The portion of the remnant that will be improved with paved lanes, up to back of curb will be excluded from the PROJECT COST. The remainder of the remnant will be included as a PROJECT cost, as this area will be used for the maintenance road/sidewalk and for a vegetated buffer area.

10.1.3.5 Existing DISTRICT-owned ROW along the Agua Fria River shall be donated by the DISTRICT at no cost to the PROJECT and no credit against District cost share will apply.

10.1.3.6 Existing and proposed AVONDALE road ROW utilized by the PROJECT shall be donated by AVONDALE to the PROJECT at no cost to the PROJECT and no credit against AVONDALE cost share will apply.

10.2 Costs of relocating conflicting utilities in place by prior rights. Utilities in place without prior rights will be relocated at their owners' expense; associated costs are not components of the PROJECT COST.

10.3 Costs of obtaining United States Army Corps of Engineers Section 404 Environmental Permits for the PROJECT, and costs associated with the mitigation efforts required by this permit process.

10.4 Costs of obtaining Federal Emergency Management Agency (FEMA) Conditional Letters of Map Revision (CLOMRs) and Letters of Map Revision (LOMRs) intended to reduce the limits of the current delineated floodplain due to the construction of the PROJECT.

10.5 Costs of design, construction, construction management and post-design contracts.

10.5.1 Shared costs of landscaping and aesthetic features will not exceed the DISTRICT's "Policy for the Aesthetic Treatment and Landscaping of Flood Control Projects" (POLICY). Landscaping, aesthetic features and park amenities, in addition to those allowed by the DISTRICT's POLICY and if compatible with the PROJECT function, may be included in PROJECT contracts at the request of AVONDALE; the additional construction and associated construction management costs being solely at AVONDALE's expense.

10.5.2 If construction management services are not accomplished under contract, construction management costs shall be assigned a value of eight percent (8%) of the actual construction cost of the PROJECT plus actual costs for materials testing and survey work associated with construction management.

10.6 Except as identified in Paragraph 10.5.2, each PROJECT PARTNER will pay for, and not seek reimbursement for, its own personnel and internal administrative costs associated with this PROJECT, including costs associated with the issue of PROJECT permits, unless specifically identified otherwise in this Agreement.

11. The PROJECT COST associated with this Agreement is estimated to be $13,788,000.

11.1 The PROJECT COST is estimated based on the best information available at the time of this Agreement, and is subject to change without amendment to this Agreement. Upon recognition of anticipated cost increases above this estimated PROJECT COST, PROJECT PARTNERS shall communicate these anticipated increases.

12. DISTRICT funding for this Agreement shall be from secondary flood control tax levy revenue and is contingent upon funding availability within the DISTRICT's Capital Improvement Program.

13. AVONDALE funding for this Agreement shall be from AVONDALE's Capital Improvement Program budget and is contingent upon funding availability within AVONDALE's Capital Improvement Program.

14. The target date for completion of PROJECT PHASE I construction is 2017 and the target date for completion of PHASE II is 2028. The PROJECT PARTNER assigned lead agency responsibility shall inform the non-lead agency PROJECT PARTNER of delays impacting these target completion dates.

15. The DISTRICT shall:

15.1 Plan and coordinate the design of the PROJECT to meet the recurrence interval of the 10-yr flood as determined by generally applied technical data and methodology in use at the time of PROJECT design, and this level of protection is specifically approved by the Board of Directors of the Flood Control District of Maricopa County.

15.2 Fund fifty percent (50%) of the PROJECT DCR COST, estimated to be $196,000, making the DISTRICT's share $98,000.

15.3 Fund forty percent (40%) of the PROJECT DESIGN COST other than the DCR (estimated to be $1,200,000) making the DISTRICT's estimated share $480,000.

15.4 Fund forty percent (40%) of the PROJECT PHASE I COST for ROW, utility relocations, construction and construction management (estimated to be $9,347,000) making the DISTRICT's estimated share $3,738,800.

15.5 Fund zero percent (0%) of the PROJECT PHASE II COST.

15.6 Within thirty (30) calendar days of receipt, pending Capital Improvement Program (CIP) funding availability, pay all invoices issued by the AVONDALE in accordance with the terms of this Agreement, except as follows:

15.6.1 In the event DISTRICT funds are not available in part or in whole at an invoice milestone that falls within a given fiscal year, the DISTRICT will complete the reimbursement in the next fiscal year where funding is available within the CIP.

15.7 Serve as the lead agency for PROJECT DCR.

15.7.1 The District's expense for the DCR will be credited against the District's PROJECT cost share.

15.8 Serve as the lead agency for PROJECT PHASE I construction management.

15.8.1 The District's expense for the PHASE I construction management will be credited against the District's PROJECT cost share.

15.9 Participate in PROJECT public involvement activities.

15.10 Participate in a final inspection of the PROJECT with AVONDALE.

15.11 The DISTRICT may participate with AVONDALE in an annual joint inspection of the PROJECT. Any deficiencies relating to flood control, and for which AVONDALE is responsible, shall be corrected by AVONDALE within thirty (30) calendar days. If AVONDALE has not taken corrective action within this time, the DISTRICT reserves the right to perform the corrective action, and will invoice AVONDALE for the total costs incurred by the DISTRICT.

15.12 The DISTRICT reserves the right to review and comment on the design and/or construction of any future changes or modifications to the PROJECT that may affect the hydraulic function of the PROJECT.

16. AVONDALE shall:

16.1 Fund fifty percent (50%) of the PROJECT DCR COST, estimated to be $196,000, making AVONDALE's share $98,000.

16.2 Fund sixty percent (60%) of the PROJECT DESIGN COST other than the DCR (estimated to be $1,200,000) making AVONDALE's estimated share $720,000.

16.3 Fund sixty percent (60%) of the PROJECT PHASE I COST for ROW, utility relocations, construction and construction management (estimated to be $9,347,000) making AVONDALE's estimated share $5,608,200.

16.4 Fund one-hundred percent (100%) of the PROJECT PHASE II COST for ROW, utility relocations, construction and construction management (estimated to be $3,045,000) making AVONDALE's estimated share $3,045,000.

16.5 Serve as the lead agency for PROJECT final design.

16.5.1 Upon award of a final design contract for the PROJECT, invoice the DISTRICT for fifty percent (50%) of its share of the PROJECT COST associated with design. The DISTRICT's expense for the DCR shall be credited against its share of the final design cost.

16.5.2 Upon completion of a design contract for the PROJECT, invoice the DISTRICT for its remaining share of all PROJECT COST associated with design incurred to date.

16.5.3 The Final Design will include preparation of and operation and maintenance manual for the PROJECT that will address maintenance of the flap gates at the Agua Fria River levee and other project components.

16.5.4 The Final Design of the PROJECT will include PHASE I and PHASE II. The PHASE II final design will be the basis of estimated costs that the DISTRICT will reimburse as part of its total cost share during the PHASE I construction timeframe.

16.6 Serve as the lead agency for obtaining United States Army Corps of Engineers Section 404 Environmental Permits, and for completing mitigation efforts required by this permit process.

16.6.1 Invoice the DISTRICT for its share of the PROJECT COST associated with the Section 404 Environmental Permit as it is incurred, no more frequently than quarterly, and no less frequently than annually.

16.7 Serve as the lead agency for obtaining FEMA CLOMRs and LOMRs to reduce the limits of the current delineated floodplain due to the construction of the PROJECT.

16.7.1 Invoice the DISTRICT for its share of the PROJECT COST associated with the CLOMR/LOMR as it is incurred, no more frequently than quarterly, and no less frequently than annually.

16.8 Serve as the lead agency for utility relocations required for the PROJECT and shall be responsible for relocations of all utilities within its jurisdiction that are in place by permit and/or without prior rights at no cost to the PROJECT.

16.8.1 Invoice the DISTRICT for its share of the PROJECT COST associated with the utility relocations as they are incurred, no more frequently than quarterly, and no less frequently than annually.

16.9 Serve as the lead agency for PROJECT rights-of-way acquisition.

16.9.1 Obtain rights-of-way required for the PROJECT in fee or perpetual easement and temporary construction easements. Any land and/or property purchased by the DISTRICT and conveyed to AVONDALE shall be for specific flood control purposes, and should that land and/or property cease to be used for flood control purposes, said land and/or property shall revert to the DISTRICT. Said reversion shall be effectuated through judicial proceedings instituted by the DISTRICT in a court of general jurisdiction

in the State of Arizona. If all or a part of this property is subsequently sold by AVONDALE it shall be a restriction on the transfer document that the primary use of the property must continue to be for flood control purposes, or the aforementioned reversionary clause on the transfer deed to the PROJECT partner, shall be initiated, and the property will be considered reverted back to the DISTRICT. If it is mutually agreed between the project partners that project property is no longer needed for flood control purposes and therefore available for sale, AVONDALE may sell the property under the stipulation that the DISTRICT shall be paid its cost share percentage of the original acquisition cost, along with its pro-rata share of any appreciation in land value from the original acquisition price of the property for the PROJECT to the final disposition price at the time that AVONDALE disposes of the property.

16.9.2 Invoice the DISTRICT for its share of the PROJECT COST associated with right-of-way acquisition as it is incurred, no more frequently than quarterly, and no less frequently than annually.

16.10 Serve as the administrative lead agency for PROJECT PHASE I construction.

16.10.1 Upon award of a construction contract for PHASE I, invoice the DISTRICT for fifty percent (50%) of its share of the PHASE I COST associated with construction.

16.10.2 Upon completion of a construction contract for PHASE I, prepare a final accounting including change orders and construction management costs not previously paid, and invoice the DISTRICT for the remainder of its share of all PROJECT COST incurred to date.

16.10.3 Non-flood control costs requested by AVONDALE that are not a component of the PROJECT COST shall not be invoiced to the DISTRICT.

16.11 Serve as the lead agency and be solely responsible for PROJECT PHASE II construction and construction management.

16.11.1 All the DISTRICT's share of costs for PHASE II shall be invoiced by the completion of PHASE I and no further costs shall be invoiced without prior written consent of the DISTRICT.

16.11.2 AVONDALE shall complete PHASE II within 15 years of the date of approval of this agreement.

16.12 Serve as the lead agency for PROJECT public involvement activities.

16.13 Provide all AVONDALE-owned and controlled rights-of-way necessary for the PROJECT, and not specifically purchased for this PROJECT, at no cost to the PROJECT, as identified in Paragraph 10.1 and its subparagraphs.

16.14 Participate in the final inspection of the project with the DISTRICT.

16.15 Be responsible for all operations and maintenance of the PROJECT.

16.15.1 The maintenance activities to be performed include, but are not limited to, maintaining the flood control function of the PROJECT, including sediment and vegetation removal and any and all aesthetic, park, and public use features, maintenance of landscaping, irrigation,

multi-use trails and berms, removal of trash and debris, electricity and other operation costs for the facilities, vandalism repair and replacement, and structural repair and replacement of the flood control structures.

16.15.2 Maintenance of the PROJECT includes the portion of the PROJECT within DISTRICT ROW.

16.16 Schedule, and invite the DISTRICT to participate in, an annual joint inspection of the PROJECT. Any deficiencies relating to flood control for which AVONDALE is responsible shall be corrected by AVONDALE within thirty (30) calendar days. If AVONDALE has not taken corrective action within this time, the DISTRICT reserves the right to perform the corrective action and AVONDALE shall reimburse the DISTRICT for the total costs incurred by the DISTRICT within thirty (30) calendar days of receipt of an invoice from the DISTRICT.

16.17 Be responsible for assuring the safety and appropriateness of any non-flood control uses of the PROJECT prior to offering to make or making the PROJECT available for such uses.

16.18 Obtain DISTRICT review and comments on the design and/or construction of any future changes or modifications to the PROJECT that may affect the hydraulic function of the PROJECT, and resolve and/or incorporate the DISTRICT's comments into these future PROJECT modifications.

17. Each PROJECT PARNTER, and the PROJECT PARTNERS collectively, shall:

17.1 Comply with A.R.S. Sections 41-4401 and 23-214, subsection A.

17.1.1 Each party to this Agreement retains the legal right to inspect the records of AVONDALE's and any contractors' or subcontractors' employees performing work under this Agreement to verify compliance with A.R.S. Sections 41-4401 and 23-214, subsection A.

17.1.2 Failure by either party to this Agreement to comply with A.R.S. Sections 41-4401 and 23-214, subsection A shall be deemed a breach of this Agreement and is subject to penalties up to and including termination of the Agreement.

17.2 Require that any contractor selected for the PROJECT:

17.2.1 Warrant its compliance with all federal immigration laws and regulations that relate to its employees and their compliance with A.R.S. section 23-214(A);

17.2.2 Agree that a breach of the warranty under paragraph 17.2.1 shall be deemed a material breach of contract and is subject to penalties up to and including termination of the contract;

17.2.3 Agree that the other party to this Agreement retains the legal right to inspect the papers of the contractor or subcontractor employee(s) who work(s) on this Agreement to ensure that contractor or subcontractor is complying with the warranty under paragraph 17.2.1;

17.2.4 Certify that it does not have a scrutinized business operation, as defined in A.R.S. sections 35-391 and 35-393, in either Sudan or Iran.

17.3 Certify, by signing this Agreement, that it does not have a scrutinized business operation, as defined in A.R.S. Sections 35-391 and 35-393, in either Sudan or Iran.

17.4 Have the right, following mutual written agreement of all PROJECT PARTNERS, to delegate its responsibilities under this Agreement to another party. Any delegation, however, shall not relieve the delegating PROJECT PARTNER of its original responsibilities as defined herein.

17.5 In the case of any dispute over any items in this Agreement, agree to use their best efforts and enter into good faith negotiations to resolve the disputed matters. However, this shall not limit the rights of the PROJECT PARTNERS to seek any remedies provided by law.

17.6 Take reasonable and necessary actions within its authority to ensure that only storm water is discharged into the PROJECT, and that such discharges into the PROJECT comply at the point of discharge with any applicable requirements of the U.S. Environmental Protection Agency Clean Water Act, Arizona Pollutant Discharge Elimination System or any other applicable discharge requirements, including any permit requirements.

17.7 Agree to equally share the cost of a PROJECT compliance and cost audit to be initiated within sixty (60) days of PROJECT completion, if requested by either PROJECT PARTNER. An independent auditing firm agreed to by the PROJECT PARTNERS will perform the audit. Any payments or reimbursements necessary to bring the PROJECT into compliance with the audit findings shall be made within forty five (45) days of acceptance by the PROJECT PARTNERS.

18. The PROJECT may be phased for design and/or construction due to funding or other coordination issues. Responsibilities of the DISTRICT and the AVONDALE shall be phased accordingly, including, but not limited to, invoicing, reimbursements, transfer of land rights and accepting of operation and maintenance.

19. If mutually acceptable to the PROJECT PARTNERS, PROJECT invoicing may be conducted periodically based on actual PROJECT COST incurred, no more frequently than quarterly, in lieu of invoicing timelines otherwise established in this Agreement.

20. Except as to the claims described in the paragraph following this paragraph, Each party to this Agreement (indemnitor) shall, to the extent permissible by law, indemnify, defend and hold harmless the others (indemnitees) including agents, officers, directors, governors and employees thereof, from and against any loss or expense incurred as a result of any claim or suit of any nature whatsoever, which arises out of indemnitor's negligent or wrongful acts or omissions pursuant to this Agreement. Such indemnification obligation shall encompass any personal injury, death or property damages resulting from the indemnitor's negligent or wrongful acts or omissions, as well as reasonable attorney's fees, court costs, and other expenses relating to the defense against claims or litigation, incurred by the indemnitee. Indemnitee shall be liable for its own negligence or wrongful acts as provided by law.

20.1 The parties agree and acknowledge that in no event shall the indemnitor owe or be obligated to pay any amounts which the indemnitee has no obligation to pay or has not actually paid, whether due to inability to pay or due to having entered into an agreement or arrangement that provides the indemnitee has no obligation to pay regardless of the indemnitee's ability to pay or due to any other reason, including but not limited to liabilities for which a covenant not to execute has been provided to the indemnitee or any other agreement where liabilities are created with no obligation on the part of the indemnitee to pay.

20.2 However, as to any claims arising from AVONDALE offering to make or making the PROJECT available for any non-flood control uses, whether public or private uses, AVONDALE shall, to the extent permissible by law, indemnify, defend and save harmless the DISTRICT, including agents, officers, directors, governors and employees thereof, from any loss or expense incurred as a result of such a claim or suit, even if the DISTRICT is or is alleged to be partially at fault. Such

indemnification obligation is intended to be a specific indemnity obligation rather than the general indemnity obligations set forth in the previous paragraph regarding all other types of claims or suits and shall encompass any personal injury, death or property damages, as well as reasonable attorney's fees, court costs, and other expenses relating to the defense of such claims or litigation.

21. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

    Flood Control District of Maricopa County
    Chief Engineer and General Manager
    2801 West Durango Street
    Phoenix, AZ 85009-6399

    City of Avondale
    City Manager
    11465 West Civic Center Drive
    Avondale, Arizona 85323

22. This Agreement shall expire either (1) fifteen (15) years from the date of recording with the County Recorder or (2) upon completion of the PROJECT and after all funding obligations and reimbursements have been satisfied in accordance with this Agreement, whichever is the first to occur. However, by mutual written agreement of all parties, this Agreement may be amended or terminated. The operation and maintenance and indemnification provisions, of this Agreement shall survive the expiration of this Agreement.

23. This Agreement is subject to cancellation by either party pursuant to the provisions of Arizona Revised Statutes Section 38-511.

24. Attached to this Agreement or contained herein are the written determinations by the appropriate attorneys for the parties to this Agreement, that these agencies are authorized under the laws of the State of Arizona to enter into this Agreement and that it is in proper form.

25. If legislation is enacted after the effective date of this Agreement that changes the relationship or structure of one or more parties to this Agreement, the parties agree that this Agreement shall be renegotiated at the written request of either party.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
A Municipal Corporation

Recommended by:

_____
Timothy S. Phillips, P.E. Date
Chief Engineer and General Manager

Approved and Accepted:

By: _____
Chairman, Board of Directors Date

Attest:

By: _____
Clerk of the Board Date

The foregoing Intergovernmental Agreement FCD 2012A017 has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned General Counsel, who has determined that it is in proper form and within the powers and authority granted to the Flood Control District of Maricopa County under the laws of the State of Arizona.

_____
Flood Control District General Counsel Date

CITY OF AVONDALE
A Municipal Corporation,

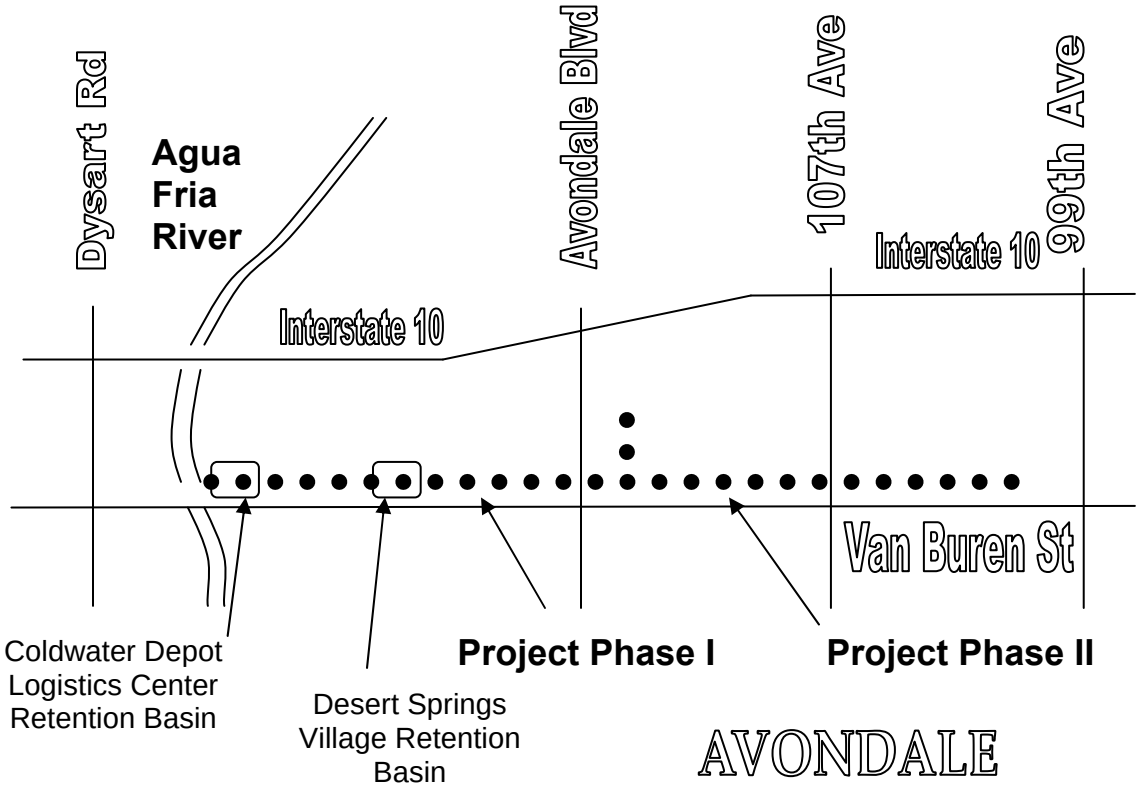
By: _____
Marie Lopez Rogers Date
Mayor

Attest:

By: _____
Carmen Martinez Date
City Clerk

The foregoing Intergovernmental Agreement IGA FCD 2012A017 has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Avondale under the laws of the State of Arizona.

By: _____
Andrew J. McGuire Date
City Attorney


Dysart Rd
Agua
Fria
River
Avondale Blvd
107th Ave
Interstate 10
99th Ave
Interstate 10
Van Buren St
Coldwater Depot
Logistics Center
Retention Basin
Desert Springs
Village Retention
Basin
Project Phase I
Project Phase II
AVONDALE

Van Buren Street Channel

CITY COUNCIL REPORT

SUBJECT:
Resolution 3111-513 – Amendment 1 to Intergovernmental Agreement with ADOT for the 99th Avenue/ McDowell Road Fiber Optic Project

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Charles Andrews, P.E., City Engineer, 623-333-4216

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution authorizing Amendment 1 to the Intergovernmental Agreement (IGA) between the City of Avondale and the Arizona Department of Transportation (ADOT) for the administration of the design and construction of the 99th Avenue/McDowell Road Fiber Optic project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

On February 21, 2012, City Council approved an IGA with ADOT for the administration of the design and construction of the 99th Avenue/McDowell Road Fiber Optic project. The ITS project will furnish and install 2-1/8 miles of fiber optic conduit cable, CCTV cameras and associated equipment along McDowell Road from 99th Avenue to Avondale Boulevard and about 1/8 mile north of 99th Avenue and McDowell Road.

Upon project completion, traffic flow along the McDowell Road corridor will be facilitated via fiber optic communications and established through the Traffic Operations Center (TOC). Traffic Operations staff will be able to efficiently diagnose and troubleshoot traffic signal issues and implement traffic signal timing for incidents affecting traffic flow on McDowell Road from 99th Avenue to Avondale Boulevard from the TOC.

DISCUSSION:

The original IGA capped the federal funding at $753,467.00 with the City cost share at $443,626.00 for a total project cost of $1,197,093.00. The proposed amendment will increase the federal funding to $1,119,429.00 with a City cost share of $77,664.00. This represent a savings to the City of $365,962.00.

BUDGETARY IMPACT:

Funding for this project is available in CIP Street Fund Line Item 304-1267-00-8420, Intelligent Transportation System (ITS).

RECOMMENDATION:

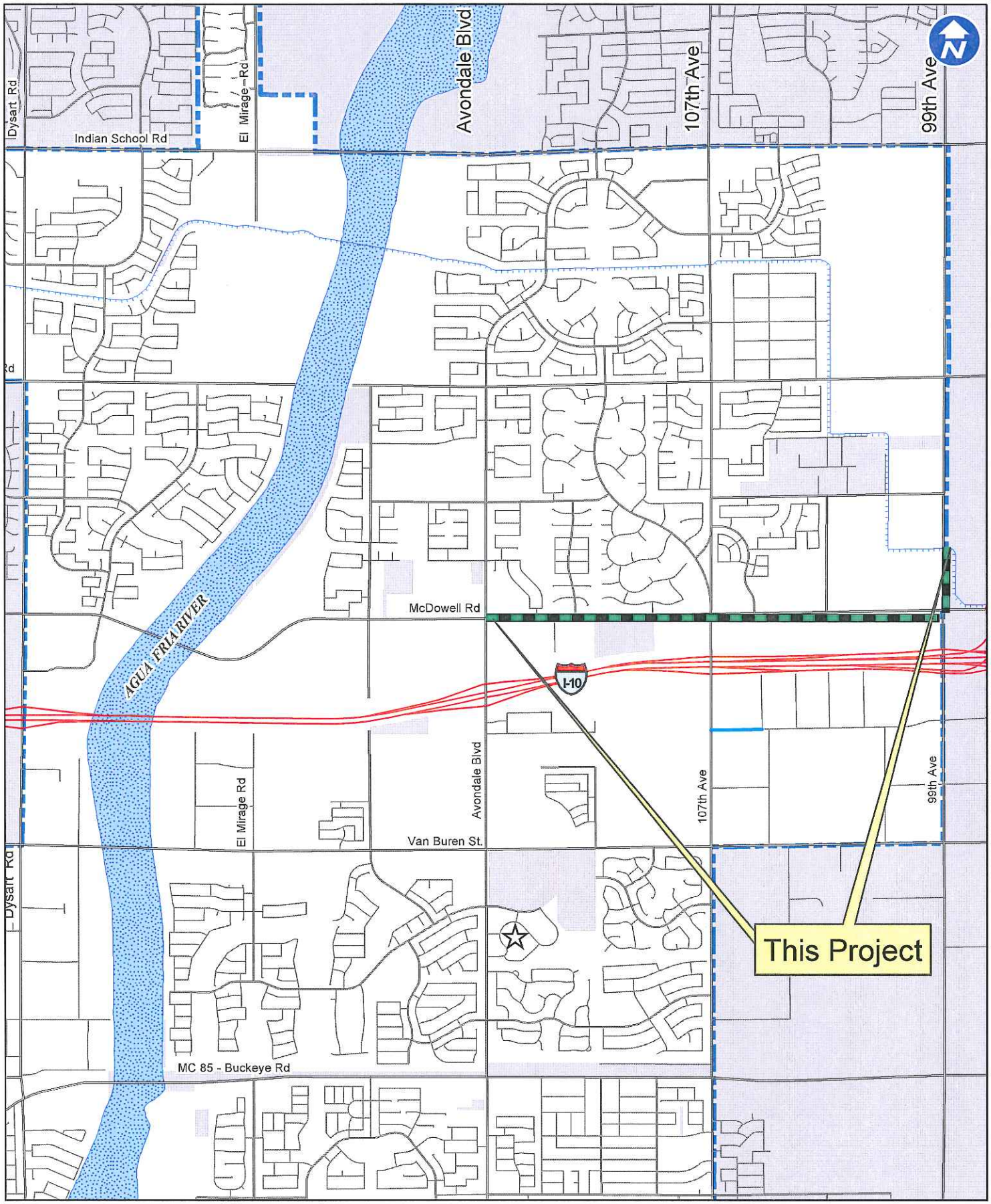
Staff recommends that the City Council adopt a resolution authorizing Amendment 1 to the IGA between the City of Avondale and ADOT for the administration of the design and construction of the 99th Avenue/McDowell Road Fiber Optic project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Vicinity Map
- Resolution 3111-513

VICINITY MAP



City of Avondale

McDowell Rd/99th Avenue 2-1/8 Mile ITS Infrastructure Project

RESOLUTION NO. 3111-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA RELATING TO THE 99TH AVENUE AND MCDOWELL ROAD FIBER OPTIC INFRASTRUCTURE.

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

SECTION 1. The Amendment No. One to the Intergovernmental Agreement with the State of Arizona for the administration of the design and construction of the 99th Avenue and McDowell Road Fiber Optic Project (the "Amendment") is hereby approved substantially in the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3111-513

[Amendment]

See following pages.

ADOT File No.: IGA/JPA 11-181I
ADOT CAR No.: 13-0001070I
AG Contract No.: P001 2012000359
Amendment One
Project: 2-1/8 mile Fiber Optic, Conduit, Cable, CCTV Cameras
Section: McDowell Rd, 99th Ave to Avondale Blvd, and 99th Ave McDowell Rd to 1/8 miles north
Federal Project No CM-AVN-0(210)T
ADOT Project No.: SZ002 01C
TIP/STIP No.: AVN13-901
Budget Source Item No.: n/a

AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF AVONDALE

THIS AMENDMENT, entered into this date _____, 2013, pursuant to Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY, acting by and through its MAYOR and CITY COUNCIL (the "CITY"). The City and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 11-181I, A.G. Contract No. P000-2012-000359, was executed on 3/28/2012, (hereafter, "the Agreement"); and

NOW THEREFORE, **in consideration of the mutual agreements expressed herein, the purpose of this Amendment is to change SZ0 02 0 1C and the Parties agree to amend the Agreement, as follows:**

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 9-276(A) to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

DRAFT

Section I. Paragraph 8 is replaced as follows:

SZ002 03D (scoping/design):

Federal-aid funds CMAQ @ 100% (capped) FY2013	$ 280,000.00
Design review fee (SZ002 01D)*	$ 10,000.00
Subtotal – Scoping/Design (ADOT (on-Call)-State administers)	$ 290,000.00

SZ002 01C (construction):

Federal-aid funds CMAQ @ 94.3% (capped) FY2013	**$ 839,429.00**
City's Match contribution @ 5.7%	$ 51,704.00
Additional City contribution due to capped Federal-Aid funds	$ 15,960.00
Subtotal – Construction** (State administered)	$ 907,093.00
TOTAL Project Cost	$ 1,197,093.00
Summary:	
Total Estimated City Funds	**$ 77,664.00**
Total Federal Funds	**$ 1,119,429.00**

* (Included in the City Estimated Funds)
** (Includes 15% CE and 5% Project contingencies)

II. SCOPE OF WORK

Section II, Paragraph 1a. is replaced in full, and 1.d. is added as follows:

1. The State will:

a. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the City for the State's design review fee, currently estimated at **$10,000.00.** Once the Project costs have been finalized**,** and upon prior notification to the City of any overages, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

d. Upon notification by the City and the Consultant of the completion of design and prior to bid advertisement, invoice the City, for the City's share of funds for the construction costs of the Project currently estimated at **$67,664.00.** Once the Project costs have been finalized, and upon prior notification to the City of any overages, the State will either invoice or reimburse the City for the difference between estimated and actual costs. Deobligate or otherwise release any remaining federal funds from the scoping/design phase of the Project. The State will prepare a final reconciliation upon completion of the Project.

DRAFT

Section II, Paragraph 2.b. is replaced in full, 2.b. is added as follows:

2. The City will:

b. Upon execution of this Agreement, prior to performing or authorizing any work, and within thirty (30) days of receipt of an invoice from the State, remit to the State the State's design review fee, currently estimated at **$10,000.00** and the City's estimated share of the Project, currently estimated at **$67,664.00**. Upon prior notification from the State of any overages, be responsible for any difference between the estimated and actual design review costs.

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III. MISC ELLANEOUS PROVISIONS

This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

ALL NOTICES OR DEMANDS upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation Joint Project Administration 205 S. 17th Avenue, Mail Drop 637E Phoenix, Arizona 85007 (602) 712-7124 (602) 712-3132 Fax	City of Avondale Attn: City Manager Address 11465 W. Civic Center Drive Avondale, Arizona, 85323 Phone 623-333-4211 Fax 623-333-0420

PURSUANT TO ARIZONA REVISED STATUTE § 11-952 (D), attached hereto and incorporated herein, is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN W ITNESS W HEREOF, the Parties have executed this Amendment the day and year first above written.

CITY OF AVONDALE

By _____
MARIE LOPEZ ROGERS
Mayor

ATTEST:

By _____
CARMEN MARTINEZ
Clerk

STATE OF ARIZONA
Department of Transportation

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer

DRAFT

IGA/JPA 11-181I
AMENDMENT NO. ONE

ATTORNEY APPROVAL FORM FOR THE CITY OF AVONDALE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2013.

_____

Andrew J. McGuire
City Attorney

DRAFT

CITY COUNCIL REPORT

SUBJECT:
Resolution 3112-513 – Intergovernmental Agreement with Maricopa County and the Flood Control District for Coldwater Park

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Christopher Reams, Director of Parks, Recreation & LIbraries (623) 333-2412

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution authorizing an Intergovernmental Agreement (IGA) between the City of Avondale, the Flood Control District of Maricopa County and Maricopa County to abandon the use, operation, and maintenance of Coldwater Park; and to terminate the 1986 Avondale Landfill Agreement; and authorize the Mayor or City Manager and City Clerk to execute the necessary documents

BACKGROUND:

On January 6, 1986 the City of Avondale (the City), the Maricopa County Flood Control District (Flood Control), and Maricopa County (the County), referred to in this report as the Parties, entered into an intergovernmental agreement to provide for the relocation, permanent closure, maintenance and monitoring of a landfill previously located in the Agua Fria River. The agreement was recorded with the Maricopa County Recorder as document No. 86-022992 (the "1986 IGA")

On August 10, 1987 the Parties entered into an Intergovernmental Agreement (IGA) to excavate, remove, and relocate the Avondale landfill located at the current Coldwater Park site. The City of Avondale received $500,000 to develop and construct a recreational area which became Coldwater Park.

Under the terms of the original IGA the County and the City have the following requirements:

<u>The County</u>

- Acted as a public information source for the project
- Retained all land rights to the site
- Provided for all testing and groundwater evaluation fees
- Collected and drew samples of water, gas, and leachate
- Insured the site retained the original contour
- Coordinated and provided inspection for development
- Accepted any liability for future groundwater contamination
- Conveyed to the City the required rights and easements

<u>The City</u>

- Designed, constructed, and maintained a recreational facility on the site
- Constructed a recreational facility with approved plans compatible with county needs and requirements

- Accepted the maintenance of the area at City expense
- Agreed to carry general liability insurance necessary for the operation of the site
- Used the relocated landfill for the sole use of a recreation facility

Both Parties agreed to

- Coordinate the design, construction, use, operation, maintenance, safety, and security of the recreation site
- Comply with all necessary and current state and federal regulations for the proper operation and maintenance of the site

DISCUSSION:

Maricopa County has retained ownership of Coldwater Park and the City has managed the site. The site was originally used for recreational purposes which included: softball, passive recreation, and community and City sponsored events. Over time the condition of the field has eroded and became unsafe for many of the activities previously held at the site. The City has ceased all recreational activities and the parties would like to terminate the original agreement. The City will abandon the use, operation, and maintenance of Coldwater Park, which has been replaced by Festival Fields. The City contracted Western Technologies, Inc. (the "Consultant") to prepare a Phase I environmental site assessment to identify any recognized environmental conditions at the Park and the Closed Landfill. The Consultant prepared a park removal plan that outlines the recommended procedures for minimizing disturbance to the exiting Closed Landfill cap during removal of the City park facilities and equipment. The consultant also provided recommendations for repair of the Closed Landfill cap, if needed during removal of the park facilities and equipment. There are no current recognized environmental conditions of concern and all Avondale facility parts and equipment can be removed.

This agreement will also terminate the IGA entered into between the Parties on August 10, 1987 for the perpetual care, monitoring, and construction and maintenance of the Avondale Landfill to a recreational area.

Under the provisions of this agreement the parties agree to the following

Maricopa County will

- Agree and acknowledge that the Maricopa County Flood Control District's responsibilities and duties will also expire as part of this agreement
- Exercise complete responsibility for all future monitoring and maintenance of Coldwater Park.

The City will

- Abandon all interest in the use, operation, and maintenance of Coldwater Park
- Schedule the removal of City facilities and equipment

Both Parties will

- Provide necessary access to the parties and any contractor involved in the removal process
- Schedule a pre and post removal meeting with the Parties and any contractor selected to perform the removal work associated with this agreement.
- Record in the records of Maricopa County, Arizona, a Notice of Termination of the 1986 IGA between the parties.

BUDGETARY IMPACT:

The City is financially responsible for removing all City facilities and equipment from Coldwater Park. The removal of all estimated City facilities and equipment are estimated at $65,000.

Funds for the City's portion of the project are included in the FY 2012-2013 Capital Improvement Plan budget (PK1032-Coldwater Park Improvements).

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution authorizing an Intergovernmental Agreement (IGA) between the City of Avondale, the Flood Control District of Maricopa County and Maricopa County to abandon the use, operation, and maintenance of Coldwater Park; and to terminate the 1986 Avondale Landfill Agreement; and authorize the Mayor or City Manager and City Clerk to execute the necessary documents

ATTACHMENTS:

Click to download

- Resolution 3112-513

RESOLUTION NO. 3112-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY AND THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO COLDWATER PARK.

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

SECTION 1. The Intergovernmental Agreement with Maricopa County and the Flood Control District of Maricopa County relating to the removal of Coldwater Park (the "Agreement") is hereby approved in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3112-513

(Agreement)

See following pages.

When recorded return to:

Maricopa County
Clerk of the Board of Supervisors
301 W. Jefferson, 10th Floor
Phoenix, AZ 85003

INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY, THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY AND THE CITY OF AVONDALE

G30128
C-18-13-036-3-00
C-69-13-053-3-00

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into as of May 22, 2013 by and between Maricopa County, a body politic of the State of Arizona (the "County"), the Flood Control District of Maricopa County, a political subdivision of the State of Arizona (the "District") and the City of Avondale, an Arizona municipal corporation (hereinafter called "City"). County, District and City shall collectively be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the District, the County and the City previously entered into an intergovernmental agreement dated January 6, 1986 and recorded with the Maricopa County Recorder as document No. 86-022992 (the "1986 IGA") to provide for the relocation, permanent closure, maintenance and monitoring of a landfill previously located in the Agua Fria River (the "Landfill").

WHEREAS, the Landfill was relocated to its current location, as more particularly described in Exhibit A, attached hereto and incorporated herein by reference, and the Landfill then was permanently closed at its new location under Arizona Department of Health Services Groundwater Quality Protection Permit No. G-0035-07 (the "Closed Landfill").

WHEREAS, the 1986 IGA contemplated the future development and operation of the Closed Landfill as a recreation area by the City (the "Park") and the District provided to the City funding and initial "contouring" of the Closed Landfill for development of the Park.

WHEREAS, the 1986 IGA conveyed all the District's land rights to the Closed Landfill to, and such land rights were accepted by, the County for all continued future monitoring and maintenance of the Closed Landfill.

WHEREAS, the County and the City then entered into an Intergovernmental Agreement dated August 10, 1987 to provide for the design, construction, use and operation of the Park and to provide for the perpetual maintenance, monitoring, liability, safety and security of environmental equipment, fencing, wells, liner, berms and final cover installed at, in, upon or under the Closed Landfill (the "1987 IGA").

WHEREAS, the City constructed and operated the Park, now commonly known as Coldwater Park, upon the Closed Landfill under the 1987 IGA.

WHEREAS, the City now desires to abandon use, operation and maintenance of the PARK.

WHEREAS, the City engaged Western Technologies, Inc. (the "Consultant") to prepare and the Consultant has prepared a Phase I environmental site assessment, Job No. 2182JS222, dated October 15, 2012 (the "Phase I") for purposes of identifying any recognized environmental conditions at the Park and the Closed Landfill. A copy of the Phase I is on file with the City and the County.

WHEREAS, the Consultant prepared a park removal plan, Job No. 2182JS222, dated October 30, 2012 (the "Park Removal Plan") to recommend procedures for minimizing disturbance to the exiting Closed Landfill cap during removal of the Park, as well as to provide recommendations for repair of the Closed Landfill cap, if needed during removal of the Park. A copy of the Park Removal Plan is on file with the City and the County.

WHEREAS, the District, County and City mutually desire to enter into this Agreement to terminate the 1986 IGA, and the County and the City mutually desire to enter into this Agreement to terminate the 1987 IGA.

WHEREAS, the County, District and City are authorized under ARIZ. REV. STAT. §§ 11-951, *et seq*. to enter into intergovernmental agreements for joint or cooperative action.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing and the responsibilities and duties set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the PARTIES hereto agree to the following:

1. GENERAL PROVISIONS.

1.1. RECITALS. The recitals, by this reference, are incorporated herein and made a part of this Agreement.

1.2 PURPOSES. This Agreement is intended to terminate the 1986 IGA and the 1987 IGA and provide for abandonment and removal of the Park.

1.3 EFFECTIVE DATE. This Agreement is effective as of the last date it is executed by the PARTIES through and including June 30, 2013.

1.4 MANNER OF FINANCING. Each Party agrees to provide financing for its own respective executory obligations, if any, under this Agreement from any funds lawfully available therefor.

1.5 DISPOSITION OF PROPERTY UPON TERMINATION. The Parties do not anticipate having to dispose of any property upon termination, expiration or cancellation of this Agreement. However, to the extent that such disposition is necessary, property shall be returned to its original owner.

2. COUNTY RESPONSIBILITIES.

2.1 COUNTY TO POSSESS PROPERTY. Subject to the terms and conditions set forth in this Agreement, the County shall possess and control the Closed Landfill for all purposes.

2.2 PARK REMOVAL MEETING. Prior to removal of the Park, the County Manager, or authorized designee, shall meet together with the City, the Consultant, and any demolition contractor selected by the City (the "Contractor") to perform the Removal Work (as defined below) to provide for the County's review and pre-approval of the following aspects of the Removal Work to be performed:

2.2.1 Contractor's parameters for safe performance of the Removal Work;

2.2.2 Scope of work to be performed;

2.2.3 Park features or improvements, if any, that will not be removed and will remain on the Closed Landfill after completion of the Removal Work;

2.2.4 Schedule of Removal Work;

2.2.5 Procedure for verifying and documenting any soil compaction results;

2.2.6 Emergency and non-emergency contact information for the City, Consultant, and Contractor for use during the Removal Work; and

2.2.7 Contractor's procedures for compliance with all environmental laws applicable to the Removal Work.

2.2.8 Pre-approval by the County Manager, or authorized designee, shall not be unreasonably withheld or delayed and shall be evidenced in a written Notice to Proceed in substantially the form attached hereto as Exhibit B and incorporated herein by reference. The County Manager's, or

authorized designee's, execution of the Notice to Proceed shall be conclusive evidence of pre-approval required by this Section 2.2.

2.3 ACCESS DURING PARK REMOVAL. The County shall have access to all areas of the Park during the Removal Work (as defined below).

2.4 REGULATORY COMPLIANCE. The County shall be solely responsible for compliance with any obligation arising under Arizona Department of Health Services Groundwater Quality Protection Permit No. G-0035-07.

2.5 NO FURTHER DISTRICT RESPONSIBILITY. The County acknowledges and agrees that the District has no further right or interest in, or liability or responsibility for, the Closed Landfill arising under the 1986 IGA.

3. CITY RESPONSIBILITIES.

3.1 PARK ABANDONED. The City hereby abandons any and all interest in and use, operation or maintenance of the Park.

3.2 PARK REMOVAL. Unless the Parties agree in writing that certain Park features or improvements shall remain in place, the City shall remove the Park and all Park features or improvements from the Closed Landfill in accordance with the Park Removal Plan, and if supplemented by any Contractor scope of work pre-approved pursuant to Section 2.2 (the "Removal Work"). The Removal Work shall be performed (i) by the City or a qualified consultant or a qualified contractor chosen by the City in its sole discretion, (ii) in full compliance with all applicable state, federal and local laws, statutes, ordinances, rules and regulations, and (iii) completed to the reasonable satisfaction of the County, which satisfaction shall not be unreasonably withheld or delayed and which satisfaction shall be evidenced in a written Notice of Acceptance of Removal Work in substantially the form attached hereto as Exhibit C and incorporated herein by reference. The County Manager's, or authorized designee's, execution of the Notice of Acceptance of Removal Work shall be conclusive evidence of completion of the Removal Work to the reasonable satisfaction of the County.

3.3 NOTICE OF TERMINATION OF 1986 IGA. Subject to Section 4 of this Agreement, upon execution of this Agreement, the City shall record in the records of Maricopa County, Arizona, a Notice of Termination of the 1986 IGA in substantially the form attached hereto as Exhibit D and incorporated herein by reference.

4. TERMINATION OF 1986 IGA.

4.1 AGREEMENT OF COUNTY AND CITY. Upon completion of the Removal Work by the City, acceptance of the Removal Work by the County, and execution of the Notice of Acceptance of Removal Work by the County, the County and the City hereby agree and acknowledge that (i) the City's obligations and duties under the 1986 IGA and the 1987 IGA have been met, (ii) the City has no further

obligation, liability or responsibility under either the 1986 IGA and 1987 IGA for the Park and the Closed Landfill and (iii) the 1986 IGA and the 1987 IGA shall be terminated.

4.2 AGREEMENT OF COUNTY AND DISTRICT. The County and the District hereby agree and acknowledge that (i) District's responsibilities and duties as set forth in the 1986 IGA expired upon the relocation and closure of the Landfill and upon the District's final inspection of the Closed Landfill, (ii) District has no further interest in the Closed Landfill, (iii) County will continue to have complete responsibility for all future monitoring and maintenance of the Closed Landfill, pursuant to the terms of this Agreement, including any liability for future groundwater contamination as provided in Section B.4 of the 1986 IGA and (iv) the 1986 IGA shall be terminated.

4.3 1986 IGA TERMINATED. The 1986 IGA is hereby terminated, such termination being effective as of the date of initial recording of the Notice of Termination of the 1986 IGA in substantially the form attached hereto as Exhibit D.

4.4 EXECUTION OF NOTICE OF TERMINATION. No later than the effective date of this Agreement as established in Section 1.3 of this Agreement, each Party shall execute the Notice of Termination of the 1986 Agreement in substantially the form attached hereto as Exhibit D.

5. TERMINATION OF 1987 IGA.

5.1 1987 IGA TERMINATED. The 1987 IGA is hereby terminated, such termination being effective as of the date established in Section 1.3 of this AGREEMENT.

6. MISCELLANEOUS.

6.1 DISPUTE RESOLUTION; DEFAULT. Prior to conducting any litigation relating to this Agreement, after receiving written notice from the other Party concerning any dispute, controversy or claim arising out of or relating to this Agreement (a "Dispute Notice"), City and County shall negotiate in good faith and attempt to resolve any dispute, controversy, or claim arising out of or relating to the Agreement including the breach, termination, interpretation or validity hereof (a "Dispute"). The Parties shall continue to perform their obligations under the Agreement during any Dispute and the period required to reach a resolution thereof.

If after negotiating in good faith for sixty (60) calendar days after a Party's receipt of a Dispute Notice, City and County are unable to resolve any Dispute, then the following provisions shall apply:

6.1.1 CITY'S DEFAULT. The following shall constitute a material breach of this Agreement and an event of default by City ("City Event Of Default") hereunder: City's failure to observe or perform any of the material covenants, conditions or provisions of this Agreement to be observed or

performed by City where such failure shall continue for a period of ninety (90) days after City's receipt of a Dispute Notice from County, or such additional period of time thereafter as City and County may agree in writing and may be reasonably necessary under the circumstances to cure such default if City commences to cure such default within said ninety (90) day period and thereafter diligently proceeds to cure such default, provided, however, that no such cure period shall extend beyond one hundred eighty (180) days.

6.1.2 COUNTY REMEDIES. In the event of a City Event Of Default, County may, but shall not be required to, exercise any remedies now or hereafter available to County at law or in equity.

6.1.3 COUNTY'S DEFAULT. The following shall constitute a material breach of this Agreement and an event of default by County ("County Event Of Default") hereunder: County's failure to observe or perform any of the material covenants, conditions or provisions of this Agreement to be observed or performed by County where such failure shall continue for a period of ninety (90) days after County's receipt of a Dispute Notice from City, or such additional period of time thereafter as City and County may agree in writing and may be reasonably necessary under the circumstances to cure such default if County commences to cure such default within said ninety (90) day period and thereafter diligently proceeds to cure such default, provided, however, that no such cure period shall extend beyond one hundred eighty (180) days.

6.1.4 CITY REMEDIES. In the event of a County Event Of Default, City may, at its option, but shall not be required to, exercise any remedies now or hereafter available to City at law or in equity.

6.1.5 ATTORNEY'S FEES AND COSTS. In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this Agreement or on account of any breach or default hereof, the prevailing Party shall be entitled to receive from the other Party reasonable attorneys' fees and reasonable costs and expenses, determined by the court sitting without a jury, which shall be deemed to have accrued on the commencement of such action and shall be enforced whether or not such action is prosecuted through judgment.

6.2 COUNTY INDEMNIFICATION. To the extent permitted by law, County shall indemnify and hold harmless City, its officers, agents, attorneys and employees for, from and against claims or expenses, including penalties and assessments and attorney's fees to which they or any of them may be subjected by reason of injury or death of any person, or loss or damage to any property contributed to or caused by the negligence or willful misconduct or omission(s) of County, its agents, servants, employees, contractors or subcontractors arising under this Agreement. In case any suit or other proceeding shall be brought under this Agreement, County, at the request of City, will assume the defense at County's own expense

and will pay all judgments rendered therein. To the extent permitted by law, the provisions of this subsection 6.2 shall survive termination or expiration of this Agreement.

6.3 CITY INDEMNIFICATION. To the extent permitted by law, City shall indemnify and hold harmless County, its officers, agents, attorneys and employees for, from and against claims or expenses, including penalties and assessments and attorney's fees to which they or any of them may be subjected by reason of injury or death of any person, or loss or damage to any property contributed to or caused by the negligence or willful misconduct or omission(s) of City, its agents, servants, employees, contractors or subcontractors arising under this Agreement. In case any suit or other proceeding shall be brought under this Agreement, City, at the request of County, will assume the defense at City's own expense and will pay all judgments rendered therein. To the extent permitted by law, the provisions of this subsection 6.3 shall survive termination or expiration of this Agreement.

6.4 NOTICES. Unless otherwise provided in the Agreement, all notices, demands, request, consents, approvals and other communications (collectively, "Notices") required hereunder shall be given by certified U.S. mail return receipt request, postage prepaid or personally delivered and acknowledged, at the addresses set forth below or at such other address as either Party shall, from time to time, designate in writing to the other by notice given in the same manner specified in this Subsection 6.4. Notices shall be deemed received upon receipt, which shall be evidenced by a receipted copy (in the case of Notices that are personally delivered), or as evidenced by the postal service receipt.

If to COUNTY: Maricopa County
301 W. Jefferson Street, Suite 960
Phoenix, Arizona 85003
Facsimile: (602) 506-4451
Attn: Real Estate Services Manager

If to CITY: City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85323
Facsimile: (623) 333-0100
Attn: Charles P. McClendon, City Manager

6.5 ENTIRE AGREEMENT. The Agreement constitutes the entire agreement among the Parties and sets forth all of the covenants, promises, agreements, conditions and understandings among the Parties, and there are no covenants promises, agreements, conditions or understandings, either oral or written, among the Parties other than as set forth herein, and those agreements that are executed contemporaneously herewith. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the Party drafting this Agreement. The

Parties have each reviewed this Agreement and have had the opportunity to have the Agreement reviewed by legal counsel.

6.6 AMENDMENTS. This Agreement cannot be modified or changed except by a written instrument executed by the City and the County.

6.7 CANCELLATION; TERMINATION. Each Party acknowledges that the other has the right as provided in A.R.S. § 38-511 to cancel the Agreement if, while the Agreement or any extension is in effect, any person significantly involved in negotiating, drafting or securing the Agreement on behalf of a Party is (i) an employee or agent of the other Party in any capacity, or (ii) a consultant to the other Party with respect to the subject matter of the Agreement, in which case either Party may cancel the Agreement without penalty or further obligation upon written notice to the other Party; provided, however, that the exercise of any right under this subsection by either Party shall have no effect upon the termination of the 1986 IGA or the 1987 IGA as set forth in this Agreement.

6.8 GOVERNING LAW; VENUE. This Agreement is entered into in Arizona and shall be construed and interpreted under the laws of the State of Arizona. The proper venue for any proceeding at law or in equity or under the provisions for arbitration shall be Maricopa County, Arizona and the City and County hereby waive any right to object to venue.

6.9 SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the Parties, their respective heirs, executors, administrators, personal representatives, successors and assigns.

6.10 TIME IS OF THE ESSENCE. Time is of the essence of this Agreement. If the date for performance of any obligation hereunder or the last day of any time period provided herein shall fall on a Saturday, Sunday or legal holiday, then said date for performance or time period shall expire on the first day thereafter which is not a Saturday, Sunday or a legal holiday. Any reference in this Agreement to "day" or "days" shall mean calendar days and not business days.

6.11 WAIVER. Waiver of any breach of any term, conditions or covenant herein contained shall not be deemed to be a waiver of any subsequent breach of any term, covenant or condition herein.

6.12 PARTIAL INVALIDITY. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

6.13 COUNTERPARTS. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute on and the same instrument. Faxed and copied signatures are acceptable as original signatures.

6.14 HEADINGS. Sections or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

6.15 E-VERIFY REQUIREMENTS. The Parties warrant to each other that each is in compliance with A.R.S. § 41-4401 and further acknowledge that:

6.15.1 Any contractor or subcontractor who is contracted by a Party to perform work in connection with this Agreement shall warrant their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214(A);

6.15.2 That any breach of the warranty, shall be deemed a material breach of the contract that is subject to penalties up to and including termination of this Agreement;

6.15.3 The contracting Party retains the legal right to inspect the papers of any contractor or subcontractor employee who performs work in connection with this Agreement to ensure that the contractor or subcontractor is complying with the warranty above and that the contractor agrees to make all papers and employment records of said employee available during normal working hours in order to facilitate such an inspection; and

6.15.4 Nothing in this Agreement shall make any contractor or subcontractor an agent or employee of the Parties to this Agreement.

6.16 SCRUTINIZED BUSINESS OPERATIONS. The Parties warrant to each other that they do not have scrutinized business operations in Sudan or Iran, as prohibited by A.R.S. §§ 35-391.06 and 35-393.06, and further warrant to each other that any contractor or subcontractor who is contracted by a Party to perform work in connection with this Agreement shall certify that it does not have scrutinized business operations in Sudan or Iran.

6.17 DEBARMENT. Each Party to this Agreement warrants that neither it nor, to the knowledge of such warranting Party without investigation, any contractor or vendor under contract with the warranting Party to provide goods or services toward the accomplishment of the objectives of this Agreement are not suspended or debarred by any federal agency which has provided funding that will be used in the Project described in this Agreement.

6.18 NO IMPLIED AUTHORITY. This Agreement does not imply authority to perform any tasks, or accept any responsibility, not expressly stated in this Agreement.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this Intergovernmental Agreement by signing their names on the day and date first written above.

ATTEST:

CITY OF AVONDALE
An Arizona municipal corporation

_____
Carmen Martinez, City Clerk

_____
Charles P. McClendon, City Manager

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2013, by Charles P. McClendon, the City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, on behalf of the City of Avondale.

_____
Notary Public in and for the State of Arizona

(affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

ATTEST:

MARICOPA COUNTY, a political subdivision of the State of Arizona

_____
Clerk of the Board

_____
Chairman of the Board of Supervisors

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2013, by _____, as Chairman of the Board of Supervisors of MARICOPA COUNTY, a political subdivision of the State of Arizona.

_____
Notary Public in and for the State of Arizona

(affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

ATTEST:

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a political subdivision of the State of Arizona

_____
Clerk of the Board

_____
Chairman of the Board of Directors

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2013, by _____, as Chairman of the Board of Directors of FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a political subdivision of the State of Arizona.

_____
Notary Public in and for the State of Arizona

(affix notary seal here)

[ATTORNEYS' CERTIFICATIONS ON FOLLOWING PAGE]

ATTORNEYS' CERTIFICATIONS

In accordance with the requirements of A.R.S. § 11-952(D), the undersigned attorneys acknowledge that (i) they have reviewed the above agreement on behalf of their respective clients and (ii) as to their respective clients only, each attorney has determined that this AGREEMENT is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

APPROVED AS TO FORM:

_____
Attorney for the COUNTY

APPROVED AS TO FORM:

_____
Andrew J. McGuire,
Avondale City Attorney

APPROVED AS TO FORM:

_____
Attorney for the DISTRICT

EXHIBIT A
TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
AND
THE CITY OF AVONDALE
TERMINATING THE 1986 AND 1987
INTERGOVERNMENTAL AGREEMENTS

Legal Description of Closed Landfill

The East 400 feet of the West 1980 feet of the South half of the Southwest quarter (S1/2 of SW1/4) Section 11, Township 1 North, Range 1 West of Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the North 49.5 feet and except the South 199 feet.

EXHIBIT B
TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
AND
THE CITY OF AVONDALE
TERMINATING THE 1986 AND 1987
INTERGOVERNMENTAL AGREEMENTS

[Notice to Proceed]

Please see following page.

NOTICE TO PROCEED

REMOVAL OF COLDWATER PARK

TO: City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85323
Attn: Charles P. McClendon, City Manager

Dear Mr. McClendon:

You or your authorized designee are hereby notified to commence work in accordance with the Park Removal Plan attached as Exhibit B to the Intergovernmental Agreement between Maricopa County, the Flood Control District of Maricopa County and the City of Avondale, dated _____, 2013, on or before _____, 2013.

Very truly yours,

MARICOPA COUNTY, a body politic of the State of Arizona

By: _____
County Manager

ACCEPTANCE OF NOTICE:

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by Charles P. McClendon, City Manager of the City of Avondale, this _____ day of _____, 2013.

CITY OF AVONDALE, an Arizona municipal corporation

By: _____
Charles P. McClendon, City Manager

ATTEST:

_____
Carmen Martinez, City Clerk

EXHIBIT C
TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
AND
THE CITY OF AVONDALE
TERMINATING THE 1986 AND 1987
INTERGOVERNMENTAL AGREEMENTS

[Notice of Acceptance of Removal Work]

Please see following page(s).

NOTICE OF ACCEPTANCE OF REMOVAL WORK

REMOVAL OF COLDWATER PARK

Notice is hereby given that Maricopa County, a body politic of the State of Arizona, has fully accepted without exceptions, the work performed by the City of Avondale or its qualified contractor, pursuant to the Park Removal Plan as referenced in the Intergovernmental Agreement between the Maricopa County, Flood Control District of Maricopa County and the City of Avondale, dated _____, 2013.

Dated _____, 2013.

MARICOPA COUNTY, a body politic of the State of Arizona

By: _____
County Manager

EXHIBIT D
TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
AND
THE CITY OF AVONDALE
TERMINATING THE 1986 AND 1987
INTERGOVERNMENTAL AGREEMENTS

[Notice of Termination of 1986 IGA]

Please see following page(s).

When Recorded, Return To:

City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85253
Attn: City Clerk

NOTICE OF TERMINATION OF INTERGOVERNMENTAL AGREEMENT FOR THE REMOVAL AND RELOCATION OF THE AVONDALE LANDFILL TO AN ADJACENT SITE THAT SHALL BE DEVELOPED AND USED AS A RECREATIONAL AREA

NOTICE IS HEREBY GIVEN that the Intergovernmental Agreement for the Removal and Relocation of the Avondale Landfill to an Adjacent Site That Shall Be Developed and Used as a Recreational Area, recorded January 16, 1986, at Recorder's No. 86-0022992 in the records of the Maricopa County Recorder is hereby terminated.

Dated _____, 2013.

ATTEST:

CITY OF AVONDALE
An Arizona municipal corporation

_____
Carmen Martinez, City Clerk

_____
Charles P. McClendon, City Manager

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2013, by Charles P. McClendon, the City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, on behalf of the City of Avondale.

_____
Notary Public in and for the State of Arizona

(affix notary seal here)

APPROVED AS TO FORM:

_____
Andrew J. McGuire, Avondale City Attorney

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

ATTEST:

MARICOPA COUNTY, a political subdivision of the State of Arizona

_____
Clerk of the Board

_____
Chairman of the Board of Supervisors

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2013, by _____, as Chairman of the Board of Supervisors of MARICOPA COUNTY, a political subdivision of the State of Arizona.

_____
Notary Public in and for the State of Arizona

(affix notary seal here)

APPROVED AS TO FORM:

:

_____
Attorney for the COUNTY

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

ATTEST:

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a political subdivision of the State of Arizona

_____
Clerk of the Board

_____
Chairman of the Board of Directors

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2013, by _____, as Chairman of the Board of Directors of FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a political subdivision of the State of Arizona.

_____
Notary Public in and for the State of Arizona

(affix notary seal here)

APPROVED AS TO FORM:

_____
Attorney for the DISTRICT

CITY COUNCIL REPORT

SUBJECT:
Cooperative Purchasing Agreement - SDB, Inc. for Coldwater Park Demolition

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Christopher Reams, Parks, Recreation & Libraries Director (623) 333-2412

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve a Cooperative Purchashing Agreement with SDB Contracting Services (SDB) in the amount of $71,067.56 for removal of City property from Coldwater Park and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

BACKGROUND:

On August 10, 1987 the City of Avondale (the City) and Maricopa County (the County) entered into an Intergovernmental Agreement (IGA) to excavate, remove, and relocate the Avondale landfill to the current Coldwater Park site. The City of Avondale received $500,000 to develop and construct a recreational area which became Coldwater Park. Maricopa County has retained ownership of Coldwater Park and the City has managed the site.

The site was originally used for recreational purposes which included: softball, passive recreation, and community and City sponsored events. Over time the condition of the field eroded and became unsafe for many of the activities scheduled for the site. The City has ceased all recreational activities and the parties would like to terminate the original agreement.

The City will abandon the use, operation, and maintenance of Coldwater Park. In addition, the City will remove all city-owned park facilities and equipment. SDB will perform the removal of all City facilities and equipment at Coldwater Park.

DISCUSSION:

SDB, Contracting Services has been selected for the project through the Mojave, JOC contract award process (Mojave Contract: 09D-SDB-0902). SDB project estimate is $71,067.56. The contract with the City and SDB will not exceed the estimated amount.

SDB estimates that the entire project will be complete within 2 weeks after the signature date of the contract. The City will coordinate the project with both SDB and Maricopa County to ensure all provisions of the existing IGA with the County are adhered to.

BUDGETARY IMPACT:

Upon approval, funds for the project will be transferred from capital improvement project (CIP) account 310-1312-00-8210 to CIP account 310-1032-00-8210.

RECOMMENDATION:

Staff recommends that the City Council approve both the transfer of funds between projects and approve a Cooperative Purchasing Agreement with SDB Contracting Services (SDB) in the amount

of $71,067.56 for removal of all City property from Coldwater Park and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

ATTACHMENTS:

Click to download

- CPA

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

http://www.avondale.org/DocumentCenter/View/32229

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing - Zoning Extension for Diamond P Ranch PAD Zoning, Alternatively Ordinance 1517-513 - Zoning Reversion

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Tracy Stevens, Acting Development & Engineering Services Department Director (623) 333-4012

THROUGH: Charlie McClendon, City Manager

REQUEST: A one-year extension of Planned Area Development zoning on the subject property to expire April 17, 2014.

PARCEL SIZE: Approximately 244 acres

LOCATION: South and west of the southwest corner of Avondale Boulevard and Lower Buckeye Road

APPLICANT: Ms. Carolyn Oberholtzer, Rose Law Group (480) 505-3934

OWNER: Avondale Diary Holdings, LLC (Brett Heron, RED Development) (480) 556-8813

BACKGROUND:

Approximately 40 acres of the property is identified as Estate/Low Density Residential (density up to 2.5 dwelling units per acre (du/ac), target 1 du/ac) along the east property line abutting Fleming Farms PAD, and the balance of the property Medium Density Residential (density 2.5 - 4 du/ac, target 2.5 du/ac) on the General Plan Land Use Map (Exhibit A). The property is zoned Planned Area Development (PAD) (Exhibit B). The property currently operates as a dairy farm (Exhibit C).

On March 17, 2008, the City Council annexed the property into the City and zoned it Agricultural (AG). At the same meeting, the City Council approved application Z-07-4 and rezoned the property to PAD through Ordinance 1296-308 (Exhibits E and F). At the March 17, 2008 meeting, City Council also approved a Preliminary Plat for the property as case PP-07-2.

The Preliminary Plat expired March 17, 2009.

On June 20, 2011, the City Council granted a one-year extension of PAD zoning for this property by approval of application PL-11-0033. That extension expired April 16, 2012.

One June 3, 2012, the City Council granted a one-year extension of PAD zoning for this property by approval of application PL-12-0075 (Exhibit G). That extension expired April 17, 2013.

SUMMARY OF REQUEST:

The applicant is requesting a one year extension of the PAD zoning expiration date to April 17, 2014 (Exhibit H).

PARTICIPATION:

Not required.

PLANNING COMMISSION ACTION:

Not required.

ANALYSIS:

Conformance with the General Plan Land Use Map and Densities

Diamond P Ranch was zoned PAD in conformance with the previous General Plan (Exhibit I). Subsequently, voters ratified General Plan 2030 with a new Land Use Map (Exhibit A). The Development complies with the General Plan, taking into consideration that the low and median density land uses were relocated within the project during the recent General Plan update as follows:

1. Approximately 30 acres along Lower Buckeye Road (Exhibit F, page 11), at a density of approximately 1.4 dwelling units per acre (du/ac), was relocated to the eastern portion of the project.

2. Approximately 40 acres along 119th Avenue adjacent to Fleming Farms (Exhibit F, page 11), at a density of approximately 3 du/ac, was relocated to the northern portion of the property along Lower Buckeye Road.

In addition, the Development Plan provides for an 18.67 acre site in the center of the property that can develop with a maximum of 130 single-family attached (townhomes) or as a school (Exhibit F, page 11). If the townhomes are developed, the maximum density would be 7 du/ac. This area is shown as Medium Density Residential in the current General Plan, and thus the density is too high. It should be noted that this area had the same density designation under the previous General Plan, and the Development Plan was approved because it provided for a variety of housing types and did not significantly raise the overall low density of the proposed development.

Diamond P Ranch furthers City Council's vision for Avondale south of Lower Buckeye Road by providing for low density residential development on larger lots, as compared to existing residential developments north of Lower Buckeye Road, and a variety of housing choices.

The density of the 42 large lots along Lower Buckeye Road is approximately 1.4 du/ac, the density of the potential townhome site with 130 units is approximately 7 du/ac, and the density of the remaining 195 acres with 542 medium sized lots is 2.8 du/ac. The overall density of the entire property with townhomes is 2.9 du/ac, and without townhomes is 2.4 du/ac. By contrast, the densities of adjacent communities are: Del Rio Ranch 3.4 du/ac; Cantada Ranch 3.4 du/ac; and Fleming Farms 2.9 du/ac. None of the adjacent communities provide for townhomes.

School Site or Single Family Attached

In the center of the property is an 18.67 acre site identified by the PAD as being for a school site or single-family attached (townhomes). The 18.67 acre site was located and dimensioned in accordance with Littleton School District specifications for a primary school (K through 8). The property is not dedicated for a school, and was not credited towards minimum Open Space requirements for the PAD. Whether the school district eventually acquires the site, the Open Space amount will not change (see Open space below). If a school wishes to develop on the site, they would have to acquire the land.

Architecture and Design

The PAD provides for single-family detached homes in Spanish Mission, Contemporary Southwest, and Ranch architectural styles. The representative plots shown in in the Development Plan show

courtyards on every home, in a variety of locations and sizes, with two-, three- and four-car garages, including side-entry garages (Exhibit F, pages 64 - 66). The PAD also provides for townhomes.

Conformance with the Zoning Ordinance Development Standards

The PAD development standards exceed the current Zoning Ordinance by providing for greater lot coverage by buildings (45% and 50% compared to 40%), reduced front yard setbacks for side-entry garages (12' compared to 15'), and increased height for the single family attached homes (up to 3-stories and 40' compared to 2-stories and 30'). The PAD is more restrictive by providing for greater lot areas, greater lot lengths, a minimum of four elevation and 4 floor plans per lot size category, and each development phase to have a different architectural character to provide a sense of unique neighborhood.

Open Space

The PAD provides for a minimum of 14.78% active Open Space. The current Zoning Ordinance standard is a minimum of 15%, but at the time of PAD approval the minimum standard was 10%. Active Open Space consists of multi-use trails and parks developed with lawns and furniture, such as, ramadas, barbeques, volleyball, and half-court basketball. The total of active Open Space and passive Open Space, consisting of non-landscaped areas beneath the powerlines outside the multi-use trail improvements, exceeds 20% of the site.

Phasing

Construction of all perimeter offsite infrastructure improvements shall be in the first phase of development, and shall also include the internal collector streets of 119 the Avenue and Elwood Drive connecting Lower Buckeye Road and Avondale Boulevard.

PAD Zoning Reversion

If the PAD zoning extension is granted, this would be the third of a maximum of four one-year extensions allowed by the Zoning Ordinance. The one year extension would expire April 16, 2014. If the PAD zoning extension is not granted, Section 603.D of the Zoning Code provides for the ability of City Council to revert the zoning to the previous zoning of Agriculture (AG). Staff has prepared an Ordinance to revert the zoning from PAD to AG should the City Council desire, and the required notification to the applicant and property owner by Certified Letter has been done per the Section 603.D of the Zoning Code. All conditions of approval provided for in Ordinance 1296-308, rezoning the property to PAD, continue in effect if this extension is granted (Exhibit E).

Conclusion:

Based on the information provided by the applicant and the analysis by staff, staff recommends approval of the requested one-year extension of PAD zoning.

FINDINGS:

The proposed request substantially complies with the goals and intent of the General Plan, the Zoning Ordinance, and the Single Family Residential Design Manual.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** application PL-13-0077.

PROPOSED MOTION:

I move that the City Council **APPROVE** application PL-13-0077, a request for a one-year extension of PAD zoning for Diamond P Ranch to expire April 17, 2014.

In the event that the Council denies the applicant's request the following motions should be used to revert the zoning of the property to its previous designation of AG (Agricultural):

I move that the City Council **ADOPT** an Ordinance reverting the zoning of the zoning of the subject site from Planned Area Development (PAD) to its previous zoning classification of Agricultural (AG).

ATTACHMENTS:

Click to download

- Exhibit A - General Plan Vicinity Map
- Exhibit B - Zoning Vicinity Map
- Exhibit C - Vicinity Aerial Photo 2013
- Exhibit D - Summary of Related Facts
- Exhibit E - Ord 1296-308 Rezoning Diamond P Ranch
- Exhibit F - Diamond P Ranch PAD Development Plan
- Exhibit G - Minutes of June 3, 2012 City Council
- Exhibit H - Applicant's Request Narrative
- Exhibit I - General Plan 2001 Vicinity Land Use Map
- Ordinance 1517-513

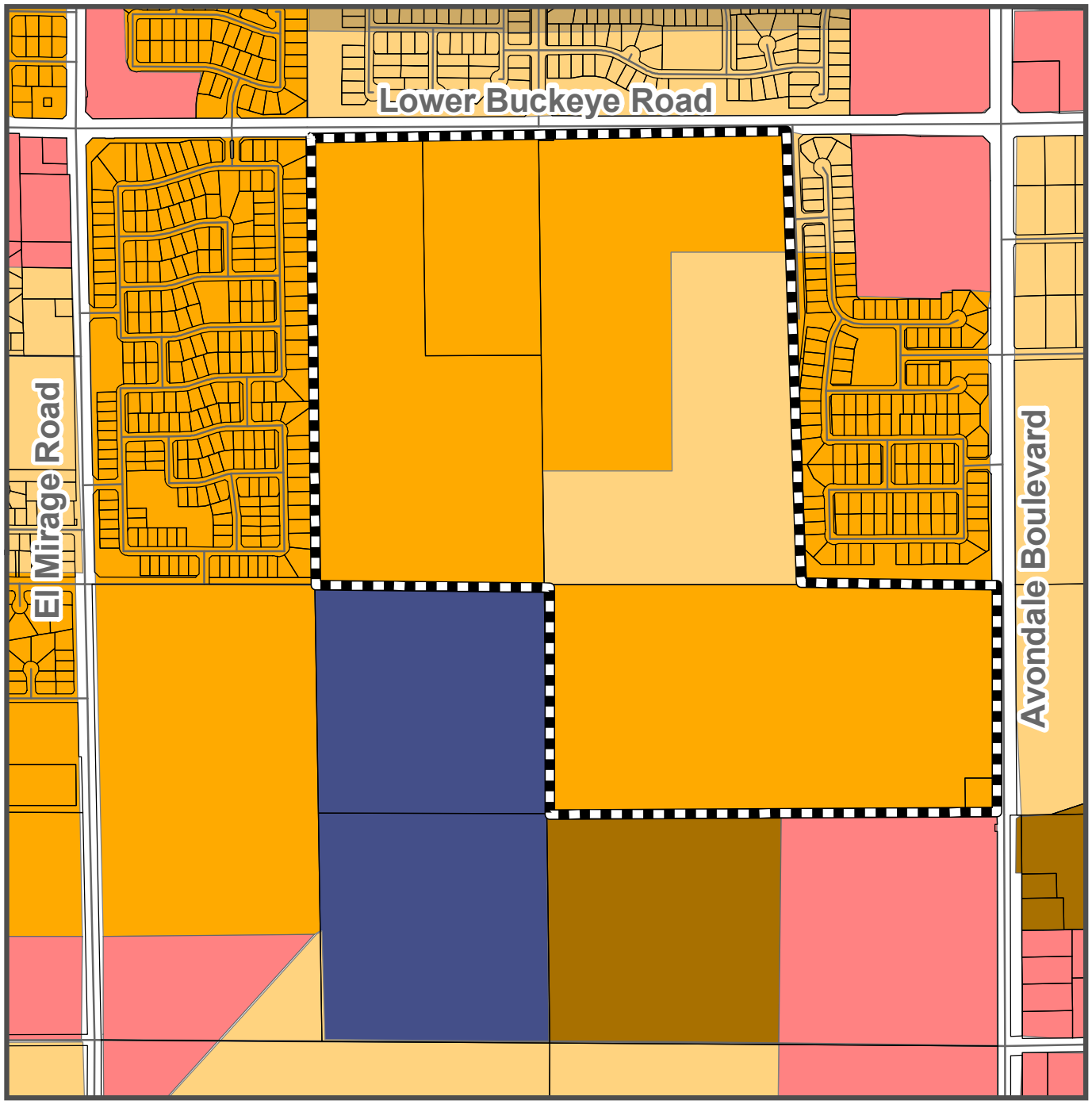
FULL SIZE COPIES (Council Only):

None

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017

Exhibit A

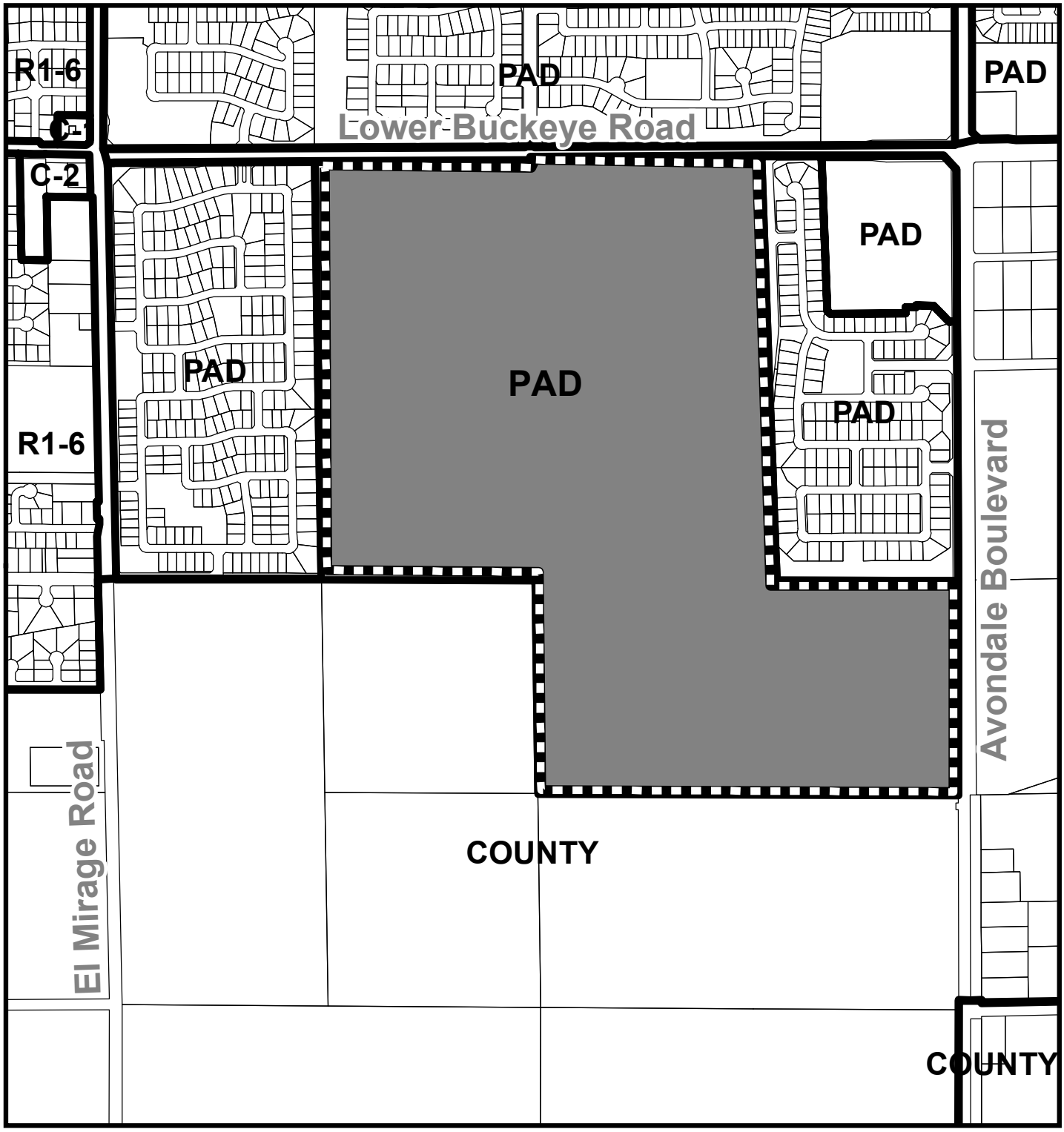


Diamond P Ranch PAD Extension
PL-13-0077

General Plan Land Use Map

- Estate/Low Density Residential
- Medium Density Residential
- High Density Residential
- Local Commercial
- Public/Civic
- Subject Property

Exhibit B

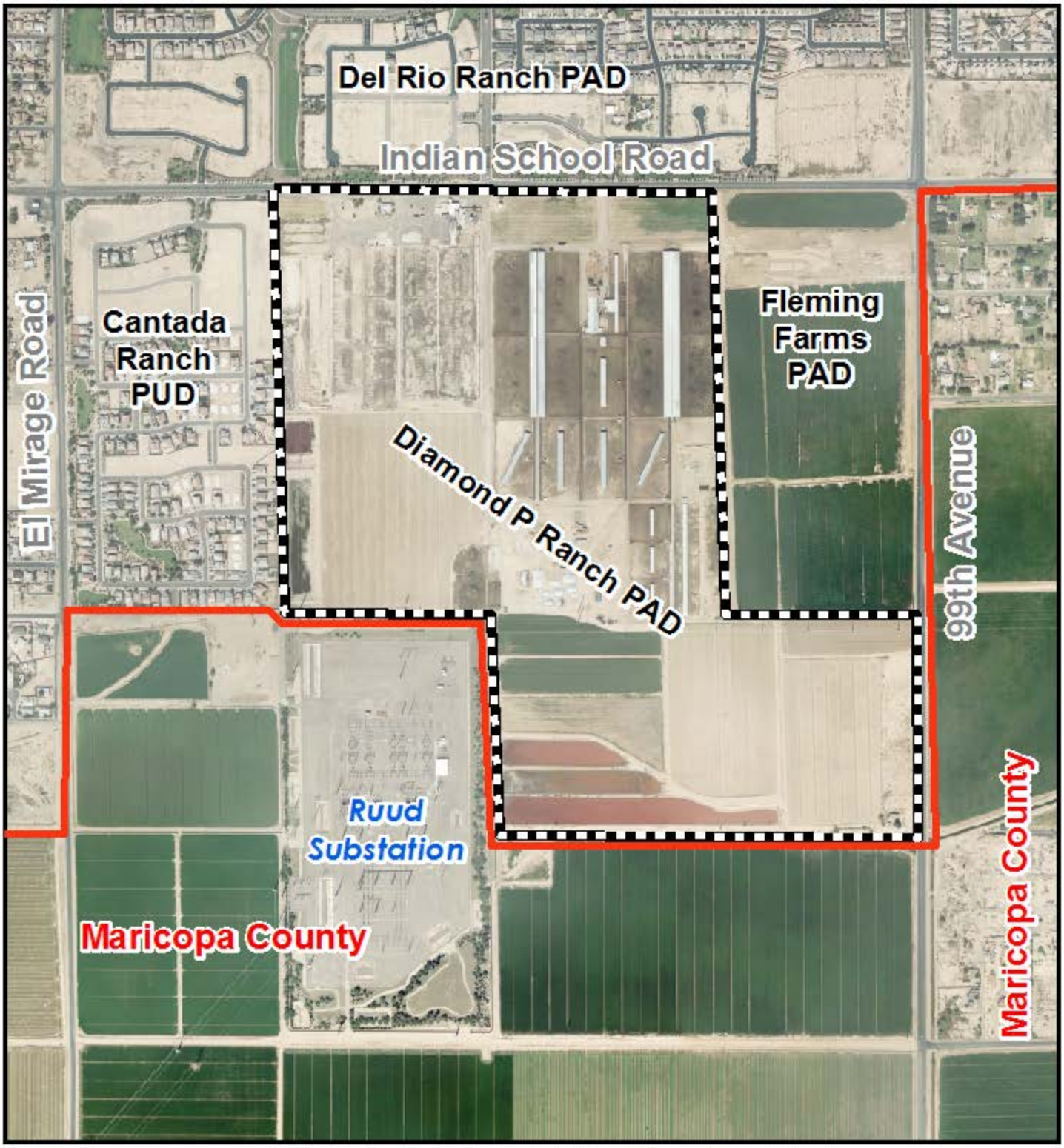


Zoning Vicinity Map
Diamond P Ranch PAD Extension
PL-13-0077

Avondale

Subject Property

Exhibit C



Aerial Photograph 2013
Diamond P Ranch PAD Extension
PL-13-0077

Avondale

Subject Property

Exhibit D

SUMMARY OF RELATED FACTS
APPLICATION PL-13-0077 DIAMOND P RANCH PAD EXTENSION

THE PROPERTY	
PARCEL SIZE	Approximately 244 acres
LOCATION	S & W of SWC of Avondale Blvd. & L. Buckeye Rd.
PHYSICAL CHARACTERISTICS	Relatively flat, sloping slightly SW
EXISTING LAND USE	Dairy farming
EXISTING ZONING	Planned Area Development (PAD)
ZONING HISTORY	Annexed 3/17/2008, Rezoned to PAD 3/17/2008; 1st PAD extension 6/20/2011; 2nd PAD extension 6/4/2012
DEVELOPMENT AGREEMENT	No.

SURROUNDING ZONING AND LAND USE	
NORTH	Planned Area Development (PAD) – Del Rio Ranch
EAST	Planned Area Development (PAD) – Fleming Farms & COUNTY
SOUTH	COUNTY - farmland
WEST	Planned Area Development (PAD) – Cantada Ranch

GENERAL PLAN
Approximately 40 acres of the subject property abutting Fleming Farms is designated as **Estate/Low Density Residential** (density up to 2.5 dwelling unit/ac) on the General Plan Land Use Map. The balance of the subject property is designated as **Medium Density Residential** (density 2.5 – 4 dwelling unit/ac) on the General Plan Land Use Map.

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District Tolleson Union High School District
ELEMENTARY SCHOOLS	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

STREETS	
Lower Buckeye Road	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	55 feet
Existing half street improvements	1-lane
Standard half street improvements	2-lanes, ½ of landscape median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights and landscaping

Avondale Boulevard	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	65 feet
Existing half street improvements	1-lane
Standard half street improvements	3-lanes, ½ of landscape median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights and landscaping

117th Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	35 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

119th Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

Elwood Street	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

UTILITIES
There is an existing 19” water line in Lower Buckeye Road, and a 16” water line being constructed in Avondale Boulevard. There are existing 18” sewer line in Lower Buckeye Road, and an existing 30” sewer line in Avondale Boulevard.

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20090422779,05/12/2009 12:00
ELECTRONIC RECORDING

ORD1296308-6-1-1--,N

ORDINANCE NO. 1296-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 245 ACRES LOCATED WEST AND SOUTH OF THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND AVONDALE BOULEVARD AS SHOWN IN FILENAME Z-07-4, REZONING SUCH PROPERTY FROM AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Council of the City of Avondale (the "City Council") desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, all due and proper notices of public hearings on the intended amendment held before the City of Avondale Planning and Zoning Commission (the "Commission") and the City Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on Thursday, February 21, 2008, on the amendment to the Zoning Atlas pursuant to such notices and as required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission recommended approval; and

WHEREAS, the City Council held a public hearing regarding the amendment to the Zoning Atlas on March 17, 2008.

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

SECTION 1. That ± 245 acres of real property generally located west and south of the southwest corner of Lower Buckeye Road and Avondale Boulevard as shown in filename Z-07-4, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, are hereby rezoned from Agricultural (AG) to Planned Area Development (PAD), subject to the following conditions:

1. Development shall be in substantial conformance with the development plan and narrative Planning Division date stamped February 8, 2008.

2. Right-of-way shall be dedicated to the City as required by the then-current version of the City's adopted transportation plan. For reference purposes only, as of the date of this Ordinance, the required right-of-way dedications are as follows:

   A. Lower Buckeye Road - 55 feet width half-street.
   B. Avondale Boulevard - 65 feet width half-street.
   C. 119th Avenue - 80 feet width full-street.
   D. 117th Avenue - 70 feet width full-street once the roadway transitions onto the subject property from Fleming Farms PAD.
   E. Elwood Street - 80 width full street.

   Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, transit stops, etc., may be required during the site plan process depending upon the findings of traffic studies and analysis.

3. Cost contribution towards traffic signals are required as follows:

   A. Lower Buckeye Road & 119th Avenue 50% of the cost to signalize the intersection.
   B. Avondale Boulevard & Elwood Street 25% of the cost to signalize the intersection.

   Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

4. Prior to recording of a final plat, the developer shall:

   A. Obtain ownership of the existing irrigation well ADWR Well Registration No. 55-565981, and transfer that ownership to the City at no cost to the City.
   B. Provide a roughly square well site of approximately 7,000 square feet, no more than 660 feet from the location of the existing irrigation well, for subsequent purchase by the City.
   C. Design and construct a pressurized transmission line from the new well site to an existing transmission line at 119th Ave and Lower Buckeye Road, the cost of which shall be for reimbursed by the City upon the City's acceptance of the completed transmission line.

5. Prior to recording of a final plat, the developer shall abandon, per the Arizona Department of Water Resources (ADWR) well abandonment rules, any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

6. Prior to issuance of the first Certificate of Occupancy for any structure on the property , extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with

Arizona law, to the City's Assured Water Supply account at the ADWR. This includes, but is not limited to, rights Nos. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres) 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

7. Developer shall submit a full traffic study prepared by a professional Traffic Engineer to the City not later than the first to occur of the Master Site Plan application or Preliminary Plat application. A site-specific traffic study shall be required for the proposed school/proposed Townhomes (R-2) site.

8. A preliminary plat shall be required for the single-family attached townhomes site prior to development. The preliminary plat shall require recommendation from Planning Commission and approval by City Council. The preliminary plat shall not be an administrative approval by staff.

9. The developer of Diamond P Ranch shall relocate the existing high-voltage power pole located in the northwest corner of Elwood Street and Avondale Boulevard to outside of the proposed right-of-way.

10. All areas within the power line easements not part of the multi-use trail system shall be covered with decomposed granite and provide landscaping.

11. All perimeter off-site improvements shall be completed with the first phase of development.

SECTION 2. That if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

Marie Rogers Lopez

Marie Rogers Lopez, Mayor

ATTEST:

Linda M Farris

Linda M. Farris, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

844626.2

EXHIBIT A
TO
ORDINANCE NO. 1296-308

[Map and Legal Description]

See following pages.

Exhibit A

All that portion of the Northeast quarter of the Northwest quarter of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Northwest corner of Section 1, marked by a ½ inch rebar and cap RLS 34404;

thence along the North line of the Northwest quarter of the Northwest quarter, South 87 degrees 55 minutes 47 seconds East, a distance of 1309.61 feet to a brass cap in hand hole marking the Northwest corner of the Northeast quarter of the Northwest quarter;

thence leaving said North line, South 00 degrees 14 minutes 07 seconds West, a distance of 65.00 feet to a point on the Southerly right-of-way line of McDowell Road as conveyed in Book 2328 of Deed, page 135, said point being the TRUE POINT OF BEGINNING;

thence along the South right-of-way line of McDowell Road, South 88 degrees 58 minutes 51 seconds East, a distance of 697.99 feet;

thence leaving said right-of-way, South 02 degrees 50 minutes 49 seconds West, a distance of 931.23 feet;

thence South 65 degrees 24 minutes 06 seconds West, a distance of 121.63 feet;

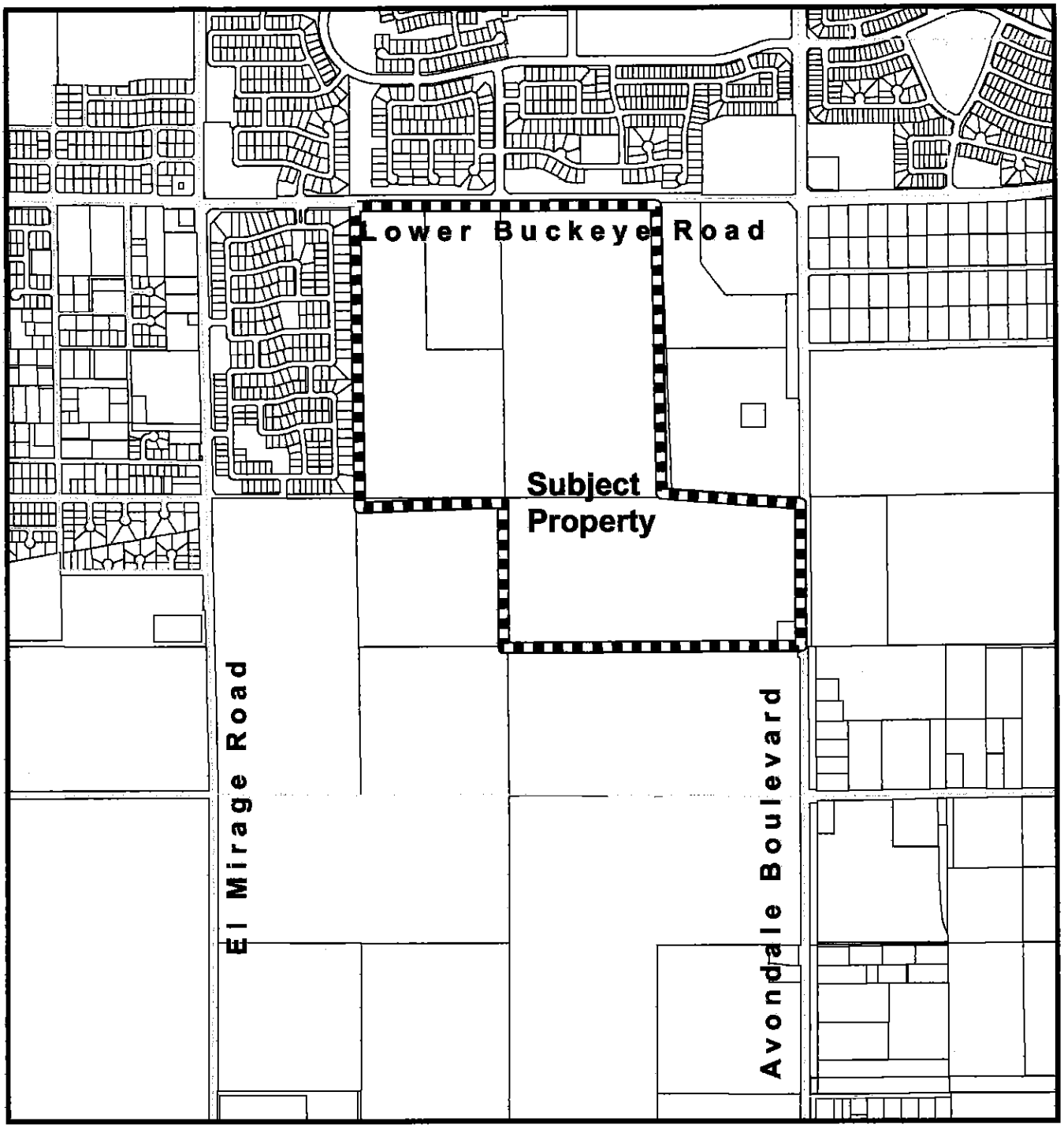
thence South 45 degrees 59 minutes 06 seconds West, a distance of 22.80 feet;

thence South 20 degrees 42 minutes 06 seconds West, a distance of 10.52 feet;

thence South 89 degrees 44 minutes 13 seconds West, a distance of 525.12 feet to a point on the West line of the Northeast quarter of the Northwest quarter;

thence along said West line, North 00 degrees 14 minutes 07 seconds East, a distance of 1021.22 feet to the TRUE POINT OF BEGINNING

Exhibit B



Z-07-4
Diamond P Ranch

Avondale

Subject Property

Exhibit F – Diamond P Ranch PAD Development Plan

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

http://www.avondale.org/DocumentCenter/View/32138

Minutes of the Regular Meeting held June 4, 2012 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

Stephanie Karlin, Vice Mayor
Jim Buster
Jim McDonald
Frank Scott
Charles Vierhout

ABSENCE EXCUSED

Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Lt. Espinoza, Avondale Police Department
Pilar Aguilar, Assistant Finance Director
Shirley Gunther, Intergovernmental Affairs Manager
Eric Morgan, Development Services
Christopher Reams, Director of Parks, Recreation & Libraries
Ava Gutwein, Library Director
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

5) PUBLIC HEARING – ZONING EXTENSION FOR DIAMOND P RANCH PAD ZONING, ALTERNATIVELY ORDINANCE 1495-612 – ZONING REVERSION

A public hearing and consideration of a request by Ms. Carolyn Oberholtzer, Rose Law Group, for a one-year extension of the PAD zoning for Diamond P Ranch, located on approximately 244 acres of land west of the southwest corner of Avondale Boulevard and Lower Buckeye Road. Alternatively, the Council will consider an ordinance reverting the zoning of the property back to Agricultural.

City Manager Charlie McClendon introduced Eric Morgan to present this item. Eric Morgan, Development Services, said case PL-12-0075 is for a property approximately 244 acres located south and west of the southwest corner of Lower Buckeye and Avondale Boulevard. It was zoned to PAD on March 17, 2008. The ordinance became effective April 16, 2008. The Zoning Ordinance requires that construction begin within three years of obtaining PAD zoning, or owners have to request an extension one year at a time, for a maximum of four years. One extension was previously granted on June 20, 2011.

Mr. Morgan explained that the Diamond P Ranch development is for approximately 589 single-family lots. It is identified as Low-Density Residential along Lower Buckeye Road and the balance of the property is Medium Density Residential. An 18.67-acre school site was not included in the calculations necessary to meet the minimum open space requirements. The PAD contains some larger lots of the type that City Council has been looking for. All off-site infrastructure has to be built in the first phase. The housing product shown in the PAD would be unique in Avondale, featuring side-entry garages and a courtyard. The PAD falls within today's PAD standards. Staff recommends approval of the extension with no additional stipulations. If approved, the extension would be for one year, expiring April 16,

2013. If City Council chooses to deny the extension, zoning could be reverted back to Agricultural.

Council Member McDonald inquired whether the PAD has been dedicated to a school, and asked whether a school would affect open space calculations. Mr. Morgan said the site is not yet dedicated to a school. The PAD would still have 15% open space, regardless of whether a school is built or not.

Mayor Lopez Rogers opened the public hearing. There being no requests to speak, Mayor Rogers closed the public hearing.

Vice Mayor Karlin moved to approve application PL-12-0075, for a one-year extension, a PAD zoning for the Diamond P Ranch, to expire April 16, 2013. Council Member McDonald seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member Scott	Aye
Council Member Weise	Absent/Excused
Mayor Lopez Rogers	Aye
Vice Mayor Karlin	Aye
Council Member McDonald	Aye
Council Member Buster	Aye

Motion carried 6-0.

END

EXHIBIT H

CITY OF AVONDALE
APR 15 2013
DEVELOPMENT SERVICES

RED SM

RED Realty Advisors, LLC
One East Washington Street, Suite 300
Phoenix, AZ 85004
Phone: 480-947-7772
Fax 480-947-7997

April 9, 2013

Mr. Eric Morgan
Planning Division
Development Services Department
City of Avondale
11465 W. Civic Center Drive, Suite 110
Avondale, Arizona 85323

Re: Extension Request for the Diamond P Ranch PAD, Case Z-07-4

Dear Eric:

The owners of the property known as "Diamond P Ranch" (the "Project") hereby request that the Planned Area Development, originally approved by the City on March 17, 2008 (and effective on April 17, 2008), under Case No. Z-07-4, as extended, be extended for an additional one year as provided for under Section 603.5(D) of the City of Avondale Zoning Ordinance. Pursuant to Section 603.5, the City of Avondale (the "City") may grant up to four one-year extensions and if approved, this would be the third of such extensions for the Project.

We have enclosed a narrative describing the extension request for your review, along with the signed and notarized Owner Authorization forms. Please let us know if you require any additional information to process this request.

Sincerely,

Brett Heron
Managing Partner
RED Realty Advisors, LLC

Diamond P Ranch

PAD Zoning Extension Narrative

CITY OF AVONDALE
APR 1 5 2013
DEVELOPMENT SERVICES

1. Location:

Intersection: West of the SWC of Avondale Blvd & Lower Buckeye Road
Size: Approximately 244 acres

2. History

Annexation: Approved by City Council on March 17, 2008

Current Use of Property: Dairy Farm

Zoning: Rezoning from AG to PAD approved March 17, 2008 and effective April 17, 2008. One year extension approved June 20, 2011.

Subsequent Actions: A Preliminary Plat and the related preliminary water and sewer design reports were approved March 17, 2008.

Following the Preliminary Plat approval, numerous plans and reports were commenced by Coe & Van Loo Engineers for Diamond P Ranch at a cost of over $500,000. These plans and reports were 95% complete in the second quarter of 2009 and Coe and Van Loo was preparing to submit them to the City of Avondale when the prior owner began to experience financial difficulties and the existing bank loan matured. Given the state of the financial markets at the time, the owner was unable to refinance the property, and the bank began foreclosure proceedings in the second quarter of 2009. With the foreclosure of the property in process, the prior owner did not submit the improvements plans.

In late 2009 the bank foreclosed on the northern 166 acres of Diamond P Ranch and entertained several offers to purchase the property from developers and dairy farmers. By early 2010 a company formed by RED Realty Advisors, LLC opened escrow and ultimately purchased this portion of property on March 31, 2010.

An extension of the PAD zoning was submitted in early 2011 and approved by the City Council on June 20, 2011. A second extension was submitted in early 2012 and approved by the City Council on June 4, 2012.

RED Realty Advisors, LLC and Silver Bullet, LLC have been working with the City over the past year on the General Plan amendment which was approved by voters in the fall of 2012 as well as granting an easement to the City of Avondale in connection with the water line extension in Avondale Boulevard.

3. Request

We are requesting that the PAD be extended for the third of four permitted one year extensions which, if granted, would extend the PAD approval to April 17, 2014.

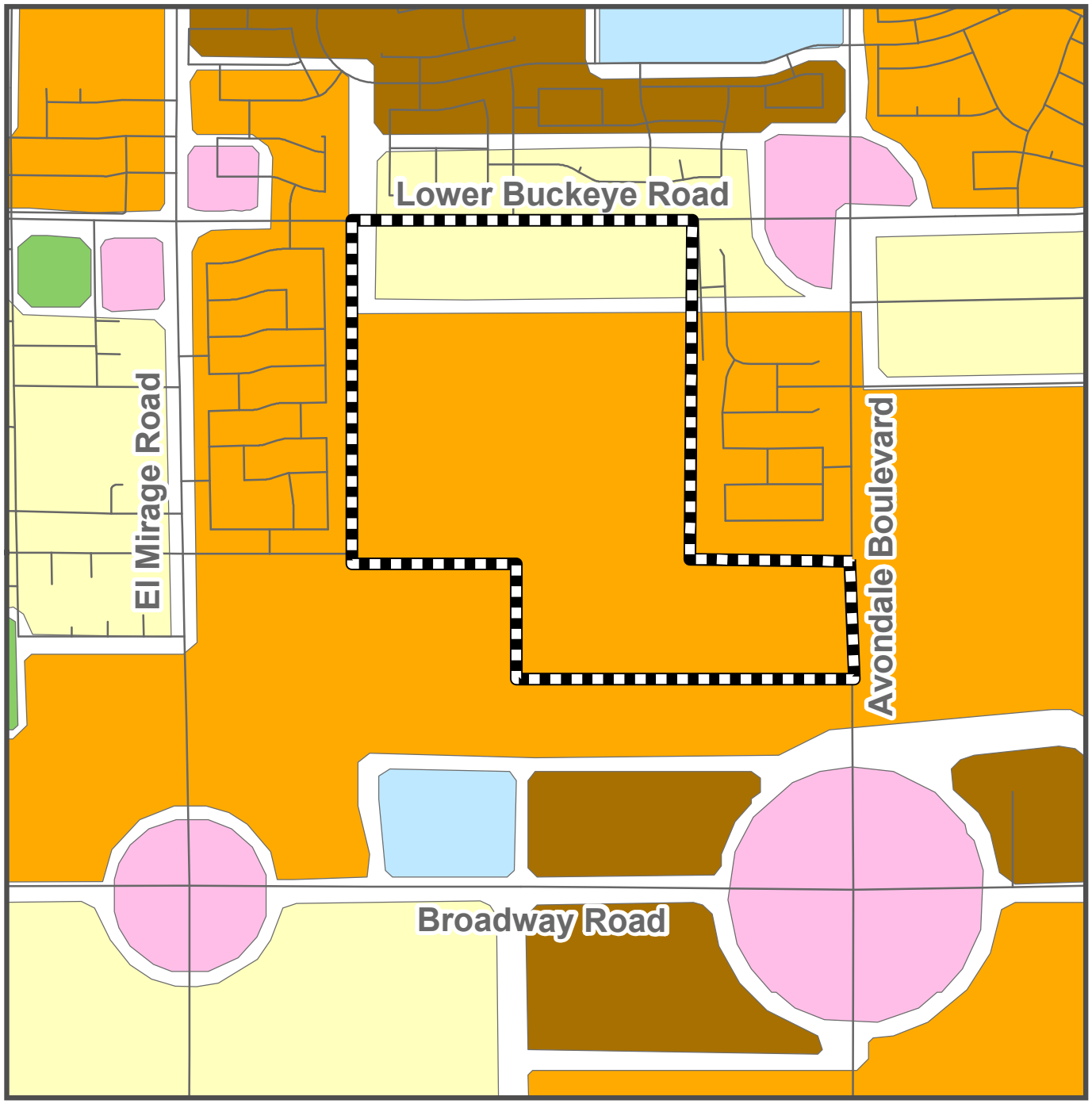
4. Justification

The property was not able to be developed within the initial approval period and subsequent extensions because of the following factors:

- The severe downturn in the residential land market that began in the fall of 2008.
- The multiple changes in ownership that occurred for a portion of the property in 2009 and 2010.
- A continuing challenge of a resale market in the vicinity of the property where homes are selling at prices much lower than the cost of new homes, which is making new lot development challenging.
- A significant supply of vacant finished lots in the vicinity of the property. This is beginning to change as several of these lots are reportedly being sold to home builders.

We will continue to work with staff over the coming year to make sure that we have the best unit mix for the market and process a PAD amendment that reflects the changes made to the General Plan in 2012.

Exhibit A



Diamond P Ranch PAD Extension
PL-12-0075

General Plan Land Use Map

- Commercial
- Employment
- Freeway Commercial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Multi Family Residential
- Open Space
- Public Facilities

Subject Property

ORDINANCE NO. 1517-513

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 245 ACRES GENERALLY LOCATED WEST AND SOUTH OF THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND AVONDALE BOULEVARD AS SHOWN IN FILE NUMBER PL-13-0077, REVERTING THE ZONING ON SUCH PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) TO AGRICULTURAL (AG).

WHEREAS, the Council of the City of Avondale (the "City Council") approved Ordinance No. 1296-308 on March 17, 2008, rezoning that certain ± 245 acre parcel of land generally located at west and south of the southwest corner of Lower Buckeye Road and Avondale Boulevard, as more particularly described and depicted in Ordinance No. 1296-308, for which the legal description was corrected by Ordinance No. 1458-511, parsed and adopted on May 16, 2011 (the "Subject Property"), from Agricultural (AG) to Planned Area Development (PAD) and imposing conditions upon such rezoning (the "Rezoning"); and

WHEREAS, the Rezoning was subject to a condition imposed pursuant to provisions of the City of Avondale Zoning Ordinance (the "Zoning Ordinance"), requiring that development of the first phase of the project on the Subject Property must have commenced within three years of the effective date of the ordinance approving the PAD zoning on the Subject Property (the "Time Condition"); and

WHEREAS, the Time Condition upon the Rezoning has not been met and the City Council desires to revert the zoning on the Subject Property from Planned Area Development (PAD) to Agricultural (AG) (the "Rezoning Reversion"); and

WHEREAS, the City Council desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04 to reflect the change in zoning on the Subject Property due to the Rezoning Reversion; and

WHEREAS, all due and proper notice of the public hearing held before the City Council on the intended Rezoning Reversion and Zoning Atlas amendment were given in the time, form, substance and manner provided by the Zoning Ordinance; and

WHEREAS, the City Council held a public hearing regarding the Rezoning Reversion and amendment to the Zoning Atlas on May 20, 2013.

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

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

SECTION 2. The Planned Area Development (PAD) zoning for the ± 245 acre parcel of real property generally located west and south of the southwest corner of Lower Buckeye Road and Avondale Boulevard, as shown in file number PL-13-0077, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby reverted to Agricultural (AG) zoning and the Zoning Atlas is hereby amended to reflect the Rezoning Reversion from PAD to AG.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

1955787.1

EXHIBIT A
TO
ORDINANCE NO. 1517-513

(Legal Description and Map)

See following pages.

Diamond P Ranch
Legal Description for Rezoning Purposes
Southwest of Avondale Boulevard and Lower Buckeye Road
APN 500-66-001D, 005A, 009E and 009F

LEGAL DESCRIPTION

That part of Section 24, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the Maricopa County Highway Department Brass Cap in handhole marking the North Quarter Corner of said Section 24, from which the City of Avondale Brass Cap flush marking the Northeast Corner of said Section 24 bears South 89°52'51" East, a distance of 2,653.37 feet;

Thence South 89°52'51" East, along the North line of the Northeast Quarter of said Section 24, a distance of 1,419.13 feet to a point on the East line of Parcel No. 1 as described in Warranty Deed recorded in Instrument No. 98-0207373, Maricopa County Records;

Thence South 01°42'54" East, departing said North line along said East line, a distance of 2,639.37 feet to a point on the North line of the Southeast Quarter of said Section 24;

Thence South 89°33'23" East, along said North line, a distance of 1,116.18 feet to a point on a line which is parallel with and 33.00 feet Westerly, as measured at right angles, from the East line of the Southeast Quarter of said Section 24;

Thence South 00°10'01" West, along said parallel line, a distance of 1,106.44 feet to a point on the North line of that certain parcel of land described in Instrument No. 86-546801, Maricopa County Records;

Thence North 89°23'38" West, departing said parallel line along said North line, a distance of 200.00 feet to a point on the West line of said parcel of land;

Thence South 00°10'01" West, along said West line, a distance of 215.00 feet to a point on the South line of the North Half of the Southeast Quarter of said Section 24;

Thence North 89°23'38" West, along said South line, a distance of 2,389.43 feet to the Southwest Corner of the North Half of the Southeast Quarter of said Section 24;

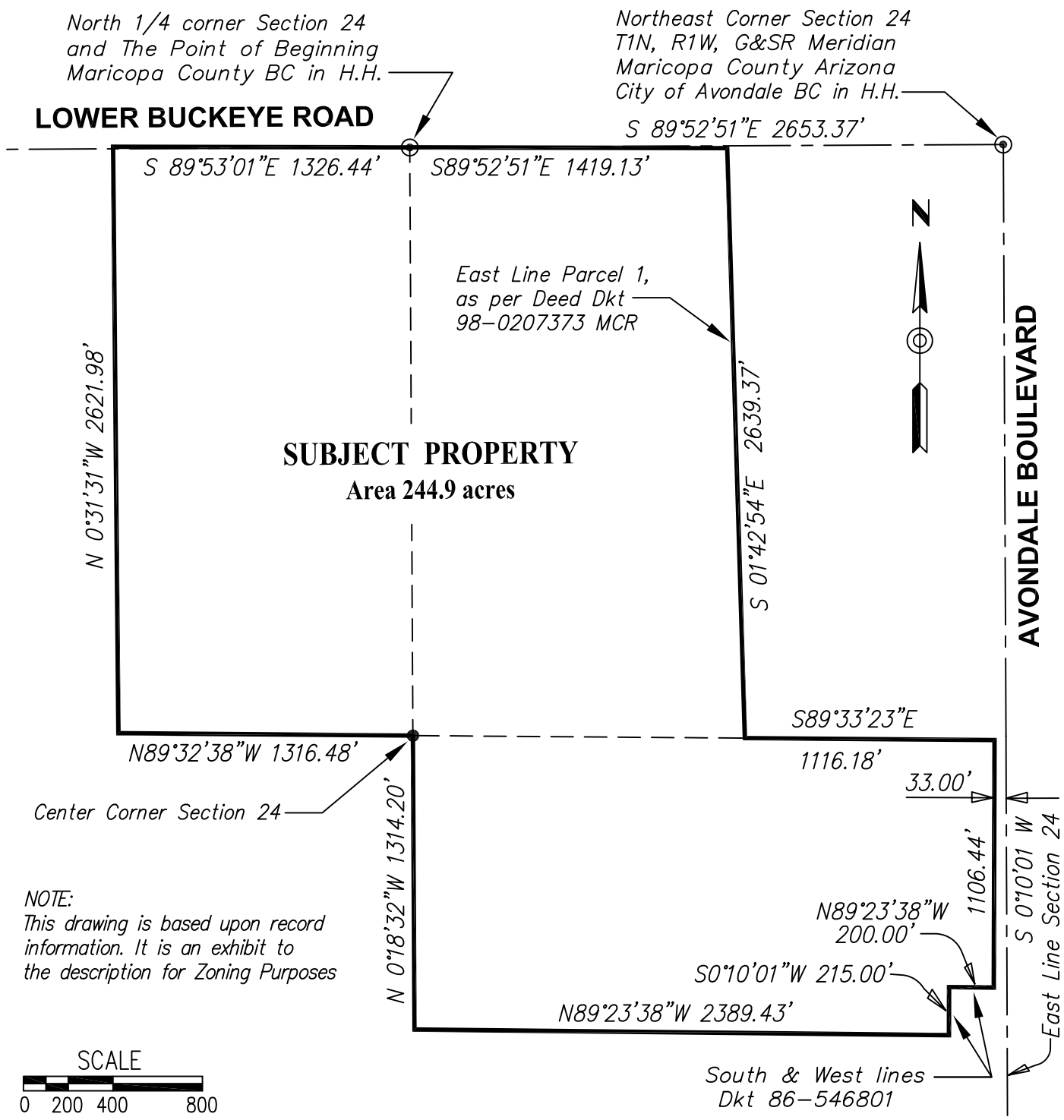
Thence North 00°18'32" West, along the West line of the Southeast Quarter of said Section 24, a distance of 1,314.20 feet to the 1/2" Rebar marking the Center of said Section 24;

Thence North 89°32'38" West, along the South line of the Northwest Quarter of said Section 24, a distance of 1,316.48 feet to the Southwest Quarter of the East Half of the Northwest Quarter of said Section 24;

Thence North 00°31'31" West, along the West line of the East Half of the Northwest Quarter of said Section 24, a distance of 2,621.98 feet to the Northwest Corner thereof;

Thence South 89°53'01" East, along the North line of the Northwest Quarter of said Section 24, a distance of 1,326.44 feet to the Point of Beginning.

Containing 244.928 Acres, more or less.



City of Avondale

ENGINEERING DEPARTMENT

EXHIBIT MAP
TO LEGAL DESCRIPTION
FOR ZONING PURPOSES
244.9 ACRES AREA

DATE: 5-1-2013	PROJECT NAME Diamond P Ranch
DSN:	
DRN. LS	PAGE 1 OF 1
CHK: CH	

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Resolution 3107-513 – North Avondale Specific Plan Update

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Tracy Stevens, Acting Development and Engineering Services Department Director (623) 333-4012

THROUGH: Charlie McClendon, City Manager (623) 333-1015

REQUEST: Staff is requesting that the City Council adopt a Resolution approving the amended North Avondale Specific Plan.

LOCATION: Area generally bounded by McDowell Road to the south, 103rd Avenue to the east, and the Avondale city limits to the north and west. (Exhibit A, Page 2)

APPLICANT: City of Avondale Development and Engineering Services Department

BACKGROUND:

The North Avondale Specific Plan (NASP) was originally adopted by the Avondale City Council in June 1992, in accordance with State of Arizona enabling statutes that allow municipalities to provide greater detail for development guidance in sensitive areas. At the time of its original adoption, North Avondale was primarily utilized for agricultural operations and had a rural character comparable to the current existing conditions in southern Avondale today. During the North Avondale building boom (which continued through 2006), the NASP guided the development of numerous residential subdivisions and neighborhood shopping centers and helped to produce the largely developed area with which we are familiar today. The current 1992 plan can be found as Exhibit B of this report.

The General Plan, Zoning Ordinance, and Zoning Atlas all establish where land uses are appropriate throughout the City. Unlike those documents, a Specific Plan is largely a design-oriented document intended to ensure that the physical form development takes is in line with the vision our community has for an area. Many other development concepts, such as connectivity, landscape themes, and new opportunities for recreation can be regulated by a Specific Plan in much the same way.

The General Plan 2030 identified the updating of existing specific plans as an implementation strategy which would establish an Avondale identity. In accordance with that General Plan directive, the Planning Division initiated updates to the North Avondale Specific Plan (NASP) at a Planning Commission worksession on May 17, 2012 (Exhibit C). The City Council held an introductory worksession on these items on June 18, 2012 (Exhibit D). At those meetings, staff received feedback from Commissioners and Council Members on their visions for North Avondale. The Planning Commission held a second worksession on November 15, 2012 to develop some of the concepts that were determined to be of highest priority (Exhibit E).

SUMMARY OF REQUEST:

1. The proposed North Avondale Specific Plan (NASP) is included as Exhibit A in this packet. The Plan, if adopted, will replace the current North Avondale Specific Plan, adopted in 1992 (Exhibit B). The extent of changes is large; due to the age of the current plan, a complete re-write was required to ensure the Plan functions to meet the needs of existing and future North Avondale residents and

businesses.

2.Section I of the proposed NASP, Introduction and Background, establishes the primary reasons for undertaking this revision process:

- To stay up-to-date with current trends in the development industry and enhance Avondale's identity as a healthy, sustainable community.
- To reinvigorate what is now primarily a suburban built environment.
- To maximize the societal value of new development and City initiatives.
- To ensure redevelopment of sites is compatible with the goals of the City and its residents.
- To enhance North Avondale's walkability and bikeability.
- To plan for desired future transit service enhancements.
- To outline strategies and design measures to ensure development compatibility with existing medium density residential.
- To improving streetscape aesthetics and function, including but not limited to providing better tree shading adjacent to sidewalks.

3.Section I.A, General Plan 2030, includes a map showing the boundaries of the NASP area and information taken from the General Plan regarding the planned land uses for any future development or redevelopment in North Avondale.

4.Section I.B, Planning Area Description and Existing Land Uses, is a visual inventory of the land uses currently occurring in North Avondale. The section highlights many of the existing residential subdivisions which account for 46.5 percent of the overall land area, as well as the educational, public, retail, and various other uses operating today.

5.Section I.C, Infrastructure and Public Facilities, describes the street system in North Avondale and details various utility information, including but not limited to, water, sewer, electric, and natural gas service.

6.Section II, Specific Plan Objectives, uses General Plan Goals, Policies, and Implementation Strategies to formulate a specific set of eight Objectives for North Avondale's future. These Objectives, with a brief explanation of each, are as follows:

- **Objective #1: Facilitate the full buildout of North Avondale.** Benefits to residents and businesses at full buildout include a completed street and utility network, enhanced open spaces and trail systems, reduction in dust pollution, and enhanced funding for City services.
- **Objective #2: Ensure aggregate mining does not negatively impact the community while operating and plan for the opportunities that will exist for reuse of land upon cessation of mining activities.** Although not anticipated until the distant future, the quality of life in North Avondale will be enhanced by the eventual transition of mining areas into publicly accessible open space amenities.
- **Objective #3: Take full advantage of Estrella Mountain Community College as a valuable community resource and an economic activity generator.** The school's expansion plans present an opportunity for Avondale and its residents to receive a greater range of continued education options as well as enhancing the attractiveness of nearby undeveloped parcels.

- **Objective #4: Increase the multi-modal transportation options available in North Avondale.** Improving pedestrian and bicycle circulation networks will allow better access to existing and future transit services in North Avondale, allowing residents to make a choice in how they will get from place to place.

- **Objective #5: Attract residential products and subdivision designs that are unique from what North Avondale currently offers.** Residents have expressed an interest in different housing options not currently available; providing products such as townhomes or multi-generational residences will increase the diversity of the City by appealing to a wide range of people not currently attracted to living in Avondale.

- **Objective #6: Protect the existing character of North Avondale through compatible design.** The character of North Avondale is primarily suburban in nature. While other portions of the City will develop at more urban densities and forms, it is important to North Avondale residents that mountain views are protected and new buildings are designed to mesh with the existing built environment.

- **Objective #7: Develop a "sense of place" in North Avondale.** Enhancing gateways into Avondale will help create an awareness of the City unique from our neighboring jurisdictions.

- **Objective #8: Provide recreational opportunities for residents.** Enhancing the bike and trail systems in North Avondale by completing the Agua Fria and Roosevelt Irrigation District trails will provide residents with an active recreational amenity that the area currently lacks.

7.Section III, North Avondale Design and Development Requirements, uses a combination of text and computer animated design to illustrate requirements for future development in North Avondale. Each item in this section was chosen to further at least one of the objectives referenced above. Concepts illustrated include, but are not limited to:

- Maximum building heights (60') and building step back requirements.

- Alternative single-family product types.

- Methods of enhancing pedestrian and bicycle connections

- Complete streets designed to accommodate multiple modes of transportation, including pedestrians and cyclists.

- Traffic calming in residential neighborhoods

- Unique transit stop design.

- Perimeter wall-reduction.

- Gateway entry feature designs and streetscape enhancements.

- "Urban clutter" screening.

- Agua Fria and RID Trail designs.

8.Section IV, Public Participation, details the public process undertaken during the creation and adoption of this plan.

PARTICIPATION:

Staff has taken several different approaches designed to increase public awareness and interest in planning matters and solicit new ideas for the study area. These methods include:

- Creating a webpage for the North Avondale Specific Plan update (www.avondale.org/northavondale). The webpage includes background information on the existing Specific Plan, reasons why updates are prudent, and drafts of the revised plan as it evolved.

- In an effort to find out what is important to residents, business owners, property owners, and other interested parties, the Planning Division developed an online survey seeking resident opinion related to North Avondale. The surveys ask residents to answer a series of questions regarding a wide variety of topics relevant to each area, including walkability, transit, and architecture/design. The survey was published in early October and received 24 responses from interested people who otherwise may not have lent their input to the update process.

- The usage of public notice signs in an attempt to create citizen awareness of the upcoming update. These signs typically include a short description of the project and the dates, times, and locations of future public hearings, along with staff's contact information in the event a citizen desires a more detailed understanding of a proposal. For the first time, the signs for this update were designed to feature a QR code that allows smartphone users the ability to quickly scan and access online content related to a proposal. Any resident with a smartphone and knowledge of QR reader technology is able to instantly link to the City's website after scanning in the QR codes. Signs for this project were located at the southeast corner of Dysart Road and Indian School Road and the northwest corner of Avondale Boulevard and Encanto Boulevard.

- City staff has made an effort to engage the community and inform as many people as possible. In addition to traditional methods such as legal advertisements in the West Valley View, staff has utilized several different email distribution lists and other e-distribution methods in order to get information to people that would likely be interested. Information and notice was provided: 1) Via email to all persons/organizations who have previously indicated interest in being updated on Planning issues, 2) Via email to all persons who have signed up for updates under the “Notify Me” function on the City's website, 3) Via City Press Releases, 4) Via Twitter to all followers of the Development Services Department's Twitter Account, and, 5) Via an information booth at the City's Residential Appreciation Night, “City Hall Comes to You” on Western Avenue, and other City events throughout the community.

- The neighborhood meetings for this update featured an interactive format that allowed attendees to have their design ideas brought to life graphically by computer animated design software. Seeing their ideas come to life was exciting and allowed other attendees to better comprehend the ideas that their fellow residents were trying to express. The meeting for the North Avondale Specific Plan, held at the Northwest Public Safety Facility on the campus of Estrella Mountain Community College, engaged eight residents who shared innovative ideas regarding the Plan update (Exhibit F).

As was expected at the beginning of this process, the Specific Plan evolved based on the input of our residents, Commission members, and City Council members. Staff has heard from several community members over the phone who are excited about the finished plan and has also received one email in support (Exhibit G).

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on April 18, 2013, and voted 4-0 to recommend approval of the request (Exhibit H). Commissioners Carrillo, Cotera, and Amos were excused from the meeting.

ANALYSIS:

The quality of life in North Avondale, as expressed by residents in conversations and correspondence with staff, appears quite good. As such, an overhaul of the City's strategy for the area was not necessary. Instead of attempting to dramatically change the character of the area, addressing the few outstanding concerns of residents was determined to be the next logical step in the continued maturation of North Avondale. For example, expanding the opportunities for pedestrians and bicyclists in the area was determined to be vital and improving the appearance of North Avondale streetscapes and gateways, for example Indian School Road, was a priority driven by Commissioners, Councilmembers, and residents that understand the connection between civic pride and aesthetics. Overall, the proposed update strives to protect the suburban nature of the area while improving upon any identified weaknesses. Furthermore, all requirements contained within the proposed NASP were designed to advance the Goals, Policies, and Implementation Strategies of the General Plan 2030.

Conclusion:

Staff recommends approval of the North Avondale Specific Plan update.

FINDINGS:

1. The proposal reflects careful long-range planning and is in conformance with the General Plan Goals and Objectives for North Avondale.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Resolution approving Application PL-11-0081, a request to approve the amended North Avondale Specific Plan.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** a Resolution approving Application PL-11-0081, a request to approve the amended North Avondale Specific Plan.

ATTACHMENTS:

Click to download

- Exhibit A - Proposed North Avondale Specific Plan
- Exhibit B - Current North Avondale Specific Plan
- Exhibit C - Excerpt of Planning Commission Work Session Minutes, May 17, 2012
- Exhibit D - Excerpt of City Council Work Session Minutes, June 18, 2012
- Exhibit E - Excerpt of Planning Commission Work Session Minutes, November 15, 2012
- Exhibit F - Neighborhood Design Charette Meeting Sign-In Sheet, October 24, 2012
- Exhibit G - Email from Dan Streyle, resident, dated March 30, 2013
- Exhibit H - Excerpt of Planning Commission Minutes, April 18, 2013
- Resolution 3107-513

PROJECT MANAGER:

Ken Galica, Planner II (623) 333-4019

EXHIBIT A – PROPOSED NORTH AVONDALE SPECIFIC PLAN

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

http://www.avondale.org/DocumentCenter/View/32240

EXHIBIT B – CURRENT NORTH AVONDALE SPECIFIC PLAN

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

http://www.avondale.org/DocumentCenter/View/32241

Excerpt of the Minutes of the Planning Commission Work Session meeting held May 17, 2012 at 5:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Angela Cotera, Chair
Sean Scibienski, Vice Chair
Lisa Amos, Commissioner
Grace Carrillo, Commissioner
Michael Demlong, Commissioner
Kevin Kugler, Commissioner

COMMISSIONERS EXCUSED
Michael Long, Commission (Excused)

CITY STAFF PRESENT
Tracy Stevens, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Planner II
Linda Herring, Development Services Representative
Jennifer Fostino, Zoning Specialist

APPLICATION NO. PL-11-0081

APPLICANT: City of Avondale

REQUEST: A presentation will be provided by Planning Staff to discuss an update to the North Avondale Specific Plan, originally adopted in 1992. The study area is generally bounded by Indian School Road, Encanto Boulevard, 99th Avenue, and Dysart Road. For information and discussion only.

Mr. Galica reported that the North Avondale Specific Plan was adopted in 1992, a year after the Freeway Corridor Specific Plan, and amended during the 2002 General Plan Update, and in 2007 specifically with regard to building heights. The North Avondale Specific Plan establishes goals and objectives to ensure that the desired image for north Avondale is achieved. It is a design supplement to the General Plan, and does not address land uses. The boundaries generally are Encanto Boulevard, Dysart Road, 99th Avenue, and Indian School Road with exceptions extending north of Indian School Road and west of Dysart Road. Areas could potentially be added to the planning area. The existing boundary cuts several subdivisions in half.

Mr. Galica reviewed that major developments in north Avondale include Garden Lakes, St. Thomas Aquinas Church, and Trinity Lutheran Baptist Church. Retail is limited to neighborhood commercial uses. Mirabella Apartments is the only multi-family residence. Estrella Mountain Community College and the Northwest Public Safety Facility are also within the planning area.

Mr. Galica said the current plan is becoming obsolete. The area was almost 100% undeveloped in 1992. In 2012, it is over 90% built out, with only a handful of large parcels left. Many goals and objectives of the original plan have been completed, allowing the update to focus on more specific goals. There is a strong need to re-evaluate some of the original assumptions, such as development relating to the community college.

Mr. Galica stated that staff would like to study new ideas to maximize benefits to development in the area, addressing all modes of transportation. There is a need to create new opportunities for open spaces and public spaces. Staff would like to utilize new technology in the update, and confirm that the goals of the special area plan conform to the General Plan. The design charette process will be used during the public outreach effort. He welcomed Commission input on the strengths and weaknesses of the defined area, the proposed goals for the future, and solicited ideas for incorporating mixed use and transit into the area.

Commissioner Kugler encouraged staff to work with the City of Phoenix to coordinate on aesthetic issues along Indian School Road. Mr. Galica said staff intends to work with neighboring communities, the Flood Control District of Maricopa County, and Arizona Department of Transportation. Commissioner Amos asked whether the City has any intention of annexing Indian School Road. Mr. Galica said certain portions of Indian School near Dysart have been annexed, but the majority is within County jurisdiction. If the City were to take ownership of the road, it would have to assume the cost of maintenance.

Commissioner Demlong questioned the need for spending resources on an update, considering the area is almost entirely developed. Mr. Galica explained that if treated properly, the City could focus on very specific problems associated with the remaining undeveloped portions. Mr. Schmaltz cautioned against establishing criteria so specific that it would raise Prop 207 concerns.

Commissioner Demlong said the Commission is tasked with making efficient use of City resources, and said he was not convinced yet that the plan was necessary to accomplish the goals in the area.

Chair Cotera suggested that the borders of the North Avondale Specific Plan be extended to meet the Freeway Corridor Specific Plan. She felt that the plan would be valuable to have when County land is incorporated into Avondale. She suggested the addition of a maintenance element to ensure that homes in the area retain their value. The goal should be to fill the area with quality development. She advocated for a pedestrian/bicycle connection along Thomas Road, in lieu of a vehicular bridge, so that people on the other side of the river could access the community college. She requested information on how the Agua Fria walking paths would connect with Friendship Park.

Mr. Galica responded that the plan will include a maintenance component to encourage homeowners to maintain their homes and explain how the City can maintain public areas. Avondale has considered a pedestrian bridge over the river, but its proximity to the sand and gravel operations presents safety concerns. Staff would like to expand the trail network along the Agua Fria River, but crossing the river would be difficult.

City Council Work Session Meeting – Excerpt of Meeting Minutes
June 18, 2012

3) NORTH AVONDALE SPECIFIC PLAN UPDATE (PL-11-0081)

Information regarding the proposed staff-initiated update to the North Avondale Specific Plan (NASP) and provide input regarding how the Plan can achieve the City's goals and objectives related to that portion of the City.

Mr. Galica said the NASP boundaries cover the entire City planning area north of Encanto Boulevard. If additional land north of Indian School Road is annexed into the City, the NASP would require an amendment to include it. The southern boundary cuts the Crystal Gardens and Rancho Santa Fe subdivisions in half. This plan was adopted in 1992, and first amended in 2002. A second amendment in 2007 only affected building heights within a quarter mile of 99th Avenue. This plan establishes goals and objectives to ensure that North Avondale plays off its strengths. The original plan focused heavily on Estrella Mountain Community College (EMCC), because that was all that was there at the time, but this plan can be diversified. The plan establishes design criteria to eliminate repetitive facades.

Mr. Galica stated that NASP contains Garden Lakes, several large church congregations, and smaller neighborhood-based retail such as Fresh & Easy. There is only one multi-family residential development in NASP, the Mirabella Apartments. The Northwest Public Safety Facility is on the campus of EMCC. There are many reasons to update the plan. Much has changed in 20 years, and the area is now almost fully developed. The 99th Avenue corridor vision has changed and creating a dense, multi-model corridor with a transit focus is not the main goal for the area.

The Planning Commission suggested that enhancing the landscaping design and roadway aesthetics along Indian School Road should be a focus of this plan. The difficulty is that Avondale only owns part of the road. The plan intends to enhance the entire north Avondale area for future and existing residents. Staff would like to re-evaluate and possibly amend the plan boundaries, reconsider building heights, create a sense of place through gateway and street treatments, and increase multi-modal opportunities. Staff would like to enhance the pedestrian experience, connecting neighborhoods with retail areas. It would not cost any more and would enhance the quality of life for residents. The plan provides the opportunity to look at mining operations, providing more definition for what the City would like to see when those operations cease. The housing stock in this area is very uniform, and there is an opportunity to look for different types of housing products to attract a segment that does not want single-family homes. Staff would like to take advantage of some of EMCC-related development opportunities to give students places to shop and eat near campus.

Mr. Galica reported that the public process for this plan will be the same as what was proposed for the freeway corridor, using a charrette type of meetings instead of a standard open house. He welcomed input from City Council.

Mayor Lopez Rogers inquired why the original border was set at Encanto. Mr. Galica explained that in 1992, most everything was farmland, so planners at that time might not have envisioned the residential developments going as far south as McDowell. Mayor Lopez Rogers suggested that NASP extend down to McDowell to meet the FCSP.

Council Member McDonald questioned whether mining operations would ever really cease. Mr. Galica responded that mining companies specify in their mitigation plans that most will be closing in 30 to 40 years. Even though is it a long time from now, the City would like to plan ahead to determine what the best use of that land will be for the community. Council Member McDonald felt that alternative types of housing product were planned for the City Center, and questioned whether the NASP should be planning for them at this time. He inquired when Thomas Road could potentially get a bridge. Mr. Galica responded that the bridge issue has not yet been addressed, and probably will not happen in the near future. Public opinions appear to be split 50/50. While it would make east/west travel easier, it would also increase passenger traffic on Thomas Road.

Council Member McDonald inquired whether parks would be incorporated into the specific plans. Mr. Galica explained that because of the heavily developed nature of north Avondale, the possibility of adding new public parks is non-existent. The City could partner with schools to look into sharing their facilities. Another goal of the plan is to establish a trail connection that would grant north Avondale residents easier access to Friendship Park.

Council Member McDonald inquired whether the City intends a final widening of Indian School Road, including moving power lines, or will that be driven purely by development. Mr. Galica explained that since the City does not own the street in most places, it is difficult to make roadway improvements tied to new development. The City's policy, in general, is to delay projects if it makes sense to do so in order to build improvements as part of a larger project in the future. Council Member McDonald inquired whether one area could be included as part of two different area specific plans. Mr. Galica doubted that there would be any benefit to that, since it would create confusion without providing any more flexibility.

Vice Mayor Karlin noted that Indian School Road is the northern entrance to Avondale, but it is rather outdated. She suggested landscaping and signage improvements to enhance that area. She stated her preference for using uniform signage across the entire city, rather than specific signs for each area. To do otherwise risks segregating different areas of Avondale, and the development of different signs increases costs. She agreed with staff that the EMCC area needs more complementary businesses and activities, though the makeup of the student body poses challenges. She suggested working with the school to determine the dynamics of their student body and get a better idea of the types of businesses that would work best there.

Vice Mayor Karlin said the 20-year plans of the gravel mines indicate their intention to turn the pits over to the City when they are depleted. One of them was supposed to be made into a river park. She suggested that the Thunderbird Paseo area could serve as a model for what to do along the Agua Fria. Off-road vehicles have also posed problems in those areas.

Council Member Vierhout expressed concern about keeping the neighborhoods split like they are with the boundary at Encanto. In response to a request from Council Member Vierhout, Mr. Galica described various parcels in the farmland west of 99th and south of Indian School. He explained that even if the land is entirely built out, area specific plans have a use because they serve as a guide for how to improve the existing environment, even without building new developments.

Council Member Weise agreed that the southern boundary should be extended to McDowell Road. The NASP does not offer the same flexibility that the FCSP does, in terms of open space, but it does offer opportunities to enhance the neighborhoods that are there. There is something to be said for unified signage throughout the city, but signs can also bring individual pride to neighborhoods. He suggested working with neighboring cities to minimize the limitations inherent to the NASP.

Council Member Buster agreed that the northern entrance should be revamped. He inquired about the nature of mass transit opportunities in the area. Mr. Galica explained that it remains undetermined at this time. It could be light rail, but that is only one possibility. Council Member Buster said other cities have successfully implemented signage for individual neighborhoods. Rather than segregating, they showcase the different neighborhoods that make up an entire city. When done well, they can provide a city with depth of character.

Mayor Lopez Rogers noted that plans for the West Valley Recreation Corridor along the Agua Fria River remain viable, providing that the cities along the river work together. EMCC needs to be an economic generator, and there are great opportunities to partner with them. The plan could also address how to handle the cemetery centennial project.

Excerpt of the Minutes of the Planning Commission Work Session meeting held November 15, 2012 at 5:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Angela Cotera, Chair
Sean Scibienski, Vice Chair
Lisa Amos, Commissioner
Grace Carrillo, Commissioner
Michael Long, Commissioner

COMMISSIONERS EXCUSED
Michael Demlong, Commissioner
Kevin Kugler, Commissioner

CITY STAFF PRESENT
Chris Schmaltz, Legal Counsel
Ken Galica, Planner II
Linda Herring, Development Services Representative
Stacey Bridge-Denzak, Planner I

APPLICATION NO. PL-11-0081

APPLICANT: City of Avondale

REQUEST: North Avondale Specific Plan Update Working Meeting

Ken Galica, Planner II, presented information on the status update and interactive work session pertaining to the proposed updates to the Freeway Corridor Specific Plan and the North Avondale Specific Plan. He encouraged free and open discussion in two broad exercises. The North Avondale exercise explored ideas to make Indian School Road more attractive and inviting. The exercise for the Freeway Corridor focused on future uses, and considered ways to make transit-oriented development a reality there.

Mr. Galica displayed a rough map of the southwest corner of 107th Avenue and Indian School, part of the North Avondale Specific Plan. The typical pattern of development in north Avondale is a commercial corner located every mile, surrounded by residential uses, but Indian School Road is wide with little landscaping, and uses are scattered between commercial and residential. He welcomed suggestions for how to improve the look of this corridor.

Commissioner Amos inquired about the sections of Indian School under Avondale's control. Mr. Galica explained that large portions are under the County's jurisdiction, but that the County is often willing to give up roads that municipalities are interested in maintaining. Commissioner Carrillo noted that the north side of Indian School Road between 99th and 107th Avenues belongs to Phoenix, and is therefore beyond Avondale's ability to influence. Mr. Galica agreed that while Avondale could not determine development on the actual properties, much could be done to improve the street itself.

Commissioner Long questioned the cost benefit of taking control of the right-of-way on Indian School Road, saying it would be futile to plan improvements there if the exercise would not result in a benefit to the City over the long term. Chair Cotera noted that the area has the highest per capita income in Avondale, so it is important to keep that corner looking attractive.

Commissioner Long said it would be wise to determine how much could be invested in this area first, before deciding how to invest it.

Mr. Galica noted that the North Avondale Specific Plan imagined the future of the area with the hope that a financial solution would be found eventually. He explained that bigger cities could more easily absorb new road maintenance responsibilities, because they have the resources in place to do so. The City would not undertake Indian School Road improvements unless there was certainty that the benefit would outweigh the cost.

Chair Cotera said that when 107th Avenue was redone in front of Westview High School, it had a dramatic affect on the aesthetics of the area, but also improved traffic safety, as landscaped roads tend to make drivers more alert about their surroundings. She suggested redoing the section north of the high school to improve safety for students walking into that neighborhood. Bike lanes would be appropriate there too. Commissioner Amos said the road treatments at McDowell Road and 99th Avenue and McDowell Road and Avondale Boulevard serve to define Avondale's look as a community.

Stacey Bridge-Denzak, Planner I, asked whether Avondale should consider a streetscape that emphasizes the difference between Avondale's side and Phoenix's side. Commissioner Long felt that it would be a waste of money and effort to improve anything other than Avondale's side of the road. The contrast between the two would reflect well on Avondale.

Commissioner Scibienski queried whether the City could do anything to encourage businesses to spruce up their properties. Mr. Galica said the City could help bring sites up to current landscaping standards. Chair Cotera said upscale neighborhoods typically have better landscaping. The cost of improving streetscapes pays off when successful businesses and higher income residents perceive a neighborhood as high quality, and desire to move there.

Mr. Galica requested input on the types of landscaping and street treatment themes the Commission would like to see along Indian School Road. Commissioner Amos felt that the improvements should echo those at 99th Ave. and McDowell and McDowell and Avondale Boulevard. Chair Cotera said the lack of shade on Indian School is its biggest drawback. The absence of trees makes the street look stark, and discourages walking. Commissioner Long cautioned that shade trees should not impede vehicles or block driver vision. Commissioner Scibienski said meandering sidewalks separated from the street would make the street more inviting.

Mr. Galica welcomed ideas to address the utility cabinets and wells along Indian School Road. Commissioner Amos suggested that art could be used to conceal undesirable features. Even something like rock and mortar would look better than the standard block typically used. Commissioner Long felt that sustainable screening would be the best option for the utility boxes.

Ms. Bridge-Denzak requested feedback on the importance of seating along sidewalks. Commissioner Scibienski said seating directly on a street corner is not appealing, but seating away from streets could work. Chair Cotera suggested building a landscaped corner that incorporates a sign welcoming people to Avondale. She said lighted street signs make a strong impression.

Mr. Galica steered the discussion towards the Freeway Corridor Specific Plan, noting that Roosevelt Street is the planned corridor along which to run mass transit. Initially transit would

likely consist of a dedicated bus route, but ultimately it could be light rail. He asked the Commission to consider ways to make freeway commercial friendlier to the transit line.

Commissioner Scibienski questioned the viability of the northwest corner of McDowell Road and 107th Avenue, noting that the site lacks a dedicated freeway exit from the east. Mr. Galica responded that as the area develops to include more types of uses, demand for that corner would grow accordingly. Chair Cotera noted that the area to the west of Avondale continues to grow, which will result in more traffic coming from that direction. Mr. Galica added that large retailers are not as reliant on signage and high visibility as they used to be, because people are increasingly using GPS devices for navigation.

Mr. Galica used a map to point out areas designated for High-density Residential, Medium-density Residential, High-intensity Office, and Mixed Use in the Freeway Corridor Specific Plan. He noted one spot, at the intersection of four different land use categories that would be suitable for a transit stop location, and requested input on design concepts for that space.

Chair Cotera suggested one of the corners should have a park and ride facility. Transit riders should not have to walk across a hot parking lot to access stores. Retail there should be multi-storied, and located towards the front, with parking in the back. Mr. Galica noted that light rail transit would only make it to Avondale if the community has the density to support it. Commissioner Scibienski questioned whether it would be possible to hide retail loading docks in that type of layout. Mr. Galica explained that typically in such cases, loading docks are located in alleyways between buildings, and are sometimes even covered.

Commissioner Amos questioned whether the need for more retail has reached stasis, considering the increasing popularity of online shopping. Mr. Galica responded that the trend seems to be towards a standardization of retail towards the large corporate brand name stores, and personal services. There will always be a need for grocery stores. The brick and mortar future for smaller niche retailers is questionable, however.

Chair Cotera suggested that a smaller version of the Galleria in Houston, with a parking garage servicing a dense complex of hotels, shops and restaurants, would be appropriate for this area. Commissioner Amos said Avondale could use more hotels or meeting spaces like the Black Canyon Conference Center. Chair Cotera felt that the area could fill a niche market providing dedicated convention space for smaller groups who would be attracted to nearby transit, shops and a hotel. Mr. Galica said the market would ultimately determine the types of uses that will be appropriate for the site, but the City could guide developers on desired features and appearance. Commissioner Scibienski said that the dense, transit-oriented development at the site could mirror City Center, but be more utilitarian in nature.

Mr. Galica noted that the City of Phoenix required a developer to build a parking garage that included space for a park and ride, and asked whether that would work for Avondale. Commissioner Long felt that park and ride users would prefer to have a dedicated structure where they could leave their vehicles securely, rather than relying on an open parking lot at a business.

The Commissioners debated the nature of the transit stop. Commissioner Scibienski felt that it would be a destination for trips originating elsewhere, and a starting point for residents who already live there. As such, it would not require parking. Chair Cotera saw the location as a park and ride for those primarily heading into Phoenix, at least initially.

Mr. Galica invited Commissioners to submit further examples to him of elements that they would like to see replicated in the two area plans, and asked them to describe the types of features that would make them more likely to ride transit or to bike.

EXHIBIT F

MEETING SIGN-IN SHEET

Project:	North Avondale Specific Plan Update	**Meeting Date:**	10/24/2012
Facilitator:	Ken Galica, Planner II	**Place/Room:**	NWPSF

Name	Title	Company	Phone	Fax	E-Mail
Robert Rixx	CEHOA-VP	Crystal Garden	619 994-0059		RRIXX@COXNET
RUTH RIXX	—	—	619-994-0059		PHOENIXRUTH @ COX.NET
[illegible]					[illegible]
DAN STREYLE			623-772-7970		DGSTREYLE@COX.NET
SEAN BUVALA	Director	Creata Co	623 248 4548		SEAN @ STORYTELLER.NET
Thomas Dennis	Development Clerk	Sterling Collection Dev. Group	623 332 9900		thomas.dennis@gmail.com
Pat Dennis	Resident		(623) 337-7586		pmorrisondennis@gmail.com
Michelle Buvala			602 885 8086		mmb @ storyteller.net

EXHIBIT G

Ken Galica

From: Dan Streyle <dgstreyle@cox.net>
Sent: Saturday, March 30, 2013 3:26 PM
To: Ken Galica
Subject: RE: North Avondale Specific Plan - Draft for Public Review

Ken:

This is well done. I see many of the concepts that were discussed at the workshop included in the document. While there may be limited opportunities in North Avondale given the limited available land, I hope that the City will champion these same ideas to other areas of the City.

Dan Streyle

From: Ken Galica [mailto:kgalica@avondale.org]
Sent: Wednesday, March 27, 2013 11:47 AM
To: Ken Galica
Subject: North Avondale Specific Plan - Draft for Public Review

Good morning!

The draft of the North Avondale Specific Plan update is now available for your review! A copy is attached to this email for your convenience; the draft should also be uploaded to the www.avondale.org/northavondale website sometime later today.

The item is scheduled to be heard by the Planning Commission on April 18th at 6:30 PM; please provide any comments you may have on this draft to me via email by no later than the end of business on April 11th.

We are excited with how the document has turned out, however we welcome any and all comments and suggestions for our possible incorporation into a revised draft.

Please feel free to contact me if you have any questions. Thanks!

Ken Galica
Planner II
Development Services Department
11465 W. Civic Center Drive
Avondale AZ 85323
(623) 333-4019

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Excerpt of the Minutes of the regular Planning Commission meeting held April 18, 2013 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Sean Scibienski, Chair
Michael Demlong, Vice Chair
Michael Long, Commissioner
Kevin Kugler, Commissioner

COMMISSIONERS EXCUSED
Grace Carrillo, Commissioner
Angela Cotera, Commissioner
Lisa Amos, Commissioner

CITY STAFF PRESENT
Tracy Stevens, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Planner II
Linda Herring, Development Services Representative

APPLICATION NO. PL-11-0081

APPLICANT: City of Avondale Development and Engineering Services Dept.

REQUEST: This is a public hearing before the Planning Commission to review and solicit public input on application PL-11-0081, a City initiative to update the North Avondale Specific Plan (NASP). The North Avondale Specific Plan will apply to all property in Avondale's jurisdiction in the area bounded by McDowell Road to the south, Camelback Road to the north, Litchfield Road to the west, and 103rd Avenue to the east. The NASP includes architectural and design standards for development, open spaces and trails, and public spaces such as streets. An update to the NASP was identified as an implementation strategy to enhance the image of the community by the Avondale General Plan 2030, approved by Avondale voters on August 28, 2012.

Ken Galica, Planner II, presented an update on the North Avondale Specific Plan (NASP). NASP was adopted in 1992 and amended in 2002 and 2007. The purpose of the plan is to establish goals and objectives to ensure that north Avondale reaches its utmost potential, and to establish design criteria to ensure that the desired image for north Avondale is met. Land uses are not governed by this document, but, rather, it governs their form and appearance. General Plan 2030, adopted and approved by the voters in 2012, identified the strategy of updating area specific plans.

Mr. Galica described the new boundaries of the NASP. Parcels between 99th Avenue and 103rd Avenue will now be included in the Freeway Corridor Update. The north and west boundaries have not changed at all. The south boundary was extended to McDowell Road to avoid cutting certain subdivisions in half. Portions adjacent to McDowell Road and intended for higher intensity freeway uses were left out.

Mr. Galica reviewed the four sections of the NASP. Section I is the Introduction and Background, which discusses NASP's relationship to the General Plan, and describes existing land uses, infrastructure and utilities. Section II covers the objectives. Section III presents images of the design requirements. Section IV details the public involvement process to this point.

Mr. Galica stated NASP's objectives as being to:

- Facilitate the full buildout of North Avondale.
- Ensure that aggregate mining does not negatively affect the community while in operation, and to plan for future use once mining ceases.
- Take full advantage of Estrella Mountain Community College (EMCC) as a valuable community resource and economic activity generator.
- Increase the multi-modal transportation options available in the area.
- Attract residential products and subdivision designs that are unique from what the area currently offers.
- Protect the existing character of North Avondale through compatible design.
- Develop a sense of place in North Avondale.
- Provide recreational opportunities for residents.

Mr. Galica said the public's preference was for buildings up to three to four stories tall, with the third and fourth stories stepped back an additional eight feet. NASP calls for a complete streets approach to accommodate all transportation modes. In transit areas, developers will be asked to create their own bus station designs that take on the materials, forms, and colors of adjacent developments. The plan discusses streetscape aesthetics, preferring berming to perimeter walls, and the use of screening to hide the urban clutter at intersections. Entry gateways should have pedestrian plazas, seating, and shading at corners. Two trail systems will cross the area. One will run adjacent to the Roosevelt Irrigation District (RID) canals, while the Agua Fria Levee Trail will stretch across the entire north/south length of the City.

Mr. Galica said the attorney recommended revisions were to increase trail node separations to 1,300 feet from 500 feet, and to require building step backs for third and fourth floors only in areas adjacent to single-family residential uses. Staff recommends approval of the NASP, with the noted revisions.

Commissioner Long inquired whether the Police Department was consulted on the proposal to include more access points in neighborhood walls. Mr. Galica responded that PD reviewed the NASP and raised no concerns. One of the principles of Community Policing Through Environmental Design (CPTED) is that increasing the number of people outside in a neighborhood actually reduces crime. Chair Scibienski expressed doubts about the safety benefits of wall breaks and asked whether HOAs were consulted on the proposal. Mr. Galica explained that several HOA representatives provided input and were supportive of every pedestrian connection the City could offer. The plan would allow wall breaks to feature resident-accessible locked gates.

Commissioner Kugler felt that access points into neighborhoods make good planning sense, but noted that not all residents like them. The access points that typically cause the most trouble are located in remote spots with little activity. Good lighting and landscape design help make gateway areas more inviting. He suggested that wider wall openings at open interface points into neighborhoods would make it easier for police to patrol those areas.

Vice Chair Demlong said the Public Art Committee has designed a new entry gateway, and their use should be consistent throughout the city. He inquired about the largest areas of vacant land within the NASP boundary area. Mr. Galica used a map to illustrate several undeveloped areas.

Commissioner Kugler recommended including a table to identify the undeveloped areas. He inquired about situations where berming would be used. Mr. Galica said berming is offered as a viable option to walls, but would not be required. Commissioner Kugler noted that Indian School Road describes Avondale's sense of place from a northerly approach better than any other street. Mr. Galica responded that NASP recommends streetscape enhancements across the board, but Indian School Road is recognized as a priority.

Chair Scibienski invited public comments. Hearing none, he closed the public hearing.

Vice Chair Demlong **MOVED** that the Planning Commission recommend approval of application PL-11-0081, a request to adopt the amended North Avondale Area Specific Plan, including the two recommended staff revisions. Commissioner Kugler **SECONDED**.

ROLL CALL VOTE

Sean Scibienski, Chair	Aye
Michael Demlong, Vice Chair	Aye
Lisa Amos, Commissioner	Excused
Grace Carrillo, Commissioner	Excused
Michael Long, Commissioner	Aye
Angela Cotera, Commissioner	Excused
Kevin Kugler, Commissioner	Aye

The motion carried unanimously.

RESOLUTION NO. 3107-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING THE NORTH AVONDALE SPECIFIC PLAN.

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

SECTION 1. The North Avondale Specific Plan, Amended and Restated May 20, 2013, is hereby adopted in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3107-513

[North Avondale Specific Plan, Amended and Restated May 20, 2013]

See following pages.

NORTH AVONDALE SPECIFIC PLAN

AMENDED AND RESTATED

MAY 20, 2013

I. INTRODUCTION AND BACKGROUND

The North Avondale Specific Plan "NASP" or "Plan" was originally adopted by the Avondale City council in June 1992. At that time, North Avondale was primarily utilized for agricultural operations and had a rural character. During the North Avondale building boom (which continued through 2006), the NASP guided new development of residential subdivisions and neighborhood shopping centers which produced the developed area that exists today.

The Plan was amended in June 2002 to coincide with the adoption of the City's 2002 General Plan, and again in 2007 to increase the maximum allowable building heights for property located within 1,200 feet of 99th Avenue to eight stories. This update amends the Plan boundaries, removing those properties adjacent to 99th Avenue (which are now covered by the Freeway Corridor Specific Plan), and restoring the limited building heights originally envisioned for North Avondale.

A comprehensive update to the Plan is necessary in order to:

- Stay up to date with current trends in the development industry and enhance Avondale's identity as a healthy, sustainable community.
- Reinvigorate what is now primarily a suburban built environment.
- Maximize the societal value of new development and City initiatives.
- Ensure redevelopment of existing sites is compatible with the goals of the City and its residents.
- Enhance North Avondale's walkability and bikeability.
- Plan for desired future transit service enhancements.
- Outline strategies and design measures to ensure development compatibility with existing medium density residential.

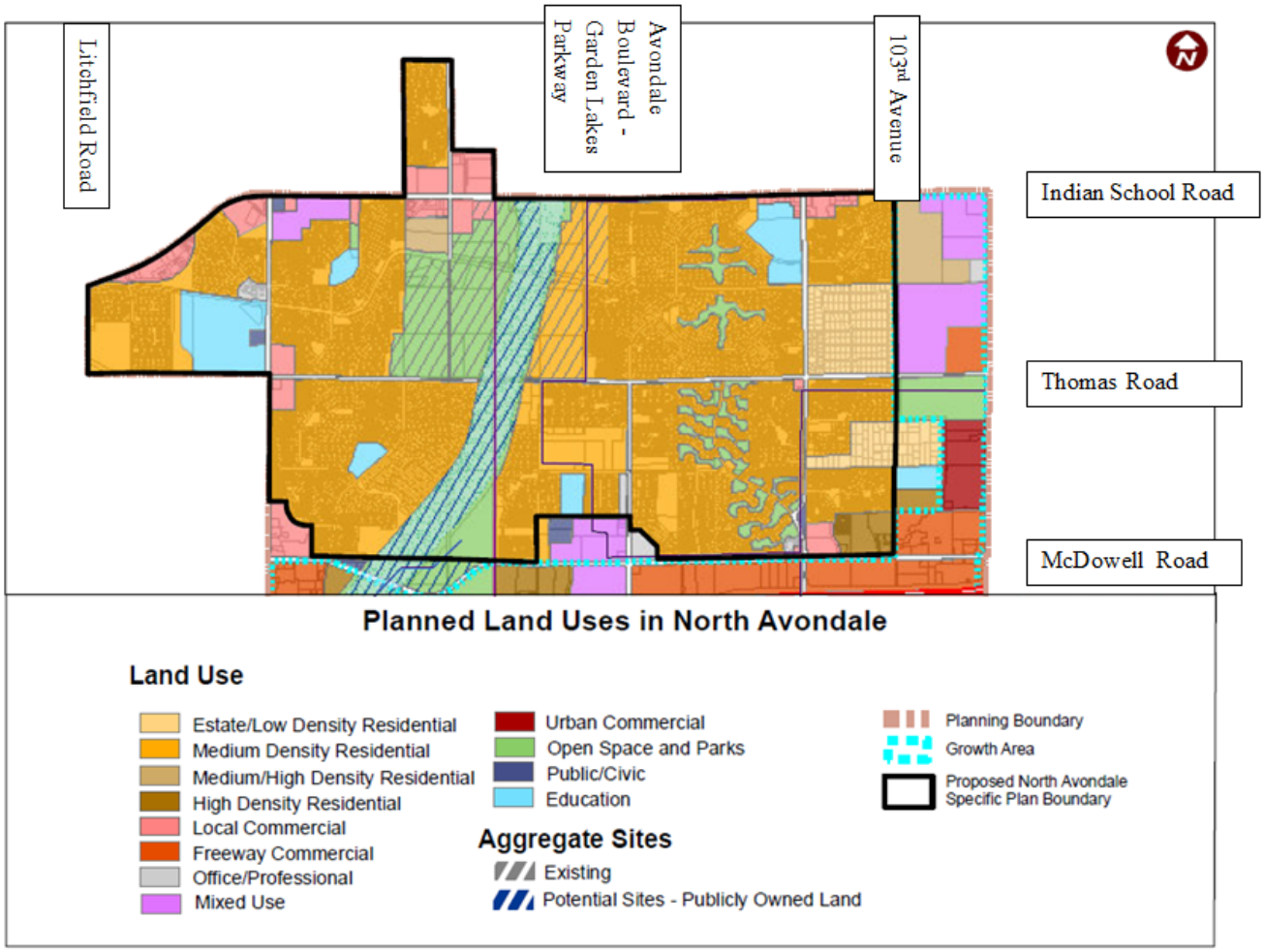
The North Avondale Specific Plan is intended to supplement the classifications, standards, provisions, and requirements of the Avondale Zoning Ordinance. Some aspects of the Plan are regulatory in nature, identifying development standards that are tailored to the North Avondale Specific Plan Area only. The regulations of this Plan do not apply to properties located outside the NASP.

A. GENERAL PLAN 2030

The concept of North Avondale as a suburban, moderate density residential area has not changed since the NASP's adoption in 1992, a fact which is confirmed by the relatively few number of changes to land uses in the area from the 2003 General Plan to the General Plan 2030. Opportunities exist, however, to provide more detailed or specific strategies to meet the goals and policies of the recently-adopted General Plan 2030. To this point, the General Plan lists updating existing Specific Plans on a regular basis as an implementation strategy to ensure future development meets the needs of the City and its residents. This update takes Goals, Policies, and

Strategies from the General Plan and expands upon them as they specifically relate to North Avondale.

The General Plan Land Use Map designates the majority of North Avondale for Medium Density Residential development. Additionally, smaller pockets of Local Commercial, Low Density Residential, Medium High Density Residential, Office, Education, and Public/Civic Land Uses are designated throughout the planning area. Please see the Avondale General Plan Land Use Element for descriptions of each land use category.



The breakdown of planned land uses in North Avondale, as shown on the General Plan Land Use Map, is as follows:

Table 1 - North Avondale General Plan 2030 Planned Land Uses

Land Use Description	Total Area in Acres	Percent of Total
Medium Density Residential (2.5-4 DU/AC)	3141.40	66.5%
Open Space and Parks	767.23	16.2%
Local Commercial	232.20	5.0%
Education	229.90	4.9%
Low Density Residential (4-12 DU/AC)	205.10	4.3%
High Density Residential (12+ DU/AC)	48.51	1.0%
Mixed Use	40.25	0.9%
Medium/High Density Residential (4-12 DU/AC)	28.73	0.6%
Office/Professional	20.83	0.4%
Public/Civic	11.76	0.2%

The majority of the property designated for residential use was developed with single-family residential units during the development boom that lasted from 1993 to 2007. Remaining parcels have been developed with churches, private open space areas, and other uses compatible in proximity to residences. The next section of this Plan contains additional information on existing development. Although some opportunity exists for additional non-mixed-use low, medium, and medium/high density development in North Avondale, these occasions will be increasingly limited moving forward as the inventory of developable land dedicated to residential use continues to shrink in the study area.

Outside of the residential categories and protected open space, the Land Use Categories with the most undeveloped acreage in North Avondale are Mixed Use and Neighborhood Commercial. Eventual development of these remaining vacant areas with a more intense range of uses and densities will provide diversity to the area. Existing residents will find additional opportunities to shop or work closer to their residences. Prospective residents will find housing types unique from what currently exists in the area.

B. PLANNING AREA DESCRIPTION AND EXISTING LAND USES

The North Avondale Specific Plan covers the majority of land within the Avondale City Limits north of McDowell Road. The Planning Area is bounded by McDowell Road on the south, Litchfield Road on the west, and 103rd Avenue on the east. The northern boundary of the Specific Plan is Indian School Road, except that approximately 160 acres located north of Indian School Road at the intersection of El Mirage Road are also included. Additionally, several high intensity commercial developments located just north of McDowell Road and properties fronting directly onto 99th Avenue are excluded from this Plan, as these parcels are a more natural fit within the context of the Freeway Corridor Specific Plan. The official boundaries of this plan are indicated on the map on Page 2 of this document.

Table 2 - North Avondale Existing Conditions in 2012

Land Use Description	Total Area in Acres	Percent of Total
Residential	1946	46.5%
Open Space (Includes Non-Mined Portions of Agua Fria River)	595	14.2%
Employment (Includes Aggregate Mining Operations)	458	11.1%
Agricultural Use	435	10.4%
Unused/Undeveloped Land	327	7.8%
Public and Educational Facilities	311	7.4%
Commercial	109	2.6%

As indicated in Table 2, the study area has been developed with a series of medium density residential subdivisions. Amongst these residential subdivisions is Garden Lakes, the City's largest master planned community, containing 2,201 single-family units spread over 700 acres at the northwest corner of 107th Avenue and Thomas Road. Garden Lakes, the first significant investment to occur in North Avondale, features a series of recreational lakes and a vast open space network that, to this day, serves as a model for good residential site planning. Even today, 30 years after its construction, Garden Lakes ranks amongst the most desirable places to live in Avondale for residents of all ages.

Park Land and Lake, Garden Lakes

Other notable residential developments in the NASP study area include, but are not limited to:

- Corte Sierra, a 785 unit single-family development located on 333 acres at the southwest corner of Indian School Road and Santa Fe Trail.

- Westwind, a 534 unit single-family development located on 132 acres at the southeast corner of 107th Avenue and Indian School Road. Westwind features a neighborhood shopping center with a full service grocery store that serves as the primary shopping source for residents in the entire northeast portion of the City.

- Rancho Santa Fe, a 1,999 unit single-family community located on 545 acres at the southeast corner of Dysart Road and Thomas Road.

- Mirabella, an 836 unit multi-family apartment development located at El Mirage Road, south of Indian School Road. Mirabella, built in 2007, is the only apartment complex in the North Avondale study area.

- Crystal Gardens, a 904 unit single-family subdivision located on 232 acres at Thomas Road, east of 107th Avenue. Crystal Gardens was designed to incorporate a series of ponds that, in addition to adding aesthetic enhancement to the area, form an integral part of the City's water treatment system.

Primary Entry, Mirabella

Lake and Surrounding Neighborhood, Crystal Gardens

- Fulton Estates, a 282 unit single-family development located on 100 acres at Thomas Road just east of Litchfield Road. Fulton Estates is one of only two master planned communities in the City that feature basement homes, Garden Lakes being the other.

W. Merrill Street, Fulton Estates

W. Flower Street, Glenarm Farms

- Glenarm Farms, a 150 unit single-family subdivision located on 150 acres at the northeast corner of 103rd Avenue and Thomas Road. North Avondale's only low density development, Glenarm Farms' one acre lots allow ample space for the keeping of horses and other farm animals which helps to give the community a rural feel.

In addition, non-residential land uses play a prominent role in the day-to-day North Avondale:

Bookstore, Estrella Mountain Community College

Educational

- Estrella Mountain Community College (EMCC) is a branch of the Maricopa County Community College system, located at the northwest corner of Dysart Road and Thomas Road. EMCC provides educational opportunities, workforce training and community education programs for the entire western metropolitan population and has a current enrollment of 15,000 students. Significant College-owned vacant land surrounds the existing facilities in anticipation of approximately 500,000 square feet of additional development, accommodating 40,000 students at full build out.

- Corte Sierra Elementary School (K-8), Garden Lakes Elementary School (K-8), and Rancho Santa Fe Elementary School (K-5) are all located within the NASP study boundaries and provide public primary school educational services to residents of North Avondale. Rio Vista Elementary School (K-8) and Canyon Breeze Elementary School (K-8), though located just south of the study area boundaries, also accommodate children living in North Avondale.

Auditorium, Westview H.S.

- Westview High School, located on 107th Avenue south of Indian School Road, is the sole High School located within the NASP boundaries. Westview accommodates all high school students living in North Avondale east of the Agua Fria River. Agua Fria High School, located south of I-10, accommodates all students living in North Avondale west of the Agua Fria River.

Public/Civic

- The Northwest Public Safety Facility (NWPSF), on the campus of EMCC, is a full service Avondale Police Station with additional floor area already built to accommodate a future Avondale Fire Station. The NWPSF, a joint venture between the City and EMCC, also contains several classrooms available for use by the College or for public meetings.

Northwest Public Safety Facility, Estrella Mountain Community College

- Avondale Public Safety Building (Fire Station #172), located on 107th Avenue immediately north of McDowell Road, services North Avondale.

Upland Park Retail Center

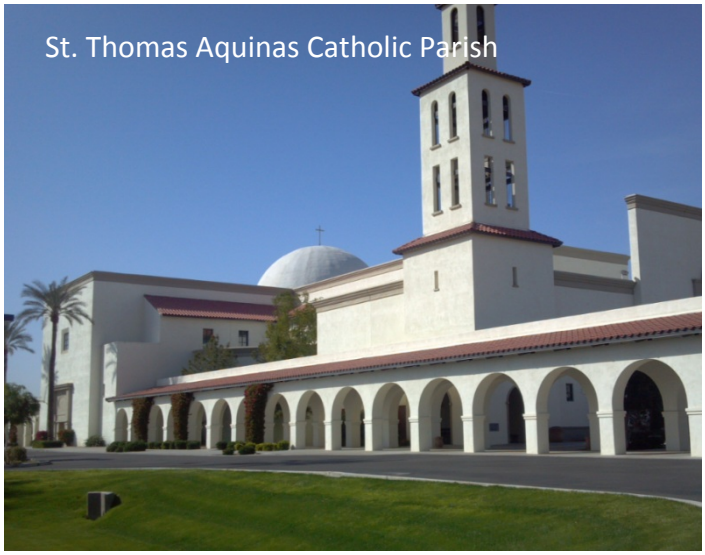
Retail/Commercial

- The NASP area contains several small scale retail/office developments, all of which serve surrounding neighborhoods. Typical uses in these centers include grocers, restaurants, specialty retail, automotive services, personal services, and professional and medical offices.

Other

- Goodyear Farms Historic Cemetery is located amid the Sage Creek subdivision. The cemetery is fully landlocked with no room for additional expansion. The cemetery is maintained by the City of Avondale through volunteer efforts to preserve the history and importance of the site used by many of the original settlers of Avondale.

- North Avondale contains an array of churches and other places of worship for people of various faiths. The largest churches in the planning area include Trinity Lutheran, located at the southwest corner of Dysart Road and Indian School Road, St. Thomas Aquinas Catholic Parish, located east of the northeast corner of Thomas Road and Litchfield Road, and Cornerstone Christian Center, located on Indian School Road west of 107th Avenue.


St. Thomas Aquinas Catholic Parish

Trinity Lutheran Church

- Valley Golf Center, located at the southeast corner of El Mirage Road and Indian School Road, is a full-service golf driving range and pro shop. The facility, was has operated at this location for decades, was recently renovated and now features a state-of-the-art two-tiered hitting area, drawing golfers from a regional trade area.

Valley Golf Center

- The Agua Fria River runs north/south through the Study Area. Significant acreages of land in and around the Agua Fria River, north of Thomas Road, are used by sand and gravel extraction companies for aggregate mining operations. Upon the eventual closure of these facilities, the owners/operators will be required to restore the sites to a usable condition as either open space or developable land, depending upon the underlying land-use designations.

- Dating back prior to Statehood, the area's canals (such as those operated today by the Roosevelt Irrigation District) allowed Avondale to prosper. The Roosevelt Irrigation District Canal angles through the heart of the NASP and HOA-owned trails parallel to the canal serve as a recreational asset to subdivisions in its vicinity.

C. INFRASTRUCTURE AND PUBLIC FACILITIES

The majority of infrastructure needed to support North Avondale at buildout was constructed as the area developed between 1992 and 2010. The original 1992 NASP showed foresight by requiring the provision of adequately-sized streets, sewers, and other infrastructure to support the planned buildout population. It also allowed for the selective replication of decentralized facilities for public safety and open spaces to facilitate convenience for North Avondale residents and businesses.

Streets

The I-10 Freeway, just south of the planning area, is Avondale's most predominant transportation feature. The Interstate is the principal surface transportation link between Los Angeles and Phoenix. In addition to being a major interstate transportation corridor, the freeway provides access to the Loop-101, Loop-202, Loop-303, AZ-51, I-17, and US60 freeways, providing direct access between Avondale and the vast majority of other cities in the Phoenix region. Currently, four I-10 freeway interchanges service the NASP area: 99th Avenue, 107th Avenue, Avondale Boulevard, and Dysart Road. A fifth interchange, at El Mirage Road, is anticipated in the near future.

The area's streets generally follow the common one-mile grid arterial street network that is characteristic of the region's transportation system, with the exception that Thomas Road does not cross the Agua Fria River. The mile grid establishes North Avondale's circulation hierarchy,

providing several points of connection to the Loop 101 and I-10 freeway access points. Avondale Boulevard, an arterial street throughout the City, is one notable exception to the grid, as north of Thomas Road it becomes Garden Lakes Parkway, a collector street, before eventually ending at Indian School Road.

The character of each of the primary arterial streets in North Avondale varies based on the nature of the uses abutting each street along with other factors, including ownership of the road itself. For instance, Indian School Road has been developed primarily with commercial and industrial uses and belongs to several different entities as it crosses through North Avondale. Its image is representative of an old-fashioned county highway, lacking in landscaping and other aesthetic treatments but very capable of moving a mix of different types of traffic through the area to access important businesses. Increasing the aesthetics of this corridor is a priority, however, coordination with surrounding jurisdictions and Maricopa County make aesthetic enhancements more difficult than if the street were wholly located within Avondale. Comparatively, Dysart Road and the north side of McDowell Road contain a fairly even mixture of residential and commercial uses. Because these streets are owned by the City of Avondale, they have received aesthetic treatments in various areas that include median landscaping and streetscape enhancements. The abutting uses and corresponding enhancements help to improve the image of these streets to pedestrians, motorists, and bicyclists. Lastly, Thomas Road, 107th Avenue, and Avondale Boulevard are developed primarily with single-family residential uses. The nature of traffic on these streets is primarily cars and light trucks traveling to and from nearby residences. These streets utilize landscaping from the perimeter of planned residential subdivisions to create a more relaxed feel than other primary arterial streets.

Water, Sewer and Other Utilities and Services

Much of the core water, sewer, and other utility infrastructure needed to serve existing and future North Avondale development already exists and is functioning well to serve consumer needs. City utilities are generally located within public-street rights-of-way and non-municipal utilities are typically located in designated public utility easements located directly behind rights-of-way. The City makes it a priority with all new development to ensure that both City and private utilities are afforded ample opportunity to locate infrastructure to serve properties. Utilities are provided by the following entities:

Water and Sewer Service: The majority of water and sewer service to the Planning Area is provided by the City of Avondale. Some portions of the City's northwest quadrant bordering Litchfield Park, however, are served by Liberty Utilities, a private company. Portions of the Planning Area that have not been annexed and remain part of Maricopa County receive their water from private wells and utilize septic systems for their sewer needs.

Television Service: Cox Communications provides cable service throughout the study area. Satellite providers that serve North Avondale include DirecTV and Dish Network.

Phone/Data Services: CenturyLink, formerly Qwest Communications, is the primary provider of ground-based telecommunications and data services in North Avondale. Alternatively, a multitude of wireless providers have existing and planned infrastructure in place throughout the area to provide wireless phone and data service to customers. Cox Communications also provides data services to homes and businesses in the area.

Electrical Service: The area is served by two electrical providers, Salt River Project (SRP) east of the Agua Fria River, and Arizona Public Service Company (APS) west of the Agua Fria River.

Natural Gas: Southwest Gas Company provides natural gas service throughout North Avondale.

II. SPECIFIC PLAN OBJECTIVES

The following objectives have been identified to advance the Goals, Policies, and Implementation Strategies of the General Plan 2030:

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 option for new development throughout Avondale.*

When the NASP was originally adopted in 1992, the study area was almost entirely undeveloped. Today, however, instead of offering large tracts of land suitable for prototypical master planned residential communities, North Avondale now can entice developers with several medium-sized undeveloped tracts surrounded by existing development. These properties are attractive to developers because required infrastructure improvements, such as streets, water and sewer lines, are often already in place – reducing the cost of development.

While the primary infrastructure network is in place, developers may still be required to complete additional infrastructure improvements associated with unanticipated system demand resulting from their projects, particularly if a project includes densities in excess of those anticipated. Such improvements could include the construction of new streets internal to a project, sidewalks, and trails, widening of existing streets, extension of water and sewer lines, the installation of right-of-way street lighting and landscaping, undergrounding of utility lines and irrigation canals, and additional items as determined by the City Engineer.

Objective #2: Ensure aggregate mining does not negatively impact the community while operating and plan for the opportunities that will exist for reuse of land upon cessation of mining activities.

General Plan Land Use Element Goal #5, Policy D: *Mitigate the impact of mining sites during their operation and plan for future re-use following their eventual closure.*

Two separate aggregate mining companies are operating in the North Avondale study area. The Cemex West Quarry Mine Site is located east of the Agua Fria River at Thomas Road, extending to the northern boundary of Avondale at Indian School Road. The Vulcan Materials Company Litchfield Mine Site is located south of Indian School on the west side of the Agua Fria River, extending south to Thomas Road. In total, the two mine sites occupy approximately 480 acres in

Avondale's planning area. The areas surrounding the mine sites are already mostly developed: The Mirabella, Corte Sierra, and Rancho Santa Fe residential communities surround the Vulcan site while Garden Lakes, Garden Park, and Garden Trails subdivisions surround the Cemex site. Although mining in proximity to residential uses can pose compatibility problems (e.g. dust, noise), the City is fortunate that these two facilities have operated with minimal complaints from surrounding residents. Potential future expansions of these existing or new mining operations in or near the Agua Fria River will be subject to Special Use District approval, however, to ensure that mining uses can function compatibly with surrounding uses.

Although not expected for many years, closure of mining facilities operating in the Agua Fria River will present the City with an opportunity to reclaim the riverbed for active and passive recreational use. A majority of the land within the riverbed is owned by other public entities, such as the Flood Control District of Maricopa County (FCDMC). In the years leading up to closure of the mining facilities, the City should actively engage the public owners of the riverbed and begin planning for its use as a recreational amenity in the City.

Objective #3: Take full advantage of Estrella Mountain Community College as a valuable community resource and an economic activity generator.

Land Use Element Goal #7, Policy C: *Plan for the expansion of Estrella Mountain Community College.*

Housing Element Goal #2, Policy D: *Work with our existing/future colleges, universities, and trade schools to provide dedicated student housing in proximity to their campuses.*

Estrella Mountain Community College (EMCC) is a 135 acre site located at the northwest corner of Thomas Road and Dysart Road. The college currently features approximately 232,500 square feet of facilities devoted to classrooms, laboratories, offices, libraries, and other student and faculty space. EMCC has an aggressive future master plan, as illustrated on the following page, with an expected total campus area of approximately 802,000 square feet. The plan includes outdoor athletic facilities and expanded parking areas in addition to new or expanded indoor classroom and academic facilities. With a current enrollment of 15,000 students, the master plan expects to serve 40,000 students upon full buildout.

EMCC's expansion will benefit the City in a multitude of ways. Expanded academic opportunities will present our residents with a greater range of choices should they wish to continue their educations, while the anticipated increase in the number of students who attend the campus should benefit existing and future businesses in the area. Working with the college to identify housing opportunities in close proximity to the campus will also help to bring activity to the area beyond school hours. Private developers may also play a role in providing student housing, by the provision of innovative products in proximity to the campus.

Left: *Estrella Mountain Community College Interim Growth Plan (2005-2014)*

Right: *Estrella Mountain Community College Master Plan (2024 Buildout)*

Objective #4: Increase the multi-modal transportation options available in North Avondale.

Land Use Element Goal #8, Policy C: *Take alternative methods of transportation, including transit, bus, and walking into account when considering all proposals for development*

Housing Element Goal #4, Policy D: *Encourage subdivision design which promotes non-vehicular access to trails and transit routes/centers as a component of a healthy lifestyle.*

Housing Implementation Strategy #15: *Encourage subdivision designs that foster community by eliminating party walls and, in some cases, perimeter walls.*

Conservation, Redevelopment, and Revitalization and Neighborhood Preservation and Revitalization Element Goal #2, Policy A: *Improve the physical connectivity between our existing neighborhoods as well as between our existing neighborhoods and nearby non-residential developments.*

Conservation, Redevelopment, and Revitalization and Neighborhood Preservation and Revitalization Element Goal #2, Policy B: *Ensure all new non-residential development is designed to actively engage and attract pedestrians and to provide residents the opportunity to lead a healthy lifestyle residing in the surrounding neighborhoods.*

Encouraging the use of multiple modes of transportation and making Avondale a walkable community through design of complete streets is a significant component of the City's vision for the future. New proposals for residential and commercial development in North Avondale will need to accommodate several modes of transit and not focus primarily on private automobile use. New developments in the study area are required to provide designated bus bays and/or Avondale Zoom circulator stops if located in along an existing or potential transit route. In all instances, the needs of the pedestrian (and bicyclist) are to be the primary focus, with as much attention on their safety and convenience as has historically been paid to the automobile. At the time of development entitlement, the City will identify areas where bike lanes and sidewalk enhancements will be required.

New residential developments throughout the Study Area will be required to provide pedestrian/bike networks within the communities that allow residents to travel into, out of, and within the community with ease without having to go out of their way, or in an opposite direction from their intended destination, to reach the public right-of-way, transit stops, and/or adjacent

commercial developments. Pathways should also be planned to provide connectivity with other residential subdivisions. Pedestrian and bicycle crossings designed specifically to slow traffic at locations where sidewalks and trails cross streets, through the use of chicanes, medians, or alternative means, will be essential components of all projects.

A median serves to slow traffic at pedestrian crossings.

In many cases, privacy walls between individual residential lots and perimeter walls surrounding a subdivision serve to hinder pedestrian movement throughout a neighborhood and may be unnecessary. Builders are encouraged to minimize walls and ease pedestrian movement. In addition to the walkability benefits, elimination of walls tends to result in a development that is perceived to be more visually attractive.

New commercial developments need to orient buildings in such a manner that they welcome pedestrians coming from both the public-right-of-way and pedestrian pathways from adjacent subdivisions. Pedestrian paths should not lead to what is perceived as the service areas of adjacent shopping centers. Bicycle parking facilities will be required with all new commercial development.

Improvements in quality of life should not be limited to residents of future developments in North Avondale. Although in some cases it may not be possible, in others there may exist an opportunity to "retrofit" existing development to provide better pedestrian connectivity than what currently exists. An example may be providing a pedestrian gate from a neighboring HOA owned open space tract into an existing shopping center. An improvement, such as the one in the example, could have a profound impact on reducing our residents' vehicle trips to nearby commercial locations.

Wide, tree lined sidewalks which encourage pedestrian activity will be required of new development.

Many of these concepts are illustrated in the Design Requirements section of this document.

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's current housing inventory is homogeneous. With few exceptions, the majority of lots in the Study Area range between 5,000 and 7,000 square feet and accommodate single-family detached residences ranging between 1,800 and 2,500 square feet in floor area. Unlike the existing conditions in North Avondale, vibrant communities typically contain a range of housing types with alternative forms and choices to attract different types of residents. For some, a single-family home and the maintenance that comes along with it is simply undesirable. For others, the opportunity to live in a more urban environment with pedestrian access to shops and services is preferred.

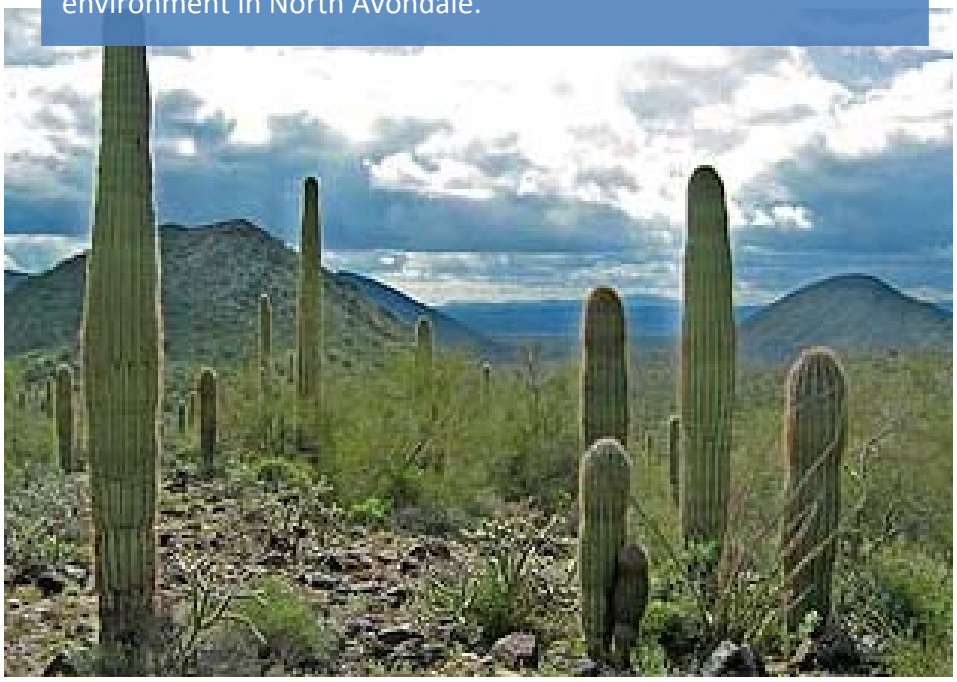
In order to achieve a better balance in terms of housing types in the Study Area, developers will be expected to provide housing products and residential layouts that are substantially different from the vast majority of North Avondale's current inventory. Walk-up townhomes (top left), mixed use developments containing residential units above ground floor retail (bottom right), multi-generational homes, and rear-loaded courtyard homes are product types that would fulfill this objective and provide the diversity Avondale seeks.

Medium density single-family residential subdivisions developed with housing products that vary from Avondale's existing inventory and that provide average lot sizes in excess of 7,000 square feet are also appropriate in North Avondale's Medium Density areas. Providing the desired variation in product can be achieved in several ways, including through the provision of open floor plans, emphasis on a kitchen, or even options to create an entire living area that is separate from the rest of the home.

Objective #6: Protect the existing character of North Avondale through compatible design.

Urban Design Element Goal #1, Policy D: *Work with potential developers to establish designs suitable with the community character.*

The Estrella Mountains (above) and Sonoran Desert (below) are strong influences on the materials and colors of the built environment in North Avondale.



North Avondale is, as mentioned previously, a primarily residential area developed with a series of master planned communities. Building heights within the Planning Area are limited to four stories or sixty (60) feet to protect mountain views and reduce the intensity of North Avondale.

New development will need to respect the overall character that exists in the area and propose architecture that uses materials, colors, and forms featuring a palette inspired by the Sonoran Desert, Estrella Mountains, and Agua Fria riparian life, in order to achieve compatibility with residential neighborhoods. Stepping back multi-story buildings adjacent to single-family residential development is required, both to reduce canyon effects and protect residents' scenic vistas.

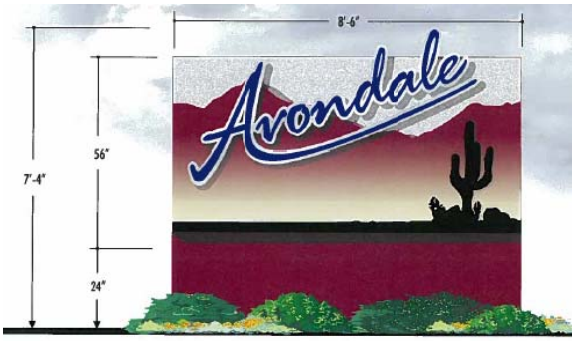
The Design Requirements section of this Specific Plan provides more specific ideas on how this policy can be achieved in North Avondale.

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.*

There are several "gateways" into North Avondale, the most prominent of which being the southwest corner of 99th Avenue and Indian School Road and the southeast corner of Dysart Road and Indian School Road.

Additional gateways are the intersections of Thomas Road and 99th Avenue, Indian School Road and 107th Avenue, Indian School Road and El Mirage Road, and Dysart Road and Thomas Road. Current entry signage is modest and does not portray the sense that one is entering into a distinct community.



A combination of enhanced landscaping along streets and in medians, art, and gateway signage to highlight major entrances into the City is key to establishing an Avondale identity. Additionally, a more comprehensive program implemented throughout the area, not simply at entry points, can help to further distinguish Avondale from bordering municipalities. Such a program could involve street light banners, wayfinding signage, unified landscaping, and a variety of other concepts. The design recommendations section of this document more specifically discusses and depicts implementation techniques.

Objective #8: Provide recreational opportunities for residents.

Recreational Amenities Element, Goal #1, Policy C: *Plan for future development of neighborhood parks to coincide with proposed residential development.*

Avondale is intent on becoming the healthiest, most sustainable community in the region, and open spaces are key to that effort. Neighborhood parks and small pocket parks provide convenient alternatives to regional parks for Avondale families seeking recreation or relaxation. All new residential developments in North Avondale will be required to provide an ample amount of active open spaces, such as trails and sport courts, and passive open spaces, such as landscaped gardens and other aesthetically pleasing areas. Care must be taken to ensure that spaces feature amenities that will encourage use by multiple generations of residents. The City's requirements for these types of spaces, as specified in the Design Manuals and Zoning Ordinance, will result in new communities with spaces carefully designed to provide enjoyment to community members.

The public bike and pedestrian trail system in North Avondale must be expanded to provide better connectivity and access to residents. Throughout the upcoming years, the City will continue to work with necessary entities to develop a continuous regional trail on top of the Agua Fria River levee. This trail would allow pedestrians and cyclists the opportunity to travel on automobile-free paths to Friendship Park to the south, and eventually to destinations in our neighboring cities to the north. The ultimate goal is a connected trail system along the river corridor that extends the length of the City. Additionally, the City will require developers of new projects to provide east/west trail systems through their projects that will allow easy access to the Agua Fria trail.

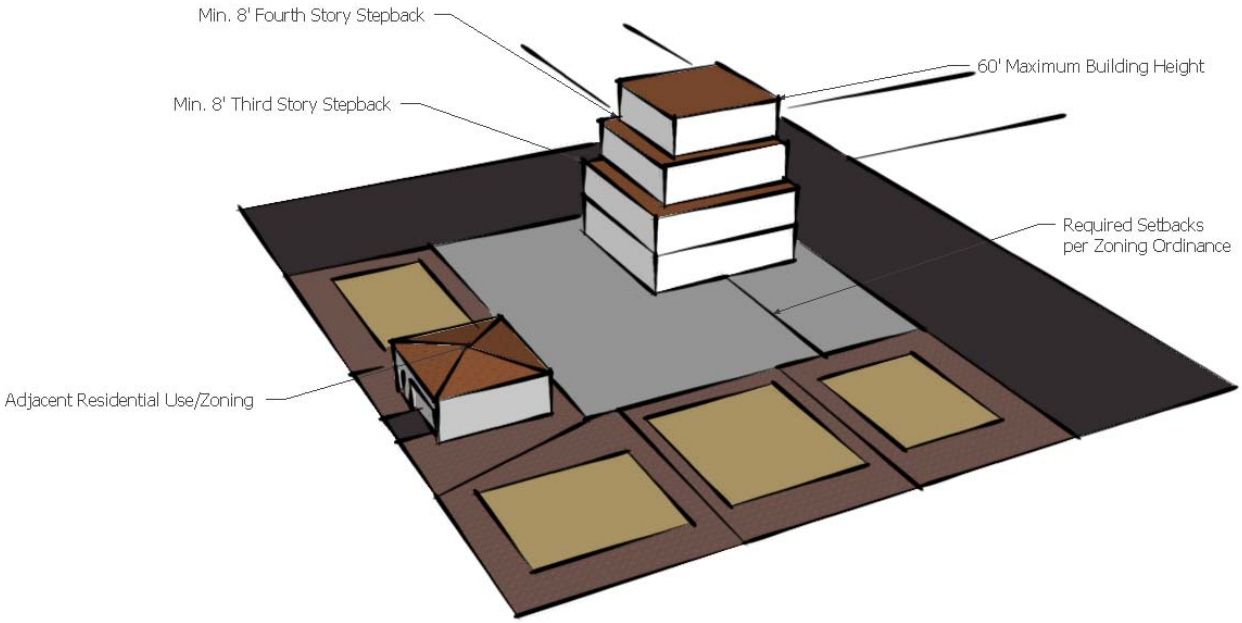
The City will also continue to work with the Roosevelt Irrigation District (RID) to pursue the possibility of using the existing canal maintenance roads for recreational purposes. The RID currently has a policy prohibiting shared-use of its facilities, however, the idea

of a fully-integrated system of recreational corridors is very important to the City's residents and staff will continue to engage the RID in this regard. New development (or re-development) adjacent to the RID canal will be required to install a multi-use trail parallel to the canal's route to bypass the need to utilize RID right-of-way.

Finally, the NASP includes several schools whose campuses contain open space, ballfields, and playground areas. Leveraging the good relationship Avondale has with all of the School Districts within our boundaries, the City should, where feasible, look into ways that the school grounds could be opened to the general public outside of school hours.

III. NORTH AVONDALE DESIGN AND DEVELOPMENT REQUIREMENTS

This section establishes design requirements intended to further the City's goals for North Avondale. All development in North Avondale must adhere to the requirements contained in this section in addition to all design requirements contained in the Avondale Zoning Ordinance or Design Manuals. In the instance where a design requirement contained within this document conflicts with a requirement from another City document, the standards herein shall take precedence.



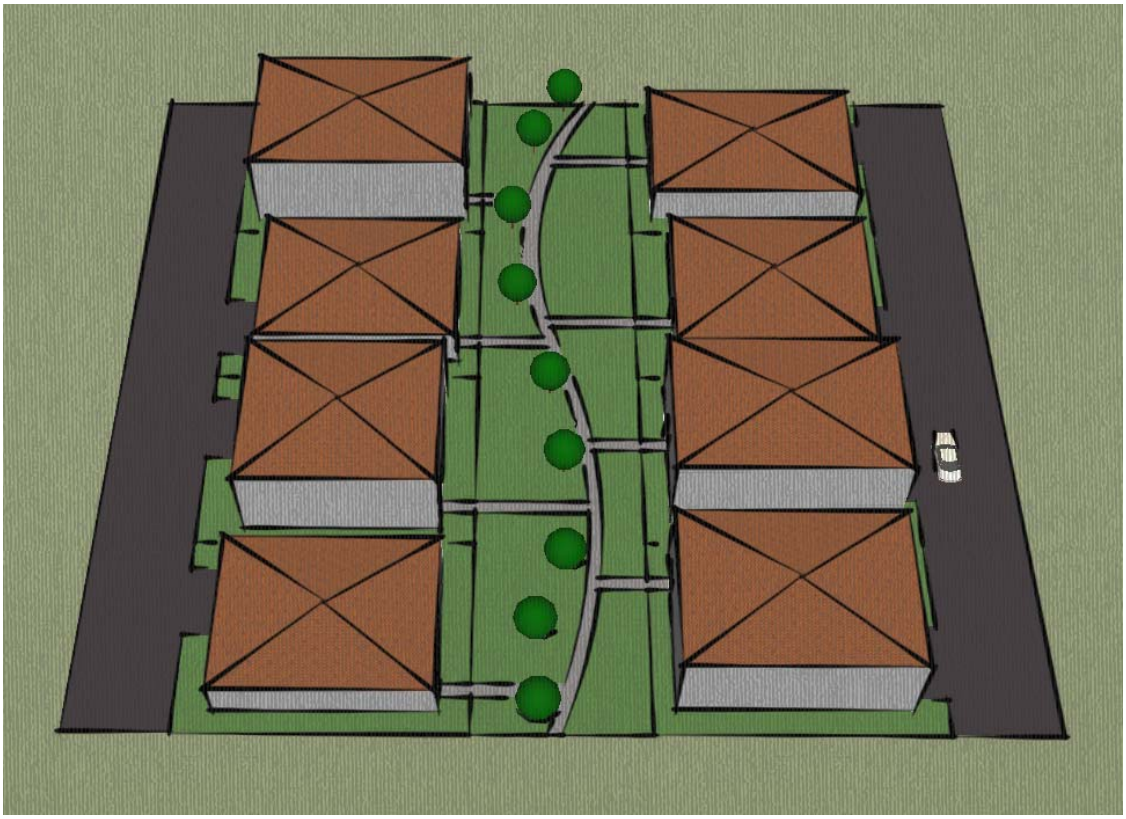
Site Design:

- The maximum height of a building in North Avondale shall not exceed four (4) stories, or sixty (60) feet.

- Building design must consider the scale of buildings located on adjacent properties and serve as an orderly visual transition between differing scales.

- Starting at 30' from grade, building elevations adjacent to residential uses or residentially zoned, undeveloped land must step back 8' for every additional fifteen feet in height.

- Maximize opportunities for pedestrian and bicyclist movement and encouraging human interaction through design.



Residential Design:

- Residential developers must create communities that vary from the existing housing stock in North Avondale. This requirement can be fulfilled through the use of unique architecture, unique site planning, and/or unique amenity provision.

- A residential community that contains alley-loaded residential units that front onto a greenbelt (pictured above) is one example of a product that cannot currently be found in North Avondale.

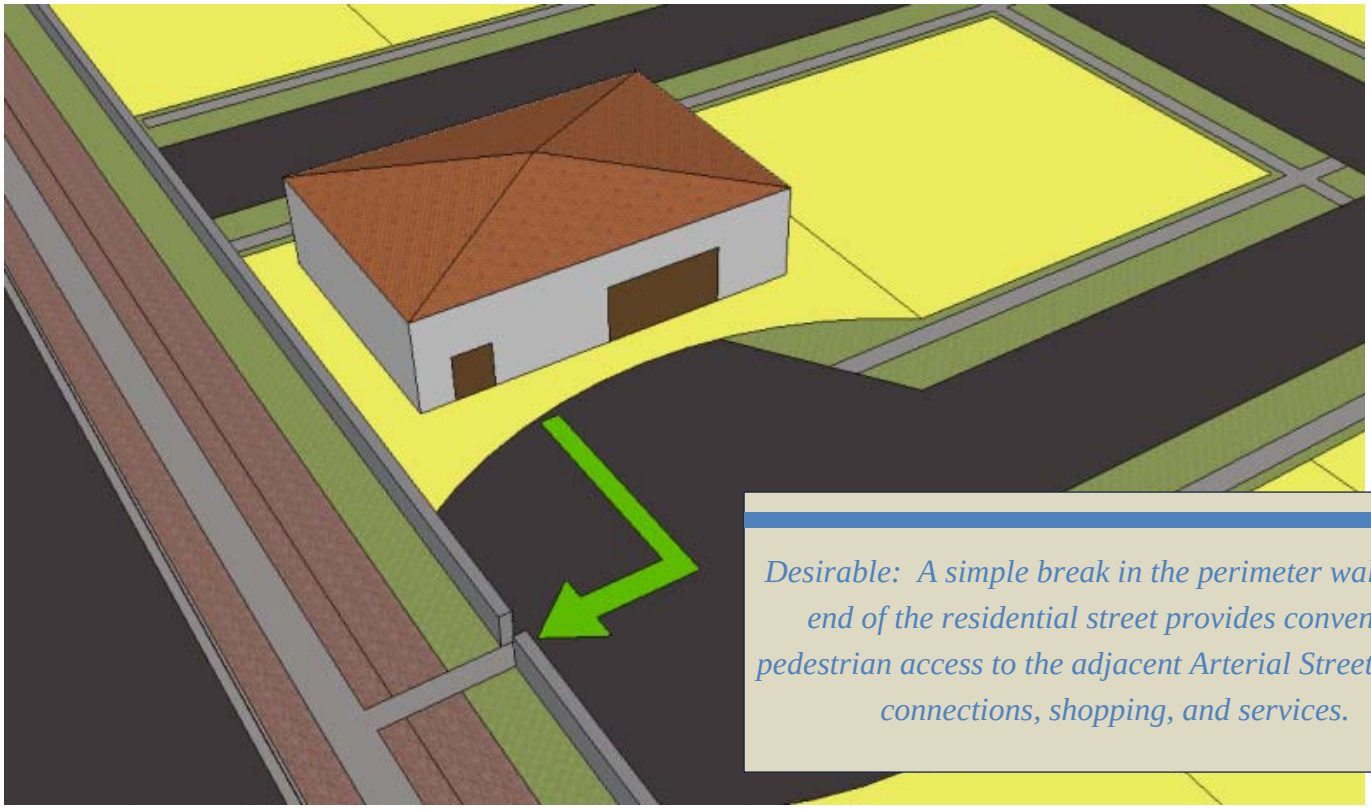
- Floor plans should be offered to attract a range of family sizes and resident types. Multi-generational homes that provide living quarters for young adults or elderly relatives, connected to but independent of a primary residence, are encouraged in areas designated by the General Plan for low and medium density residential use.

- Townhome condominiums and other similar attached single-family products that appeal to a demographic of residents who don't want yard maintenance are encouraged in medium high density areas, as designated by the General Plan.

- Lot sizes in excess of 7,000 square feet should be provided in the medium density General Plan land use designation.

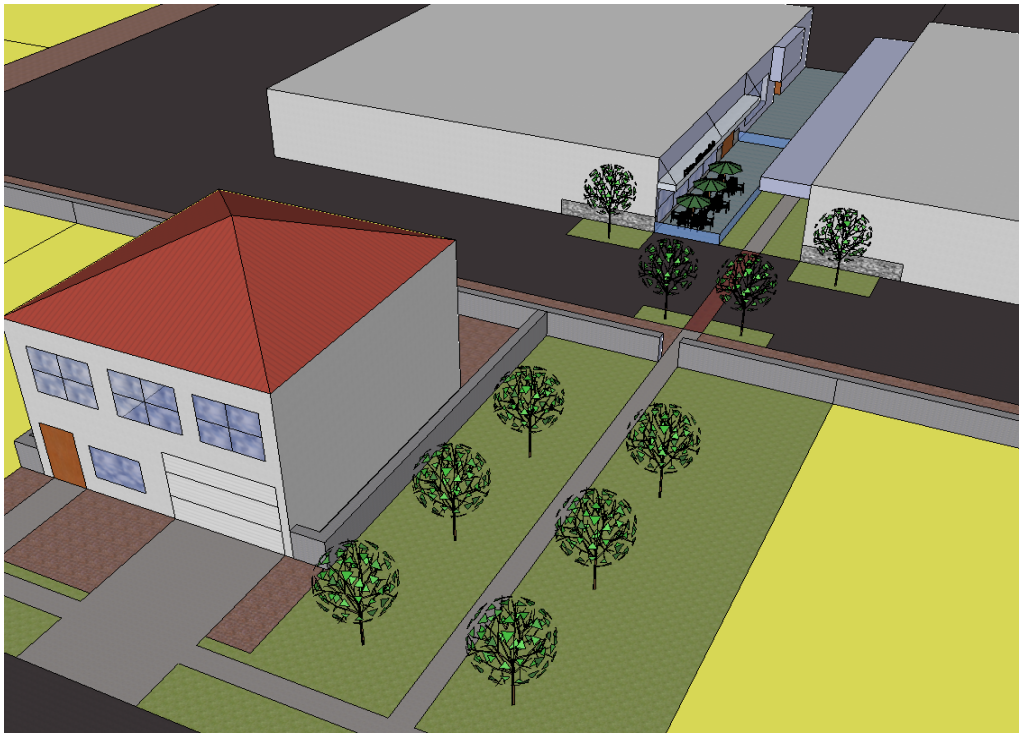
- All residential developments, regardless of density and type, shall be planned with pedestrian cut-through pathways that provide residents with easy access to adjacent collector or arterial street right-of-ways.

Undesirable: The lack of a pedestrian connection through the subdivision perimeter wall requires residents to inconveniently navigate through the neighborhood to access the Arterial Street.



Desirable: A simple break in the perimeter wall at the end of the residential street provides convenient pedestrian access to the adjacent Arterial Street, transit connections, shopping, and services.

- Residential development adjacent to commercially zoned or developed parcels shall provide direct pedestrian access from the residential community into the commercial area. Likewise, commercial development shall be designed to welcome pedestrian access from adjacent residential neighborhoods. Existing neighborhoods and adjacent commercial centers that do not incorporate these types of compatible designs should be evaluated for opportunities to enhance connectivity.



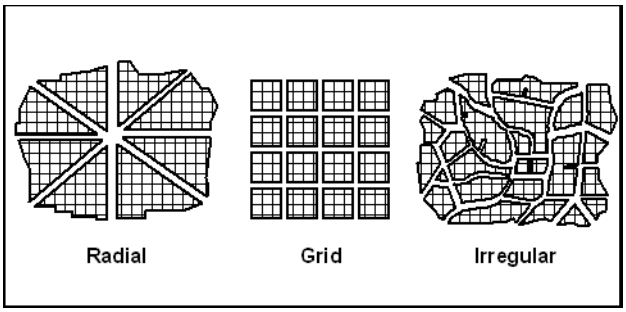
Top Left: *Residential to Commercial Pedestrian Connection Concept*

Bottom Left: *Service area crossings must be landscaped and chicaned to slow truck traffic and present a welcoming appearance to pedestrians.*

Bottom Right: *Commercial centers shall be designed to feature arcades or pass-throughs that allow direct access to neighborhood oriented businesses from the pedestrian way.*

- Neighborhoods are to be designed with grid patterned or modified grid (e.g. radial) street layouts with a maximum block length of 500 feet to allow easier pedestrian movement. Blocks in excess of 500 feet may be allowed if pedestrian cut-throughs are provided a minimum of every 400 feet.

- Layouts shall not feature curvilinear streets or irregular street grids. Cul-du-sacs or dead end streets internal to the development are prohibited; "No outlet" streets and/or cul-du-sacs *may* be approved directly adjacent to arterial streets at the discretion of the Zoning Administrator.



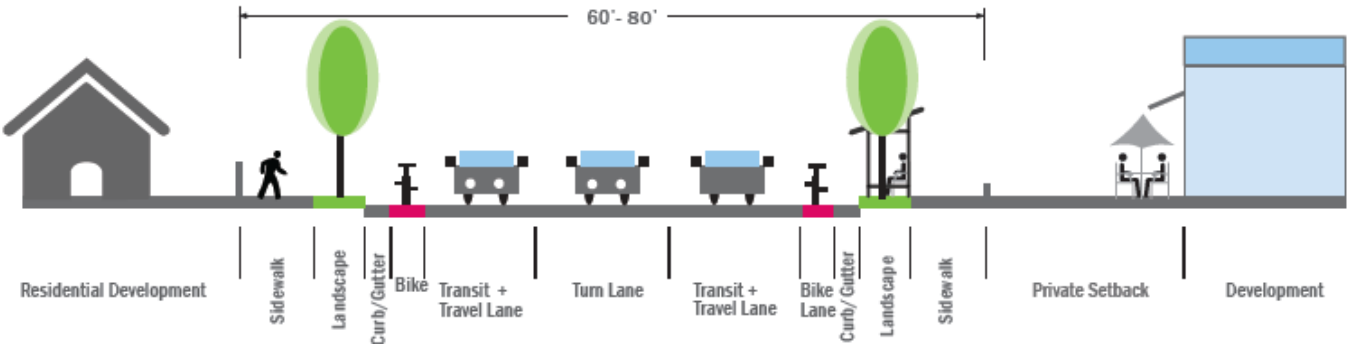
- Chicanes shall be used to narrow streets for traffic calming in strategic locations within neighborhoods, instead of curvilinear streets.

- All new roads shall be "complete streets", designed for pedestrian, cyclist, automobile, and potentially transit use. Existing roadways shall be converted to "complete streets" where feasible.

Left: *Chicanes shall be employed at important street crossings to slow traffic and ensure pedestrian safety.*

Above: *Subdivision design must feature a grid or modified grid design. Curvilinear and irregular street grids will not be allowed.*

Below: *An illustration of the complete streets concept*



- Development in North Avondale shall provide transit stops at any location determined to be required by the City Engineer. Each stop shall be unique and incorporate materials, colors, and themes from the adjacent development. Stops must include shading, seating, lighting, a trash receptacle, and artistic features. A photovoltaic system should be used to supply the power needed for illumination purposes and WiFi at these locations if feasible.

Unique Bus Station Designs

Top Left: *San Antonio, Texas*
Top Right: *Oro Valley, Arizona*
Bottom Left: *Mesa, Arizona*
Bottom Right: *Phoenix, Arizona*

- The elimination or reduction of perimeter and party walls is encouraged throughout North Avondale. In place of walls, developers are urged to consider the use of a combination of berming and landscaping. Fewer or no walls, as is typical in other regions, allow for easier pedestrian movements, enhanced vistas, and a heightened sense of community.

Left:
Undesirable: Standard 6' Screen Wall at Perimeter of Subdivision

Below:
Desirable: 3' earthen berm featuring trees and shrubs to provide screening at Perimeter of subdivision

- Entrances into the City should be strongly announced and clearly visible to all incoming traffic. Developers of parcels at these "gateway" locations will be expected to provide exceptional corner features that incorporate a combination of enhanced landscaping, public art/structural shading, and designated public seating areas. Gateway features may extend into the public right-of-way if approved by the City Engineer.

- Gateway features shall be designed to make a visual impact and be easily seen through the "zone of urban clutter" – e.g. the area where signals, utility boxes, signs, etc. are located.

- Because Avondale's arterial intersections are expansive, scale is a significant issue. In order for a gateway feature to make an impact, it must be large. Date Palm trees should be used to enhance the scale of the gateway feature.

Above:
A potential gateway intersection corner design

Right:
Features include pedestrian seating, an artistically designed shade structure, and formal landscape design including palm trees for scale

- Wells, utility cabinets, and other urban clutter located along street frontages should be obscured from view from adjacent rights-of-way to the extent allowed by the utility provider. Screening may take the form of landscaping, walls, or a combination thereof. Walls, particularly at arterial corners, may also present an opportunity to be utilized for signage, either by an adjacent business or to announce entry into Avondale.

- Street medians on Indian School Road and Avondale Boulevard will serve to enhance streetscape aesthetics as well as facilitate traffic control. Landscaping within medians shall utilize the approved palettes for the street on which the median is proposed.

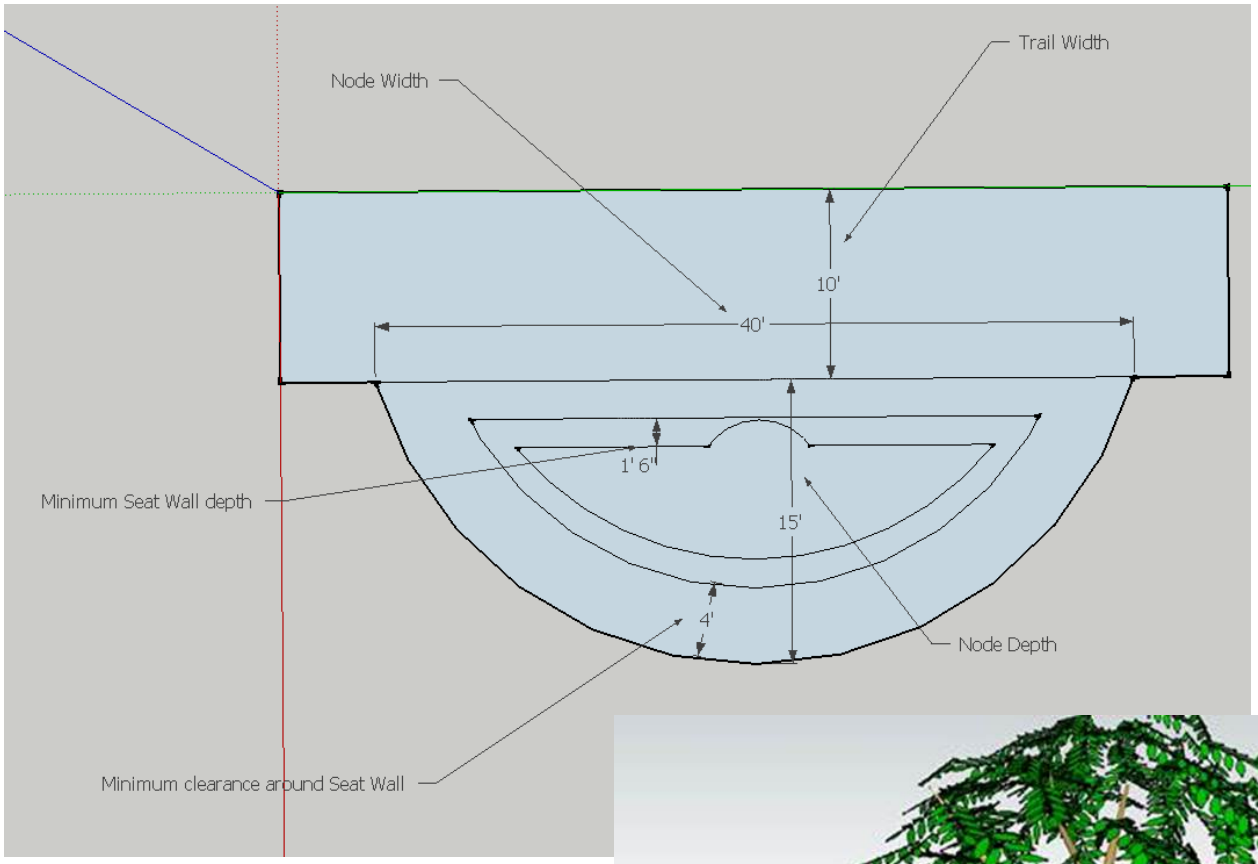
Above Left:
"Urban clutter", such as wells and utility boxes, can detract from the aesthetics of a streetscape.

Above Right:
To the extent allowed by the applicable utility company, the clutter shall be screened by the developer using a low wall, landscaping, or a combination. Using a wall may create additional signage opportunities.

Left: *Landscaped street medians have a dramatic impact on the aesthetics of a streetscape.*

- Private development will be expected to allow the City's identified streetscape plant palettes to significantly influence on their planting choices. The planting palette may be required to vary depending on the street a property is located on.

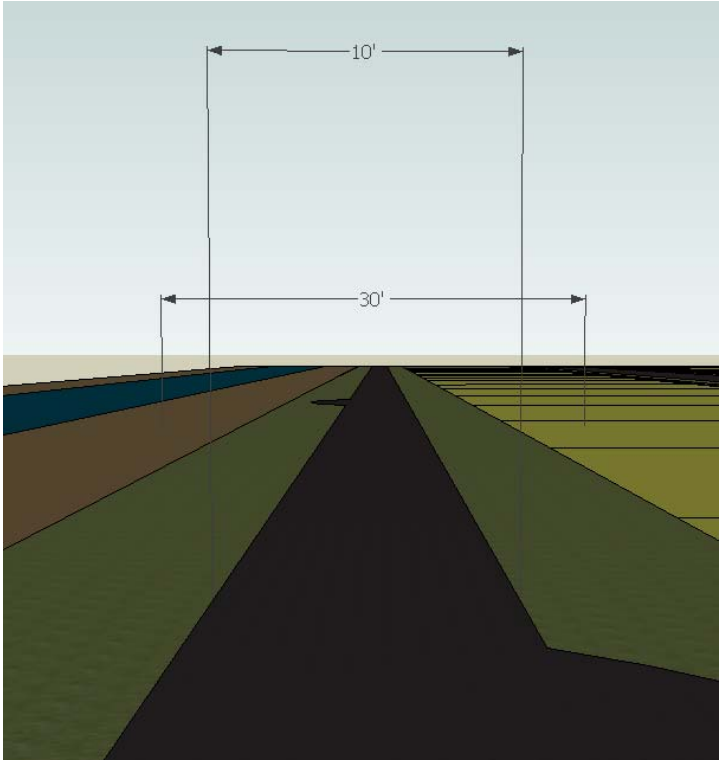
- Developers of sites adjacent to the Agua Fria River will be responsible for the construction of any portion of the Agua Fria Trail adjacent to their properties. Pedestrian nodes shall be located at minimum increments of every 1,300 feet. The design specifications of the remainder of the trail shall be per City of Avondale and FCDMC standards.



Above:
Agua Fria Trail node design specification.

Right:
Rendering of an Agua Fria trail node, showing seat walls, raised planter box with shade tree and accent shrubs, decorative paving, and fence enclosure.

❖ Developers of sites adjacent to the Roosevelt Irrigation District (RID) canal will be responsible for construction and dedication of a public trail abutting the RID right-of-way. Pedestrian nodes shall be located at minimum increments of every 1,300 feet.



Above Left:
RID-Adjacent trail specification; 10' multi-use trail in 30' of ROW

Above Right:
Trail nodes must feature, at a minimum, pedestrian seating and refuse containers.

Left:
Trail shall be shaded by full canopied trees planted 25' on center and illuminated by pedestrian scale trail lighting.

IV. PUBLIC PARTICIPATION

Avondale is committed to public participation and daily community engagement. This update of the North Avondale Specific Plan continues Avondale's commitment as expressed in the Public Participation Element of the General Plan 2030. Property owners' viewpoints are considered as significant determinants of this Plan's direction. The Planning Division hosted a community meeting on October 24, 2012, that allowed attendees to share their ideas regarding important design components for future development in North Avondale. Residents and other attendees were able to see their thoughts immediately transformed into 3-dimensional scaled renderings. Several of the collaborative designs have been included in this document to be used as guides for future development.

In addition to the community meeting, two Planning Commission work sessions, a City Council Work Session, Planning Commission Public Hearing, and City Council Public Hearing were held prior to adoption of the Plan. Additionally, a public survey asking questions pertaining to North Avondale was distributed at City events and also was accessible through the City's website. Responses from the survey have been used as a guide during the preparation of this Plan. Also, drafts of the updated NASP and related materials were made available on the City's website and emailed to persons who have requested to be on the City's notification list for planning related items.

The public's role in North Avondale's outcome does not end with the adoption of this Plan, however. The City will continue to engage North Avondale residents as new projects are proposed for the area.

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Resolution 3108-513 – Single Family Residential Design Manual Update

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Tracy Stevens, Acting Development and Engineering Services Department Director (623) 333-4012

THROUGH: Charlie McClendon, City Manager (623) 333-1015

REQUEST: Adopt a Resolution approving the amended Single Family Residential Design Manual.

LOCATION: Citywide

APPLICANT: City of Avondale Development and Engineering Services Department

BACKGROUND:

The Single Family Residential Design Manual was originally adopted by the Avondale City Council on February 19, 2008, in response to the absence of design guidelines. Avondale was in need of quality residential design and a policy document to express the City's expectations. With the ratification of the Avondale General Plan 2030, the desire exists to enhance the image, quality, and variety of housing product in the City. The vision for Avondale, as defined in this Plan, is to create an identity for the City and establish a new way for Avondale to grow as a Healthy, Sustainable Community.

In regards to residential development, the “health” of Avondale can be measured in terms of an individual's well-being and the resiliency of City neighborhoods. Ensuring that new residential development allows for ample recreational opportunities and encourages pedestrian and bike travel is paramount in this regard. Sustainability, or the ability to prosper long term, can be measured in the diversity of the City's economy and our ability to withstand downturns in certain economic sectors. An update to the design manual is necessary to start implementing the City's refined vision and to increase residential appeal as development returns.

SUMMARY OF REQUEST:

1. The proposed Single Family Residential Design Manual (SFRDM) is included as Exhibit A in this packet. The Plan, amends the existing Single Family Residential Design Manual adopted in 2008. The extent of changes is significant; a legislative draft (Exhibit B) has been provided to illustrate the extent of the revisions. Within the legislative draft, new text is shown underlined (EXAMPLE) and deleted text is struck-through (~~EXAMPLE~~). Text to which no changes are proposed remains in standard formatting. 2.The document is organized in five sections. These sections, with a brief description of each, are as follows:

- **Introduction:** This section establishes the purpose of the document, to create more livable, diverse neighborhoods, and describes the key issues the Manual is designed to address.

- **Unique Neighborhoods:** This section establishes requirements for the neighborhood design based upon the General Plan land use designation or existing conditions of a given property. For example, higher density land use designated properties will be required to adhere to the

principals of New Urbanism, designed to create pedestrian friendly, walkable, bikeable neighborhoods. Likewise, the document provides standards for Suburban Development (Medium Density), Infill (development in subdivisions that have been more than 50 percent built), and Estate Subdivisions (Estate Low and Rural Low Density) designed to ensure Avondale's new communities are designed to meet the needs of residents.

- **Site Design:** This section establishes site design requirements applicable to all new residential development, regardless of General Plan designation. Standards in this section deal with issues including, but not limited to, lot and layout design, perimeter walls and/or berms, street layout, landscaping, and open space. All standards included in this section further the goals of the document as specified in the Introduction.

- **Safety:** This section provides information on how to potentially reduce criminal activity in subdivisions by using “Community Policing through Environmental Design (CPTED)” principles.

- **Architectural Design:** This section establishes architectural design requirements applicable to all new residential development. Standards in this section deal with topics including, but not limited to, sustainability, materials and colors, architectural elements and details, massing, and roof articulation.

3. Some of the significant changes that are part of the proposed Manual include:

- Updating the *Introduction* chapter, and *Purpose* and *Intent* sections of the Manual to include text that communicates the idea of creating sustainable neighborhoods and an overall livable community as discussed in the updated General Plan.

- Incorporating site design principles in order to accomplish walkable, diverse, and more attractive neighborhoods.

- Creating *New Urbanism and Infill Development* sections that highlight concepts in neo-traditional neighborhood development and redevelopment.

- Creating a *Suburban Development* section intended to ensure medium density development occurs in a desirable form that encourages connectivity and reduces dependence on automobiles for routine trips.

- Creating an *Estate Subdivision* section to provide flexibility from certain Engineering standards, such as the sidewalk provision, that are not always desirable in large lot communities.

- Updating existing sections that pertain to Site Design and Architecture in order to upgrade neighborhood attributes and general design standards, to be in line with the City's vision.

- Replacing images to match new direction and to clarify/refine design quality, and adding captions to be clear to users.

- Adding a *Sustainability* section under the Architectural Design chapter in support of the updated General Plan's new Energy Element.

- Modifying architectural design criteria in order to enhance the quality of single family housing in Avondale, and promote creative thinking when developing or redeveloping new homes.

- Requiring the diversification of housing products, promoting large lots where appropriate, and incorporating urban design ideals into subdivision layouts.

- Removing any repetitive language in the Manual that was already contained in the Zoning Ordinance.

PARTICIPATION:

Work Session meetings to introduce this update to the Planning Commission and City Council were held on October 18, 2012 and December 17, 2012, respectively (Exhibits G and H). Many of the concepts shared by Commissioners and Council Members were incorporated into the proposed draft.

Staff has solicited further public involvement by using e-mail advertisements, webpage reminders, and press releases providing information and encouraging participation by residents and other interested parties. In a few cases, residents and other interested parties provided staff with comments and suggestions that were incorporated into the proposed draft (Exhibit C). Additionally, Carolyn Oberholtzer, an attorney representing a large future development in the south portion of the City, made several suggestions that were incorporated, and is in support of the proposed draft (Exhibit I).

Also, staff actively sought comment from advocacy groups which represent the development community. The Arizona Home Builders Association of Central Arizona (HBACA) was asked to participate and comment on the proposed Manual. As indicated in Exhibit D, the HBACA has concerns that the document will limit the construction of “workforce” housing, pricing prospective residents out of the market. They also expressed concern that some of the language in the initial draft was vague. Staff provided a written response to the HBACA (Exhibit E), explaining the City's current housing inventory was abundant and not diverse, and that the Manual is intended to introduce design types that will appeal to everyone. Where the HBACA had concerns about uncertainty or vagueness, staff modified the draft to address those concerns. A complete listing of HBACA comments, shown in red, and City responses to those comments, shown in blue, can be found as Exhibit F. While all HBACA concerns could not be addressed due to the conflict between the desires of the Home Builders and the City's General Plan goals, the participation of the HBACA has been vital to creating a document that will provide clear direction to future developers. In addition to the electronic methods indicated above, meeting notices have also been published in the West Valley View.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on April 18, 2013, and voted 4-0 to recommend approval of the request (Exhibit J). Commissioners Carrillo, Cotera, and Amos were excused from the meeting.

ANALYSIS:

Avondale is one of the first cities in the Valley to update its General Plan to address the link between public health and the built environment. The “Neighborhoods Theme” promotes walkable, livable communities. The Theme's *Housing Element* identifies specific goals and policies related to diversifying Avondale's housing stock, creating quality neighborhoods and championing strong design principles, for example:

- 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.”

- Housing Element, Goal 4: Require excellence and innovation in residential design and construction.

- Housing Element, Goal 4, Policy A: Encourage builders to construct homes that use the latest energy conservation materials, methods, and techniques.

- Housing Element, Goal 4, Policy B: Support creatively designed subdivision layouts, particularly layouts in which open space and recreation areas containing amenities are thoughtfully integrated throughout.

- Housing Element, Goal 4, Policy C: Utilize the City's Design Manuals to promote quality development and attractive residential communities, updating these documents when necessary to reflect changing preferences and styles.

- Housing Element, Goal 4, Policy D: Encourage subdivision design that promotes non-vehicular access to trails and transit routes/centers as a component of a healthy lifestyle.

- Housing Element, Goal 4, Policy E: Endorse the use of “Crime Prevention ThroughEnvironmental Design” (CPTED) principles when designing residential communities.

Furthermore, the General Plan clearly identifies updating the City's Design Manuals in response to the new *Energy Element* mandated by the State as part of a municipality's General Plan Update::

- Energy Element, Goal 1: Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.

- Energy Element, Goal 1, Policy A: Continue to update the Zoning Ordinance and Design Manuals as new sustainable and energy efficiency practices are developed.

Updating the Single Family Residential Design Manual is necessary in order to implement the City's long-term vision for quality and resilient/sustainable residential neighborhoods that strive to reduce sprawl, increase walkability, decrease automobile dependency, benefit the environment and public health, and are located close to jobs and services. As identified above, it is important to revisit the governing documents that affect this kind of change. With the recent shift in the economy towards positive growth, aligning development-related documents with the City's vision and goals is essential. With this update to the Design Manual, Avondale will be poised for the return of the residential housing market. This update addresses the City's current objectives.

Conclusion:

Staff recommends approval of the Single Family Design Manual update.

FINDINGS:

1. The proposal reflects careful long-range planning and is in conformance with the General Plan Goals and Objectives relating to Residential Development, Sustainability, and Walkability.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Resolution approving Application PL-12-0140, a request to approve the amended Single Family Residential Design Manual.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** a Resolution approving Application PL-12-0140, a request to approve the amended Single Family Residential Design Manual.

ATTACHMENTS:

Click to download

- Exhibit A - Proposed Single Family Residential Design Manual
- Exhibit B - Proposed Single Family Residential Design Manual - Legislative Draft
- Exhibit C - Email from Dan Streyle, resident, dated February 17, 2013
- Exhibit D - Letter from Jackson Moll, Home Builders Association of Central Arizona, dated February 21, 2013

- ☐ Exhibit E - City response letter to Home Builders Association of Central Arizona, dated April 10, 2013
- ☐ Exhibit F - Home Builders Association of Central Arizona Comments and City response
- ☐ Exhibit G - Excerpt of Planning Commission Work Session Minutes, October 18, 2012
- ☐ Exhibit H - Excerpt of City Council Work Session Minutes, December 17, 2012
- ☐ Exhibit I - Letter from Carolyn Oberholtzer, Rose Law Group, dated April 10, 2013
- ☐ Exhibit J - Excerpt of Planning Commission Minutes, April 18, 2013
- ☐ Resolution 3108-513

PROJECT MANAGER:

Ken Galica, Planner II (623) 333-4019

EXHIBIT A – PROPOSED SINGLE FAMILY RESIDENTIAL DESIGN MANUAL

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

http://www.avondale.org/DocumentCenter/View/32242

EXHIBIT B

Introduction

The Single Family Design Manual ~~is intended to assist~~ seeks to provide project designers, developers, and residential property owners with a clear understanding of the City's "expectations" for residential development. Compliance with the requirements and recommendations herein will be used as a criterion of approval during the City's design review. ~~in understanding and implementing the City of Avondale's goal of attaining high quality residential development. The guidelines set throughout this document will apply to all single family residential development and will be used during the City's plan review process as criteria against which to review projects seeking approval during zoning, preliminary plat, and house product review.~~

This document is designed to further the goals and policies in the Avondale General Plan to build quality "Community of Choice." This includes emphasizing visual character, environmentally conscious design, and pedestrian-friendly opportunities to establish a healthy, sustainable community. ~~This document is designed to allow flexibility in site design and product, support innovative ideas and creative design, and welcome equivalent alternatives to specific criteria within this document that cannot be achieved. The guidelines are set forth to challenge each project to increase the design for each development instead of seeking to only meet the minimum zoning requirements set forth in the City of Avondale Zoning Ordinance and all other applicable codes and ordinances.~~

The Avondale General Plan stresses the desire for neighborhoods to become more sustainable by promoting walkable, livable communities that enhance a resident's quality of life.

As the development process is undoubtedly unique to each proposal, it is therefore not practical for this document to address every possible solution and criterion. The City encourages the creative and innovative use of current and emerging practices, and seeks to strike a balance between the needs of the homebuilding industry and the consumer. Flexibility and variance from the standards contained within this document will be offered for new and creative projects that fill a housing need for the City.

Purpose

This Manual was prepared to promote and create a sense of community, livability, and unique identity for the ~~citizens~~ residents of Avondale. The points throughout provide a tool to assist ~~City Council, Planning Commission, and~~ the development community in achieving and constructing ~~diverse~~ sustainable, residential neighborhoods. The intent is to provide developers with a set of specific requirements and options that will achieve~~clear direction, background and support to developers in achieving~~ the City's expectations for single family residential development by:

- Providing a framework for residential developments that offer diverse housing products, floor plan choices, and ~~conform to an expressed~~ architectural styles that will not adversely affect the present or future development of the City.
- Eliminating the ~~sameness~~ redundancy and intensity of new tract home developments with smaller narrow lots, uniform setbacks, and a limited range of exterior house elevations, building materials, and colors. ~~These types of developments create an impression of dense building mass and closeness, which should be avoided.~~
- Providing key components such as materials used in constructing, finishing, or accenting any single family residence that will add value to the exterior finish and all finishes, creating ~~elevations to create~~ a viable streetscape and attractive neighborhood.

- Providing innovative street designs that create safe, walkable neighborhoods and plentiful useable open space and amenities.
- Serving as an addition to the General Plan, Subdivision Regulations, Planned Area Development (PAD), ~~Single Family~~ Residential Zoning Districts, and the General Engineering Requirements Manual ~~Engineering Design Guidelines~~.

Intent

The intent of this ~~the~~ Manual is to ensure that residential developments are architecturally diverse, and appear to be neighborhoods that have evolved naturally over time. Quality design, variation in home sizes, floor plans, elevations, and lot sizes contribute to such diversity. ~~elevate and enhance the quality of single family development in the city and create a unique identity for Avondale~~. The Manual addresses ~~three~~ four primary issues: ~~regarding development~~.

1. Design challenges such as small and narrow lot tract homes, uniform setbacks, minimal range of housing choices, and garage dominated streets~~capes, dense building mass, and closeness to each neighbor~~.

2. ~~The usage of the Planned Area Development (PAD) Zoning District to seek relief from minimum Zoning standards.~~ Offering a range of lot sizes and housing products not currently in Avondale.

3. Locating smaller lot developments within proposed urban, infill, or revitalization areas that are compatible with the Avondale General Plan 2030.

4. The need to develop larger/wider lots, as prescribed in the General Plan, and provide a special sense of place with open space that is bounded by the Estrella Mountains, Gila and Agua Fria Rivers, and other beautiful natural landscapes in areas designated for Estate/Low Density Residential and Rural Low Density Residential development.

5. ~~Meeting the intent and target densities of the Avondale General Plan.~~

~~The City of Avondale over several years has seen an influx of small lot subdivisions which are typically identified as lots 6,000 s.f. and smaller. These subdivisions have been approved through the PAD Zoning District and at times have failed to stand out as unique neighborhoods within the city. Such subdivisions have typically reduced side, front and rear setbacks and have been placed very close to one another if not located directly on the property line, creating very narrow lots, and houses very close to the street.~~

~~Due to the increased inventory of such neighborhoods the city must ensure that new subdivisions and housing products meet a higher standard for new development predominately within the southern boundaries, but overall throughout the city. In partnership with the development community and builders, the city strives to maintain the vitality of the community and create more character, open space areas, and a visually pleasing setting within each neighborhood.~~

~~Therefore, small lots developments with lots less than 6,000 s.f. town homes, patio homes, z-lots, or auto court products must either be carefully integrated within master planned communities where appropriate or locate within in-fill and redevelopment areas where higher densities are compatible with the existing development and the Avondale General Plan. Specific~~

~~requirements for smaller lots are identified on page ten and eleven of this document.~~

~~In addition, the undeveloped areas surrounding the southern boundaries of the city create a unique opportunity for developers to build residential communities that will lend themselves to the low to medium densities prescribed in this area and provide a special sense of place with open space that is bounded by the Estrella Mountains, Gila and Agua Fria Rivers, and other beautiful natural landscapes.~~

The understanding is that new subdivisions and housing products meet a high standard for new development predominantly within the southern boundaries of the City. Luxury residential communities in this area shall create a true destination that draws residents interested in an outdoor lifestyle and living amongst the tranquility of the Sonoran Desert.

Unique Neighborhoods

New approaches to residential development are encouraged in order to contribute to community design objectives. This section discusses four: New Urbanism, Suburban Development, Infill, and Estate Subdivisions.

New Urbanism ~~Small Lot Development~~

Applicable to Development in the Medium-High Density Residential, High Density Residential, and Mixed Use General Plan Land Use Designations.

~~The small lot development section of this manual has been adopted by City Council to encourage innovative high quality development in certain areas of the city already designated by the Avondale General Plan. These types of developments often built as clustered subdivisions, z-lots, auto courts, patio-homes, twin homes, casitas, 2-story terrace homes, or town-homes with rear entry garages provide housing for persons desiring the smaller lot, less maintenance but more amenities such as pools and spas, recreational areas and sport courts with privacy and security offered in a smaller community neighborhood.~~

The key goal of this section is to incorporate neo-traditional neighborhood concepts into development and redevelopment by ~~encourage development to~~ locating housing in areas where residents can walk to local retail/commercial areas, ~~especially in and around the designated City Center area,~~ interact with their neighbors, participate in urban agricultural gardens and markets, ~~at a clubhouse, or community pool~~ and ~~allow for~~ access transit. ~~oriented development in close proximity to the I-10 freeway. For developments proposing lots sizes less than 6,000 s.f. one of the following criteria must be met:~~ In order to create compact, pedestrian-oriented, mixed use developments, incorporate the following principles into residential design:

1. Provide for a clearly defined neighborhood activity center, equipped with a transit stop, which will serve as the centralized meeting place.
2. Provide a gridded street network that offers a minimum of two of the following:
    a. Narrow streets and widened, tree-lined, detached sidewalks.
    b. Street traffic calming measures, such as chicanes, that help make the neighborhood more pedestrian friendly.
    c. Incorporation of rear-loaded garage access to lots fronting on open space or a local street.
    d. Incorporation of detached garages located in the rear half of a lot and largely obscured from view from adjacent streets.
3. Design and orient lots to include visible and pronounced ~~create dramatic~~ entries from the sidewalk, large porch areas (minimum 200 square feet), and/or court yards. ~~capture existing natural views, and front onto open space areas.~~
4. Provide visually contrasting paving surfaces for all courtyard, porch, and patio areas~~. lots at driveway locations and courtyards.~~
5. Transition lot sizes ~~and product should transition~~ when backing up to existing larger lot developments (9000 square feet or greater) or undeveloped land designated for Estate Low Density or Rural Low Density development. ~~that have lots 10,000 s.f. or larger~~.
6. In order to create the framework for new urbanist neighborhoods, incorporate the following cross sections into street layouts. These sections are conceptual and require approval by the City Engineer:

~~The City of Avondale encourages diversity in housing products by permitting the smaller lots developments in appropriate areas but requiring a superior level of design, quality, and amenities for the on-the-go lifestyle. Integration of~~ Integrate the following: ~~into all small lot developments: in addition to all other applicable sections of the Zoning Ordinance and Subdivision Ordinance will assist the City is providing neighborhoods with a sense of spaciousness and a relaxed quality of life.~~

- ~~Design and orient lots to create dramatic entries, court yards, capture existing natural views, and front onto open space areas.~~
- ~~Reduced front yard setbacks are discouraged unless placed within a very urban setting such as the City Center.~~
- ~~Integrate rotundas, covered areas, patios, porches and gathering places where appropriate.~~
- ~~Provide a mix of driveway designs and locations for each neighborhood which favor a rear (behind the living area) or side entry garage. (See illustration to the right).~~
- ~~All living spaces should be attached to the main structure and designed away from the street when incorporated into a traditional neighborhood.~~
- ~~Side entry garages to have a minimum of 24 foot setback from the face of garage to the side property line.~~

- ~~Landscaping and open space can also be utilized to create an appropriate buffer between small and larger lot neighborhoods.~~
- ~~All lots to be designed so that there is a logical location for all trash receptacles and a/c units out of sight to the public or neighbors and fully screened behind a fence or gate.~~

Suburban Development

Applicable to Development in the Medium Density Residential Land Use Designation

Suburban style development is the predominant form of existing residential development in Avondale. These subdivisions should be designed to be family-friendly with a strong emphasis on the aesthetics of perimeters, commons areas, and streetscapes.

1. Tree species that provide full canopy cover shall be used adjacent to walkways and in front yards.
2. Throughout subdivisions, not just adjacent to collector streets, streetscapes must be softened by the provision of roadway adjacent planting areas that can also be used for storm water retention purposes.
3. Detached sidewalk separated from the street by a planting strip to create safe pedestrian environments and enhance streetscape aesthetics. The planting strip must provide for a minimum 5' width of planting area clear of any public utility easement (PUE) and contain full-canopied trees placed at minimum 25' intervals.
4. Collector streets should be designed to contain entry landscape medians at all collector/arterial and collector/collector intersections.
5. To the extent possible, maximize the number of view lots which back onto common areas or other open spaces.
6. Minimize the use of walls to the extent possible. Where walls are required, priority should be placed on using sustainable materials in their design.
7. Stagger front and rear setbacks throughout a neighborhood to avoid a monotonous streetscape.

Infill Development

Applicable to development within subdivisions where 50 percent of lots contain existing development.

One of the key elements that defines visual character of an individual dwelling and the neighborhood is how a home sits on a site. Infill development should be consistent with the existing context and scale of the neighborhood.

Common elements that contribute to the character of an individual home and the collective character of the neighborhood include how dwellings blend with the surrounding and natural environment, scale, architectural style, how dwellings are sited on their lots, the way the home is engaged with the street (porches, front doors, driveways, and garages), roof forms, building materials and colors, and landscaping.

1. Design new and remodeled dwellings to be consistent with the existing scale of the neighborhood. The dwelling should appear proportional and complementary to other dwellings in the neighborhood.
2. Site and design new and remodeled structures in relationship to existing structures and take into account the impacts on the neighboring sites.
3. Minimize mass, bulk, and scale through the use of appropriate roof pitch and type, and window and door locations. Break up the mass in order to create interplay between various building elements.
4. In neighborhoods that are transitioning from one style to another, structures that differ in size, bulk, scale, height, or architectural style from adjacent developments may be allowed if the transitional design is consistent with design goals for the larger neighborhood.

Estate Subdivisions

Applicable to development in the Estate/Low Density Residential and Rural Low Density Residential General Plan Land Use Designations.

This type of development has its own unique character with spacious yards and extensive landscaping to create a feeling of openness and low density.

1. The following standards may be modified subject to approval by the City Engineer:
    a. Ribbon curbs in lieu of vertical curbs and gutters.
    b. Reduced pavement widths for private streets based upon traffic considerations such as maneuverability of safety and service vehicles, speed, traffic generation, and parking restrictions.
    c. No sidewalks or detached sidewalks on one side of the street.
    d. Permeable surfaces for sidewalks that meet handicap accessibility requirements.
    e. Modification of street lighting standards.
    f. Provide setbacks that are highly varied and relatively deep.
    g. Any other subdivision feature that is not listed, but which meets the general intent for low density development, may be considered.

2. In order to create the framework for estate lots in low density areas, incorporate the following cross sections into street layouts.

Site Design

Site planning is one of the most important aspects of making a residential neighborhood a desirable place to live. A mix of densities and lot sizes creates diversity in housing products. Neighborhoods should be pedestrian scaled, have a streetscape encompassed with shade and pedestrian connections, and provide enhanced pedestrian access to open spaces, arterial streets, transit stops, and neighborhoods serving commercial uses.

Building placement enhances the quality of the streetscape. Therefore, neighborhoods that provide variation in lot sizes and building placement avoid a repetitive and regimented appearance.

Lot ~~Size~~ and Layout Design

The variation of placement and orientation within new subdivisions is essential to achieve visual variety and avoid sameness as required below: ~~Incorporate the following into the project design to provide variations throughout the neighborhood.~~

1. Vary the orientation of a home to achieve visual diversity and avoid monotony.
2. Recess front facing garages and provide side entry garages in order to break the uniformity and to vary the street scene.
3. Where the front-facing garage is placed "flush" with the home's front façade, a courtyard, porch, or other feature on the lot which extends closer to the street than the garage face.
4. When siting homes in the southern part of the City, highlight view corridors of the Estrella Mountains from streets, backyards, and neighborhood open space.
5. No two identical elevations shall be placed on adjacent lots or directly across the street from each other.
6. Avoid the placement of lots centered on "T" intersections and avoid driveways opposite a "T" intersection.
7. Increase the width of corner lots an additional ~~six~~ fifteen feet (from the standard set in the Zoning Ordinance) or provide a minimum ~~six~~ fifteen-foot wide landscape tract (inclusive of the PUE) on the side of the lot adjacent to the street.
8. Design the neighborhood so that no more than eight lots are placed in a row backing onto an arterial or collector street before there is a change in the lot pattern or streetscape
9. Group wider side yards together on some adjoining lots to provide a separation of twenty feet or more between houses.
10. Avoid creating ~~Design lot shapes to be simple and rectangular without~~ narrow lot frontages or irregular lots that create un-useable space. Avoid acute angles where rear lot lines and side lot lines meet. See diagram below.
11. All lots to be designed so that there is a logical location for all trash receptacles and a/c units out of sight to the public or neighbors and fully screened behind a fence or gate.

The following design concepts are recommended:

1. Vary lot widths where appropriate throughout a neighborhood to create diversity in street scene and product.
2. Maximize energy conservation by considering climactic factors such as prevailing winds, shade trees, window

and door orientation, and the positioning of buildings on the site.

- ~~Varied front yard setbacks~~
  - ~~Stagger the front yard setback to living area and garage by a minimum of three feet or more on adjoining lots and provide a range of six feet or more on the same block.~~

- ~~Stagger the rear yard setback when a row of lots backs onto an arterial or collector street.~~
- ~~Provide building envelopes that may encourage angled building orientation on wider corner lots where appropriate.~~

- ~~A transition in lot size and/or other design alternative, such as a landscape buffer should be provided in locations where single family backs onto more intense or potentially incompatible land uses.~~
- ~~To lessen the dominance of the garage to the street front facing garages should be either flush with or recessed behind the living area. Where the front facing garage is placed flush with the front entry, a courtyard or other architectural feature or pop-out should be added to the elevation to ensure an aesthetically pleasing view from the street.~~
- ~~(see diagram on page 13).~~
- ~~Provide a mix of driveway orientations throughout a neighborhood.~~
- ~~Driveways to be a minimum of 20 feet in length or longer (measured from back of sidewalk) to avoid any overhang of vehicles onto sidewalks.~~

- ~~Provide variation in the width of the side yards and in the separation between houses on the lots. This guideline is in addition to the Zoning Ordinance requirement.~~
- ~~Increase the side yard width on some lots to provide a minimum of 15 feet of combined side yards~~
- ~~Provide a minimum of 10 feet side yards for two-story homes.~~

Perimeter ~~Improvements~~ Walls

Landscaped earthen berms are preferred to perimeter walls. Where perimeter walls are used, however, these features impact the street character of a neighborhood as well as the community. Design the perimeter walls ~~improvements~~ to create an attractive appearance to complement the style and character of the home, street layout, and neighborhood, and in conjunction with the Avondale Zoning Ordinance regulations. The integration of landscaping is important to creating additional visual interest as well as softening the wall's appearance.

1. Construct walls with materials, such as smooth stucco finish, brick, stone, split face block or other approved masonry, or gabions, designed in a style, material and color to complement the neighborhood.
2. Utilize non-transparent materials for walls that are required for screening purposes and incorporate standards to provide for wall inserts and/or decorative columns or pilasters to provide relief.
3. Step walls on sloping terrain to follow the terrain.
4. Provide frequent breaks in perimeter walls to allow for pedestrian access to adjacent streets.

- ~~Design the perimeter walls to be architecturally enhanced with landscaping and materials and colors that complement the project's architecture and provide a distinct wall design with decorative elements throughout.~~

- ~~Eight foot, six inch thick walls required along all arterials.~~
- ~~Six foot walls are required along all collectors and local streets.~~
- ~~Perimeter walls should stagger at least once every 100 feet, with a design that employs a design/pattern every 600 feet and a column every 300 feet. A minimum of a 4 inch pilaster cap and 4 inch block cap is recommended.~~
- ~~Accepted materials may be brick, stone, tile, travertine, or other materials sustainable in a desert environment.~~
- ~~All perimeter walls to be constructed concurrent with the associated phase of development.~~
- ~~Theme walls are to be installed in all areas visible from public view with enhanced landscaping to compliment the architecture and colors. Public view to include open space areas, public/private streets, walkways, and view corridors.~~
- ~~View fencing should also be integrated into a development along open space areas with wrought iron or other decorative materials that promote views corridors and safety.~~

Entry Areas

Residential neighborhood entries shall incorporate dramatic features to set the overall design tone for the development and ~~Design neighborhood entries to~~ provide a sense of arrival into a community. ~~through the use of features that may include:~~

Entry features should reflect the overall architectural identity and character of the development. A minimum of three of the following features shall be incorporated into entry areas:

- Colored and textured ~~Entrance~~ paving ~~material~~
- Water Harvesting Features ~~Fountains~~
- Accent ~~Feature~~ lighting
- Enhanced landscaping including large, specimen trees ~~and planters with turf~~ and Landscaped medians
- Decorative metal work ~~fencing with special wall treatments~~
- ~~Gates~~
- Stone wall features ~~Distinct wall design~~
- Architectural monuments ~~Trellises and/or other like elements~~

Street Layout

~~Streets should be planned~~ Plan streets to efficiently connect all parts of the neighborhood ~~weave the community~~ together and simplify ~~traffic~~ circulation patterns. All modes of transportation – vehicular, transit, bicycle, and pedestrian- shall be integrated into a circulation network.

~~To achieve an efficient street system the following design elements are to be incorporated with each development:~~

1. ~~The proposed circulation system should consider~~ Streets shall follow the City's hierarchy of street classifications and be designed to conform to the City's General Engineering Requirements Manual . Arterial and collector grid systems to be maintained at the ~~¼~~ ½ mile, and mile spacing.
2. Discontinuities and curvilinear roadways on arterial and collector corridors ~~at the ¼ mile and ½ mile spacing are discouraged, and discontinuities and curvilinear roadways~~ are prohibited ~~at arterial, one mile spacing~~.
3. Connect new streets to ~~connect with~~ adjacent existing public streets to form a neighborhood network.
4. A street circulation network shall provide access to all areas of the development, be shaded by rows of trees, and be continuous whenever possible.
5. Dead end streets are discouraged unless they connect to an overall pedestrian trail system or open space area.

6. Cul-de-sacs ~~are to~~ may only terminate on lots, a minimum ~~of~~ 20-foot wide landscape tract, or entrance to common open space areas.
7. Use traffic calming measures, such as islands, traffic circles, ~~chokers, raised crosswalks~~, chicanes, or bulbed intersections, ~~or intersections curb extensions, and/or other traffic calming methods to be used where appropriate~~ to slow vehicular speeds within the neighborhood, especially where pedestrian pathways intersect streets.
8. Provide direct vehicular, bicycle, and pedestrian connections to adjacent residential and non-residential areas.
9. Internal pathways shall connect to amenity features such as parks, community buildings, or open space.
10. Neighborhood design should Prevent homes from fronting on ~~all~~ arterial and collector streets.
11. ~~Special directional signage should always~~ Incorporate a design theme for directional signage throughout the neighborhood.
12. Provide detached sidewalks ~~to be considered for all master planned communities~~ with a minimum ~~five~~ eight (8) foot landscape planting area. See City standard cross-sections in the ~~Engineering Design Guidelines~~ City of Avondale Supplement to MAG. ~~Landscape medians and enhanced streetscape lighting to be provided on collector streets~~
13. Incorporate residentially-scaled street lights, landscape medians, separated sidewalks with street trees and landscaping, and accent paving at neighborhood entries and crosswalks throughout the development ~~subject to the Engineering Design Guidelines.~~
14. All gated communities are required to provide private streets. Design entry gates to be compatible with overall design intent of the development.

- ~~Prevent through-traffic on local residential streets by appropriate street design utilizing curvilinear streets and cul-de-sacs which lend themselves to increased pedestrian circulation.~~
- ~~Raised crosswalks are encouraged where appropriate and do not cause drainage issues.~~
- ~~Low groundcovers to be used at intersections to maintain proper visibility.~~
- ~~Low density projects with 1/2 acre minimum lot sizes or greater that promote a rural and suburban environment may not be required to provide sidewalks~~
- ~~Gated communities are encouraged when a vehicular interconnection to an existing adjacent neighborhood is not needed. Occasionally, stub streets may be necessary to ensure future access to adjacent parcels as required by the Development Services Department.~~

Landscaping

~~Landscaping shall conform to~~ This section of the Manual supplements the requirements contained within in the Avondale Zoning Ordinance and should be used to soften and embellish the quality of residential environments, provide shade along walkways and public spaces, and accent entries, ~~and community features. Street tree planting should generally consist of random natural plantings and patterns. Interesting tree massing with random spacing are encouraged to provide an undulating and varied streetscape, with view "windows" (the size and location will be dependent on the site and key development features on the site or beyond) created at selected points.~~

1. An overall ~~Choose a~~ landscape theme and plant palette that will create an identity and natural appearance for each neighborhood must be established.
2. Front yards and public areas should incorporate native plant materials and shade trees that both reduce the urban heat island effect and accentuate the architectural style reflected in the overall design of the site.

3. Utilize ~~Where appropriate~~ densely limbed evergreen plant species ~~should be considered~~ to create privacy between neighbors and to screen living areas.
4. Provide landscaping that mitigates heat gain at southern and western exposures.
5. Decorative tree grates and detached sidewalks with trees and landscaping are encouraged to be used when possible in walkway and public open spaces areas.
6. Backflow Prevention Devices to be screened and carefully placed throughout the development.
7. All ~~CCR's~~ Conditions, Covenants and Restrictions (CCR's) for each neighborhood ~~to~~ shall address landscape maintenance requirements for open spaces areas, entries, and individual's lots.
8. A maintenance and replacement program shall be put in place to minimize ~~any~~ turf areas, trees, and shrubs from becoming ~~displeasure~~ a detriment to the neighborhood.

- ~~Drought tolerant and low water use plants, trees, and shrubs are encouraged in the right of way areas subject to the Arizona Department of Water Resources Drought Tolerant/Low Water Use Plant List.~~
- ~~Decomposed granite to be a minimum of ¾" sized in diameter~~
- ~~A minimum of 30 foot landscape buffers are required along all arterial roadways outside of the right-of-way and minimum of 15 foot wide landscape buffers are required on all collectors.~~

Storm Water Retention

Retention areas are to meander through the development as a connected, green space amenity, such as a greenbelt, and be designed to encourage maximum recreational use:

1. Contour the sides and bottoms of the basins to create a natural looking appearance. Use varied slopes and curvilinear edges to create a more natural looking facility instead of a rectangular form and long stretches.
2. All common landscaped areas, adjacent rights-of-way, tracts and retention basins to be owned and ~~operated~~ maintained by the HOA.
3. Maximize water permeability by reducing paved areas (hardscape), using of permeable paving materials, and preserving open space drainage ways when feasible.

- ~~Locate retention areas so they are visible, attractive, and accessible for recreational use.~~

Open Space and Amenities

Open space is considered the common area portion of a residential subdivision, located outside of required setbacks, where there are no buildings, driveways, or parking. Usable open space shall be considered any area on a site which is designed to be used for recreational or gathering purposes and viewed as an amenity to the residents.

A multigenerational approach should be considered when designing open space to promote resident interaction and community choice. ~~Various types of amenities provided in residential developments will promote resident interaction and build a strong sense of neighborhood and community~~.

1. Provide a sufficient amount of open space and facilities to match the scale of the development.
2. Usable open space ~~to be provided~~ may include ~~in the form of~~ tot lots, community gardens, swimming pool areas or clubhouses, turfed play areas, private parks or dedicated park sites, multi-use paths, improved utility corridors, volleyball, basketball, and other sports courts, ~~trail systems~~, ~~basketball courts, equestrian and hiking~~ trails, ~~barbeque~~ picnic areas, or other similar amenities.

3. Integrate pocket parks throughout higher density neighborhoods that allow for every lot to be no more than 1/4 mile from the park. Pocket parks are:

    - Thoughtfully designed as part of the street and residential lot pattern, and are connected to the neighborhood by sidewalks or trails.
    - Generally one-quarter to one-half acre each; however, they can be any configuration that adds amenity and identity to the neighborhood.
    - Located along a roadway for access.
    - Designed to provide shade and an area for children to play.
4. Multi-use ~~paths~~/trails which tie into City trail systems shall ~~to~~ be a minimum of ~~12~~ ten feet in width ~~on a concrete surface or a ten foot concrete surface with two foot jogging path~~ and lighted with low level security lights. ~~The minimum width of an~~ Open space trails not interconnected to a larger trail system shall be a minimum of six ~~to be between eight to ten~~ feet in width and lighted with low level security lights.
5. Pedestrian amenities (such as benches, trash receptacles, bicycle racks, and pedestrian scale lighting) should be provided along trails every 800 feet, and in the vicinity of the tot lots, sport courts, and other active open spaces.
6. Active play areas are to be carefully designed and located to ensure safety and compatibility. Tot lots to be located central to the neighborhood or in each phase of a development if designed as a multi-phased project. Integrate other types of amenities ~~to be considered~~ to allow choices for all age groups.
7. Trees with wide canopies ~~shall~~ are to be planted in close proximity to pedestrian seating to provide cover from the sun.
8. Provide open space in areas that will create focal points and scenic views.
9. Locate decorative street lighting throughout the development in open space areas ~~that provides a theme and character for the area.~~
10. All open space areas to provide connectivity to each other by designing the areas to meander as a greenbelt.
11. Open space areas to be developed at a rate equal to or greater than the rate of construction of the residential area.
12. A maximum of 50% of the area identified as a golf course may be used towards open space~~. The overall area used for the golf course may not account for the total open space~~ in an effort to allow for other amenities within the project. ~~A maximum of 50% of the area identified as a golf course may be used towards open space.~~
13. Active open space areas must be above the 100 year ~~water line~~ flood elevation. Open space areas located below the 100 year ~~water line~~ flood elevation will not be considered active open space ~~since~~ as they may be unusable following periods of severe weather.

    - ~~A minimum of 15% open space to be provided in all subdivisions with lots greater than 6,000 s.f.~~.
    - ~~All open space and amenities to be increased in excess of 15% for all developments with lots less than 6,000 s.f. z-lots, patio home developments, town-homes, or cluster developments~~.

- ~~Utility corridors to be utilized as open space and improved in an effort to provide connecting trail systems or other passive open space activities.~~
- ~~View walls and wrought iron fencing are encouraged where appropriate to promote safety and views.~~
- ~~Consideration to the existing natural features such as rivers, washes, open spaces, creeks, etc. shall be incorporated in the design of the neighborhood.~~
- ~~Incorporate public art where appropriate into passive open space areas.~~
- ~~Alternative Wireless Communication structures should be designed to fit aesthetically within the neighborhood by utilizing specific design elements deemed appropriate by the Development Review Team and should not cause or obstruct views or recreational areas within the neighborhood or the open space area. Co-locations on existing structures should always be considered first prior to building new wireless structures within a neighborhood.~~

Mailbox Design

The mailbox design and location is integral to the neighborhood. ~~as it is a place that should foster neighborhood interaction, safety, and convenience.~~ Mailbox designs should be integrated within the development, in a well-lit area, near open space, and not opposite any entry drives to minimize congestion. ~~located near street lights and other pedestrian lighting locations, and~~ The design should reflect the same type of building materials as used throughout the neighborhood to the extent allowed by the United States Postal Service.

- ~~The location of the mailbox should not be located at the entrance to the development, but located around open space areas. If mailboxes are located at the perimeter of the development, then a kiosk is required for screening purposes.~~
- ~~Smaller groupings of mailboxes or single mailboxes are encouraged where appropriate with larger lot developments or depending on the type of development throughout the local streets.~~

Safety

Crime Prevention Through Environmental Design, or CPTED (pronounced sep-ted), is a crime prevention philosophy based on the theory that proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime~~, as well as an improvement in the quality of life. The first and foremost goal of the City of Avondale is to create safe neighborhoods for our residents through the design elements described in this manual.~~ It focuses on the positive use of a space and natural elements in order to maintain a sustainable quality of life for intended users, while offering a sense of security by increasing the difficulty for criminal or abnormal activities. The principles of CPTED- natural access control, natural surveillance, territoriality, and maintenance- when integrated with the principles of physical security, present a unique approach to minimizing crime opportunities. This may be accomplished through the design elements described in this manual.

- **Natural Surveillance**
  ~~We need to~~ Creating environments ~~where there is plenty of~~ that allow the opportunity for people to engage in their normal behavior and to observe the space around them limits the potential for crime to occur. This is done by designing the placement of physical features, activities, and people in such a way to maximize visibility and foster positive social interaction among legitimate users the space.~~visibility to allow natural surveillance to occur.~~
- **Natural Access Control**
  Most criminal intruders will try to find a way into an area where they will not be easily observed. Limiting access and increasing natural surveillance keeps them out altogether or marks them as an intruder. By strategically locating ~~selectively placing~~ entrances and exits, fencing, lighting, and landscaping~~e~~ in order to control ~~the~~ flow of or limit access ~~this~~ will, in turn, increase the level of natural access and control within a neighborhood.
- **Natural Territorial Reinforcement**
  An environment designed to clearly delineate private space does two things. First, it creates a sense of ownership. Owners have vested interest and are more likely to challenge intruders or report them to the police. Second, the sense of ownership within a community or space creates an environment where "strangers" or "intruders" stand out and are more easily identified. By using buildings, fences, pavement, signs, lighting, and landscaping~~e~~ to express ownership and define public, semi-public and private spaces, natural territorial reinforcement occurs.
- ~~**Construction of Walls**~~
  ~~Walls for security must be of substantial construction to resist vandalism and excessive deterioration, with materials and finishes as described in the Zoning Ordinance. Where such walls are not required for visual screening or noise control, the walls may have decorative wrought iron fence panels with vertical pickets that present an opening of four inches or less and are designed as an integral part of the wall. In some locations, such as between property lines and bike paths, golf courses, parks, and walkway, the use of the decorative wrought iron is encouraged to increase visual surveillance and maintain aesthetics.~~
- **Maintenance**
  CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others, and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties, lighting, landscaping, or open space areas can increase the level for criminal activity. Maintenance within a community and with each individual housing unit must be maintained at all times to include, paving surfaces, landscaping, walls, gates, entry features, light poles, play

equipment, pools and ponds, signs, paint, and other related items typically found within a neighborhood.

The best time to apply this philosophy is in the design phase before a building or neighborhood is constructed. ~~built. Therefore, the emphasis is on prevention rather than apprehension.~~ These elements can be successfully applied later, but retrofitting an existing environment can sometimes be costly. The use of CPTED standards will ~~reduce~~ deter crime and reduce fear by ~~reducing~~ minimizing criminal opportunity and fostering positive social interaction throughout a community. ~~By including CPTED principles in new construction, from the design stage, the city in partnership with the development community will make the built environment safer from the start, rather than waiting for crime problems to develop later.~~

~~The over goal of the City and the CPTED philosophy is to design and build safer, more productive and user-friendly neighborhoods, reducing costs and liability and ultimately, the improvement in the quality of life for Avondale residents.~~

~~There are four basic and overlapping principles in the CPTED concept that should be considered for each project:~~

The CPTED Theory advocates that all possibilities for natural crime prevention be exhausted prior to the involvement of the mechanical and organized strategies. The CPTED approach is much more user friendly and customer service oriented than the traditional target hardening approach. Each element below must be carefully analyzed when reviewing and designing projects and must be included and addressed with each neighborhood to ensure the safest neighborhoods for Avondale residents.

- Provide clear border definition of controlled space.
- Provide clearly marked transitional zones that indicate movement from public to semipublic to private space.
- Relocate gathering areas to locations with natural surveillance and access control or to locations away from the view of would-be offenders.
- Place safe activities in unsafe locations to promote natural surveillance of these activities to increase the perception of safety for normal users and risk for offenders.
- Re-designate the use of space to provide natural barriers to conflicting activities.
- Improve the scheduling of space to allow for effective use, ~~appropriate "critical intensity" and temporal definition of accepted behaviors~~, to attract more people, and to increase the perception that these areas are controlled.
- Redesign or revamp space to increase the perception or reality of natural surveillance.
- Overcome distance and isolation through improved communication and design efficiencies.

When considering walls for security, they must be of substantial construction to resist vandalism and excessive deterioration, with materials and finishes as described in the Zoning Ordinance. Where such walls are not required for visual screening or noise control, walls may have decorative wrought iron fence panels that present an opening of four inches or less and are designed as an integral part of the wall. In some locations, such as between property lines and bike paths, golf courses, parks, and walkways, the use of the decorative wrought iron is encouraged to increase visual surveillance and maintain aesthetics.

Architectural Design

The expectations in this Manual promote high-quality, architectural designs that enhance the character of Avondale. The architectural style and design theme of each residential development will establish a unique neighborhood identity and must pay special attention to roof type, symmetry, articulation, massing, window and door treatments, building materials, colors, trim, porches, and columns.

Defining and establishing the character and theme of a neighborhood is addressed through many design elements ~~and detailing of each house product~~ as described below. ~~Residential architecture should consider compatibility with surrounding context, including building style ,form, size, color, material, and roofline. Design elements shall include the following architectural details:~~

1. ~~Provide five~~ A minimum of three (3) distinct floor plans ~~and~~ with a minimum of ~~three to~~ four (4) distinct elevations and six (6) different color schemes for each designated neighborhood ~~or builder within a master planned development~~.
2. Developments proposing 100 lots or more tol provide additional elevations and floor plans at the City's discretion. ~~Developments with only one builder developing 100 lots or more should provide additional elevations and floor plans or include a product series for each neighborhood to complement a designated theme throughout the community~~.
3. Floor plans should be provided to accommodate family types of all kinds, including multi-generational products.
4. Neighborhoods south of Lower Buckeye Road should portray the southwest style and utilize forms materials as exemplified in Figure 38, as they may be applied to varying home sizes and footprints.
5. Articulate all facades, including variation in massing, roof forms, and wall planes, as well as surface articulation.
6. Utilize energy-efficient components and building materials in order to conserve energy and promote Avondale as a sustainable community.
7. Incorporate architectural elements and details that add visual interest, scale, and character. See *Architectural Elements and Details* below. ~~Provide treatment of windows, doors, covered front entries, porches or dramatic entry feature, and roof overhangs on all sides.~~
8. ~~Deep~~ insets or four-sided pop-outs ~~shall be provided~~ around windows an doors along with other architectural recesses and projections to present distinctiveness are required.

- ~~In master planned communities, with there may be several builders each builder should provide a distinct design theme compatible with the overall design and development of the community.~~
- ~~Decorative pilasters, molding, cornices, brick, stone, river rock, masonry or other façade and accent material to encourage curb appeal.~~
- ~~Arched, bay, projecting, transom, and clerestory windows are appropriate architectural details.~~

Sustainability

Energy-efficient and environmentally conscious homes have some basic elements in common: a well-constructed and tightly sealed thermal envelope; controlled ventilation; properly-sized, high-efficiency heating and cooling systems; and energy-efficient doors, windows, and appliances. These energy efficiencies should be incorporated into the design of new buildings:

1. Consider Energy Star measures such as a complete thermal enclosure system, a complete water management system, a complete heating, venting and cooling system, and efficient lighting and appliances when designing a home product.
2. Energy-efficient features, such as an electric solar system, solar tubes, tankless or solar water heaters, LED lighting, radiant barrier insulation systems, high-performance windows, dual flush toilets, and low-flow faucets and shower heads, should be provided or offered for all home plans.
3. Solar panels, while encouraged, shall:
   a. Be low profile and parallel with the plan of a pitched roof;
   b. Not project over the roof edge;
   c. Match the shape and portions of the panels with the shape and portions of the roof.

4. Use traditional environmental design strategies, such as roofs with large overhangs for shade, trellises or deciduous trees over south-facing windows, additional windows for natural light and oriented to take advantage of airflow, building orientation, and patios and porches to buffer homes from heat gain.
5. Conserve water with xeriscaping techniques in the landscape:
   a. Design with conservation in mind;
   b. Minimize turf areas;
   c. Group plants by their watering needs and utilize drip irrigation;
   d. Choose plants appropriate to the area;
   e. Plant in soil rich with compost;
   f. Allow plants to grow naturally and prune based on their growth habits.

Architectural Style

Avondale neighborhoods are envisioned to be quality environments that include usable open spaces, walkable streets, and detailed landscapes. To complement this image, architecture plays a key role. No one particular design character is predetermined for the entire City. However, it is creativity and variety that creates a sense of place that residents enjoy being a part of. Architectural design for home products will be reviewed to ensure that the smallest house has the same amount of effort, art, and detail as the largest house.

Five architectural "styles" have been identified by this manual:

- Spanish/Mediterranean
- Ranch
- Pueblo Revival
- Craftsman/Bungalow
- Southwestern

Although these "styles" vary and can have different interpretations, these design standards will assist in establishing an identity that will blend together to form a diverse community. Additional styles are welcomed to add to the diversity of Avondale.

Materials and Colors

1. Utilize high-quality, durable, natural materials rather than synthetic materials. Synthetic materials are acceptable if they are sustainable products. Wood is acceptable as a trim or accent only.
2. Materials shall not appear applied by using heavier materials as bases and ending materials on inside corners.
3. Utilize contrasting, but complimentary, colors for trim, windows, doors, and key architectural elements.

4. Roof materials and colors shall be consistent with the desired architectural style. The colors of natural roofing materials should be left natural and not be altered by staining or painting.
5. Provide a minimum of three (3) acceptable roof materials such as:

   - Clay tile
   - Slate or flat concrete tile
   - Barrel (S) tile
   - Flat concrete tile
   - Cool roof tile
6. The design, color, and materials of accessory structures shall be architecturally tied to the main structure.
7. Roof materials ~~should~~ are to exhibit earth-tone colors and be non-reflective in muted tones.
8. Metal flashing, vents, pipes, electrical panels and other exposed metal must be painted to match the color of the house.
9. Box all fireplace chimneys to avoid exposed metal flutes. Consider designing chimneys as an architectural element.

- ~~Use materials, color, and other architectural treatments to create visual interest, continuity, and an identifiable character that complement each otherwithout utilizing bright obtrusive colors such as brick, masonry, stucco, adobe, stone, wrought iron/steel.~~
- ~~Exterior shutters, windows balconies, and window grilles are required to be integrated where appropriate. Exterior shutters must be painted to withstand the sunlight and not create a fading weathered appearance over time.~~

Architectural Elements and Details ~~Porches, Patios, Courtyards and Entries~~

-

1. Each home shall utilize six or more of the following elements to enhance the home's character:
   - Recessed or projecting balconies
   - Trellises
   - Awnings
   - Porches
   - Columns
   - Decorative doors and windows
   - Exterior Moldings
   - Roof overhangs
   - Stucco
   - Masonry
   - Wood or metal accents
   - Decorative lighting
   - Ledges
   - Arched windows
   - Shutters
   - Other features as appropriate for a given architectural style, as displayed in Figure 50 above
2. Location of the front door or entryway of the home is required to be sited so it is clearly visible from public view to act as the home's focal point.
3. Articulate windows with elements that are authentic to the architectural style of the structure. Arched, bay, projecting, transom, and clerestory windows are desirable methods of articulation.
4. ~~The entry should be the focal point through the use of roof elements, columns, porticos, recesses or pop-outs or other architectural elements.~~ The primary entry and windows are to be the dominant elements of the front façade. Integrate front porches, courtyards, or other ~~dominant and dramatic~~ entry features ~~to~~ that create an attractive interface with semi-public front yard areas. ~~The door must be visible and prominent from the street and not behind a garage or living area.~~

5. Pillars, columns, and posts are to be architecturally enhanced with stucco, ~~and other architectural treatments such as~~ brick, ~~or~~ stone, or other authentic materials for visual interest.
6. Patio covers to be provided as a standard feature and be compatible with the architectural style of the home. ~~match the architecture of the house and the roof material.~~
7. Outdoor lighting at the entry areas are required as a standard feature, coach lights at garage(s) are encouraged as a standard feature to create a safe environment.
8. For lighting exceeding 1,000 lumens, select fixtures where the source is not visible.
9. .~~All~~ Lighting ~~should~~ to match the architecture of the home ~~house~~, and be fully shielded and directed downward to ~~not reflect~~ prevent light spill onto adjacent homes or streets.
   - ~~Narrow entry areas are not allowed in order to avoid potential safety hazards.~~

Massing and Building Façade

1. Massing shall accentuate entries and minimize garage prominence.
2. Break the main façade of the home into three to four distinct elements, at a minimum, the main building, a single story element, and the roof.
3. Massing, articulation, and proportion will have greater emphasis if the elements are differentiated by a change in detail, color, and/or material.
4. Surface detailing shall not serve as a substitute for well integrated and distinctive massing.
5. Corner lots shall feature either a) one-story homes or b) two-story homes that feature a one-story element adjacent to the side street.
6. Design two-story homes with a single story element placed closest to the front of the house. ~~This can be achieved by adding a front porch area or other architecturally enhanced living space.~~
7. Avoid long, unbroken facades are ~~prohibited~~
8. Design garage doors so they are complementary with the architectural style of the house ~~should be designed with architectural relief as shown and be placed interior to the site on corner lots when possible~~.
9. Gated entries on the side yards shall ~~to~~ be ~~treated and~~ designed with colors and materials compatible with the architecture of the home. ~~as such to create unique entries that are compatible with the architecture of the home.~~
   - ~~All elevations to have significant changes in architectural design to prevent the 'cookie-cutter' effect~~
   - ~~Garage placement on individual lots to be sensitive to the front window elevations directly across the street to reduce any line sight visibility directly into the garage across the street.~~

Roof Articulation

1. Various roof forms and changes in roof plane to be used on all structure elevations visible from a public street or pedestrian right-of-way.
2. Variation in ridgeline height and alignment should be utilized to create visual interest.
3. Gable roofs emphasize vertical proportions, create modulation, and are strongly encouraged, unless the architectural style suggests other roof variations for authenticity to the style.
   - ~~Rooflines to have variations in pitch and alternatives from parallel to perpendicular adjacent to the street.~~
   - ~~Articulation of wall planes and a variety of roof forms and heights is required to create uniqueness and diversity on each street.~~

EXHIBIT C

Ken Galica

From: Dan Streyle <dgstreyle@cox.net>
Sent: Sunday, February 17, 2013 5:04 PM
To: Stacey Bridge-Denzak
Subject: RE: Single Family Design Manual/ 1st Public Draft, City of Avondale

Stacey:

This document is very good. Thank you for sharing. I only have a few comments as follows:

- Unique Neighborhoods: In addition to narrower streets, consider traffic "calming" measures that help to make a neighborhood more pedestrian friendly.
- Site Design: The comment that "lot shapes to be simple and rectangular" may work against the goals of variety. Consider deleting this and letting the developer arrive at the primary objectives of variety. The need for efficiency can be achieved through detailing the dwelling unit per acre (du/ac) objective.
- Site Design: Somewhere in this section should be a discussion of creating pedestrian pathways that are different than vehicular. It is much, much easier to create neighborhood connectivity through pedestrian pathways as there is very little real estate required compared to paved roadways. For example, maybe there is one roadway access to a park, but three pedestrian access points.
- Site Design: Storm water retention areas should be placed to encourage maximum use. All too often these are located in "leftover" areas and are completely inaccessible to the neighborhood.

Thanks again.

Dan Streyle
11120 W. Citrus Grove

From: Stacey Bridge-Denzak [mailto:sbridgedenzak@avondale.org]
Sent: Tuesday, February 12, 2013 7:49 AM
To: shaine@livabilitylaw.com; dcj@tblaw.com; welally@rhkl-law.com; CarolynO@roselawgroup.com; bmaresca@roselawgroup.com; searl@ECLLAW.com; rtoris@ECLLAW.com; jonesb@hbaca.org; Myrairizarry@yahoo.com; cats01@cox.net; jherlyck@carlson.com; Matt@Evergreendev.com; dmount@insightland.com; bgiocomo@cox.net; alisa@sloanlyons.com; tblake@journey-land.com; rap1948@gmail.com; AValente@thedavisexperience.com; VMarshall@vjproperties.com; HMarshall@vjproperties.com; ted@b2bmarkets.com; casey@capitolconsultingaz.com; Roy.Taniguchi@luke.af.mil; consultantcommunityplanning@gmail.com; cgoar@azna.org; mbusch@myurbanedge.com; justin.lalley@cbsoutdoor.com; jweskalnies@admgroupinc.com; nsheriff@admgroupinc.com; david.madrid@arizonarepublic.com; ebull@bcattorneys.com; chabel@bcattorneys.com; jason@witheymorris.com; bpikora@terraformadg.com; dgstreyle@cox.net; kpwoudenberg@aol.com; tigdavmom@gmail.com; carolyno@roselawgroup.com; cdacosta@lvadesign.com; azmangotree@msn.com; ATrenk@roselawgroup.com; pfaith@faithlaw.com; mgreen@land.az.gov; j_torgeson@yahoo.com; rhorowitz@bcattorneys.com; Jim.Cunday@swgas.com; Rmartin@blackridgeREG.com
Cc: Tracy Stevens; Charles Andrews
Subject: Single Family Design Manual/ 1st Public Draft, City of Avondale

The City of Avondale invites you to review and comment on the *Single Family Residential Design Expectations*, an update to the existing *Single Family Residential Design Guidelines* document. The revised document is designed to emphasize visual character, environmentally conscious design, and pedestrian-friendly opportunities to establish a healthy, sustainable community. New to the document is the incorporation of new urbanism concepts, infill development standards, large lot criteria, sustainability principles, and an emphasis on architectural quality and elements.

The City is inviting residents to use *A Voice*, an interactive web based application for community feedback and discussion. We encourage our interested parties to follow the conversations, also. Visit www.avondale.org, and click on the *'A Voice'* button on the home screen to be engaged.

Please contact me if you have any questions or would like additional information at (623) 333-4015 or via email at sbridgedenzak@avondale.org. Staff would appreciate your feedback by February 25, 2013.

Thank you and we look forward to your participation in the process!

Stacey Bridge-Denzak

Planner I
Development Services Department
11465 W. Civic Center Drive #110
Avondale, AZ 85323
Phone: 623-333-4015
Fax: 623-333-0400
Email: sbridgedenzak@avondale.org

EXHIBIT D

Home Builders Association OF CENTRAL ARIZONA

ESTABLISHED 1951

February 21, 2013

SENT VIA EMAIL

Stacey Bridge-Denzak
Planner I
Development Services Department
11465 W Civic Center Drive #110
Avondale AZ 85323

Re: Proposed Changes to the City of Avondale's Residential Design Expectations

Dear Ms. Bridge-Denzak:

As you may be aware, the City of Avondale issued three single-family residential permits in 2012. One of the most frequent comments received was that the lack of permits is largely attributable the City's design expectations and impact fees. It is for this reason that the Home Builders Association of Central Arizona is very appreciative of the opportunity to review and comment on the proposed changes to the Residential Design Expectations. Enclosed, please find our specific comments regarding individual expectations. In addition to these specific comments, we also have three general concerns with the proposed document, which are outlined below.

VAGUENESS

Although this document seeks to provide design professionals with a "clear understanding of the City's 'expectations,'" the document rarely provides any specific direction as to what is required for approval of an application. Rather it is filled with items the design professional should "consider" and "take into account," not to mention those items that the City wants to "encourage."

A reasonable design professional should not have to evaluate the pictures of worthy homes to try to discern regulatory intent. Moreover, it should not be necessary to engage in multiple reviews to try to reach a common understanding of the expectations. To eliminate this concern, the expectations should be clearly defined using technical terms commonly understood in the industry and have clear words of interpretation (e.g., shall and should or may) indicating what is required and in what quantities.

WORK FORCE HOUSING

While it is clear that Avondale has high expectations for new residential construction, it is not clear whether these expectations account for the exclusion of low and moderate income working families from the ability to buy a home in Avondale. Many of the expectations, if mandated, would require significant increases in the cost of construction which would effectively exclude these families from being able to purchase a home in Avondale. A builder who chooses to accommodate the market should not find it impossible because of government's expectations.

7740 N. 16th St., Suite 385 Phoenix AZ 85020 602.274.6545 fax 602.328.2020 www.hbaca.org

EFFECT ON EXISTING PROJECTS

Primary among home builder concerns is whether or not these expectations will apply to projects already platted or in the process of being platted. Those homebuilders, still currently operating in Avondale, have already made financial and product decisions prior to final plat. Changing these expectations that in turn change plans can add considerable cost to a project that this market will not be able to support. Home builders, like any industry, need predictable rules to stay in business, and, therefore, request that any approved plats or those in the process of being approved not be subject to any updates to the City's residential design expectations.

On behalf of our home builders in Avondale, thank you again for the opportunity to review and comment on these proposed changes. The HBACA is looking forward to a meaningful and productive discussion of these issues and concerns contained in the attached pages.

Very truly yours,

Jackson D. Moll
Deputy Director of Municipal Affairs
Home Builders Association of Central Arizona

Enclosure

cc: Mayor Lopez Rogers and City Council via emailcitycouncil@avondale.org
Charlie McClendon, City Manager via cmcclendon@avondale.org

EXHIBIT E

City of Avondale

April 10, 2013

Mr. Jackson Moll, Deputy Director of Municipal Affairs
Home Builders Association of Central Arizona
7740 North 16th Street, Suite 385
Phoenix, Arizona 85020

RE: Proposed Changes to City of Avondale Single-Family Residential Design Manual

Dear Mr. Moll:

Thank you for reviewing the draft document and providing the City with your thoughts. Where you have asked for additional clarity, the document has been revised to provide builders with a clearer understanding of the City's expectations.

Upon review of your comments, it would appear that the vast majority of the HBACA's concerns relate to the added cost associated with the requirements in the document, and, specifically, how that added cost will limit the ability of builders to produce starter level housing in Avondale. To that point, I would agree with you. It is essential to note, however, that limiting the construction of "starter homes" is one of the primary goals of this update.

The city currently has an overwhelming percentage of starter homes. Virtually all of Avondale's housing stock caters to the same demographic. Therefore the provisions within the document were carefully tailored to ensure a variety of housing is offered. In the long term, a social and economically diverse Avondale will provide countless benefits to the community, including potential attraction of employment generating businesses that our current statistics may not support.

The opportunity for homebuyers to buy starter housing will always be there so long as the existing tract subdivisions built between 1990 and 2007 in the Northern and Central parts of the City remain. With a shrinking amount of developable land, however, now is the time that new residential development must offer products that appeal to a wider range of demographic groups.

In conclusion, the City's General Plan 2030 expresses the goals of the City, its' residents, and elected officials. The document was approved by over 80 percent of Avondale voters in October 2012. Amongst the many goals in the GP2030 that speak to this very point is 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 document is designed to do just that, as our residents have asked us to do.

Development Services & Engineering Department
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www.avondale.org/developmentservices

I have attempted to provide a response to each of the concerns you raised in your letter, comment by comment. Your comments are shown in red text. The City's responses are shown in blue text. Thank you again for your participation.

Sincerely,

Ken Galica
Planner II

Enc: Response to HBACA Comments
Revised Draft – Single Family Design Manual (4-9-13)

Cc: Tracy Stevens, Acting Director, Development Services and Engineering Department
Charlie McClendon, City Manager
Rogene Hill, Assistant City Manager
Development Review Team

Development Services & Engineering Department
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EXHIBIT F

HBACA COMMENTS - SINGLE FAMILY RESIDENTIAL DESIGN EXPECTATIONS
CITY OF AVONDALE, AZ

[Page 3]

INTRODUCTION

The Single Family Design Expectations Manual seeks to provide project designers, and residential property owners with a clear understanding of the City's "expectations" for residential development. These expectations will be used as criteria for approval during the City's design review.

Homebuilders design their products based on consumers' budgets and demands, not as preferred by the city. If a design is not warranted or attractive to consumers, the homebuilder carries the financial risk alone, regardless of the desires of city government, community or neighborhood groups, or affected merchants and business owners.

This paragraph indicates that the City is designing houses to benefit everyone except for those actually living in the homes. There should be a balance that can be reached between the expectations of the city and expectations of the consumer.

In order to achieve the City's goals of diversity and economic sustainability, housing that caters to an economically diverse population is essential. Almost all existing residential development in the City can be described as starter housing. As Avondale's inventory of developable land shrinks, the remaining tracts to be developed must provide products that are attractive to demographics other than the first time homebuyer. Attractive homes in livable subdivisions are attractive to consumers; the homebuilders will simply need to market products to whatever demographic the cost of development requires.

This document is designed to further to goals and policies in the Avondale General Plan to build a quality "Community of Choice." This includes emphasizing visual character, environmentally conscious design, and pedestrian-friendly opportunities to establish a healthy, sustainable community.

City regulations are most frequently influenced by current residents who have every incentive to impede new construction with overly burdensome and overly prescriptive regulations. This comes at the expense of those who have yet to purchase a home, and those who reside in surrounding communities whether individuals or businesses. One need only look at the number of permits pulled in Avondale last year to see that the design guidelines adopted by the city are not attractive to either homebuilders or consumers. The number of permits pulled in Avondale in 2012 is not related to design guidelines. All platted subdivisions ready for new construction were approved prior to the City's adoption of such guidelines and were not subject to any such requirements.

The Avondale General Plan stresses the desire for neighborhoods to become more sustainable by promoting walkable, livable communities that enhance a resident's quality of life.

As the development process is undoubtedly unique to each proposal, it is therefore not practical for this document to address every possible solution and criterion. The City encourages the creative and innovative use of current and emerging development and design practices.

PURPOSE

This Manual was prepared to promote and create a sense of community, livability and unique identity for the residents of Avondale. The points throughout provide a tool to assist the development community in achieving and constructing sustainable, residential neighborhoods. The intent is to provide clear direction, background and support to developers in achieving the City's expectations for single family residential development by:

The expectations that follow do not provide clear direction to home builders and rarely feature an interpretation word such as "shall" or "should." These vague standards are close to infringing upon the due process rights of applicants as they will undoubtedly lead to "I do not like this, bring me something else." Homebuilders, like other

applicants, are constitutionally entitled to precise standards and well-defined rules. Moreover, they prefer such standards as they allow homebuilders to plan according prior to making any significant investment.

Where a standard was vague, it has been revised. Unless a standard is written such that it is optional/recommended, it will be required.

- Providing a framework for residential developments that offer diverse housing products, floor plan choices and architectural styles that will not adversely affect the present or future development of the City.
- Eliminating the redundancy of new tract home developments with smaller narrow lots, uniform setbacks, garage dominance, and a limited range of exterior house elevations, building materials, and colors.

  This reference to "sameness" does not take into consideration that over time, neighborhoods evolve to represent their own unique character, something these guidelines seek to do artificially.

  Neighborhoods must be designed to have character and provide a live-able environment from the outset. Staff disagrees that residents must wait a period of time before their subdivision develops character.

- Providing key components such as materials used in constructing, finishing, or accenting any single family **[PAGE 4]** residence that will add value to the exterior finish and all elevations in order to create a viable streetscape and attractive neighborhood.
- Providing innovative street designs that create safe neighborhoods, and plentiful useable open space and amenities. Serving as an addition to the General Plan, Subdivision Regulations, Planned Area Development (PAD), Residential Zoning Districts, and the General Engineering Requirements Manual.

No reference is made to the goals of creating design guidelines that promote affordable housing for low and moderate income families, respond to consumer demands, or free up builders to build attractive products which will provide needed jobs. The City's existing housing stock, both in terms of single-family residential and multi-family residential, is amongst the most affordable in the-Valley. The focus of this document is to ensure new development provides for diversity from that existing housing stock. Additionally, construction jobs are temporary. The City seeks housing that will help to attract employers that would not currently locate in Avondale due to our homogeneity, a more permanent solution than temporary construction jobs.

INTENT

The intent of the Expectations Manual is to ensure that residential developments are architecturally diverse and appear to be neighborhoods that have evolved naturally over time. Quality design, variation in home sizes, floor plans, elevations, and lot sizes contribute to such diversity. The Manual addresses five primary issues:

1. Design challenges such as small and narrow lot tract homes, uniform setbacks, minimal range of housing choices, garage dominated streetscapes, dense building mass, and closeness to each neighbor.

2. Offering a range of lot sizes and housing products not currently in Avondale.

3. Locating smaller lot developments (lots less than 7,000 square feet) within proposed urban, infill or revitalization areas that are compatible with the Avondale General Plan 2030.

4. The need to develop larger/wider lots (greater than 75 feet), as prescribed by the General Plan and provide a special sense of place with open space that is bounded by the Estrella Mountains, Gila and Agua Fria Rivers, and other beautiful natural landscapes south of Lower Buckeye Road.

5. Community goals that meet the intent and target densities of the Avondale General Plan.

The understanding is that new subdivisions and housing products meet a high standard for new development predominantly within the southern boundaries of the City. Luxury residential communities in this area shall create a true destination that draws **[PAGE 5]** residents interested in an outdoor lifestyle and living amongst the tranquility of the Sonoran Desert.

To what extent is flexibility going to be offered? Flexibility from the standards in this document will be offered for new and creative projects that fill a housing need in the City.

Would a plan be denied for not meeting one of the city's aspirational expectations? Yes.

[PAGE 6]

UNIQUE NEIGHBORHOODS

New approaches to residential development are encouraged in order to contribute to community design objectives. This section discusses three: New Urbanism, Infill, and Large Lot developments.

New Urbanism

The key goal of this section is to incorporate neo-traditional neighborhood concepts into development and redevelopment by locating housing in areas where residents can walk to local retail/commercial areas, interact with their neighbors, and access transit.

In order to create compact, pedestrian-oriented, mixed use developments, incorporate the following principles into residential design:

1. Provide for a clearly defined neighborhood activity center, equipped with a transit stop, which will serve as the centralized meeting place. This is often a plaza, square, or town commons. Special attention is paid to protecting the public realm and creating quality public spaces, including sidewalks and paths, parks, streetscapes and public buildings. This helps create more community identity and cohesion, leading to stronger and healthier communities.

[PAGE 7]

2. Provide a gridded street network that allows for alternate routes to most destinations in the community. Utilize narrow streets and widened, tree-lined, detached sidewalks.

3. Develop walkable neighborhoods with a variation of housing types that have the least environmental impact and connect with ease to public housing.

4. Thoroughfares to be relatively narrow and shaded by rows of trees that slow traffic and create an appropriate environment for pedestrian and bicyclist.

How many rows of trees are needed? See street cross sections in document.

5. Street layouts that incorporate rear-loaded access to lots that front on open space. Visitor parking to be conveniently distributed throughout development.

HBACA recommends striking this concept as it is impractical, unwarranted with little or no consumer demand, very costly, and potentially unsafe as it can be considered an invitation for criminal activity.

Alleyways leading to rear-loaded access to lots are less attractive to homeowners because of perceptions of alleyways being dangerous, cluttered, and dirty. Moreover, many homeowners consider alleyways to be inconvenient, unsightly, and poorly maintained. Finally, alleys with access to rear garages dramatically reduce the size of the backyard, which is one of the most important factors to homebuyers because it is where most families gather and play.

A rear-loaded lot does not further the city's desire to create a sense of community as residents will enter and exit their cars in their garages away from neighbors and unavailable for interaction.

Rear loaded lots are simply one way in which concepts of new-urbanism and walkable communities can be implemented. The document does not require rear-loaded units if other design measures are taken, including provision of street traffic calming, widened, tree-lined sidewalks, etc. Furthermore, there are examples of successful rear-loaded developments throughout the country. Staff has been in contact with representatives from around the United States where developments of this type have excelled. Lastly, the product is designed to appeal to a different homebuyer than a traditional single-family home.

[PAGE 8]

Integrate the following:

- Design and orient lots to create dramatic entries, court yards, capture existing natural views, and front onto open space areas.

  Define "dramatic." Language revised, eliminating "dramatic". New language reads, "Design and orient lots to include visible and pronounced entries from the sidewalk, large (minimum 200 SF) porch areas, and/or court yards.

  Features such as dramatic entries and court yards are expensive and should be left to an individual consumer's own cost benefit analysis as they may eliminate the available of other features the consumer sees as more desirable. A huge amount of housing without these features already exists in Avondale (and even more is entitled) in the event a potential buyer decides the extras are not worth the increased cost.

- The distance to parks and trails should not be more than one-eighth of a mile.

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- Provide a mix of driveway designs and locations which favor a rear (behind the living area) location.

  HBACA recommends striking this concept as it is impractical, unwarranted with little or no consumer demand, very costly, and potentially unsafe as it can be considered an invitation for criminal activity.

  Alleyways leading to rear-loaded access to lots are less attractive to homeowners because of perceptions of alleyways being dangerous, cluttered, and dirty. Moreover, many homeowners consider alleyways to be inconvenient, unsightly, and poorly maintained. Finally, alleys with access to rear garages dramatically reduce the size of the backyard, which is one of the most important factors to homebuyers because it is where most families gather and play.

  A rear-loaded lot does not further the city's desire to create a sense of community as residents will enter and exit their cars in their garages away from neighbors and unavailable for interaction.

  Rear loaded lots are simply one way in which concepts of new-urbanism and walkable communities can be implemented. The document does not require rear-loaded units if other design measures are taken, including provision of street traffic calming, widened, tree-lined sidewalks, etc. Furthermore, there are examples of successful rear-loaded developments throughout the country. Staff has been in contact with representatives from around the United States where developments of this type have excelled. Lastly, the product is designed to appeal to a different homebuyer than a traditional single-family home. Not all homebuyers want a backyard.

- Incorporate large, front porches into the floor plan to create new urbanist neighborhoods that minimize conventional suburban development.

  By mandating these requirements such as a large (what is considered to be large?) front porches, the result will be a different type of "sameness" that the guidelines are trying to avoid. Language has been revised

to require pronounced entries from sidewalk, large porches (200 SF minimum) AND/OR courtyard areas to ensure that the City encourages aesthetic diversity.

- Integrate rotundas, court yards, covered areas, patios, porches and gathering places into the home design.

This is a very expensive request that will have a dramatic impact on the cost of new homes for a feature that consumers may not want to pay for.

These features should be offered as options on new homes. However, the decision to utilize one of these features should be made by the consumer based on an individualized cost-benefit analysis.

This provision has been consolidated with the porch provision above, allowing the homebuilder to decide how they want to ensure that front elevations of homes are adequate.

- Provide visually contrasting paving surfaces for all lots at driveway locating and courtyards.

This is a very expensive request that will have a dramatic impact on the cost of new homes for a feature that consumers may not want to pay for.

These features should be offered as options on new homes. However, the decision to utilize one of these features should be made by the consumer based on an individualized cost-benefit analysis.

The provision was revised to eliminate driveways but add porches, courtyards, and patio areas. A significant amount of housing without these features already exists in Avondale (and even more is entitled) in the event a potential buyer decides the extras are not worth the increased cost.

- Lot size and product to transition when backing up to larger lot developments that have lots 9,000 square feet or larger. Landscaping and open space can also be utilized to create an appropriate buffer between small and larger lot neighborhoods.
- Incorporate urban architecture into neighborhood planning.
- In order to create the framework for new urbanist neighborhoods, incorporate the following cross sections into street layouts. These sections are conceptual and require approval by the City Engineer.

Presumably the City Engineer has precise well-defined standards necessary for approval. The Engineering Department is ready to be as flexible as possible to meet the City's goals of achieving sustainability and walkability.

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Infill Development

One of the key elements that defines visual character of an individual dwelling and the neighborhood is how a home sits on a site. Infill development should be consistent with the existing context and scale of a neighborhood. An example of infill redevelopment:

The homes added to the "after" photo do not appear to match the character and scale of the existing neighborhood.

Common elements that contribute to the character of an individual home and the collective character of the neighborhood include how dwellings blend with the surrounding and natural environment, scale, architectural style, how dwellings are sited on their lots, the way the home is engaged with the street (porches, front doors, driveways, and garages), roof forms, building materials and colors and landscaping.

- Design new and remodeled dwellings to be consistent with the existing scale of the neighborhood. The dwelling should appear proportional and complementary to other dwellings in the neighborhood.
- Site and design new and remodeled structures in relationship to existing structures and take into account the impacts on the neighboring sites.

- Minimize mass bulk, and scale through the use of appropriate roof pitch and type, and window and door locations. Break up the mass in order to create interplay between various building elements.
- In neighborhoods that are transitioning from one style to another, structures that differ in size, bulk, scale, height, or architectural style from adjacent developments may be allowed if the transitional design is consistent with design goals for the larger neighborhood.

Large Lot Subdivisions

Large lot development includes subdivisions where the lots are larger than 8,000 square feet. This type of development has its own unique character with spacious yards and extensive landscaping to create a feeling of openness and low density. The following standards may be modified subject to approval by the City Engineer.

- Ribbon cuts in lieu of vertical curbs and gutters.

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- Reduced pavement widths for private streets based upon traffic considerations such as maneuverability of safety and service vehicles, speed, traffic generation, and parking restrictions.
- No sidewalks or detached sidewalks on one side of the street.
- Permeable surfaces for sidewalks that meet handicap and accessibility requirements.
- Modification of street lighting standards.
- Provide setbacks that are highly varied and relatively deep.
- In order to create the framework for estate lots in low density areas, incorporate the following cross sections into street layouts.

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- Any other subdivision feature that is not listed, but which meets the general intent for low density development, may be considered.

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SITE DESIGN

Site planning is one of the most important aspects of making a residential neighborhood a desirable place to live. A mix of densities and lot sizes creates diversity in housing products. Neighborhoods should be pedestrian scaled, have a streetscape encompassed with shade and pedestrian connections, and provide access to open space and neighborhoods service commercial uses.

Building placement enhances the quality of the streetscape. Therefore, neighborhoods development that provide variation in lot sizes and building placement avoid a repetitive and regimented appearance.

Is a mix of lot sizes required? Only numbered items are “standards”. The rest of the text is to provide the basis for the numbered standard. This provision is not numbered.

Are street trees required? Specific species? No Trees in general, yes, but not by this standard but rather by the landscape section.

If either is required, this should be clearly defined. Noted.

Lot and Layout Design

The variation of placement and orientation within new subdivisions is essential to achieve visual variety and avoid sameness as described below:

- Vary the orientation of a home to achieve visual diversity and avoid monotony.

- Recess front facing garages and provide side entry garages in order to break up the uniformity and to vary the street scene.

  What proportion of homes should have recessed front facing garages? Side entry garages? "And" changed to "Or" for clarity. If a developer chooses to use products with front facing garages, all garages must be recessed - meaning the porch or a non-garage feature must extend further to the sidewalk than the face of the garage. Side entry garages are a way to bring the garage closer to the street but avoid garage dominance – no proportion of either are required, however all lost must have EITHER recessed garages or side entry, assuming front access.

  How far should the front facing garages be recessed? Architect's discretion.

  The consequence of having a recessed front-facing garage will be to reduce the amount of livable square footage (of great importance to consumers) in an effort to maintain affordability. Garage placement does not need to have any impact whatsoever on livable square footage. A creative architect can design a floor plan with a recessed garage that provides as much or more livable square footage than a garage dominant home.

- Where the front-facing garage is placed "flush" with the home's front façade, a courtyard, porch, or other feature on the lot creates an aesthetically pleasing view from the street.
- When siting homes in the southern part of the City, highlight view corridors of the Estrella Mountains from streets, backyards, and neighborhood open space.
- No two identical floor plans to be placed on adjacent lots or directly across the street from each other.
- Vary lot widths where appropriate throughout a neighborhood to create diversity in street scene and product.
- Provide residents with privacy, both inside and outside their homes, by alternating the placement of windows, rear yard outdoor patio areas, and entrances on adjacent lots. Windows on adjacent properties shall not be located directly across from each other.

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- Maximize energy conservation by considering climatic factors such as prevailing winds, shade trees, window and door orientation, and the positioning of buildings on the site.

  Provides no metrics or specifics on what is required. To what extent is an applicant required to "consider" these factors. The document has been updated to clarify that this is recommended but not required.

- Avoid the placement of lots centered on "T" intersections and avoid driveways opposite a "T" intersection.
- Increase the width of corner lots an additional ten feet (from the standard set in the Zoning Ordinance) or provide a minimum ten-foot wide landscape tract.
- Design the neighborhood so that no more than eight lots are placed in a row backing onto an arterial or collector street before there is a change in the lot pattern or streetscape.
- Group wider side yards together on some adjoining lots to provide a separation of twenty feet or more between houses.
- Design lot shapes to be simple and rectangular without narrow lot frontages or irregular lots that create un-useable space. Avoid acute angles where rear lot lines and side lots meet. See diagram below.
- When designing back-to-back lots, side property lines to match up.
- All lots to be designed so that there is a logical location for all trash receptacles and a/c units out of sight to the public or neighbors and fully screened behind a fence or gate.

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Perimeter Walls

Perimeter walls impact the street character of a neighborhood as well as the community. Design the perimeter walls to create an attractive appearance to complement the style and character of the home, street layout, and

neighborhood, and in conjunction with the Avondale Zoning Ordinance regulations. The integration of landscaping is important to creating additional visual interest as well as softening the wall's appearance.

- Construct walls with natural materials, such as smooth stucco finish, brick, stone, or other approved masonry, and designed in a style, material and color to complement the home and neighborhood.

  Neither stucco nor brick are natural materials as in existing in or produced by nature. Noted and revised.

- Utilize non-transparent materials for walls that are required for screening purposes and incorporate standards to provide for wall inserts and/or decorative columns or pilasters to provide relief.
- Step walls on sloping terrain in order to follow the terrain.

  Define or illustrate stepping requirements on sloping terrain to avoid excessive vertical drops or "saw tooth" appearance. Architect's discretion; a "saw tooth" wall can still be attractive if designed properly.

  The illustration shown is too elaborate for a neighborhood scale feature. Illustration revised.

Entry Areas

Residential neighborhood entries shall incorporate dramatic features to set the overall design tone for the development and provide a sense of arrival into the community.

The use of shall indicates that as a mandatory requirement for approval all neighborhood entries must be "dramatic." Dramatic is not a term of art used within the industry nor is it defined in this section. Please clarify.

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Entry features should reflect the overall architectural identity and character of the development. A combination of the following features shall be incorporated into entry areas:

- Colored and textured paving
- Water harvesting feature
- Accent lighting
- Enhanced landscaping including large, specimen trees and landscaped medians
- Decorative metal work
- Stone wall features
- Architectural monuments

The use of the word "shall" indicates that all entries should incorporate all seven of these features. This is overly prescriptive, quite expensive, and elaborate to be included at all neighborhood entries. Moreover it makes it difficult to comply with the requirement that each entry feature "should reflect the overall architectural identity and character of the development." Revised to require a minimum of 3/7 of the listed features.

Street Layout

Plan street to efficiently connect all parts of the neighborhood together and simplify circulation patterns. All modes of transportation – vehicular, transit, bicycle, and pedestrian – need to be integrated into a circulation network.

To achieve an efficient street system incorporate the following design elements with each new development:

- Follow the hierarchy of street classifications.
- Connect new street to adjacent public streets to form a neighborhood network. A street circulation network shall provide access to all areas of the development and be continuous whenever possible. Dead-end streets are discouraged unless they connect to an overall pedestrian trail system.
- Focus streets and paths on important vistas such as mountains, trees, or open spaces.

- Local streets shall conform to the City's General Engineering Requirements Manual and, when feasible, shaded by rows of trees. These techniques slow traffic and create an environment suitable for pedestrians and bicycles.

  What are the factors to be considered when determining whether the shading of local streets by rows of trees is feasible? Provision removed.

  How many "rows" of trees will be considered sufficient? Per street cross sections; a single row of trees located on the correct side of the sidewalk will be sufficient.

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- Provide vehicular, bicycle, and pedestrian connections to adjacent residential and non-residential areas. Internal street and path layouts to connect to amenity features such as parks, community buildings, or open space.
- Cul-de-sacs are to terminate on lots with a minimum 20-foot wide landscape tract, or entrance to common open space areas.

  Is this requirement discouraging the use of cul-de-sacs or just dead-end streets? Document revised to also discourage use of dead end streets unless, like cul-du-sacs, they provide a direct connection to a trail system or open space area.

  The illustration on page 15 should follow this criteria. Removed.

- Avoid terminating cul-de-sacs at blank walls or narrow, un-useable remnants in the front yard.
- Use traffic calming measures, such as islands, traffic circles, neckdowns, or bulbed intersections, to slow vehicular speeds within the neighborhood.

  What is the length of a straight street before a traffic calming device is required? Will be determined by block length; At a minimum, traffic calming should be provided at all dedicated pedestrian crossings (e.g. trail crosssings).

  What determines if the intersection has a stop sign or traffic circles? Architect discretion.

  What are the standards for a local to local traffic circle or collector to local traffic circle? Engineering will be receptive to reviewing any proposed section that an architect/engineer provides for traffic circles in the event that a developer chooses to use them. Again, they are not required but rather one option.

- Arterial and collector grid systems to be maintained at the ½ mile, and mile spacing.
- Discontinuities and curvilinear roadways on arterial and collector corridors are prohibited.
- Prevent homes from fronting on arterial and collector streets.
- Incorporate a design theme for directional signage throughout the neighborhood.
- Provide detached sidewalks with a minimum eight foot landscape planting area. See City standard cross-sections in the City of Avondale Supplement to MAG.
- Incorporate residentially-scaled street lights, landscape medians, separated sidewalks with street trees and landscaping, and accent paving at neighborhood entries and crosswalks throughout the development subject to the General Engineering Requirements Manual.

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- Low density projects with 1/2 acre minimum lot sizes or greater that promote a rural and suburban environment may consider ground plane materials at sidewalks and trails that are contextual to the area and design theme of the development, and are subject to the City Engineer's approval.
- All gated communities are required to provide private streets. Design entry gates to be compatible with overall design intent of the development.

Is there are requirement that require private streets be built to the city's engineering standards in case future HOA wants to convert to public? Any street not built to the City's standards will not be eligible to be dedicated to the City – it will remain private in perpetuity.

Landscaping

- Landscaping to conform to the requirements in the Avondale Zoning Ordinance and be used to soften and embellish the quality of residential environments, provide shade along walkways and public spaces, accent entries, and provide visual interest throughout the community.
- Choose a landscape theme and plant palette that will create an identity and natural appearance for each neighborhood and is contextual to the area. Front yard landscapes should incorporate native plant materials that will accentuate the architectural style and region reflected in the overall design of the site.

Is "native" defined somewhere in the Avondale code? Is there a reference to what is considered native? Please define native. Native refers to plants native to the Sonoran Desert. There are numerous free publications and online sources which can provide you with this information if you so desire.

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- Utilize appropriate shade trees to reduce the urban heat island effect.

Do the shade trees need to be native? Yes. Some examples include the blue palo verde, natural mesquite, etc.

- Consider screening plants, such as hedges on side and rear property lines, to create privacy between neighbors and to screen living areas. Avoid high-screening plants at the front property line.

Seems to conflict with the second bullet point on page 19 as hedges are not native. Reference to hedges removed.

Define "consider." To what extent is an applicant required to consider screening plants for approval? Provision has been reworded; screening by plants in rear yards (or any rear yard landscaping for that matter) is only a recommendation; the City does not require rear yard landscaping.

- Provide landscaping that mitigates heat gain at southern and western exposures.
- Decorative tree grates and detached sidewalks with trees and landscaping are encouraged to be used when possible in walkway and public open space areas.

Who will be responsible for ownership, maintenance, and liability? If located within the ROW, the City will assume ownership and liability; the HOA or adjacent property owner (depending on development model) will be responsible for landscape maintenance, City will maintain sidewalk and grate.

If trees are planted, who repairs the sidewalk when the roots cause the sidewalk to break? If and when that occurs, the City

Who is liable if a lawsuit results from someone tripping over an uneven sidewalk, perhaps caused by tree roots? If and when that occurs, the City.

Who pays for repairs to the sidewalk? If and when that occurs, the City.

If sidewalk is to remain in the right of way, what type of offset is being required? A 3 foot offset will provide few landscape options other than decomposed granite and minimal plant options. 6'minimum offset to allow for full range of planting options.

- Where appropriate incorporate evergreen species into the landscape.

There are very few evergreen species native to the Sonoran Desert. There are at least 8-12 ~~that I know of, and I'm not a landscape architect.~~

- Backflow Prevention Devices to be screened and carefully placed throughout the development.
- All Conditions, Covenants and Restrictions (CCR's) for each neighborhood shall address landscape maintenance requirements for open spaces areas, entries, and individual's lots. A maintenance and replacement program shall be put in place to minimize turf areas, trees and shrubs from becoming a detriment to the neighborhood.

Storm Water Retention

Retention areas are to meander through the development as a connected, green space amenity, such as a greenbelt:

- Contour the sides and bottoms of the basins to create a natural looking appearance. Use varied slopes and curvilinear edges to create a more natural looking facility instead of a rectangular form and long stretches.
- Locate retention areas so they are visible, attractive, and accessible for recreational use. Provide ease of access for use.

  Use of terms such as "attractive" are highly subjective and consequently do not lead to consistent and predictable interpretations. "Attractive" removed.

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- All tracts and retention basis to be owned and maintained by the HOA.
- Maximize water permeability by reducing paved areas (hardscape), using of permeable materials, and preserving open space drainage ways when feasible.

Open Space and Amenities

Open space is considered the common area portion of a residential subdivision, located outside the required setbacks, where there are no buildings, driveways, or parking. Useable open space shall be considered any area on a site which is designed to be used for recreation or gathering purposes and viewed as an amenity to residents.

A multigenerational approach should be considered when designing open space to promote resident interaction and community choice. Opportunities to interact in groups and experience social and intermixing activities are desired amongst all ages.

- Provide a sufficient amount of open space and facilities to match the scale of the development
  - A minimum of 15% open space to be provided in all subdivisions with lots greater than 7,000 square feet.
  - All open space and amenities to be increased in excess of 15% for all developments with lots less than 7,000 square feet.

    To what extent are open space and amenities increased in developments with lots less than 7,000 square feet? Section removed from document; percentage of open space required will instead be included in Zoning Ordinance update.

- Useable open space includes tot lots, swimming pool areas or clubhouses, turfed play areas, private parks or dedicated park sites, multi-use paths, volleyball, basketball, and other sports courts, trail systems, equestrian and hiking trails, barbeque areas, or other similar amenities.
- Provide access to useable open space from each lot at a distance not to exceed 1/2 mile.

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- Integrate pocket parks throughout higher density neighborhoods that allow for every lot to be no more than 1/4 mile from the park. Pocket parks are:
  - Thoughtfully designed as part of the street and residential lot pattern, and are connected to the neighborhood by sidewalks or trails.
  - Generally one-quarter to one-half acre each; however, they can be any configuration that adds amenity and identity to the neighborhood.

- Located along a roadway for access.
- Designated to provide shade and an area for children to play.

- In the areas south of Lower Buckeye Road, equestrian and hiking trails to be integrated into all neighborhoods.
- Consider community gardens, especially gardens that grow food, as an open space amenity in order to support the idea of Avondale as a healthy and sustainable community in urban areas.

What constitutes a community garden? A community garden is defined by the General Plan 2030 as "A piece of land cultivated by members of a community in an urban residential area."

Who will be responsible for ownership, maintenance, and liability? A community garden would be an open space feature similar to a tot lot and be owned, typically, by an HOA and maintained by residents who use the garden.

Has there been any feedback from HOA's as to whether or not this is a project they would like to undertake? Yes, some HOAs have approached the City about the concept.

Who gets the yield from the community garden? This is left to the residents who work in the garden. It can be for their own consumption or potentially even sold to area businesses or at a community event.

If the HOA maintains the garden, this will result in higher dues to homeowners and increase the cost of ownership and reduce the desirability of owning in that community. Community gardens are, by their very nature, maintained by residents themselves, not the HOA's landscape company.

If this is a feature that a community wants there is nothing that will prevent its citizens from creating their own garden or petitioning the HOA to provide one for the community. Agreed, which is why it is only one of many options that a developer can use when programming open space.

There is great concern that the fruits and vegetables in a community garden will be ample ammunition for vandals in the development. More so than the DG and other landscape materials that are already frequently used in subdivisions? I do not believe this to be a significant concern.

- Utility corridors to be utilized as open space and improved in an effort to provide connecting trail systems or other passive open space amenities.
- The minimum width of an open space trail to be eight feet in width and lighted with low level security lights.

Eight feet is an excessive size for an open space trail. Revised to specify that open space trails not connected to the City's overall trail system can be 6'.

This guideline needs to be clarified. Trail width has two components: width of the trail base ("footbed") and width of the clear space on either side of the trail. Does this guideline refer to the size of the "footbed" or the clear space? Removed to avoid confusion.

Who will be responsible for ownership, maintenance, and liability of the trails? Unless part of a City trail system (e.g. Agua Fria River Trail), the HOA will. It is an amenity for residents in the community no different than a playground.

- Multi-use paths/trails to be minimum of ten feet in width with a two foot shoulder on each side.
- Pedestrian amenities (such as benches, trash receptacles, bicycle racks, and pedestrian scale lighting) should be provided along trails every 800 feet, and in the vicinity of the tot lots, sports courts, and other active open spaces.
- Active play areas are to be carefully designed and located to ensure safety and compatibility. Tot lots to be located central to the neighborhood or in each phase of a **[PAGE 23]** development if designed as a multi-phased project. Integrate other types of amenities to allow choices for all age groups.
- Trees with wide canopies to be planted in close proximity to pedestrian seating to provide cover from the sun.

- Provide open space in areas that will create focal points and scenic views.
- View walls and wrought iron fencing are encouraged where appropriate to promote safety and views.

View walls and wrought iron fencing will also provide visual access from the open space into a back yard. Homebuilder experience suggests people value privacy and this is a requirement consumers do not want. Provision revised and relocated to suburban development section to specify view walls are required where lots back onto open space. In those communities, there are substantial opportunities for homebuyers who value that privacy to purchase lots that do not back onto open space.

View walls and wrought iron fencing along open space allows visual access to the home and back yard reducing resident and family safety. Safety is enhanced by allowing residents to see what is occurring beyond the boundaries of their lot. Likewise, criminals are less likely to trespass if they see a resident is home.

There must be flexibility in this guideline. These features should be offered as options on new homes. However, the decision to utilize one of these features should be made by the consumer based on an individualized cost-benefit analysis. The provision is very specific as to where it is required – which will only be for a very small percentage of lots – which gives the homebuilder flexibility in and of itself.

- Locate decorative street lighting throughout the development in open space areas that provides a theme and character for the area.
- Consideration to the existing natural features such as rivers, washes, open spaces, creeks, etc. shall be incorporated in the design of the neighborhood.

"Consideration" is not an effective regulatory word. How much consideration is necessary for approval? Provision removed entirely.

- All open space areas to provide connectivity to each other by designing the areas to meander as a green belt.
- Open space areas to be developed at a rate equal to or greater than the rate of construction of the residential area.
- A maximum of 50% of the area identified as golf course may be used towards open space in an effort to allow for other amenities within the project.

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- Active open space areas must be above the 100 year flood elevation. Open space areas located below the 100 year flood elevation will not be considered active open space as they may be unusable following periods of severe weather.

Mailbox Design

The mailbox design and location is integral to the neighborhood. Mailbox designs should be integrated within the development, located near street lights and other pedestrian lighting locations, and should reflect the same type of building materials as used throughout the neighborhood.

- Locate community mailboxes around open space areas. If located at the perimeter of the development, provide a kiosk for screening purposes. Design kiosks to be compatible with the architectural style of the development.

These features can be very expensive to build and maintain. This will cause the price of new homes to increase, impeding the goal of providing affordable homes for working families.

A distinction should be made between starter communities and upper end communities.

No such distinction will be made as the City believes strongly that its inventory of starter communities is full.

- Locate community mailboxes so that they are not opposite any entry drives to minimize stopping and congregation of traffic.

The United States Post Office may dictate locations that contradict some of these requirements. Please incorporate language that references meeting the USPS requirements. Revised to specify "to the extent allowed by the USPS".

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Safety

Crime Prevention Through Environmental Design, or CPTED (pronounced sep-ted), is a crime prevention philosophy based on the theory that proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime. It focuses on the positive use of a space and natural elements in order to maintain a sustainable quality of life for intended users, while offering a sense of security by increasing the difficulty for criminal or abnormal activities. The principles of CPTED – natural access control, natural surveillance, territoriality, and maintenance – when integrated with the principles of physical security, present a unique approach to minimizing crime opportunities. This may be accomplished through the design elements described in this manual.

- Natural Surveillance Creating environments that allow the opportunity for people to engage in their normal behavior and to observe the space around them limits the potential for crime to occur. This is done by designing the placement of physical features, activities, and people in such a way to maximize visibility and foster positive social interaction among legitimate users the space.
- Natural Access Control Most criminal intruders will try to find a way into an area where they will not be easily observed. Limiting access and increasing natural surveillance keeps them out altogether or marks them as an intruder. By strategically locating entrances and exits, fencing, lighting, and landscaping in order to control flow of or limit access will, in turn, increase the level of natural access and control within a neighborhood.
- Natural Territorial Reinforcement An environment designed to clearly delineate private space does two things. First, it creates a sense of ownership. Owners have a vested interest and are more likely to challenge intruders or report them to the police. Second, there is a sense of ownership within a community or space creates an environment where "strangers" or "intruders" stand out and are more easily identified. By using building fences, pavement, signs, lighting, and landscaping to express ownership and define public, semi-public and private spaces, natural territorial reinforcement occurs.
- Maintenance CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, will lead to others, and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties, lighting, and landscaping, or open space areas can increase the level **[PAGE 26]** for criminal activity.

  Maintenance within a community and with each individual housing unit must be maintained at all times to include, paving surfaces, landscaping, walls, gates, entry features, light poles, play equipment, pools and ponds, signs, paint and other related items typically found within a neighborhood.

The best time to apply this philosophy is in the design phase before a building or neighborhood is constructed. These elements can be successfully applied later, but retrofitting an existing environment can sometimes be costly. The use of CPTED standards will deter crime and reduce fear by minimizing criminal opportunity and fostering positive social interaction throughout a community.

The CPTED Theory advocates that all possibilities for natural crime prevent be exhausted prior to the involvement of mechanical or organized structures. The CPTED approach is much more user friendly and customer service oriented than the traditional target hardening approach. Each element below must be carefully analyzed when reviewing and designing projects and must be included and addressed with each neighborhood to ensure the safest neighborhoods for Avondale residents.

- Provide clear border definition of controlled space.
- Provide clearly marked transitional zones that indicate movement from public to semipublic to private space.

- Relocate gathering areas to locations with natural surveillance and access control or to locations away from the views of would-be offenders.
- Place safe activities in unsafe locations to promote natural surveillance of these activities to increase the perception of safety for normal users and risk for offenders.
- Re-designate the use of space to provide natural barriers to conflicting activities.
- Improve the scheduling of space to allow for effective use, to attract more people, and to increase the perception that these areas are controlled.
- Redesign or revamp space to increase the perception or reality of natural surveillance.
- Overcome distance and isolation through improved communication and design efficiencies.

When considering walls for security, they must be of substantial construction to resist vandalism and excessive deterioration, with materials and finishes described in the Zoning Ordinance. Where such walls are not required for visual screening or noise control, walls may have decorative wrought iron fence panels that present an opening four inches or less and are designed as an integral part of the wall. In some locations, such as between property lines and bike paths, golf courses, parks and walkways, the use of decorative wrought iron is encouraged to increase visual surveillance and maintain aesthetics.

Architectural Design

The expectations in this Manual aim to promote high-quality, architectural designs that enhance the character of Avondale. The architectural style and design theme of each residential development will establish a unique neighborhood identity.

Neighborhood developments are to utilize architectural styles that complement each other. Defining and establishing the character and theme of a neighborhood is addressed through many design elements and detailing of each house product as described below.

- Provide a minimum of three (3) distinct floor plans with a minimum of four (4) distinct elevations and six (6) different color schemes for each designated neighborhood. Developments proposing 100 lots or more to provide additional elements and floor plans at the City's discretion.
- In master planned communities, provide a distinct design theme compatible with the overall design and development of the community for each neighborhood.
- Consider the following features/characteristics when creating the style for each housing product per development. Roof type, symmetry and shape, articulation, massing, windows and doors, building materials and colors, windows and doors, decorative trim, and porches, eaves and columns. Each of these characteristics will be carefully examined for design review purposes to be sure that they are consistent with the identified style for each product.

  How much consideration is required of an applicant before approval? Deleted.

  Who determines whether or not they are "consistent" with the identified style for each product? This is ambiguous and can lead to subjective enforcement of these "expectations" which are arbitrary and capricious. Section revised for clarity.

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- Neighborhoods south of Lower Buckeye road to relate to the natural environment of place and portray a unique sense of southwest style and authenticity.

  What is the "southwest style and authenticity?" This is ambiguous and can lead to subjective enforcement of these "expectations" which are arbitrary and capricious." Southwest style portrayed in Figure 39. Requirement references that picture as an example.

- Incorporate the articulation of all facades, including variation of massing, roof forms, and wall planes, as well as surface articulation.
- Floor plans and interior features of a home to be considered.

Floor plans and interior features of a home are considered by whom? Revised to read "Floor plans should be provided to accommodate family types of all kinds, including multi-generational products."

Other than enforcement of building codes, there is no legitimate government interest in regulating the floor plan or interior features of a home that is generally not used or visible by the community. The floor plan directly influences a community's health, safety, and welfare. Providing products for a wide range of potential residents enhances the City's ability to be sustainable in the future, thus speaking directly to Avondale's health and welfare specifically.

Determinations on floor plan and interior features must be left to the consumer based on an individualized cost-benefit analysis. Specific features, such as countertops, appliances, room dimensions, etc. will not be reviewed; type of home – for example provision of extended family quarters – will be.

- Utilize energy-efficient components and building materials in order to conserve energy and promote Avondale as a sustainable community.

Define energy-efficient components. Are you talking about appliances, mechanical equipment, building materials, or everything? This is left purposefully vague to allow the homebuilder flexibility to use materials which may be new, etc.

Each of these features are already regulated by the International Energy Conservation Code, International Residential Code, and the National Appliance Energy Conservation Act. Correct – this simply reiterates the City's commitment to environmental sustainability.

- Incorporate architectural elements and details that add visual interest, scale, and character. See Architectural Elements and Details below.

Sustainability

Energy-efficient and environmentally conscious homes have some basic elements in common: a well-constructed and tightly sealed thermal envelope; controlled ventilation; properly-sized, high-efficiency heating and cooling systems; and energy-efficient doors, windows, and appliances. These energy efficiencies should be incorporated into the design of new buildings.

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- Consider Energy Star measures such as a complete thermal enclosure system, a complete water management system, a complete heating, venting and cooling system, and efficient lighting and appliances when designing a home product.

How much consideration is required of an applicant for approval? The use of the word "consider" means the concept is optional – e.g., the City would like the builder to give it some thought.

Each of these features is already regulated by the International Energy Conservation Code, International Residential Code, and National Appliance Energy Conservation Act. Correct – this simply reiterates the City's commitment to environmental sustainability.

- Integrate energy-efficient features, such as an electric solar system, solar tubes, tankless or solar water heaters, LED lighting, radiant barrier insulation systems, high-performance windows, dual flush toilets, and low-flow faucets and shower heads, into home plans.

To what extent are these features mandated by the City? Please clarify. Revised to say they should be at a minimum offered to new homebuyers.

- Solar panels to be:
    - i. Low profile and parallel with the plan of a pitched roof;
    - ii. Not project over the roof edge;
    - iii. Match the shape and portions of the panels with the shape and portions of the roof.

- Use traditional environmental design strategies, such as roofs with large overhangs for shade, trellises or deciduous trees over south-facing windows, additional windows for natural light and oriented to take advantage of airflow, building orientation, and patios and porches to buffer homes from heat gain.
- Conserve water with xeriscaping techniques in the landscape:
  i. Design with conservation in mind;
  ii. Minimize turf areas;

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  iii. Group plants by their watering needs and utilize drip irrigation;
  iv. Choose plants appropriate to the area;
  v. Plant in soil rich with compost;
  vi. Allow plants to grow naturally and prune based on their growth habits.

  Most native plants thrive in native soils rather than using a lot of compost or other additions. This appears to conflict with the requirement to use native plant species. The City's former registered Landscape Architect is in disagreement with you on this point and we defer to her expertise on the matter.

  Refer back to previous sections; use of street trees, placement of trees adjacent to benches, etc. If you prune a tree that is truly native to the Sonoran Desert, it will grow to have a +/- 30' canopy that can be very intrusive to some of the uses being suggested in this document. Pruning is not the same as tree topping. Plants can be pruned with very minimal effects on the shade canopy of the tree.

- Minimize the urban heat island effect with cool roofing materials, shade trees, and cool paving materials.

Avondale neighborhoods are envisioned to be quality environments that include usable open spaces, walkable streets, and detailed landscapes. To complement this image, architecture plays a key role. No one particular design character is predetermined for the entire City. However, it is creativity and variety that creates a sense of place that residents enjoy being a part of. Architectural design for home products will be reviewed to ensure that the smallest house has the same amount of effort, art, and detail as the largest house.

There are four architectural "styles" that are encouraged in Avondale, including: Spanish/Mediterranean, Ranch, Pueblo Revival and Craftsman/Bungalow. Although these "styles" vary and can have different interpretations, these design standards will assist in establishing an identity that will blend together to form an artful community that is envisioned.

This section seems to be requiring through regulation a different type of sameness that the document purports to try to avoid. Limiting new homes to 4 styles limits options and diversity. Moreover, these vaguely defined styles can lead to a subjective interpretation enforced in an arbitrary and capricious manner. We agree and have opened the section up to virtually any style which a builder would like to propose.

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Materials and Colors

- Utilize high-quality, durable, natural materials rather than synthetic materials. Synthetic materials are acceptable if they are sustainable products.
- Use materials, color, and other architectural treatments to create visual interest, continuity, and an identifiable character that complement each other.

  Visual interest as defined by whom? Please define visual interest. Revised for better definition.

- Wood is acceptable as a trim or accent only. Materials should not appear applied by using heavier materials as bases and ending materials on inside corners.

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- Utilize contrasting, but complimentary colors for trim, windows, doors, and key architectural elements.
- Roof materials and colors shall be consistent with the desired architectural style. Provide a minimum of three (3) acceptable roof materials and three (3) different colors such as:
    - Clay tile
    - Slate tile
    - Barrel (S) tile
    - Flat concrete tile
    - Cool roof tile

  The color of natural roofing materials should be left natural and not be altered by staining or painting.

- The design, color, and materials of accessory structures shall be architecturally tied to the main structure.
- Roof materials to exhibit earth-tone colors and be non-reflective in muted tones.
- Metal flashing, vents, pipes, electrical panels and other exposed metal must be painted to match the color of the house.
- Box all fireplace chimneys to avoid exposed metal flutes. Consider designing chimneys as an architectural element.

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Architectural Elements and Details

- Elements and details of homes to be true to the chosen architectural style.
- Architectural elements that add visual interest, scale, and character include recessed or projecting balconies, trellises, awnings, and porches. Utilize these elements to enhance the character of a structure.

  To what extent are these features required? These features can add considerable cost to a home and should be available as options and utilized by a consumer based on an individualized cost-benefit analysis. Revised to specify at least 6/16 features must be used on each home. A significant amount of housing without these features already exists in Avondale (and even more is entitled) in the event a potential buyer decides the extras are not worth the increased cost.

- Locate the front door of the home so it is clearly visible from public view and provide a dramatic entrance and focal courtyard area.

  What is a "dramatic" entrance? Please define "dramatic" as this is not a term of art that is used nor defined in the document. Revised, removing "dramatic" for clarity.

  The more architectural elements will hinder the ability to see the front door from the public view. Revised to indicate the front door OR entry way (e.g. porch, etc.) is required to act as the home's focal point.

  If this is a mandatory requirement, it may not be possible where a courtyard is utilized with a gate. As per above, a courtyard would be the "entry way" and as such would meet the requirement.

  If this is a mandatory requirement, it may not be possible from the drive where a front facing garage is utilized. Not sure what you mean here.

  As long as the front entry way is visible, the front door should not have to be. Agreed, revised per your suggestion.

- Include porch columns, decorative door and window designs, exterior moldings, porch and balcony railings, roof overhangs, brackets, awnings, fascia boards, steps and stairs, stucco and masonry, wood accents, and lighting fixtures to each house design.

To what extent are these features required? These features can add considerable cost to a home and should be available as options and utilized by a consumer based on an individualized cost-benefit analysis. Revised to specify at least 6/16 features, adding more to choose from, must be used on each home. A significant amount of housing without these features already exists in Avondale (and even more is entitled) in the event a potential buyer decides the extras are not worth the increased cost.

This requirement could be interpreted to require all of these features on every home. Minimum 6/16, revised for clarity.

- Articulate windows with elements that are authentic to the architectural style of the structure. Arched, bay, projecting, transom, and clerestory windows are desirable methods of articulation.

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- The primary entry and windows are to be the dominant elements of the front façade. Integrate front porches, courtyards, or other entry features that create an attractive interface with semi-public front yard areas.
- Pillars, columns, and posts are to be architecturally enhanced with stucco, brick, stone, or other authentic materials for visual interest.
- Patio covers to be provided as a standard feature and be compatible with the architectural style of the home.

The use of a patio is likely to be located in the backyard. There is no legitimate government interest in mandating a feature in one's backyard that is generally not used or visible by the community. This guideline is overly prescriptive. The City has an interest in the health of its residents. Outdoor spaces in Arizona are unusable for 6 months if not shaded.

Consumers have different preferences for features in the backyard and may not want a covered patio to intrude into their private open space. The document does not specify the size of the covered patio. It is unlikely that a small covered patio will interfere with any plans of a resident.

The determination on the use of a covered backyard patio must be left to the consumer based on an individualized cost-benefit analysis. . A significant amount of housing without these features already exists in Avondale (and even more is entitled) in the event a potential buyer decides the extras are not worth the increased cost.

There must be flexibility in this guideline. The overall document provides flexibility – if a builder wishes to provide shaded open space in a different form than a covered patio, it will be approved so long as it doesn't conflict with other requirements..

- Outdoor lighting at the entry areas are required as a standard feature, coach lights at garage(s) are encouraged as a standard feature to create a safe environment.
- Design all lighting so that the source is not visible. Lighting to match the architecture of the home, and be fully shielded and directed downward to prevent light spill onto adjacent homes or streets.

Conflicts with the requirement immediately preceding regarding coach lights. Coach lights do not hide the source at all, nor do they direct light downward to prevent light spill. Will revise - the Zoning Ordinance clarifies that lighting for residential uses under 1000 lumens can be visible source, anything greater must be shielded/directed.

Lighting directed downward does little to create a safe environment. Managing safety versus nuisance is a very fine line. \

Massing and Building Façade

- Massing shall accentuate entries and minimize garage prominence. Break the main façade of the home into three to four distinct elements, at a minimum, the main building, a single story element, and the roof.

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- Massing, articulation, and proportion will have greater emphasis if the elements are differentiated by a change in detail, color, and/or material.
- Surface detailing shall not serve as a substitute for well integrated and distinctive massing.
- Corner lots to feature one (1)-story homes.
- Minimize the two-story home when possible for privacy.
- Design two-story homes with a single story element placed closest to the front of the house.
- Avoid long, unbroken facades.

This "expectation" should be clarified.

Long is not a quantifiable standard unit of measurement. The images and other provisions (e.g. break façade into 3 to 4 elements) in the document adequately illustrate and describe acceptable massing and variation.

Does this prohibition extend to the sides of homes where there is not typically any architectural treatment? Façade design requirements apply to elevations visible from the public right-of-way.

- No adjacent home or home across the street to have the same elevation.

Insert "DIRECTLY" between "home" and "across." Provision was repetitive with an earlier provision, deleted.

If property lines are offset across the street, the same plan and elevation should be allowed across the street. Plan yes, elevation no.

- All elevations to have significant changes in architectural design to prevent a sameness effect.

"Significant" is a subjective term that does not provide any guidance. Revised for clarity.

- Garage placement on individual lots to be sensitive to the front window elevations directly across the street to reduce any line of sight visibility directly into the garage across the street.
- Front yard facing garages to be setback a minimum of 5' behind the homes' main façade line or flush with a courtyard, porch, or other feature creating an aesthetically pleasing view from the street that minimizes the dominant appearance of the garage(s).

The consequence of having a recessed front-facing garage will be to reduce the amount of livable square footage in an effort to maintain affordability. Provision removed from this section, already discussed previously in these comments.

This "expectation" only limits the diversity of house footprints. It reduces garage dominance, which is not a footprint that adds anything to a community.

- Design garage doors so they are complementary with the architectural styles of the house.

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- Gated entries on the side yards to be treated and designed as such to create unique entries that are compatible with the architecture of the home.

"Unique" is a subjective term which does not provide any guidance.

The gated entry should be unique to what? Avondale? The development? The individual home? This seems to suggest that no two homes can have the same gated entry to a side yard, which is an unrealistic requirement. Revised for clarity, removed "unique".

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- Various roof forms and changes in roof plane to be used on all structure elevations visible from a public street or pedestrian right-of-way to create uniqueness and diversity on each street.
- Variation in the ridgeline height and alignment should be utilized to create visual interest.

Variation in ridgeline height are limited to a large degree by OSHA safety regulations and the nature of fall protection requirements that need to be provided based on the fall hazards present during construction. We will certainly abide by OSHA requirements in our review.

How much variation is required? Variation is a subjective term which does not provide any guidance. Left to the architect based on his/her expertise. Depending on the home style, the degree of variation may be vastly different.

- Gable roofs emphasize vertical proportions, create modulation, and are strongly encouraged, unless the architectural style suggests other roof variations for authenticity to the style.

Excerpt of the Minutes of the Planning Commission Work Session meeting held October 18, 2012 at 5:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Angela Cotera, Chairperson
Michael Demlong, Commissioner
Lisa Amos, Commissioner
Michael Long, Commissioner
Kevin Kugler, Commissioner

COMMISSIONERS EXCUSED
Sean Scibienski, Vice Chairperson
Grace Carrillo, Commissioner

CITY STAFF PRESENT
Tracy Stevens, Planning Manager
Stacey Bridge-Denzak, Planner I

APPLICATION NO. PL-12-0140 – Update to Single Family Residential Design Manual

APPLICANT: City of Avondale Development Services and Engineering Department

Stacey Bridge-Denzak, Planner I, presented information on the update to the Single Family Residential Design Manual. The last update occurred in February of 2008. This revision addresses the goals and strategies of the Avondale General Plan 2030, which was ratified by the voters on August 28, 2012. The Manual's update will affect all residential development in the City, both new and infill development. It emphasizes innovation and creativity by incorporating social and technological changes that have occurred with the goal of making Avondale a quality community of choice. It will keep Avondale competitive and current.

Ms. Bridge-Denzak explained that the Manual promotes sustainable neighborhoods and livability by reinforcing the desire for quality design and diverse products while emphasizing energy efficiency. The Update incorporates the ideals of New Urbanism, which is to encourage neighborhood walkability and connectedness, to emphasize home variety, and to promote the importance of the public realm. The revised document will also addresses some routine housekeeping issues.

Ms. Bridge-Denzak stated that staff's goal is to move forward with an adopted document in April 2013. City Council will hold a work session in December to discuss the Update. There will also be a neighborhood meeting and a Planning Commission hearing before City Council adopts the changes. The existing design manual has been made available online. She welcomed feedback from the Planning Commission on the topic.

Commissioner Amos said some neighborhoods should have landscaped strips between the sidewalks and the streets. The density of landscaping in parts of Goodyear is attractive and creates a pleasant atmosphere. Ms. Bridge-Denzak agreed, and said such standards encourage walking because the trees provide shade.

Commissioner Demlong expressed concern about the lack of diversity within some developments in terms of aesthetics and housing options. Homes frequently all look the same. Their architectural features should be differentiated in some way. It is important that developments also provide diverse housing types and prices in order to keep neighborhoods alive. He agreed with Commissioner Amos on the importance of good landscaping requirements.

Commissioner Kugler inquired about the process of updating the design manual. Ms. Bridge-Denzak explained that the process of updating the manual is just getting started. One of the initial steps is getting feedback from the Planning Commission on what could be done better. Once input is received from the City Council and the neighborhood public meeting, the Planning Commission will review the draft document and make a recommendation.

Commissioner Kugler said if new standards are to be well received, it will be important to collaborate with other entities in the community. Ms. Bridge-Denzak responded that the Engineering Division will review the document in the initial stages. Tracy Stevens, Planning Manager, added that typically whenever a document is updated, staff first works internally, before turning to outside agencies for their input. Interested parties are also included and typically include land use attorneys and homeowners associations, and staff also meets with the Homebuilder's Association.

Chair Cotera said she has probably seen every neighborhood in Avondale during her canvassing efforts. The worst designs are homes with garages that cover most of the front, and doorways that can only be reached via narrow corridors that are not visible from the street. She felt screen doors that prevent someone from seeing inside when the main door is open presents a safety hazard. The best designs were in those areas where every home has distinct character, and where the garages were recessed, or were accessible only from the rear. Each block should feature great diversity, not just diversity within developments. Greater architectural diversity should be encouraged in general, beyond just the Spanish-themed stucco style that has become the norm. Front yards consisting only of rocks and cacti are very unfriendly. One neighborhood had smaller homes and narrower streets and felt more like an old eastern neighborhood with a lot of character. Neighborhoods with a lot of open space and character had fewer foreclosures during the economic downturn, because their owners keep maintenance standards up. Gated communities bring up property values.

Commissioner Amos said the City is able to impose landscaping standards when new homes are built, but inquired what the City could do decades later when the vegetation has died. She felt the residential design standards should allow for a greater variety of paint schemes. Townhomes are appealing to some buyers and more should be available in Avondale. Subdivisions surrounded by miles of identical block walls are very unappealing, and the standards should require greater diversity of materials in each wall, for example, encourage design elements that break up the visual impact.

Ms. Bridge-Denzak explained that the Zoning Ordinance says that if trees are removed in public areas of developments, they have to be replaced. If the City receives a complaint about deteriorating standards in an area, the City will investigate to see how the situation could be improved. Land use changes in the General Plan 2030 now make townhouses more viable in Avondale. The City requires subdivision walls use three materials, but more could be done to visually break up the expanse of the wall.

Commissioner Long said that just because Avondale is in a desert does not mean that all houses have to look like a desert. Ms. Bridge-Denzak agreed that people want more color in the City.

Commissioner Kugler applauded the effort to promote sustainable designs, which often can be done easily and inexpensively. Storm water swales and infiltration grids can be highly effective and go a long way to imprinting sustainability on a community. Rear access garages are great, but he cautioned that these types of alleys could be constraining unless adequate provisions are made for utilities and sanitation. Mid-block pedestrian connections and shorter block lengths are visually appealing and slow down traffic.

Chair Cotera felt that houses should have sufficient parking for their intended occupancy and should be in harmony with how people actually live their lives. In order to accommodate on-street parking, roads cannot be too narrow. She stated that it is a myth that well-lit subdivisions are safer, noting that nicer parts of the City have less lighting. She advocated for shorter, well-concealed lights that do not shine into bedroom windows. Lights should also turn off after a certain hour, especially in gated communities.

Chair Cotera said the City should avoid "cookie-cutter" communities that are designed for a quick turnaround, but which rapidly become dated. Well-designed neighborhoods should be as desirable to live in 30 years from now as they are today. Having a variety of house styles that evoke other parts of the country would help attract newcomers to Avondale.

Commissioner Amos said that if any neighborhood has three or more retention areas, one of them should be covered by a basketball court or park. Each community should have three different, but complementary, architectural styles. She agreed with Chair Cotera that houses should be built with sufficient on-street parking.

Chair Cotera pointed to Estrella Mountain Ranch, Verrado, and Marley Park as examples of well-designed communities. The townhome community south of the Wigwam golf course should serve as a model for this type of neighborhood. Quiet neighborhoods are very attractive, and less likely to become transitory communities. Poorly designed neighborhoods experienced the worst foreclosure rates and have seen the slowest recovery. Avondale has enough of the stucco Spanish-themed styles, and the City should be encouraging more innovative designs. Ms. Bridge-Denzak said these trends are occurring Valley-wide, and people are responding well to them.

Commissioner Demlong asked if the design manual was optional for homebuilders. Ms. Bridge-Denzak confirmed that it currently serves as a set of guidelines, but the language could be changed to provide more enforceability. Commissioner Demlong said that unless the document is more enforceable, the effort would be a waste of time. He advocated for more pocket parks, as they reduce strain on big parks and reduce City maintenance costs. They are also more convenient for the communities they serve. Neighborhoods need public art, which can simply take the form of well-designed streetlights, the color of concrete, or sculptures.

City Council Work Session Meeting – Excerpt of Meeting Minutes
December 17, 2012

2) SINGLE FAMILY DESIGN MANUAL

Information related to the proposed staff-initiated update to the Single Family Residential Design Manual and provide input regarding how the Manual can achieve the City's goals and objectives related to creating a "quality community of choice."

Mr. McClendon said staff is in the process of updating the Single Family Design Manual for new home development. Stacy Bridge-Denzak, Planner, said that with the recent ratification of General Plan 2030, the timing is right to revisit the City's development-related documents to address goals and strategies outlined in that plan. It is important that Avondale remain innovative and creative, and keep up with new development in technology, sustainability, and social interaction. Avondale wants to be well-positioned for the economic recovery. It is also important to maintain a high level of quality when it comes to architecture and design.

Ms. Bridge-Denzak explained that the manual is organized into four sections. The Introduction should clearly state the City's intent, and expectations from the development community. The Site Design section should ensure that all elements are on track with the City's ideas and visions. Sections on infill, new urbanism, and large lot sizes would also be added. The Safety Section covers crime prevention through environmental design. The Architectural Design section explains standards in terms of product, addresses sustainability, and covers diversity for single family developments.

Ms. Bridge-Denzak said the document would promote sustainability and livability, with the goal of creating strong, resilient neighborhoods. It would build upon the vision of being a "quality community of choice" by reassessing common design elements such as front-facing garages. The updated standards should reinforce the desire for quality design and diverse products, especially housing features and lot sizes that are not currently available in Avondale. The manual would incorporate sustainable practices into neighborhoods and housing designs. New Urbanism ideas such as connectedness, and features that enhance neighborhood interaction, emphasize the importance of the public realm. Regarding infill, the goal is to maintain cohesiveness in neighborhoods. Urban Agriculture ideas could possibly be introduced into single family neighborhoods. A final purpose of the update would be to ensure that general information does not conflict with current regulations.

Ms. Bridge-Denzak reported that the Planning Commission provided feedback on the update at their October 18 work session. A draft will be submitted to interested community parties. After the Planning Commission holds a public hearing on the final draft, City Council will review the update on April 22, 2013. She invited Council Member feedback.

Council Member McDonald said housing diversity is very important. There is little sense in building more of what Avondale already has enough of. People want more options. He referred to a neighborhood in Buckeye that has narrow streets, small front yards, porches in front, and pocket parks in the middle of the street. Under this design, youngsters can play in a park right outside their homes, in view of their

parents and of many other homes. Garages are contained to the back alley. The result is a nice hometown feel, which is something Avondale should offer for people who want to feel more connected to their neighborhood. The standards should also allow for larger lots that can accommodate a woodshop or larger animals in the back.

Council Member Scott agreed, and said he likes neighborhoods where group mailboxes are close to the pocket parks. The time is right to pick the best amenities from existing neighborhoods and combine them into newer ones. Diverse building materials would counter the overabundance of stucco in the community. Garage doors tend to dominate houses. Landscaping should be water wise. Street widths should be diverse and depend on the character of the neighborhood. He is not against gated communities. He opposes adding any language that would restrict flexibility in decision making for this or future City Councils.

Council Member Vierhout agreed that the policy should not be rigid, because new ideas could emerge over time and the manual should be flexible enough to accommodate them. He inquired whether the standards would address safety doors, since he felt those should remain personal choices. He requested input from the Police Department. Ms. Bridge-Denzak said the subject was raised by Chair Cotera of the Planning Commission as a personal response, but staff intends to explore that issue further. Council Member Vierhout noted that lawns of rocks and cacti might be perceived as unwelcoming, but they are also water wise.

Council Member Buster inquired about lot sizes. Ms. Bridge-Denzak explained that the manual describes requirements related to certain lot sizes, such as setbacks, and building positions on the lot itself. It does not address what size lots should go where; those issues are best handled through zoning.

Vice Mayor Karlin said the Planning Commission did a thorough job. She felt the manual should encourage more townhomes, patio homes, and smaller single level homes that are easier for older people to maintain. Architectural standards are a challenge because a wide variety of building materials are available. The most impressive neighborhoods, such as Marley Park, Estrella Mountain, and Verrado, are effective because they have committees that address design elements. Avondale should encourage developers to listen to what the City wants, not simply propose what they think the City wants, as is so often the case.

Council Member Vierhout said he is not a fan of gated communities. They divide the community and destroy connectedness. Many very nice neighborhoods around the Valley remain ungated, and he expressed doubts that gates increase home values.

Mayor Lopez Rogers agreed that she would prefer not to have gated communities, but if they are built, they should contain open space and parks. She supports multi-use parks, and diverse housing options within neighborhoods that appeal to people from different generations. Porches and walkable tree-lined streets promote community. It is important to minimize car garages. She questioned how infill development would apply to areas that lack HOAs, and how developments would match up with adjacent uses. Ms. Bridge-Denzak said Historic Avondale has its

own guidelines regarding infill. The goal of the infill standards would be to prevent something being built that would look out of character.

EXHIBIT I

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April 10, 2013

SENT VIA EMAIL ONLY
kgalica@avondale.org

Ken Galica
Development Services Department
City of Avondale
11465 W. Civic Center Drive, Suite 110
Avondale, Arizona 85323

Re: Single Family Design Guidelines

Dear Ken:

As we have discussed, our office represents Avondale Dairy Holdings, LLC ("Avondale Dairy"), for property within the Diamond P Planned Area Development, also known as Maricopa County Assessor's Parcel Numbers 500-66-001D, 500-66-002A, 500-66-009E and 500-66-009F (collectively, "the Property"). On behalf of Avondale Dairy, we would like to thank you for considering our comments on the Single Family Design Guidelines. We are in support of the draft, as amended on April 9, 2013.

Sincerely,

Carolyn K. Oberholtzer

Excerpt of the Minutes of the regular Planning Commission meeting held April 18, 2013 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Sean Scibienski, Chair
Michael Demlong, Vice Chair
Michael Long, Commissioner
Kevin Kugler, Commissioner

COMMISSIONERS EXCUSED
Grace Carrillo, Commissioner
Angela Cotera, Commissioner
Lisa Amos, Commissioner

CITY STAFF PRESENT
Tracy Stevens, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Planner II
Linda Herring, Development Services Representative

APPLICATION NO. PL-12-0140

APPLICANT: City of Avondale Development and Engineering Services Dept.

REQUEST: This is a public hearing before the Planning Commission to review and solicit public input on application PL-12-0140, a City initiative to update the Single Family Residential Design Manual. The Design Manual establishes criteria for the development of new residential subdivisions in Avondale. The primary purpose of the update is to ensure the document reflects the goals of the Avondale General Plan 2030.

Ken Galica, Planner II, presented the updated Single-Family Residential Design Manual, which was first adopted by City Council in 2008, and affects residential development citywide. The purpose of the update is to reflect the goals of the General Plan 2030, enhance the variety of housing available in Avondale, to diversify recreational opportunities in residential areas, and to ensure quality in subdivision and home design.

Mr. Galica reviewed the various sections of the Manual. The Introduction, which establishes key issues, was updated to communicate the City's new emphasis on creating a sustainable, walkable, bikeable community. Section II, called Unique Neighborhoods, establishes requirements for neighborhood design based upon General Plan land use designations. It addresses New Urbanism, Suburban Development, Estate Subdivisions, and Infill development.

Mr. Galica said Section III on Site Design applies to all residential development. It covers lot and layout design, perimeter treatments, street layouts, landscaping and open space. Section IV, Safety, is based entirely on CPTED principles. Section V is about Architectural Design as applicable to new residential construction. It emphasizes sustainability, materials/colors, architectural elements, massing, roof articulation, and themes and styles.

Mr. Galica said staff recommends approval of the application. The public outreach effort was extensive, and involved stakeholders including the Homebuilders Association, developers of residential properties, such as Diamond P Ranch.

Vice Chair Demlong said staff has done what the community, City Council and the Planning Commission has asked. The manual will bring sustainability, diversity and aesthetically pleasing structures to the community.

Chair Scibienski invited public comments.

Jackson Moll, Deputy Director, Home Builders Association of Central Arizona, 7740 N 16th Street, Ste 385, Phoenix, AZ, 85020, phone 602.274.6545. Mr. Moll expressed appreciation for the City's outreach effort, and for addressing builders' concerns. He felt that design guidelines directly infringe upon developers' ability to provide products that consumers want at a cost they can afford. They discard the resources that homebuilders spend on surveys and focus groups. Guidelines frequently contain suggestions that require applicants to guess at their meaning. While the requirements may be desirable, he felt that consumers ultimately should decide whether to incorporate those features into their homes. Builders are opposed to documents like the manual.

Mr. Galica noted that Avondale lacked residential design standards for years. While the housing that builders provided certainly filled a need, as the City runs out of developable land, the community has indicated a willingness to wait for the market to develop the housing described in the manual. Avondale strives to create a sustainable community, not only environmentally, but in terms of attracting a diverse range of demographics and local employment.

Vice Chair Demlong said staff is doing exactly what the residents have asked for through the General Plan and various public outreach efforts. Chair Scibienski said he understands the builders' position, but Avondale must make wise use of its limited resources. The community has spoken clearly on the subject.

Chair Scibienski closed the public hearing.

Commissioner Long **MOVED** that the Planning Commission recommend approval of application PL-12-0140, a resolution adopting the amended Single-Family Residential Design Manual. Commissioner Demlong **SECONDED**.

ROLL CALL VOTE

Sean Scibienski, Chair	Aye
Michael Demlong, Vice Chair	Aye
Lisa Amos, Commissioner	Excused
Grace Carrillo, Commissioner	Excused
Michael Long, Commissioner	Aye
Angela Cotera, Commissioner	Excused
Kevin Kugler, Commissioner	Aye

The motion carried unanimously.

RESOLUTION NO. 3108-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING THE SINGLE FAMILY DESIGN MANUAL.

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

SECTION 1. The Single Family Design Manual, Amended and Restated May 20, 2013, is hereby adopted in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3108-513

[Single Family Design Manual, Amended and Restated May 20, 2013]

See following pages.

SINGLE FAMILY DESIGN MANUAL

AMENDED AND RESTATED

MAY 20, 2013

City Council

Mayor Marie Lopez Rogers
Vice Mayor Frank Scott
Councilmember Jim Buster
Councilmember Stephanie Karlin
Councilmember Jim McDonald
Councilmember Charles Vierhout
Councilmember Ken Weise

Planning Commission

Chairman Angela Cotera
Vice-Chair Sean Scibienski
Commissioner Lisa Amos
Commissioner Grace Carrillo
Commissioner Michael Demlong
Commissioner Kevin Kugler
Commissioner Michael Long

Development and Engineering Services Department

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www.avondale.org/developmentservices

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Introduction

The Single Family Residential Design Manual seeks to provide project designers, developers, and residential property owners with the City's expectations for residential development. Compliance with the requirements and recommendations herein will be used as a criterion of approval during the City's design review.

This document is designed to further the goals and policies in the Avondale General Plan to build a quality "Community of Choice." This includes emphasizing visual character, environmentally conscious design, and pedestrian-friendly opportunities to establish a healthy, sustainable community.

The Avondale General Plan stresses the desire for neighborhoods to become more sustainable by promoting walkable, livable communities that enhance a resident's quality of life.

As the development process is undoubtedly unique to each proposal, it is therefore not practical for this document to address every possible solution and criterion. The City encourages the creative and innovative use of current and emerging development practices, and seeks to strike a balance between the needs of the homebuilding industry and the consumer. Flexibility and variance from the standards contained within this document will only be offered for new and creative projects that fill a housing need for the City.

Purpose

This Manual was prepared to promote and create a sense of community, livability, and unique identity for the residents of Avondale. The points throughout provide a tool to assist the development community in achieving and constructing sustainable, residential neighborhoods. The intent is to provide developers with a set of specific requirements and options that will achieve the City's expectations for single family residential development by:

- Providing a framework for residential developments that offer diverse housing products, floor plans, and architectural styles that will not adversely affect the present or future development of the City.
- Eliminating the redundancy of new tract home developments of smaller, narrow lots, uniform setbacks, garage dominance, and a limited range of exterior house elevations, building materials, and colors.

Figure 1: Varied streetscape.

- Providing key components, such as materials used in constructing, finishing, or accenting any single family residence, that will add value to the exterior finish and create a viable streetscape and attractive neighborhood.
- Providing innovative street designs that create safe, walkable neighborhoods, and plentiful useable open space and amenities.
- Serving as an addition to the General Plan, Subdivision Regulations, Planned Area Development (PAD), Residential Zoning Districts, and the General Engineering Requirements Manual.

Intent

The intent of this Manual is to ensure that residential developments are architecturally diverse and appear to be neighborhoods that have evolved naturally over time. Quality design, variation in home sizes, floor plans, elevations, and lot sizes contribute to such diversity. The Manual addresses four primary issues:

1. Design challenges such as small and narrow lot tract homes, uniform setbacks, minimal range of housing choices, and garage dominated streets.

2. Offering a range of lot sizes and housing products not currently in Avondale.

3. Locating smaller lot developments within proposed urban, infill, or revitalization areas that are compatible with the Avondale General Plan 2030.

4. The need to develop larger/wider lots, as prescribed in the General Plan and provide a special sense of place with open space that is bounded by the Estrella Mountains, Gila and Agua Fria Rivers, and other beautiful natural landscapes in areas designated for Estate/Low Density Residential and Rural Low Density Residential development.

The understanding is that new subdivisions and housing products meet a high standard for new development predominantly within the southern boundaries of the City. Luxury residential communities in this area shall create a true destination that draws residents interested in an outdoor lifestyle and living amongst the tranquility of the Sonoran Desert.

Figure 2: Homes front on common open space

Unique Neighborhoods

New approaches to residential development are essential in order to contribute to community design objectives. This section discusses four: New Urbanism, Suburban Development, Infill, and Estate Subdivisions.

New Urbanism

The requirements set forth below are applicable to development in the Medium-High Density Residential, High Density Residential, and Mixed Use General Plan Land Use Designations.

The key goal of this section is to incorporate neo-traditional neighborhood concepts into development and redevelopment by locating housing in areas where residents can walk to local retail/commercial areas, interact with their neighbors, participate in urban agricultural gardens and markets, and access transit.

Figure 3: Homes line a common area.

In order to create compact, pedestrian-oriented, mixed use developments, incorporate the following principles into residential design:

1. Provide a neighborhood activity center or plaza, equipped with a transit stop, which will serve as a centralized meeting place.

Figure 4: Homes fronting on common space contribute to sense of place.

mple.

2. Provide a gridded street network that offers a minimum of two of the following options:
    a. Narrow Streets and widened, tree-lined, detached sidewalks.
    b. Street traffic calming measures, such as chicanes, that help make the neighborhood more pedestrian friendly.
    c. Incorporation of rear-loaded garage access to lots fronting on open space or a local street.
    d. Incorporation of detached garages located in the rear half of a lot and largely obscured from view from adjacent streets.

3. Design and orient lots to include visible and pronounced entries from the sidewalk, large (minimum 200 square feet) porch areas, and/or court yards.

Figure 9: Front porch spans length of front elevation

Figure 10: Paving stones define a patio space.

4. Provide visually contrasting paving surfaces for all courtyard, porch, and patio areas.

5. Transition lot sizes when backing up to existing larger lot developments (9,000 SF or greater) or undeveloped land designated for Estate Low Density or Rural Low Density development.

6. In order to create the framework for new urbanist neighborhoods, the following cross sections are offered as conceptual designs and require approval from the City Engineer:

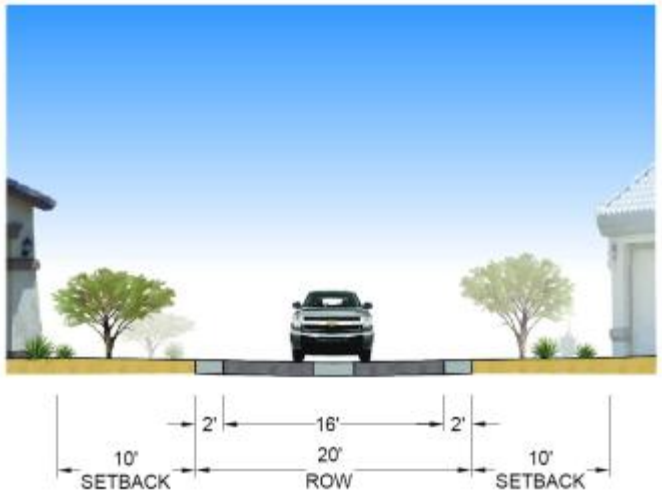


Figure 11: Rear Loaded Drive, one-way travel

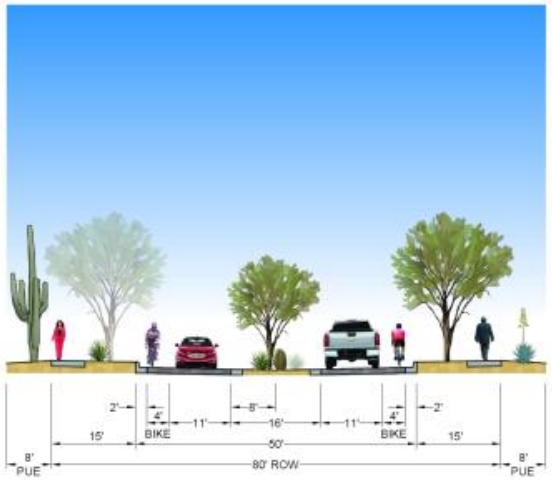


Figure 12: Modified Minor Collector with median

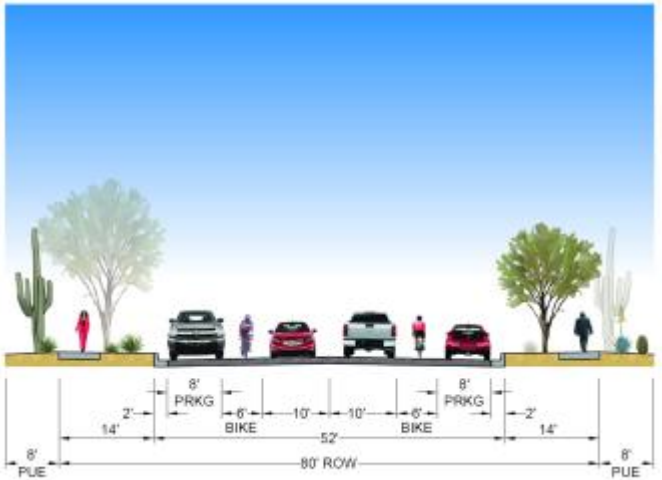


Figure 13: Modified Minor Collector, no median

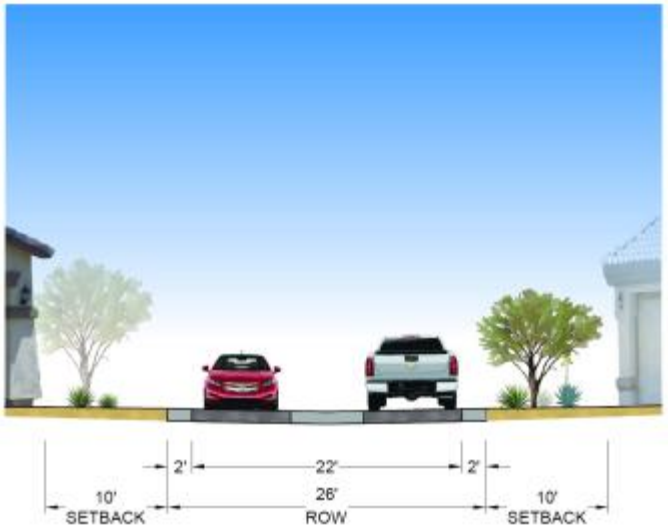


Figure 14: Rear Loaded Drive, two-way travel

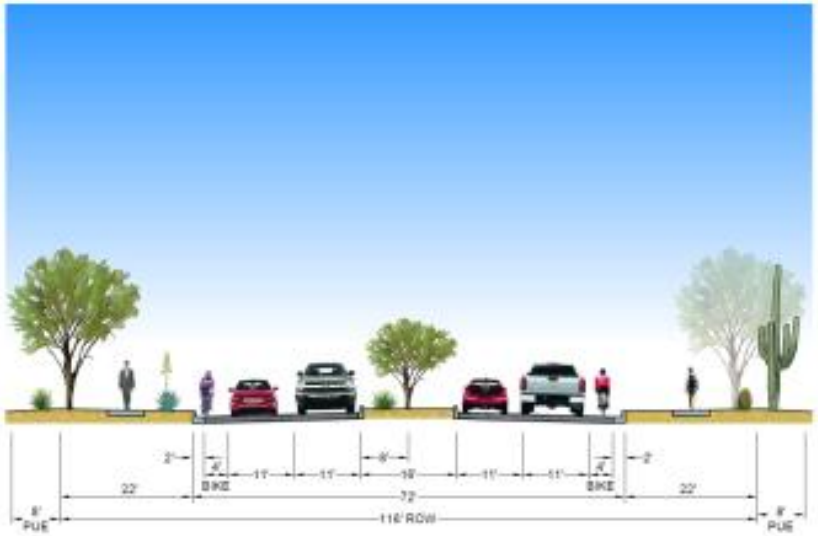


Figure 15: Modified Major Collector with median

Suburban Development

The requirements set forth below are applicable to development in the Medium Density Residential Land Use Designation.

Suburban style development is the predominant form of existing residential development in Avondale. These subdivisions should be designed to be family-friendly with a strong emphasis on the aesthetics of perimeters, common areas, and streetscapes.

1. Tree species that provide full canopy cover shall be used adjacent to walkways and in front yards.
2. Throughout subdivisions, not just adjacent to collector streets, streetscapes must be softened by the provision of roadway adjacent planting areas that can also be utilized for storm water retention purposes.
3. Detached sidewalks separated from the street by a planting strip shall be provided to create safer pedestrian environments and enhance streetscape aesthetics. The planting strip must provide for a minimum 5′ width of planting area clear of any public utility easement (PUE) and shall contain full-canopied trees placed at minimum 25′ intervals.

Figure 16: Detached sidewalk and planting area with full canopied tree.

4. Collector streets should be designed to contain entry landscape medians at all collector/arterial and collector/collector intersections.
5. To the extent possible, maximize the number of view lots that back onto common areas or other open spaces.
6. Minimize the use of walls to the extent possible. Where walls are required, priority should be placed on using sustainable materials in their design.
7. Stagger front and rear setbacks throughout a neighborhood to avoid a monotonous streetscape.

Figure 17: Rear yard with view fencing backing onto common area.

Infill Development

The requirements set forth below are applicable to development within subdivisions where at least 50 percent of lots contain existing development.

Common elements that contribute to the character of an individual home and the collective character of the neighborhood include how dwellings blend with the surrounding and natural environment, scale, architectural style, how dwellings are sited on their lots, the way the home is engaged with the street (porches, front doors, driveways, and garages), roof forms, building materials and colors, and landscaping. Accordingly, infill development should be consistent with the existing context and scale of the neighborhood. An example of infill redevelopment:

To ensure consistency for infill developments:

1. Design new and remodeled dwellings to be consistent with the existing scale of the neighborhood. The dwelling shall appear proportional and complementary to other dwellings in the neighborhood.
2. Site and design new and remodeled structures in relationship to existing structures and take into account the impacts on the neighboring sites.
3. Minimize mass, bulk, and scale through the use of appropriate roof pitch and type, and window and door locations. Break up the mass in order to create interplay between various building elements.
4. In neighborhoods that are transitioning from one style to another, structures that differ in size, bulk, scale, height, or architectural style from adjacent developments may be allowed if the transitional design is consistent with design goals for the larger neighborhood.

Estate Subdivisions

The requirements set forth below are applicable to development in the Estate/Low Density Residential and Rural Low Density Residential General Plan Land Use Designations.

Estate Subdivision development has its own unique character, with spacious yards and extensive landscaping to create a feeling of openness and low density.

1. The following standards may be modified subject to approval by the City Engineer:

   a. Ribbon curbs in lieu of vertical curbs and gutters.

Figure 18: Low impact curbing.

   b. Reduced pavement widths for private streets based upon traffic considerations such as maneuverability of safety and service vehicles, speed, traffic generation, and parking restrictions.

Figure 19: Narrow street.

   c. No sidewalks or detached sidewalks on only one side of the street.
   d. Permeable surfaces for sidewalks that meet handicap accessibility requirements.
   e. Modification of street lighting standards.
   f. Setbacks that are highly varied.
   g. Any other subdivision feature that is not listed, but which meets the general intent for low density development, may be considered.

2. In order to create the framework for estate lots in low density areas, incorporate the following cross sections into street layouts.

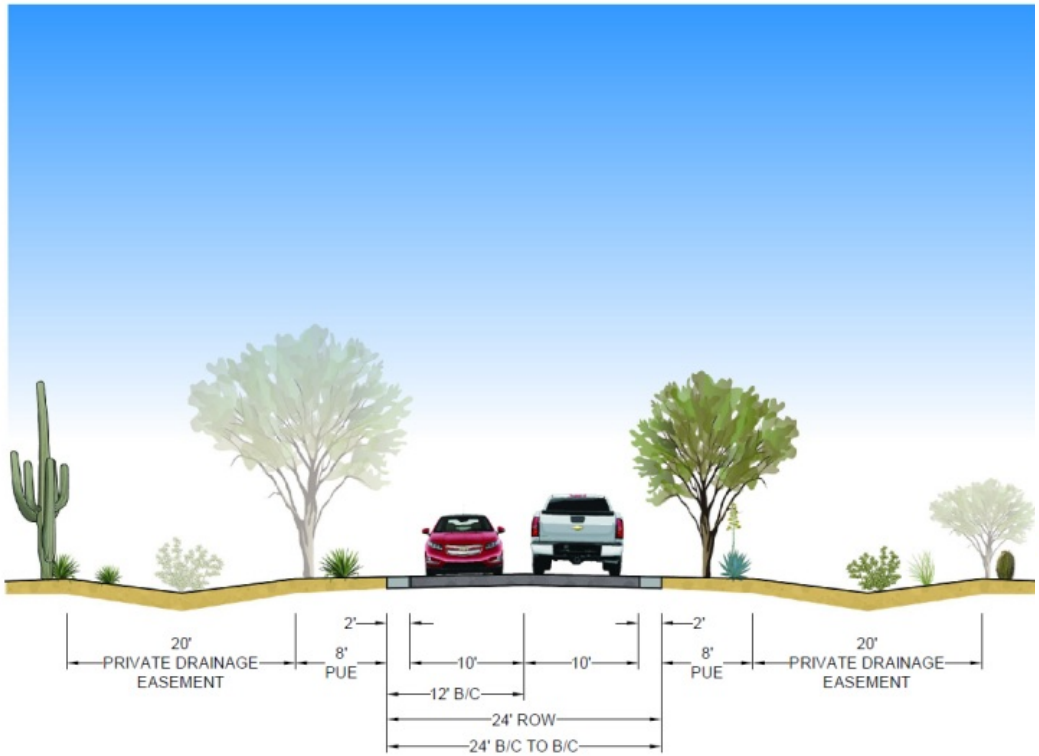


Figure 20: Typical 2-way Local Drive, Option 1

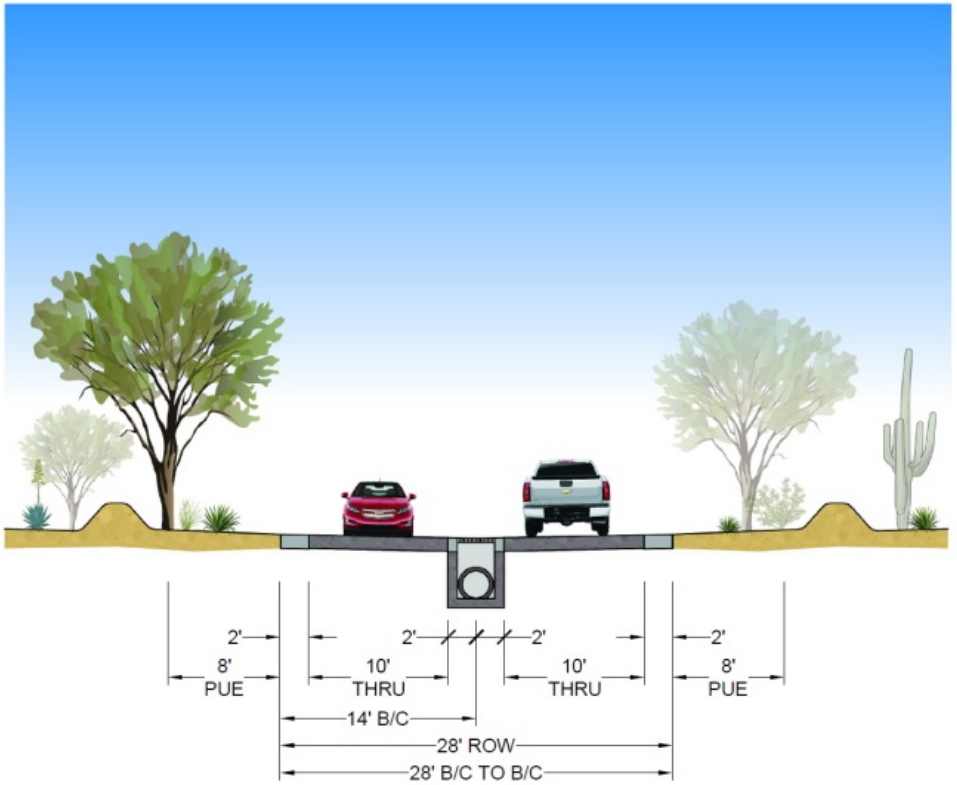


Figure 21: Typical 2-way Local Drive, Option 2

Site Design

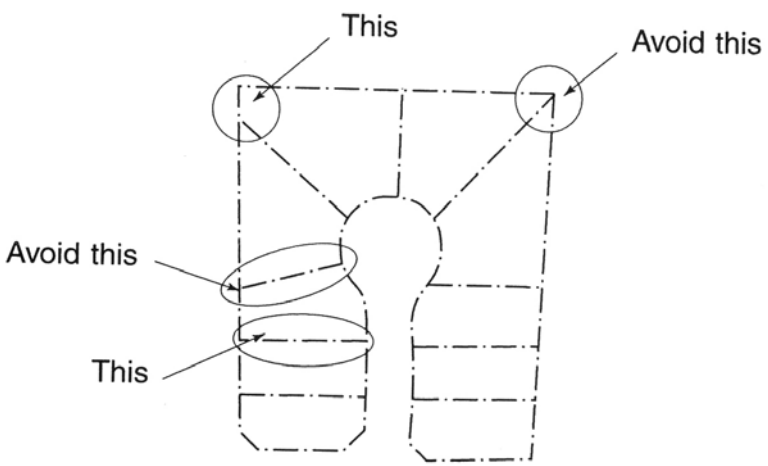
Site planning is one of the most important aspects of making a residential neighborhood a desirable place to live. A mix of densities and lot sizes creates diversity in housing products. Neighborhoods should be pedestrian scaled, have a streetscape encompassed with shade and pedestrian connections, and provide enhanced pedestrian access to open spaces, arterial streets, transit stops, and neighborhood serving commercial uses.

Building placement enhances the quality of the streetscape. Therefore, neighborhoods development that provide variation in lot sizes and building placement avoid a repetitive and regimented appearance.

Lot and Layout Design

The variation of placement and orientation within new subdivisions is essential to achieve visual variety and avoid redundancy as required below:

1. Vary the orientation of a home to achieve visual diversity and avoid monotony.
2. Recess front facing garages from the front façade or provide side entry garages in order to break the uniformity and to vary the street scene.
3. Where the front-facing garage is placed "flush" with the home's front façade, a courtyard, porch or other feature that extends closer to the street than the garage face shall be included on the lot.
4. When siting homes, highlight view corridors of prominent natural features, such as the Estrella Mountains, from streets, backyards, and neighborhood open space.
5. No two identical elevations shall be placed on adjacent lots or directly across the street from each other.
6. Avoid the placement of lots centered on "T" intersections and avoid driveways opposite a "T" intersection.
7. Increase the width of corner lots an additional fourteen feet (from the standard set in the Zoning Ordinance) or provide a minimum fourteen-foot wide landscape tract (inclusive of PUE) on the side of the lot adjacent to the street.
8. Design the neighborhood so that no more than eight lots are placed in a row backing onto an arterial or collector street before there is a change in the lot pattern or streetscape.
9. Group wider side yards together on some adjoining lots to provide a separation of twenty feet or more between houses.
10. Avoid creating narrow lot frontages or irregular lots that create un-useable space. Avoid acute angles where rear lot lines and side lot lines meet. See diagram below.



11. All lots shall be designed so that there is a logical location for all trash receptacles and a/c units out of sight to the public or neighbors and fully screened behind a fence or gate.

The following design concepts are recommended:

1. Vary lot widths where appropriate throughout a neighborhood to create diversity in street scene and product.
2. Maximize energy conservation by considering climactic factors such as prevailing winds, shade trees, window and door orientation, and the positioning of buildings on the site.

Figure 22: Passive solar home maximizing windows that face south.

Perimeter Walls

Landscaped earthen berms are preferred to perimeter walls. Where perimeter walls are used, they shall be designed to create an attractive appearance to complement the style and character of the home, street layout, and neighborhood, and in accordance with the Avondale Zoning Ordinance regulations. Landscaping should be integrated to create additional visual interest as well as soften the wall's appearance.

Figure 23: Perimeter wall with stone veneer pilasters.

1. Construct walls with materials, such as smooth stucco finish, brick, stone, or other approved masonry, or gabions, designed in a style, material and color to complement the neighborhood.
2. Utilize non-transparent materials for walls that are required for screening purposes and incorporate standards to provide for wall inserts and/or decorative columns or pilasters to provide relief.
3. Step walls on sloping terrain in order to follow the terrain.
4. Provide frequent breaks in perimeter walls to allow for pedestrian access to adjacent streets.

Entry Areas

Residential neighborhood entries shall incorporate features to set the overall design tone for the development and to provide a sense of arrival into a community.

Figure 24: Architectural feature at development entry.

Entry features should reflect the overall architectural identity and character of the development. A minimum of three of the following features shall be incorporated into entry areas:

- Colored and textured paving
- Water harvesting feature
- Accent lighting
- Enhanced landscaping including large, specimen trees and landscaped medians
- Decorative metal work
- Stone wall features
- Architectural monuments

Street Layout

Plan streets to efficiently connect all parts of the neighborhood and simplify circulation patterns. All modes of transportation – vehicular, transit, bicycle, and pedestrian - shall be integrated into a circulation network.

1. Streets shall follow the City's hierarchy of street classifications and be designed to conform to the City's General Engineering Requirements Manual. Arterial and collector grid systems shall be maintained at the 1/2 mile, and mile spacing.
2. Discontinuities and curvilinear roadways on arterial and collector corridors are prohibited.
3. New streets shall connect with adjacent existing public streets to form a neighborhood network.
4. A street circulation network shall provide access to all areas of the development, be shaded by rows of trees, and be continuous whenever possible.
5. Dead-end streets are discouraged unless they connect to an overall pedestrian trail system or open space area.
6. Cul-de-sacs may only terminate on lots, minimum 20-foot wide by 20-foot deep landscape tracts, or entrances to a common open space area.

Figure 25: Nicely landscaped traffic calming measure.

7. Use traffic calming measures, such as islands, traffic circles, chicanes, or bulbed intersections, to slow vehicular speeds within the neighborhood, especially where pedestrian pathways intersect streets.

Figure 26: Public walkway through community garden.

8. Provide direct vehicular, bicycle, and pedestrian connections to adjacent residential and non-residential areas.
9. Internal pathways shall connect to amenity features such as parks, community buildings, or open space.
10. Neighborhood design should prevent homes from fronting on arterial and collector streets.
11. Incorporate a design theme for directional signage throughout the neighborhood.
12. Provide detached sidewalks with a minimum eight foot landscape planting area. See City standard cross-sections in the City of Avondale Supplement to MAG.

Figure 27: Detached, tree-lined sidewalk.

13. Incorporate residentially-scaled street lights, landscape medians, separated sidewalks with street trees and landscaping, and accent paving at neighborhood entries and crosswalks throughout the development.

Figure 28: Pedestrian lighting.

14. All gated communities are required to provide private streets. Design entry gates to be compatible with overall design intent of the development.

Landscaping

This section of the Manual supplements the requirements contained within the Avondale Zoning Ordinance and should be used to soften and embellish the quality of residential environments, provide shade along walkways and public spaces, and accent entries.

1. An overall landscape theme and plant palette that will create an identity and natural appearance for each neighborhood must be established.
2. Front yards and public areas should incorporate native plant materials and shade trees that both reduce the urban heat island effect and accentuate the architectural style reflected in the overall design of the site.

Figure 29: Desert landscape palettes can vary.

3. Utilize densely limbed evergreen plant species to create privacy between neighbors and to screen living areas.
4. Provide landscaping that mitigates heat gain at southern and western exposures.
5. Decorative tree grates and detached sidewalks with trees and landscaping are encouraged to be used when possible in walkway and public open spaces areas.
6. Backflow Prevention Devices shall be screened and carefully placed throughout the development.
7. All Conditions, Covenants and Restrictions (CCR's) for each neighborhood shall address landscape maintenance requirements for open spaces areas, entries, and individual's lots.
8. A maintenance and replacement program shall be put in place to reduce the likelihood that turf areas, trees, and shrubs will become a detriment to the neighborhood.

Storm Water Retention

Retention areas shall meander through the development as a connected, green-space amenity, such as a greenbelt, and shall be designed to encourage maximum recreational use:

1. Contour the sides and bottoms of the basins to create a natural looking appearance. Use varied slopes and curvilinear edges to create a more natural looking facility instead of a rectangular form and long stretches.

Figure 30: Seamless integration of retention into the landscape.

2. All common landscaped areas, adjacent rights-of-way, tracts and retention basins shall be owned and maintained by the HOA.
3. Maximize water permeability by reducing paved areas (hardscape), using of permeable paving materials, and preserving open space drainage ways when feasible.

Open Space and Amenities

Open space is considered the common area portion of a residential subdivision, located outside of required setbacks, where there are no buildings, driveways, or parking. Usable open space shall be considered any area on a site which is designed to be used for recreational or gathering purposes and viewed as an amenity to the residents.

A multigenerational approach should be considered when designing open space to promote resident interaction and community choice.

Figure 31: Multiple amenities in an open space.

1. Provide a sufficient amount of open space and facilities to match the scale of the development.

2. Usable open space may include tot lots, community gardens, swimming pool areas or clubhouses, turfed play areas, private parks or dedicated park sites, multi-use paths, improved utility corridors, volleyball, basketball, and other sports courts, trails, picnic areas, or other similar amenities.

3. Integrate pocket parks throughout neighborhoods that allow for every lot to be no more than 1/4 mile from a park. Pocket parks shall be:
   - Thoughtfully designed as part of the street and residential lot pattern, and shall be connected to the neighborhood by sidewalks or trails.
   - Generally one-quarter to one-half acre each; however, they can be any configuration that adds an amenity and identity to the neighborhood.
   - Located along a roadway for access.
   - Designed to provide shade and an area for children to play.

4. Multi-use trails which tie into City trail systems shall be a minimum ten feet in width and lighted with low level security lights. Open space trails not interconnected to a larger trail system shall be a minimum of six feet in width and lighted with low level security lights.

5. Pedestrian amenities (such as benches, trash receptacles, bicycle racks, and pedestrian scale lighting) should be provided along trails every 800 feet, and in the vicinity of the tot lots, sport courts, and other active open spaces.

Figure 32: Multi-purpose sports courts are excellent open space amenities.

6. Active play areas are to be carefully designed and located to ensure safety and compatibility. Tot lots are to be located central to the neighborhood or in each phase of a development if designed as a multi-phased project. Integrate other types of amenities to allow choices for all age groups.

Figure 33: Adjacent homes provide surveillance at basketball courts.

Figure 34: Shade is an asset to open space amenities.

7. Trees with wide canopies shall be planted in close proximity to pedestrian seating to provide cover from the sun.
8. Provide open space in areas that will create focal points and scenic views.
9. Locate decorative street lighting throughout the development in open space areas.
10. All open space areas shall provide connectivity to one another by designing the areas to meander as a greenbelt.

Figure 35: Connections.

11. Open space areas shall be developed at a rate equal to or greater than the rate of construction of the residential area.
12. A maximum of 50% of the area identified as a golf course may be used towards open space.
13. Active open space areas must be above the 100 year flood elevation. Open space areas located below the 100 year flood elevation will not be considered active open space as they may be unusable following periods of severe weather.

Mailbox Design

Mailbox design and location is integral to the neighborhood. Mailbox designs should be integrated within the development, in a well-lit area, near open space, and not opposite any entry drives to minimize traffic congestion. The design should reflect the same type of building materials as used throughout the neighborhood to the extent allowed by the United States Postal Service.

Figure 36: Good example of a multi-use mailbox kiosk.

Safety

Crime Prevention Through Environmental Design, or CPTED (pronounced sep-ted), is a crime prevention philosophy based on the theory that proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime. It focuses on the positive use of a space and natural elements in order to maintain a sustainable quality of life for intended users, while offering a sense of security by increasing the difficulty for criminal or abnormal activities. The principles of CPTED - natural access control, natural surveillance, territoriality, and maintenance - when integrated with the principles of physical security, present a unique approach to minimizing crime opportunities. This may be accomplished through the design elements described in this manual.

- **Natural Surveillance**
  Creating environments that allow the opportunity for people to engage in their normal behavior and to observe the space around them limits the potential for crime to occur. This is done by designing the placement of physical features and activities in such a way as to maximize visibility and foster positive social interaction among legitimate users of the space.

- **Natural Access Control**
  Most criminal intruders will try to find a way into an area where they will not be easily observed. Limiting access and increasing natural surveillance keeps them out altogether or marks them as an intruder. Strategically locating entrances and exits, fencing, lighting, and landscaping in order to control or limit the flow of or access will, in turn, increase the level of natural access and control within a neighborhood.
- **Natural Territorial Reinforcement**
  An environment designed to clearly delineate private space does two things. First, it creates a sense of ownership. Owners have vested interest and are more likely to challenge intruders or report them to the police. Second, the sense of ownership within a community or space creates an environment where "strangers" or "intruders" stand out and are more easily identified. By using buildings, fences, pavement, signs, lighting, and landscaping to express ownership and define public, semi-public and private spaces, natural territorial reinforcement occurs.
- **Maintenance**
  CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others, and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties, lighting, landscaping, or open space areas can increase the level for criminal activity.

Maintenance within a community and with each individual housing unit must be maintained at all times to include, paving surfaces, landscaping, walls, gates, entry features, light poles, play equipment, pools and ponds, signs, paint, and other related items typically found within a neighborhood.

The best time to apply this philosophy is in the design phase before a building or neighborhood is constructed. These elements can be successfully applied later, but retrofitting an existing environment can sometimes be costly. The use of CPTED standards will deter crime and reduce fear by minimizing criminal opportunity and fostering positive social interaction throughout a community.

The CPTED Theory advocates that all possibilities for natural crime prevention be exhausted prior to the involvement of the mechanical and organized strategies. The CPTED approach is much more user friendly and customer service oriented than the traditional target hardening approach. Each element below must be carefully analyzed when reviewing and designing projects and must be included and addressed with each neighborhood to ensure the safest neighborhoods for Avondale residents.

- Provide clear border definition of controlled space.
- Provide clearly marked transitional zones that indicate movement from public to semipublic to private space.
- Relocate gathering areas to locations with natural surveillance and access control or to locations away from the view of would-be offenders.
- Place safe activities in unsafe locations to promote natural surveillance of these activities to increase the perception of safety for normal users and risk for offenders.
- Re-designate the use of space to provide natural barriers to conflicting activities.
- Improve the scheduling of space to allow for effective use, to attract more people, and to increase the perception that these areas are controlled.
- Redesign or revamp space to increase the perception or reality of natural surveillance.
- Overcome distance and isolation through improved communication and design efficiencies.

When considering walls for security, they must be of substantial construction to resist vandalism and excessive deterioration, with materials and finishes as described in the Zoning Ordinance. Where not required for visual screening or noise control, walls may have decorative wrought iron fence panels that present an opening of four inches or less and are designed as an integral part of the wall. In some locations, such as between property lines and bike paths, golf courses, parks, and walkways, the use of the decorative wrought iron is encouraged to increase visual surveillance and to maintain aesthetics.

Figure 37: Play area enclosed for safety.

Architectural Design

The requirements in this Manual promote high-quality, architectural designs that enhance the character of Avondale. The architectural style and design theme of each residential development will establish a unique neighborhood identity. Special attention must be paid to roof type, symmetry, articulation, massing, window and door treatments, building materials, colors, trim, porches, and columns.

Figure 38: Materials, color, and detail contribute to good architectural design.

Defining and establishing the character and theme of a neighborhood is addressed through many design elements as described below:

1. A minimum of three (3) distinct floor plans with a minimum of four (4) distinct elevations and six (6) different color schemes shall be provided for each designated neighborhood.
2. Developments proposing 100 lots or more shall provide additional elevations and floor plans at the City's discretion.
3. Floor plans should be provided to accommodate family types of all kinds, including plans that accommodate multi-generational families.
4. Neighborhoods south of Lower Buckeye Road should portray the southwest style and utilize forms and materials as exemplified in Figure 38, as they may be applied to varying home sizes and footprints.

Figure 39: Southwest style and contextual materials.

5. Articulate all facades, including variation in massing, roof forms, and wall planes, as well as surface articulation.

Figure 40: Facade treatments integrated into rear porch.

6. Utilize energy-efficient components and building materials in order to conserve energy and promote Avondale as a sustainable community.
7. Incorporate architectural elements and details that add visual interest, scale, and character. See *Architectural Elements and Details* below.
8. Insets or four-sided pop-outs around windows and doors along with other architectural recesses and projections to present distinctiveness are required.

Sustainability

Energy-efficient and environmentally-conscious homes have some basic elements in common: a well-constructed and tightly sealed thermal envelope; controlled ventilation; properly-sized, high-efficiency heating and cooling systems; and energy-efficient doors, windows, and appliances. These energy efficiencies should be incorporated into the design of new buildings:

1. Consider Energy Star measures, such as a complete thermal enclosure system, a complete water management system, a complete heating, venting and cooling system, and efficient lighting and appliances when designing a home product.
2. Energy-efficient features, such as an electric solar system, solar tubes, tankless or solar water heaters, LED lighting, radiant barrier insulation systems, high-performance windows, dual flush toilets, and low-flow faucets and shower heads, should be provided or offered for all home plans.
3. Solar panels, while encouraged, shall:
    a. Be low profile and parallel with the plane of a pitched roof to the extent feasible based upon functional needs.
    b. Not project over the roof edge.
    c. Match the shape and portions of the roof.

Figure 41: Example of solar panel placement.

4. Use traditional environmental design strategies, such as roofs with large overhangs for shade, trellises or deciduous trees over south-facing windows, additional windows for natural light and oriented to take advantage of airflow, building orientation, and patios and porches to buffer homes from heat gain.

Figure 42: Xeriscaping.

5. Conserve water with xeriscaping techniques in the landscape:
    a. Design with conservation in mind.
    b. Minimize turf areas.
    c. Group plants by their watering needs and utilize drip irrigation.
    d. Choose plants appropriate to the area.
    e. Plant in soil rich with compost.
    f. Allow plants to grow naturally and prune based on their growth habits.

Architectural Style

Avondale neighborhoods are envisioned to be quality environments that include usable open spaces, walkable streets, and detailed landscapes. To complement this image, architecture plays a key role. No one particular design characteristic is predetermined for the entire City. However, it is creativity and variety that creates a sense of place that residents enjoy. Architectural design for home products will be reviewed to ensure that the smallest house has the same amount of effort, art, and detail as the largest house.

Five architectural "styles" have been identified by this manual:

- Spanish/Mediterranean
- Ranch
- Pueblo Revival
- Craftsman/Bungalow
- Southwestern

Although these "styles" vary and can have different interpretations, the design standards in this Manual will assist in establishing an identity that will blend together to form a diverse community. Additional styles are welcomed to add to the diversity of Avondale.

Figure 43: Spanish/Mediterranean style.

Figure 44: Pueblo Revival style.

Figure 45: Craftsman style.

Figure 46: Ranch style.

Materials and Colors

1. Utilize high-quality, durable, natural materials. Synthetic materials are acceptable if they are sustainable products. Wood is acceptable as a trim or accent only.

Figure 47: Lintels and other acceptable wood accents.

2. Materials should not appear applied by using heavier materials as bases and ending materials on inside corners.
3. Utilize contrasting, but complimentary, colors for trim, windows, doors, and key architectural elements.

Figure 48: Color highlights the architectural expression of this home.

4. Roof materials and colors shall be consistent with the desired architectural style. The colors of natural roofing materials should be left natural and not be altered by staining or painting.

5. Provide a minimum of three (3) acceptable roof materials and three (3) different colors such as:
   - Clay tile
   - Slate tile
   - Barrel (S) tile
   - Flat concrete tile
   - Cool roof tile

6. The design, color, and materials of accessory structures shall be architecturally tied to the main structure.

Figure 49: Accessory structures create a unified property.

7. Roof materials shall exhibit earth-tone colors and be non-reflective in muted tones.
8. Metal flashing, vents, pipes, electrical panels and other exposed metal must be painted to match the color of the house.
9. Box all fireplace chimneys to avoid exposed metal flutes. Consider designing chimneys as an architectural element.

Architectural Elements and Details

Figure 50: Vigas enhance the Southwest style of architecture.

1. Each home shall utilize six or more of the following elements to enhance the home's character:

    - Recessed or projecting balconies
    - Trellises
    - Awnings
    - Porches
    - Columns
    - Decorative doors and windows
    - Exterior moldings
    - Roof overhangs
    - Stucco
    - Masonry
    - Wood or metal accents
    - Decorative lighting
    - Ledges
    - Arched windows
    - Shutters
    - Other features as appropriate for a given architectural style, as displayed in Figure 50 above.

2. The front door or entry way of the home is required to be sited so it is clearly visible from public view to act as the home's focal point.

Figure 51: Dramatic front entry.

Figure 52: Balcony element is a defining feature.

3. Articulate windows with elements that are authentic to the architectural style of the structure. Arched, bay, projecting, transom, and clerestory windows are desirable methods of articulation.

Figure 53: Arched windows enhance a street-facing facade.

4. The primary entry and windows shall be the dominant elements of the front façade. Integrate front porches, courtyards, or other entry features that create an attractive interface with semi-public front yard areas.
5. Pillars, columns, and posts shall be architecturally enhanced with stucco, brick, stone, or other authentic materials for visual interest.
6. Patio covers shall be provided as a standard feature and shall be compatible with the architectural style of the home.

Figure 54: Well-designed patio cover.

7. Outdoor lighting at the entry areas are required as a standard feature, coach lights at garage(s) are encouraged as a standard feature to create a safe environment.

Figure 55: Various lighting techniques create attractive and safe entries.

8. For lighting exceeding 1,000 lumens, select fixtures where the source is not visible.
9. Lighting shall match the architecture of the home, and shall be fully shielded and directed downward to prevent light spill onto adjacent property and streets.

Massing and Building Façade

1. Massing shall accentuate entries and minimize garage prominence.
2. Break the main façade of the home into 3 to 4 distinct elements, at a minimum to include the main building, a single-story element, and the roof.

Figure 56: The garage is set back behind the facade.

3. Massing, articulation, and proportion will have greater emphasis if the elements are differentiated by a change in detail, color, and/or material.

Figure 57: Massing by materials, color, and scale.

4. Surface detailing shall not serve as a substitute for well integrated and distinctive massing.
5. Corner lots shall feature either a) one-story homes or b) two-story homes that feature a one-story element adjacent to the side street.
6. Design two-story homes with a single story element placed closest to the front of the house.

Figure 58: One-story and two-story elements.

7. Avoid long, unbroken facades.

8. Design garage doors so they are complementary with the architectural style of the house.

Figure 59: Garage doors in concert with architectural style.

9. Gated entries on the side yards shall be designed with colors and materials compatible with the architecture of the home.

Figure 60: Unique side yard gate.

Roof Articulation

1. Various roof forms and changes in roof plane shall be used on all elevations visible from a public street or pedestrian right-of-way.
2. Variation in ridgeline height and alignment should be utilized to create visual interest.
3. Gable roofs, which emphasize vertical proportions and create modulation, are encouraged, unless the architectural style suggests other roof variations for authenticity to the style.

Figure 61: Roof forms and solar tiles.

CITY COUNCIL REPORT

SUBJECT:
Resolution 3113-513 - Setting forth the fiscal year 2013-2014 tentative budget

MEETING DATE:
May 20, 2013

TO: Mayor and Council

FROM: Kevin Artz, Finance & Budget Director 623-333-2011

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution, setting forth the fiscal year 2013-2014 tentative budget and establish the City's annual expenditure limitation in the amount of $174,247,960.

BACKGROUND:

On April 15, 2013, the City Manager presented his recommended budget to the Mayor and Council for the 2012-2013 fiscal year. The initial estimates of revenues and expenditures are posted on the City's website as required by A.R.S. 42-17103.

The City Manager's initial expenditure proposal totaled $165,865,610. The City Manager also recommended supplemental requests be added to the budget totaling $6,029,910 including a compensation package totaling $1,593,320. The budget proposal also included increases in all retirement system contributions and the addition of eighteen (18) authorized positions.

In conformance with State law and the City Charter, the tentative budget must be adopted prior to the third Monday in July. The adoption of the tentative budget will set the maximum limit of expenditures for fiscal year 2013-2014. The total budget may be reduced prior to final adoption, but cannot be increased.

DISCUSSION:

The combined operating and capital budget for fiscal year 2013-2014, as adjusted, totals $174,247,960. Total revenues anticipated for fiscal year 2013-2014 are $140,530,500, including property taxes and bond proceeds. Fund balances will be utilized for one-time expenditures, carryover requests and capital projects.

Supplemental requests included in the tentative total $4,436,590. The compensation package funding of $1,593,320 covers a 3% merit based adjustment for employees, Public Safety employee group agreements, 3% increase in medical benefits, and funding for internal equity adjustments. With direction from the Council, additional funding has been added to the Contributions Assistance Program in the amount of $10,000. In addition, the capital project for the City Center Transit Center has been increased by $1,585,440 based on revised cost estimates for the coming year. Transfers from the General Fund ($1,300,000) and Transit Fund ($285,440) will fund the increased project costs. The project for the Van Buren Drainage Channel has also been increased to include the costs for purchasing additional right of way in the amount of $750,000, which will also be funded by a transfer from the General Fund.

Carryover appropriation is used for projects or purchases that were planned for the current year but will not be completed until next fiscal year. Since appropriations lapse on June 30, this appropriation must be included in the tentative budget to ensure the spending authority is included in the maximum limit. Carryover requests total $23,561,150 most of which are needed to complete capital projects. This amount may decrease after actual expenditures have been analyzed and the 2012-2013 fiscal year is closed. The adjustments from the initial budget estimates are summarized in the following table.

Initial Budget Estimate	$165,865,610
Adjustments:	
Supplemental Requests	4,436,590
Compensation and Benefit Package	1,593,590
Contributions Assistance Program	10,000
Council Discretionary Funds	7,000
City Center Transit Center Project	1,585,440
Van Buren Drainage Channel Project	750,000
Tentative Budget Total	$174,247,960

Each year with the final budget adoption, the Council also considers the City's fee resolution which establishes the fees for the fiscal year. Attached for informational purposes is the proposed fee schedule for review. The notable changes in fees include a 2% increase in Planning and Building fees and changes in various library and recreation fees, including some reductions. A summary of changes is included at the end of the schedule. Notice of fee changes, as required by A.R.S. §9-499.15, has been posted on the City's website.

The tentative budget is presented on the forms developed by the Auditor General in conformance with A.R.S. §42-17101. The forms include a summary of the City's budget on the following schedules:

Schedule A - Summary Schedule of Estimated Revenues and Expenditures/Expenses
Schedule B - Tax Levy and Tax Rate Information
Schedule C - Revenues Other Than Property Taxes
Schedule D - Other Financing Sources/<Uses> and Interfund Transfers
Schedule E - Expenditures/Expenses by Fund
Schedule F - Expenditures/Expenses by Department
Schedule G - Full-Time Employees and Personnel Compensation

A summary of the tenative budget and a notice of public hearing on the budget and property tax levy will be published as required by A.R.S. 42-17103. The following list shows the timeline for all actions required for formal adoption of the City's annual budget:

May 20th	Adopt tentative budget
June 4th	1st publication of tentative budget
June 11th	2nd publication of tentative budget
June 17th	Adopt final budget
July 1st	Adopt property tax levy

BUDGETARY IMPACT:

Adoption of this tentative budget will set the maximum level of expenditures for the 2013-2014 fiscal year. The Council may amend the budget to decrease or reallocate the budget prior to final adoption but the budget may not increase in total.

RECOMMENDATION:

Staff recommends that Council adopt a resolution setting forth the fiscal year 2013-2014 tentative budget and authorize staff to proceed with the required publication process.

ATTACHMENTS:

Click to download

- Resolution 3113-513

RESOLUTION NO. 3113-513

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, SETTING FORTH THE TENTATIVE BUDGET AND ESTABLISHING THE EXPENDITURE LIMITATION FOR THE CITY OF AVONDALE FOR FISCAL YEAR 2013-2014.

WHEREAS, pursuant to the provisions of the laws of the State of Arizona and the City Charter, the Council of the City of Avondale (the "City Council") is required to adopt a budget; and

WHEREAS, in accordance with ARIZ. REV. STAT. § 42-17102, the City Manager has prepared and filed with the City Council the City Manager's Budget estimates for the fiscal year beginning July 1, 2013 and ending June 30, 2014; and

WHEREAS, the qualified electors of the City of Avondale (the "City") did, on August 28, 2012, approve the Home Rule Option for expenditure limitations pursuant to the Arizona Constitution Article IX, Section 20; and

WHEREAS, the Home Rule Option requires that an expenditure limitation must be established each year as part of the annual budget.

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

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

SECTION 2. The statements and schedules attached hereto as Exhibit A and incorporated herein by reference are hereby adopted as the City's official tentative budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014, including the establishment of the expenditure limitation for such fiscal year in the amount of $174,247,960.

SECTION 3. Upon approval of the City Council, the City Manager or designee shall publish in the official City newspaper once per week for two consecutive weeks (i) the official tentative budget and (ii) a notice of the public hearing of the City Council to hear taxpayers and make tax levies at designated times and places. The notice shall include the physical address of the Avondale Civic Center Library, the Sam Garcia Western Avenue Library and the Avondale City Hall and the website where the tentative budget may be found. If a truth in taxation notice is required under ARIZ. REV. STAT. § 42-17107, it may be combined with such hearing notice.

SECTION 4. The City Manager or designee shall, not later than seven business days following consideration of this Resolution by the City Council, make available at the Avondale Civic Center Library, the Sam Garcia Western Avenue Library and the Avondale City Hall a complete copy of the tentative budget, and shall post the tentative budget on the City's website.

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

PASSED AND ADOPTED by the Council of the City of Avondale, May 20, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3113-5132

[Statements and Schedules]

See following pages.

CITY OF AVONDALE

Summary Schedule of Estimated Revenues and Expenditures/Expenses

Fiscal Year 2014

FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES* 2013	ACTUAL EXPENDITURES/ EXPENSES** 2013	FUND BALANCE/ NET POSITION *** July 1, 2013	PROPERTY TAX REVENUES 2014	ESTIMATED REVENUES OTHER THAN PROPERTY TAXES 2014	OTHER FINANCING 2014 SOURCES:	OTHER FINANCING 2014 <USES>:	INTERFUND TRANSFERS 2014 IN:	INTERFUND TRANSFERS 2014 <OUT>:	TOTAL FINANCIAL RESOURCES AVAILABLE 2014	BUDGETED EXPENDITURES/ EXPENSES 2014
1. General Fund	43,068,270	37,643,862	30,168,228	Primary: 2,456,890	47,201,360				7,151,430	79,826,478	47,959,870
2. Special Revenue	19,361,420	13,806,614	9,953,240		25,273,060			292,000	7,360,140	35,518,300	19,860,620
3. Debt Service Funds Available	12,669,590	12,660,401	12,313,686	Secondary: 3,205,190	722,460			7,126,400		23,367,736	14,272,340
4. Less: Designation for Future Debt Service											
5. Total Debt Service Funds	12,669,590	12,660,401	12,313,686	3,205,190	722,460			7,126,400	-	23,367,736	14,272,340
6. Capital Projects	39,113,900	4,422,443	22,268,467		5,527,040	25,000,000		7,688,920	861,400	60,484,427	48,082,460
7. Permanent Funds											
8. Enterprise Funds Available	41,159,750	23,870,707	50,867,042		26,978,780			3,354,430	3,204,430	81,200,252	39,594,840
9. Less: Designation for Future Debt Service											
10. Total Enterprise Funds	41,159,750	23,870,707	50,867,042	-	26,978,780			3,354,430	3,204,430	81,200,252	39,594,840
11. Internal Service	4,184,090	3,771,864	2,998,015		4,165,720			130,000	14,350	7,293,735	4,477,830
Total All Funds	**$ 159,557,020**	**$ 96,175,891**	**$ 128,568,679**	**$ 5,662,080**	**$ 109,868,420**	**$ 25,000,000**		**$ 18,591,750**	**$ 18,591,750**	**$ 287,690,929**	**$ 174,247,960**

EXPENDITURE LIMITATION COMPARISON	2013	2014
1. Budgeted expenditures/expenses	$ 159,557,020	$ 174,247,960
2. Add/subtract: estimated net reconciling items		
3. Budgeted expenditures/expenses adjusted for reconciling items	159,557,020	174,247,960
4. Less: estimated exclusions		
5. Amount subject to the expenditure limitation	$ 159,557,020	$ 174,247,960
6. EEC or voter-approved alternative expenditures limitation	$ 159,557,020	$ 174,247,960

*Includes Expenditure/Expense Adjustments Approved in current year from Schedule E.

**Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

*** Amounts in this column represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

The detailed budget schedules are on file with the City Clerk's Office at 11465 W. Civic Center Drive, Avondale, Arizona 85323. Budget Schedules can also be viewed at http://www.avondale.org

City of Avondale
Summary of Tax Levy and Tax Rate Information
Fiscal Year 2014

	2012-13 Fiscal Year	2013-14 Fiscal Year
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	$ 2,397,576	$ 2,456,898
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	$	
3. Property tax levy amounts		
A. Primary property taxes	$ 2,328,590	$ 2,456,890
B. Secondary property taxes	2,267,260	3,205,190
C. Total property tax levy amounts	$ 4,595,850	$ 5,662,080
4. Property taxes collected*		
A. Primary property taxes		
(1) 2012-13 year's levy	$ 2,306,550	
(2) Prior years' levies	0	
(3) Total primary property taxes	$ 2,306,550	
B. Secondary property taxes		
(1) 2012-13 year's levy	$ 1,873,431	
(2) Prior years' levies		
(3) Total secondary property taxes	$ 1,873,431	
C. Total property taxes collected	$ 4,179,981	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	0.6751	0.7884
(2) Secondary property tax rate	0.6559	1.0176
(3) Total city/town tax rate	1.3310	1.8060
B. Special assessment district tax rates		

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating _____ special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Fund Type of Revenues Other Than Property Taxes

Fiscal Year 2013-14

SOURCE OF REVENUES	Estimated Revenues 2013	Actual Revenues* 2013	Estimated Revenues 2014
General Fund			
Taxes			
Local Sales Taxes	22,506,930	22,413,243	23,369,620
Franchise Taxes	1,106,390	1,097,014	1,099,880
Audit Assessments	316,590	201,376	201,380
Prior Year Taxes	25,030	75,594	75,590
In-Lieu Taxes	32,280	38,912	38,910
Intergovernmental Revenues			
State Urban Revenue Sharing	7,786,840	7,787,044	8,532,260
City's Share of St. Sales Tax	6,375,040	6,195,814	6,452,550
Auto Lieu Tax	2,527,400	2,495,249	2,495,250
IGAs Other Cities & Towns	122,200	122,200	80,200
State Grants	68,160	70,339	68,160
Licenses and Permits			
Building & Develop Permits	296,680	672,151	706,030
Licenses	296,520	272,003	280,170
Other Permits	36,250	33,201	34,860
Development Charges for Service	6,750	6,913	7,200
Charges for Services			
Recreation Charges for Service	357,710	334,936	826,010
Other Charges for Service	210,040	259,718	259,710
Development Charges for Service	169,680	243,035	243,030
Internal Service Charges	300,000	125,000	125,000
Fines, Forfeitures and Penalties			
Fines & Forfeitures	1,157,740	1,183,696	1,207,370
Other Fines	36,600	62,473	62,460
Miscellaneous Revenue			
Other Revenue	357,490	602,691	602,690
Interest	363,030	331,926	331,920
Donations	62,000	30,135	101,110
Total General Fund	**$44,517,350**	**$44,654,663**	**$47,201,360**
Special Revenue			
Highway User Revenue Fund			
Highway User Fees (Gas Tax)	3,844,240	4,115,708	4,128,910
Other Revenue	420	8,693	8,690
Interest	0	3,293	3,290
IGAs Other Cities & Towns	0	79,242	0

*Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget, plus estmated revenues for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Fund Type of Revenues Other Than Property Taxes

Fiscal Year 2013-14

SOURCE OF REVENUES	Estimated Revenues 2013	Actual Revenues* 2013	Estimated Revenues 2014
Social Service			
Senior Nutrition	218,050	328,063	328,000
Community Action Program	153,700	143,700	91,260
CDBG			
Federal Grants	695,820	242,390	847,670
Other Grants			
Home Grant	319,910	0	288,110
0.5% Dedicated Sales Tax			
0.5% Dedicated Sales Tax	5,761,220	5,609,441	5,779,200
Public Safety Dedicated Sales Tax			
Public Safety Dedicated Sales Tax	5,761,490	5,610,201	5,779,960
Regional Family Advocacy			
Regional Family Advocacy	547,850	490,570	719,250
NPDES Environmental Fund			
Environmental Programs Fund	230,000	226,741	226,740
Public Arts Fund			
Public Arts Fund	0	0	50
ARRA Fund			
E.E.C.B.G Grant	0	107,841	0
Edward Byrne Memorial JAG	0	32,996	0
Police - COPS Hiring ARRA	0	270,142	0
Broadband Technology Opportunities G	0	9,668	0
Transit Fund			
Federal Grants	500,000	30,740	450,000
IGAs Other Cities & Towns	150,000	484,082	390,000
Interest	2,410	2,015	2,010
Local Transp. Assist.(Lottery)	223,690	0	0
Other Grants			
Non-Departmental	5,000,000	0	5,000,000
ADOH	218,700	68	440,000
NSP Home Buyer Assistance Grant	1,302,600	77,156	318,720
First Things First	0	0	185,000
Care 1st Resource Center	0	0	121,850
Fines & Forfeitures	95,110	102,466	104,510
Voca Crime Victim Advocate	48,000	43,897	48,000
GOHS - DUI Task Force	18,900	843	10,000

*Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget, plus estmated revenues for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Fund Type of Revenues Other Than Property Taxes

Fiscal Year 2013-14

SOURCE OF REVENUES	Estimated Revenues 2013	Actual Revenues* 2013	Estimated Revenues 2014
Other Grants			
Victims' Activities - Privately Funded	680	1,164	1,160
Interest	270	365	360
APS Bill Assistance Grant	7,150	8,059	0
Traffic Engineering	0	67,663	0
Police--Bullet Proof Vests	9,250	25,019	0
Police - Victims' Rights Program	0	10,720	0
2007 UASI GRANTS	0	4,647	0
ACAA Utility Assistance Grant - General	0	1,112	0
ACAA Utility Assistance Grant-SRP	0	107	0
Edward Byrne Memorial JAG	34,470	0	0
Library Projects	0	118,535	0
Cemetery Maintenance			
Cemetery Maintenance Fund	5,300	0	0
Total Special Revenue	**$25,149,230**	**$18,257,348**	**$25,272,740**
Debt Service			
General Obligation Bonds	783,340	1,277,203	604,310
Park Issue	527,080	117,346	117,350
0.5% Dedicated Sales Tax	2,000	2,551	640
Hwy User's Bonds '85/91/98	10	131	130
Dysart Road M.D.C.	100	23	30
Total Debt Service	**$1,312,530**	**$1,397,254**	**$722,460**
Capital Projects			
Street Construction			
Federal Grants	1,314,000	241,420	2,564,000
IGA - Counties	0	0	1,700,000
Development Fees	185,700	421,886	278,550
One-Time Cost Sharing	240,000	35,095	275,090
Interest	20,900	20,900	70,900
IGAs Other Cities & Towns	0	150,068	0
Police Development			
Development Fees	32,600	282,692	48,900
Interest	1,700	79	1,780
Parkland			
Development Fees	117,800	6,245	176,700
Interest	3,700	1,145	11,150

*Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget, plus estmated revenues for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Fund Type of Revenues Other Than Property Taxes

Fiscal Year 2013-14

SOURCE OF REVENUES	Estimated Revenues 2013	Actual Revenues* 2013	Estimated Revenues 2014
Library Development			
Development Fees	34,500	1,841	53,590
Interest	0	0	20
Other Capital			
Landscaping Landfill Remediation	0	26,430	26,420
General Government Development			
Development Fees	90,500	291,445	135,750
Interest	10,600	1,276	0
Fire Dept. Development			
Development Fees	94,300	609,405	141,450
Interest	130	8	10,010
Vehicle Replacement			
Interest	6,200	4,471	10,670
Sale of Assets	0	9,734	9,730
Technology Replacement Fund			
Sale of Assets	0	11,349	11,350
Interest	610	368	980
Total Capital Projects	**$2,153,240**	**$2,115,856**	**$5,527,040**
Trust & Agency			
Volunteer Fireman's Pension			
Interest	300	323	320
Total Trust & Agency	**$300**	**$323**	**$320**
Enterprise			
Water Fund			
Water Sales	11,122,500	11,592,154	11,766,040
Development Fees	525,100	258,000	1,045,650
Other Revenue	280,330	396,991	396,990
Interest	105,940	240,412	271,910
Meter Fees	15,990	9,864	9,870
Fines & Forfeitures	4,590	3,387	3,450
Other Charges for Service	0	34,980	0
Wastewater Fund			
Sewer Fees	7,280,110	7,334,492	7,407,890
Development Fees	549,300	151,307	823,950
Interest	76,940	108,570	128,880
Other Revenue	0	51,300	51,300

*Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget, plus estmated revenues for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Fund Type of Revenues Other Than Property Taxes

Fiscal Year 2013-14

SOURCE OF REVENUES	Estimated Revenues 2013	Actual Revenues* 2013	Estimated Revenues 2014
Sanitation Fund			
Refuse Collection	4,828,040	4,925,952	4,969,200
Other Permits	13,000	56,662	59,490
Other Revenue	8,150	27,441	27,440
Interest	5,820	10,759	16,720
Sewer Fees	183,770	154,480	0
Total Enterprise	**$24,999,580**	**$25,356,751**	**$26,978,780**
Internal Service			
Printer - Copier Service			
Internal Service Charges	190,460	152,154	225,700
Interest	350	391	390
Risk Management			
Internal Service Charges	1,317,750	1,319,393	1,781,260
Interest	2,200	3,975	3,970
Other Revenue	22,680	3,864	3,860
Fleet Services Management			
Internal Service Charges	2,326,990	2,117,709	2,150,000
Other Revenue	2,540	537	540
Total Internal Service	**$3,862,970**	**$3,598,023**	**$4,165,720**
Total All Funds	**$101,995,200**	**$95,380,218**	**$109,868,420**

*Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget, plus estmated revenues for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Fund Type of Other Financing Sources/<Uses> and Interfund Transfers

Fiscal Year 2014

FUND	Other Financing 2014		Interfund Transfers 2014	
	Sources	<Uses>	In	Out
General Fund				
General Fund	0		0	7,151,430
Total General Fund	**$0**		**$0**	**$7,151,430**
Special Revenue				
CDBG	0		0	240,960
Environmental Programs Fund	0		0	1,360
Public Safety Dedicated Sales Tax	0		0	229,340
0.5% Dedicated Sales Tax	0		0	5,600,000
Regional Family Advocacy	0		195,800	42,280
Voca Crime Victim Advocate	0		11,000	
Transit Fund	0		0	286,400
Other Grants	0		25,000	
Home Grant	0		35,200	
Highway User Revenue Fund	0		0	959,800
Public Arts Fund	0		25,000	
Total Special Revenue	**$0**		**$292,000**	**$7,360,140**
Debt Service				
0.5% Dedicated Sales Tax	0		5,753,400	
Dysart Road M.D.C.	0		400,000	
Park Issue	0		558,000	
Hwy User's Bonds '85/91/98	0		415,000	
Total Debt Service	**$0**		**$7,126,400**	
Capital Projects				
City Center	0		1,585,440	
Library Development	0		250,000	208,400
Street Construction	0		2,240,000	
Police Development	0		1,000,000	76,000
Parkland	0		500,000	
Improvement Districts	25,000,000		0	
Equipment Replacement Fund	0		760,570	
Vehicle Replacement	0		1,352,910	
Fire Dept. Development	0		0	95,000
General Government Development	0		0	482,000
Total Capital Projects	**$25,000,000**		**$7,688,920**	**$861,400**
Enterprise				
Sanitation	0		0	660,910
Sanitation Equipment Replacement	0		610,910	
Sewer Equipment Replacement	0		211,130	
Sanitation Development	0		50,000	
Water Development	0		2,000,000	

CITY OF AVONDALE

Summary by Fund Type of Other Financing Sources/<Uses> and Interfund Transfers

Fiscal Year 2014

FUND	Other Financing 2014		Interfund Transfers 2014	
	Sources	<Uses>	In	Out
Sewer Development	0		150,000	
Sewer Operations	0		0	211,130
Water Operations	0		0	2,332,390
Water Equipment Replacement	0		332,390	
Total Enterprise	**$0**		**$3,354,430**	**$3,204,430**
Internal Service				
Fleet Services Fund	0		0	12,320
Risk Management Fund	0		130,000	2,030
Total Internal Service	**$0**		**$130,000**	**$14,350**
Total All Funds	**$25,000,000**		**$18,591,750**	**$18,591,750**

CITY OF AVONDALE
Summary by Department of Expenditures/Expenses Within Each Fund Type
Fiscal Year 2014

FUND/DEPARTMENT	Adopted Budgeted Expenditures/ Expenses 2013	Expenditure/ Expense Adjustments Approved 2013	Actual Expenditures/ Expenses* 2013	Budgeted Expenditures/ Expenses 2014
General Fund				
General Government	10,450,090	(142,000)	10,062,177	11,840,870
Public Safety	19,225,240	(6,100)	19,165,157	20,912,010
Health and Welfare	1,596,820	-	1,357,671	1,539,390
Economic and Community Development	3,986,170	-	2,972,557	4,749,370
Culture and Recreation	3,859,950	122,000	3,376,639	4,403,670
Contingency	3,521,720	-	213,000	3,700,000
Debt Principal	320,380	-	307,134	137,020
Interest on Debt	46,030	-	38,728	1,670
Capital Outlay	61,870	26,100	150,799	675,870
Total General Fund	**$43,068,270**	**$0**	**$37,643,862**	**$47,959,870**
Special Revenue				
Special Revenue	19,106,420	-	13,799,614	19,060,620
Contingency	250,000	-	0	795,000
Total Special Revenue	**$19,356,420**	**$0**	**$13,799,614**	**$19,855,620**
Debt Service				
Debt Service	12,669,590	-	12,660,401	14,272,340
Total Debt Service	**$12,669,590**	**$0**	**$12,660,401**	**$14,272,340**
Capital Projects				
Capital Projects	39,113,900	-	4,422,443	48,082,460
Total Capital Projects	**$39,113,900**	**$0**	**$4,422,443**	**$48,082,460**
Trust & Agency				
Trust & Agency	5,000	-	7,000	5,000
Total Trust & Agency	**$5,000**	**$0**	**$7,000**	**$5,000**
Enterprise				
Sanitation	3,660,980	-	3,532,846	3,799,450
Sanitation Equipment Replacement	1,376,550	-	1,065,809	1,672,000
Sewer Operations	7,339,620	-	6,709,334	7,175,860
Sewer Development	5,630,000	-	710,000	4,878,300
Sewer Equipment Replacement	102,600	-	38,772	224,500
Water Operations	10,023,070	-	8,364,170	10,335,930
Water Development	10,650,000	-	3,426,436	8,758,300
Water Equipment Replacement	126,930	-	23,340	250,500
Contingency	2,250,000	-	0	2,500,000
Total Enterprise	**$41,159,750**	**$0**	**$23,870,707**	**$39,594,840**
Internal Service				
Fleet Services Fund	2,313,670	-	2,183,758	2,090,870
Printer - Copier Service Fund	187,000	-	77,593	167,000
Risk Management Fund	1,433,420	-	1,510,513	1,919,960

*Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Department of Expenditures/Expenses Within Each Fund Type

Fiscal Year 2014

FUND/DEPARTMENT	Adopted Budgeted Expenditures/ Expenses 2013	Expenditure/ Expense Adjustments Approved 2013	Actual Expenditures/ Expenses* 2013	Budgeted Expenditures/ Expenses 2014
Contingency	250,000	-	0	300,000
Total Internal Service	**$4,184,090**	**$0**	**$3,771,864**	**$4,477,830**
Total All Funds	**$159,557,020**	**$0**	**$96,175,891**	**$174,247,960**

*Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Department of Expenditures/Expenses

Fiscal Year 2014

DEPARTMENT/FUND	Adopted Budgeted Expenditures/ Expenses 2013	Expenditure/ Expense Adjustments Approved 2013	Actual Expenditures/ Expenses* 2013	Budgeted Expenditures/ Expenses 2014
City Council				
General Fund	247,370	-3,810	205,983	244,670
Total City Council	**$247,370**	**($3,810)**	**$205,983**	**$244,670**
City Administration				
Risk Management Fund	1,683,420	0	1,510,513	2,169,960
General Fund	1,683,310	0	1,643,006	1,796,990
Public Arts Fund	135,700	0	43,510	122,290
Other Grants	25,000	0	0	25,000
ARRA Fund	0	147,548	147,348	0
Total City Administration	**$3,527,430**	**$147,548**	**$3,344,377**	**$4,114,240**
Information Technology				
General Fund	1,783,460	0	1,709,605	2,018,170
Total Information Technology	**$1,783,460**	**$0**	**$1,709,605**	**$2,018,170**
Community Relations				
Transit Fund	1,439,330	0	1,299,728	1,554,640
General Fund	840,720	0	704,721	817,700
Total Community Relations	**$2,280,050**	**$0**	**$2,004,449**	**$2,372,340**
Non-Departmental				
Other Grants	5,000,000	-1,590,587	0	5,000,000
General Fund	4,396,910	12,810	1,497,468	4,943,690
Public Safety Dedicated Sales Tax	0	0	0	495,000
Highway User Revenue Fund	250,000	0	0	250,000
Printer - Copier Service Fund	187,000	0	77,593	167,000
Cemetery Maintenance Fund	5,000	0	312	5,000
0.5% Dedicated Sales Tax	4,000	0	0	4,000
Total Non-Departmental	**$9,842,910**	**($1,577,777)**	**$1,575,373**	**$10,864,690**
Finance & Budget				
General Fund	1,578,680	0	1,354,805	1,832,400
Total Finance & Budget	**$1,578,680**	**$0**	**$1,354,805**	**$1,832,400**
Human Resources				
General Fund	993,690	-9,000	933,144	1,163,080
Total Human Resources	**$993,690**	**($9,000)**	**$933,144**	**$1,163,080**
Development & Engineering Services				
General Fund	3,031,140	0	2,245,436	2,898,450

*Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Department of Expenditures/Expenses

Fiscal Year 2014

DEPARTMENT/FUND	Adopted Budgeted Expenditures/ Expenses 2013	Expenditure/ Expense Adjustments Approved 2013	Actual Expenditures/ Expenses* 2013	Budgeted Expenditures/ Expenses 2014
Development & Engineering Services				
Highway User Revenue Fund	1,941,340	0	1,762,099	1,961,310
Environmental Programs Fund	278,280	0	63,685	349,840
Other Grants	0	0	29,823	0
Total Development & Engineering Services	**$5,250,760**	**$0**	**$4,101,043**	**$5,209,600**
City Clerk				
General Fund	451,240	0	443,166	511,670
Total City Clerk	**$451,240**	**$0**	**$443,166**	**$511,670**
Police				
General Fund	13,590,860	-37,690	13,299,803	14,138,490
Public Safety Dedicated Sales Tax	3,148,800	-12,190	2,833,968	2,955,360
Regional Family Advocacy	756,760	327,000	948,108	886,120
Voca Crime Victim Advocate	59,810	-8,751	58,835	60,070
Other Grants	75,110	61,859	108,182	11,040
ARRA Fund	0	357,978	369,160	0
Co. R.I.C.O. w/Maricopa Atty	0	2,902	2,902	0
Total Police	**$17,631,340**	**$691,108**	**$17,620,958**	**$18,051,080**
City Court				
General Fund	934,700	0	884,783	970,580
Court Payments	210,510	0	46,889	220,660
Public Safety Dedicated Sales Tax	213,030	0	184,920	217,990
Total City Court	**$1,358,240**	**$0**	**$1,116,592**	**$1,409,230**
Fire				
General Fund	5,723,430	37,690	5,978,357	7,303,520
Public Safety Dedicated Sales Tax	1,648,280	12,190	1,616,927	1,870,300
Volunteer Fireman's Pension	5,000	0	7,000	5,000
Other Grants	0	21,847	1,525	0
Total Fire	**$7,376,710**	**$71,727**	**$7,603,809**	**$9,178,820**
Economic Development				
General Fund	955,030	0	727,121	1,850,920
Other Grants	0	54,825	35,770	0
Total Economic Development	**$955,030**	**$54,825**	**$762,891**	**$1,850,920**
Parks, Recreation & Libraries				
General Fund	5,259,560	0	4,693,159	5,839,230

*Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Department of Expenditures/Expenses

Fiscal Year 2014

DEPARTMENT/FUND	Adopted Budgeted Expenditures/ Expenses 2013	Expenditure/ Expense Adjustments Approved 2013	Actual Expenditures/ Expenses* 2013	Budgeted Expenditures/ Expenses 2014
Parks, Recreation & Libraries				
Senior Nutrition	337,900	211,935	503,989	358,880
Community Action Program	0	6,650	6,807	0
Library Projects	0	120,940	49,842	0
ARRA Fund	0	38,216	29,290	0
Total Parks, Recreation & Libraries	**$5,597,460**	**$377,741**	**$5,283,087**	**$6,198,110**
Neighborhood & Family Services				
General Fund	1,567,760	0	1,349,003	1,513,690
Other Grants	1,481,340	289,972	1,876,077	1,065,570
CDBG	452,620	0	212,698	606,700
Home Grant	348,810	0	172,576	321,660
Community Action Program	136,700	-42,334	90,835	135,360
Total Neighborhood & Family Services	**$3,987,230**	**$247,638**	**$3,701,189**	**$3,642,980**
Public Works				
Water Operations	11,023,070	0	8,364,170	11,335,930
Water Development	10,650,000	0	3,426,436	8,758,300
Sewer Operations	8,339,620	0	6,709,334	8,175,860
Sewer Development	5,630,000	0	710,000	4,878,300
Sanitation	3,910,980	0	3,532,846	4,299,450
Fleet Services Fund	2,313,670	0	2,183,758	2,140,870
Sanitation Equipment Replacement	1,376,550	0	1,065,809	1,672,000
Highway User Revenue Fund	1,408,100	0	1,303,809	1,378,830
Water Equipment Replacement	126,930	0	23,340	250,500
Sewer Equipment Replacement	102,600	0	38,772	224,500
General Fund	30,410	0	-25,698	116,620
Total Public Works	**$44,911,930**	**$0**	**$27,332,576**	**$43,231,160**
Debt Service				
0.5% Dedicated Sales Tax	5,717,610	0	5,714,653	5,753,780
General Obligation Bonds	4,867,200	0	4,865,200	4,895,550
Park Issue	1,475,480	0	1,473,080	3,010,950
Hwy User's Bonds '85/91/98	413,150	0	411,150	415,460
Dysart Road M.D.C.	196,150	0	196,318	196,600
Total Debt Service	**$12,669,590**	**$0**	**$12,660,401**	**$14,272,340**

*Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF AVONDALE

Summary by Department of Expenditures/Expenses

Fiscal Year 2014

DEPARTMENT/FUND	Adopted Budgeted Expenditures/ Expenses 2013	Expenditure/ Expense Adjustments Approved 2013	Actual Expenditures/ Expenses* 2013	Budgeted Expenditures/ Expenses 2014
Capital Projects				
Improvement Districts	25,000,000	0	0	25,000,000
Street Construction	9,151,380	0	2,001,970	14,109,680
City Center	2,000,000	0	1,487,914	2,585,440
Fire Dept. Development	109,490	0	121,317	2,192,160
Vehicle Replacement	1,252,000	0	0	1,814,020
Parkland	800,000	0	58,931	1,078,300
Police Development	0	0	0	847,960
Equipment Replacement Fund	801,030	0	752,311	454,900
Total Capital Projects	**$39,113,900**	**$0**	**$4,422,443**	**$48,082,460**
Total All Funds	**$159,557,020**	**$0**	**$96,175,891**	**$174,247,960**

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CITY OF AVONDALE

Full-Time Employees and Personnel Compensation

Fiscal Year 2014

FUND	Full-Time Equivalent (FTE) 2014	Employee Salaries and Hourly Costs 2014	Retirement Costs 2014	Healthcare Costs 2014	Other Benefit Costs 2014	Total Estimated Personnel Compensation 2014
General Fund	339.45	22,874,530	3,098,830	2,154,360	2,026,940	30,154,660
Total	**339.45**	**$22,874,530**	**$3,098,830**	**$2,154,360**	**$2,026,940**	**$30,154,660**
Special Revenue						
Highway User Revenue Fund	17.00	965,830	111,090	122,140	120,810	1,319,870
Senior Nutrition	4.50	145,540	16,230	22,160	13,850	197,780
Community Action Program	2.00	97,970	11,320	15,510	8,570	133,370
Home Grant		34,200	4,040	2,920	3,230	44,390
Other Grants		148,400	17,080	12,800	13,090	191,370
Transit Fund	1.00	76,370	8,800	9,710	6,550	101,430
Voca Crime Victim Advocate	1.00	43,380	5,010	7,930	3,750	60,070
Court Payments	0.80	32,970	3,810	4,170	3,150	44,100
Regional Family Advocacy	4.00	265,590	30,500	27,870	22,470	346,430
Public Safety Dedicated Sales Tax	48.00	3,241,000	501,130	330,780	289,150	4,362,060
CDBG	1.00	110,320	12,880	12,090	9,780	145,070
Environmental Programs Fund	1.00	80,060	9,240	7,260	6,880	103,440
Total Special Revenue	**80.30**	**$5,241,630**	**$731,130**	**$575,340**	**$501,280**	**$7,049,380**
Enterprise						
Water Operations	34.88	2,082,260	239,660	218,950	209,100	2,749,970
Sewer Operations	20.87	1,199,480	138,180	128,510	125,060	1,591,230
Sanitation	18.00	975,590	111,970	124,630	120,810	1,333,000
Total Enterprise	**73.75**	**$4,257,330**	**$489,810**	**$472,090**	**$454,970**	**$5,674,200**
Internal Service						
Risk Management Fund	2.00	152,550	17,590	12,070	13,250	195,460
Fleet Services Fund	6.00	336,900	38,830	43,050	34,840	453,620
Total Internal Service	**8.00**	**$489,450**	**$56,420**	**$55,120**	**$48,090**	**$649,080**
Total All Funds	**501.50**	**$32,862,940**	**$4,376,190**	**$3,256,910**	**$3,031,280**	**$43,527,320**